ACTS

AND

RESOLVES

PASSED BY THE

General Court of Massachusetts

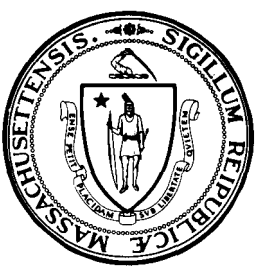
IN THE YEAR

1982

PUBLISHED BY

Michael Joseph Connolly

SECRETARY OF STATE



ACTS

AND

RESOLVES

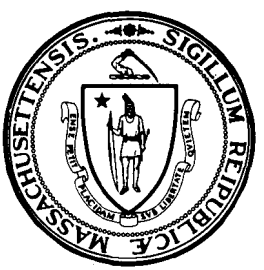
PASSED BY THE

General Court of Massachusetts

IN THE YEAR

1982

VOLUME 1



The General Court, which was chosen November 4, 1980 assembled on Wednesday the sixth day of January 1982 for its second annual session.

His Excellency Edward J. King and His Honor Thomas P. O'Neill, III continued to serve as Governor and Lieutenant Governor, respectively, for the political year of 1982.

Chap. 1. AN ACT MAKING AN APPROPRIATION TO FUND A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE COMMONWEALTH AND THE NATIONAL ASSOCIATION OF GOVERNMENT EMPLOYEES (LOCAL R-1-270) - UNIT 6.

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. To provide for the cost of salary adjustments and other employees' benefits authorized by the collective bargaining agreement between the commonwealth and the National Association of Government Employees (Local R-1-270) - Unit 6 (Professional Administrative), the sum set forth in section two of this act is hereby appropriated, subject to the provisions of law regulating the disbursements of public funds and the conditions pertaining to appropriations in chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one.

SECTION 2.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.
Collective Bargaining.

1599-3278 For a reserve to meet the cost of salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the commonwealth and the National Association of Government Employees (Local R-1-270) - Unit 6 (Professional Administrative), and to meet the costs of salary adjustments and other economic benefits necessary to provide equal salary adjustments or benefits to employees employed in "confidential" positions which would otherwise be covered by this collective bargaining agreement; provided that the personnel administrator, with the approval of the commissioner of administration, shall determine such salary adjustments and other economic benefits for "confidential" employees in accordance with the provisions of the collective bargaining agreement then in effect which would otherwise cover said positions; provided that 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-two such amounts as are necessary to meet the cost of said adjustments and benefits for the fiscal year nineteen hundred and eighty-two and prior years where the amounts otherwise available are insufficient for the purpose; and provided that 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; and provided further, that copies of each said collective bargaining agreement, together with an analysis of all cost items contained in said agreement and all changes to be made in the schedules of permanent and temporary positions required by said agreement, shall be filed with the house and senate committees on ways and means prior to the transfer or allocation of any amounts necessary to meet with the cost of said adjustments and benefits; and provided, further that no transfers shall be made without the prior approval of the house and senate committees on ways and means

$4,819,000

SECTION 3. From the unexpended balance remaining in item 1599-2095 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one, the sum of two million, one hundred thousand and fifty dollars is hereby transferred to item 1599-3278 and made available for the payment of salary adjustments and other benefits under said agreement for the nineteen hundred and eighty-one fiscal year.

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

Approved March 5, 1982.

Chap. 2. AN ACT AUTHORIZING THE SALE AND CONVEYANCE OF CERTAIN PARK LAND IN THE CITY KNOWN AS THE TOWN OF WATERTOWN BY SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. The town council of the city known as the town of Watertown is hereby authorized to sell and convey for resi-

dential development purposes, in such portions or lots as said town council shall determine, all or a portion of a certain parcel of land presently being used as park land known as Domenic Fillipello park, bounded and described as follows:

A certain parcel of land with buildings thereon, situated in the City Known as the Town of Watertown, in the County of Middlesex, Commonwealth of Massachusetts, bounded and described as follows:

Westerly by Arlington Street, two hundred thirty-eight and 55/100 feet;

Northwesterly, one and 75/100 feet, and

Westerly, two hundred thirty-three and 71/100 feet, by lot A as shown on plan hereinafter mentioned;

Northerly by land now or formerly of Susan F. Brown et al. and land now or formerly of Wildred A. Norris, four hundred fifty-three and 77/100 feet;

Easterly by land now or formerly of Herbert Coolidge et al., three hundred sixty-three and 17/100 feet; and

Southerly by land now or formerly of Lillian P. Ellis and land now or formerly of Thomas O'Connell, four hundred and nine feet.

Said parcel is shown as lot B on a subdivision plan a copy of which has been filed in the southern district registry of deeds in the county of Middlesex in Registration Book 88, Page 201, with Certificate 13072.

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

Approved March 10, 1982.

Chap. 3. AN ACT PROVIDING FOR THE ELECTION OF MEMBERS OF THE MUNICIPAL LIGHT BOARD IN THE TOWN OF MIDDLEBOROUGH.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 592 of the acts of 1920 is hereby amended by striking out, in lines 4 and 7, the words ", municipal light board".

SECTION 2. Said chapter 592 is hereby further amended by inserting after section 3 the following section:-

Section 3A. At the annual town election, the voters shall elect a municipal light board, consisting of five members, two of whom shall be elected for the term of three years, two for the term of

two years and one for the term of one year. The successors of members whose term shall thereafter expire shall be elected to hold office for three years. A vacancy in the board shall be filled in accordance with the provisions of section eleven of chapter forty-one of the General Laws. The municipal light board so elected shall have and exercise all the powers and rights and be subject to all the duties and liabilities now or hereafter conferred or imposed by law upon town municipal light boards.

SECTION 3. Until the election and qualification of the members of the municipal light board of the town of Middleborough as provided by section three A of chapter five hundred and ninety-two of the acts of nineteen hundred and twenty, inserted by section two of this act, the board of selectmen of said town shall have and exercise all the powers and rights and be subject to all the duties and liabilities conferred or imposed by law on municipal light boards.

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

Approved March 10, 1982.

Chap. 4. AN ACT RELATIVE TO COMPENSATION OF CALL FIRE DEPARTMENT PERSONNEL IN THE TOWN OF DOVER.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section one hundred of chapter forty-one of the General Laws, the town of Dover is hereby authorized to assume medical expenses and to compensate the call firemen and the call ambulance personnel of the fire department in the event of injury, disability or death while in the line of duty. Such compensation shall be in accordance with a schedule approved by the board of selectmen and such schedule may exceed any statutory limits provided for in section eighty-five H of chapter thirty-two of the General Laws.

SECTION 2. The acceptance of this act may be revoked by a vote of an annual or special town meeting.

Approved March 10, 1982.

Chap. 5. AN ACT RELATIVE TO THE EXEMPTION OF A CERTAIN POSITION IN THE TOWN OF ANDOVER FROM THE PROVISIONS OF CIVIL SERVICE.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 350 of the acts of 1981 is hereby amended by striking out, in line 1, the word "electrical" and inserting in place thereof the following word:- gas.

SECTION 2. This act shall take effect as of August sixteenth, nineteen hundred and eighty-one.

Approved March 10, 1982.

Chap. 6. AN ACT EXEMPTING THE POSITION OF CITY ELECTRICIAN IN THE CITY OF GLOUCESTER FROM THE PROVISIONS OF 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 city electrician in the city of Gloucester 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 March 18, 1982.

Chap. 7. AN ACT DESIGNATING THE FOOTBRIDGE OVER THE JAMES J. STORROW MEMORIAL DRIVE AT BLOSSOM STREET IN THE CITY OF BOSTON AS THE MONSIGNOR CHARLES A. FINN BRIDGE.

Be it enacted, etc., as follows:

The footbridge over the James J. Storrow Memorial drive at Blossom street in the city of Boston shall be designated and known as the Monsignor Charles A. Finn bridge in memory of Monsignor Charles A. Finn who has been prominent in civic and charitable projects. A suitable marker bearing such designation shall be attached thereto by the metropolitan district commission.

Approved March 18, 1982.

Chap. 8. AN ACT DESIGNATING A CERTAIN BRIDGE OVER THE WATERS RIVER IN THE TOWN OF DANVERS AS THE LIEUTENANT LEONARD M. SZYPKO MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

The recontructed bridge over the Waters river in the town of Danvers shall be designated and known as the Lieutenant Leonard M. Szypko Memorial bridge in memory of Lieutenant Leonard M. Szypko who died while serving as a member of the police department of said town. 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 March 18, 1982.

Chap. 9. AN ACT REQUIRING THAT PHYSICAL EXAMINATIONS FOR CIVIL SERVICE POSITIONS IN BERKSHIRE, FRANKLIN, HAMPSHIRE AND HAMPDEN COUNTIES SHALL BE CONDUCTED AT THE WESTERN MASSACHUSETTS HOSPITAL IN THE CITY OF WESTFIELD.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any law or regulation to the contrary, the personnel administrator of the division of personnel administration within the executive office of administration and finance is hereby directed to provide that all physical examinations for civil service positions in the counties of Berkshire, Franklin, Hampshire and Hampden shall be conducted at the Western Massachusetts hospital in the city of Westfield.

Approved March 18, 1982.

Chap. 10. AN ACT RELATIVE TO THE DATES FOR ANNUAL TOWN MEETING AND SUBMISSION OF BUDGETS IN CITIES IN THE YEAR NINETEEN HUNDRED AND EIGHTY-TWO.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the postponement of annual town meetings and presentation by mayors of city budgets to city councils 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:

SECTION 1. Notwithstanding the provisions of section nine of chapter thirty-nine of the General Laws or any other law, by-law or charter to the contrary, a town, by a vote of its board of selectmen or town council may delay the annual town meeting for the current year; provided, however, that such annual town meeting shall complete its business on or before June thirtieth, nineteen hundred and eighty-two.

SECTION 2. Notwithstanding the provisions of any law or any regional school district agreement to the contrary, a school committee of a regional school district is not required to adopt its annual budget for the fiscal year commencing July first, nineteen hundred and eighty-two earlier than forty-five days prior to the earliest date on which the annual town meeting of any member town is held; provided, however, that the selectmen or town council in the town which has scheduled such earliest date for its annual town meeting may authorize said school committee of the regional school district to adopt its budget subsequent to said forty-five days.

SECTION 3. Notwithstanding the provisions of section thirty-two of chapter forty-four of the General Laws, the mayor in any city, except the city of Boston, may, within one hundred and twenty days after the annual organization of such city government in the calendar year nineteen hundred and eighty-two submit to the city council the annual budget for the fiscal year nineteen hundred and eighty-three. In any city, except the city of Boston, if said annual budget has been submitted to the city council on the effective date of this act, said city council shall have an additional seventy-five days to consider said budget, but shall be required to take final action, in any event, not later than June fifteenth, nineteen hundred and eighty-two.

SECTION 4. The provisions of sections one and two of this act shall not apply to any portion of the annual town meeting which provides for the elections and certification of officers and other matters to be determined by ballot. The annual town

meeting and the election and certification of officers shall be called in pursuance of one or more warrants under the provisions of sections nine A and ten of chapter thirty-nine of the General Laws.

Approved March 19, 1982.

Chap. 11. AN ACT RELATIVE TO THE RECLASSIFICATION OF MANAGEMENT POSITIONS ESTABLISHED IN CERTAIN APPROPRIATIONS FOR FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND EIGHTY-TWO.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately reclassify the managerial positions of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 8 of chapter 351 of the acts of 1981, as most recently amended by section 3 of chapter 464 of the acts of 1981, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- Notwithstanding any provision of law to the contrary, amounts appropriated for permanent and temporary managerial offices and positions in section two are hereby authorized to be expended at the salary rates indicated in the schedules established for such positions by the commissioner of administration, a copy of which schedules are filed with the personnel administrator. Amounts appropriated for permanent and temporary non-managerial offices and positions in said section two are hereby 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 schedules are filed with the personnel administrator.

SECTION 2. Section 84 of chapter 699 of the acts of 1981 is hereby amended by striking out, in line 7, the words "as approved by the house and senate committees on ways and means" and inserting in place thereof the following words:- as established by the commissioner of administration and filed with the personnel administrator.

SECTION 3. Item 1599-3275 in section 96 of said chapter 699

is hereby amended by inserting after the word "Laws", in line 5, the following words:- and to meet the costs of salary adjustments for employees whose salaries are determined by the secretary of an executive office of the commissioner of administration, with the approval of the governor;.

SECTION 4. Sections two and three shall take effect on June twenty-eighth, nineteen hundred and eighty-one. Section one shall take effect upon passage.

Approved March 22, 1982.

Chap. 12. AN ACT AUTHORIZING THE TOWN OF FRANKLIN TO APPROPRIATE FUNDS FOR THE REPAIR OF THE RAY MEMORIAL LIBRARY IN SAID TOWN.

Be it enacted, etc., as follows:

Notwithstanding the provisions of chapter one hundred and forty-nine of the General Laws, or any other provision of law to the contrary, the town of Franklin is hereby authorized to appropriate a sum of money not to exceed twenty-five thousand dollars for the purpose of making repairs to provide a temporary support to the roof of the Ray Memorial Library, a public library in said town. Said town is further authorized to pay said monies over to the Ray Memorial Association, a nonprofit corporation established under the laws of the commonwealth, to accomplish such purposes. Said association shall receive and expend such monies appropriated by said town and shall supplement such appropriations with its own monies, all of which shall be expended by said association for the sole purposes of making roof repairs to said library.

Approved March 25, 1982.

EMERGENCY LETTER - March 26, 1982 @ 9:55 A.M.

Chap. 13. AN ACT RELATIVE TO THE RATE OF DIVIDENDS TO BE PAID BY THE CO-OPERATIVE CENTRAL BANK IN THE EVENT OF LIQUIDATION OF A MEMBER BANK.

Be it enacted, etc., as follows:

Section 6 of chapter 73 of the acts of 1934 is hereby amended

by striking out the second sentence, as appearing in chapter 155 of the acts of 1936, and inserting in place thereof the following sentence:- The corporation shall in such event pay to the shareholders of such bank the full amount of their shares at the date of the discontinuance of the business of the bank with interest from the last dividend date to the date of discontinuance at such rate as the directors of the corporation shall determine, such payments to be made within five years from such discontinuance and at such times and in such instalments as the said directors with the approval of the commissioner shall determine.

Approved March 25, 1982.

Chap. 14. AN ACT AUTHORIZING THE SANDWICH WATER DISTRICT TO BORROW MONEY TO PAY A CERTAIN JUDGMENT.

Be it enacted, etc., as follows:

SECTION 1. The Sandwich water district is hereby authorized to borrow not exceeding such sums as may be necessary, and to issue bonds or notes therefor, for the purpose of paying the judgment awarded to the Young Men's Christian Association of Quincy, Mass. by order of the superior court dated August third, nineteen hundred and eighty-one, in the aggregate amount of one million seven hundred and forty-eight thousand seven hundred and thirty-six dollars, together with such additional sums as may be required to pay interest on said judgment at the statutory rate from said date until the date of payment; provided, however, that no sums shall be borrowed hereunder until said judgment becomes final. Each authorized issue shall constitute a separate loan and each such loan shall be payable not later than twenty years from its date. Indebtedness incurred under this act shall be in excess of the limits prescribed by chapter forty-four of the General Laws, but shall, except as provided herein, be subject to the applicable provisions of said chapter forty-four.

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

Approved April 1, 1982.

Chap. 15. AN ACT RELATIVE TO THE TERM OF APPOINTMENT OF THE COMPTROLLER IN THE TOWN OF BROOKLINE.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 67 of the acts of 1953 is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:- He shall be appointed in June for the term of one year from the first day of July following and until the qualification of his successor.

SECTION 2. Notwithstanding the provisions of section one of this act, the comptroller in the town of Brookline in office on the effective date of this act may be reappointed as comptroller for terms of three years.

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

Approved April 1, 1982.

Chap. 16. AN ACT PROVIDING FOR THE APPOINTMENT OF THE TOWN TREASURER IN THE TOWN OF MARBLEHEAD.

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 general or special law to the contrary, commencing on May tenth, nineteen hundred and eighty-two, the town treasurer of the town of Marblehead each year shall be appointed by the board of selectmen of said town, for a term of one year, 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 the town treasurer. Said town may establish by by-law such qualifications for said office consistent with law as it deems necessary and appropriate. Any vacancy in said 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 April 1, 1982.

Chap. 17. AN ACT PROVIDING FOR THE APPOINTMENT OF THE COLLECTOR OF TAXES IN THE TOWN OF MARBLEHEAD.

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 general or special law to the contrary, commencing on May tenth, nineteen hundred and eighty-two, the collector of taxes of the town of Marblehead each year shall be appointed by the board of selectmen of said town, for a term of one year, 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 collector of taxes. Said town may establish by by-law such qualifications for said office consistent with law as it deems necessary and appropriate. A vacancy in said 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 April 1, 1982.

Chap. 18. AN ACT EXEMPTING THE POSITIONS OF CLERK AND SECRETARY IN THE SCHOOL DEPARTMENT OF THE TOWN OF NORWOOD FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The positions of clerk and secretary in the school department of the town of Norwood 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 a position of clerk or secretary in the school department of the town of Norwood on the effective date of this act.

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

Approved April 1, 1982.

Chap. 19. AN ACT EXEMPTING THE POSITION OF VETERAN'S SERVICE INVESTIGATOR IN THE TOWN OF BILLERICA FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of veteran's service investigator in the town of Billerica 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 veteran's service investigator in the town of Billerica.

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

Approved April 1, 1982.

Chap. 20. AN ACT RELATIVE TO THE DUTIES OF THE ADVISORY BOARD ON LEGISLATIVE, JUDICIAL AND CONSTITUTIONAL OFFICERS' COMPENSATION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for an immediate review of certain constitutional officers' compensation, therefore 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 162 of chapter 6 of the General Laws, as most recently amended by section 1 of chapter 555 of the acts of 1981, is hereby further amended by inserting after the word "governor", in lines 6 and 7, the words:- and council.

SECTION 2. Chapter 794 of the acts of 1981 is hereby amended by striking out, in line 5, the word "March" and inserting in place thereof the word:- May.

Approved April 1, 1982.

Chap. 21. AN ACT FURTHER REGULATING THE LICENSING OF REAL ESTATE SALESMEN AND BROKERS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 112 of the General Laws is hereby

amended by inserting after section 87DDD the following section:-

Section 87DDD½. No person shall engage in the business of finding dwelling accommodations for prospective tenants for a fee unless such person is a licensed broker or salesman as defined in section eighty-seven PP of chapter one hundred and twelve.

SECTION 2. Section forty-five of chapter two hundred and seventy-one of the General Laws is hereby repealed.

Approved April 1, 1982.

Chap. 22. AN ACT FURTHER DEFINING "EMERGENCY" IN CITIES AND TOWNS FOR THE PURPOSE OF BORROWING OR EXPENDING FUNDS.

Be it enacted, etc., as follows:

SECTION 1. Clause (9) of section 8 of chapter 44 of the General Laws, as most recently amended by section 3 of chapter 298 of the acts of 1947, is hereby further amended by adding the following two sentences:- As used in this clause, emergency means a sudden, unavoidable event or series of events which could not reasonably have been foreseen or anticipated at the time of submission of the annual budget for approval. Emergency shall not be deemed to include the funding of collective bargaining agreements or such items as were previously disapproved by the appropriating authority for the fiscal year in which such borrowing is sought.

SECTION 2. Section 31 of said chapter 44 is hereby amended by striking out the first sentence, as amended by chapter 259 of the acts of 1955, and inserting in place thereof the following sentence:- No department financed by municipal revenue, or in whole or in part by taxation, of any city or town, except Boston, shall incur a liability in excess of the appropriation made for the use of such department, each item recommended by the mayor and voted by the council in cities, and each item voted by the town meeting in towns, being considered as a separate appropriation, except in cases of major disaster, including, but not limited to, flood, drought, fire, hurricane, earthquake, storm or other catastrophe, whether natural or otherwise, which poses an immediate threat to the health or safety of persons or property, and then only by a vote in a city of two-thirds of the members of the city council, and in a town by a majority vote of all the selectmen.

Approved April 1, 1982.

Chap. 23. AN ACT RELATIVE TO THE REDEMPTION OF CERTAIN BONDS OR NOTES OF CITIES, TOWNS OR DISTRICTS.

Be it enacted, etc., as follows:

Chapter 44 of the General Laws is hereby amended by striking out section 21, as most recently amended by section 38 of chapter 578 of the acts of 1980, and inserting in place thereof the following section:-

Section 21. An officer of a city, town or district authorized to issue bonds or notes may provide that the bonds or notes of any issue may be called and redeemed, in whole or in part, prior to their maturity dates, at such price and under such terms and conditions as said officer may determine. No such bonds or notes shall be called and redeemed before their maturity date unless funds, sufficient to pay the principal thereof, any redemption premium thereon and all interest accrued to the date fixed for redemption have been appropriated by the city, town or district and are then available; or, unless the city council of the city, the board of selectmen of the town or the prudential committee, if any, otherwise the commissioners of the district, shall have provided for issuance of refunding bonds or notes as provided in section twenty-one A.

Approved April 1, 1982.

Chap. 24. AN ACT INCREASING THE GOVERNMENTAL UNITS AUTHORIZED TO MAKE CONTRACTS RELATIVE TO THE PERFORMANCE OF CERTAIN PUBLIC SERVICE.

Be it enacted, etc., as follows:

The first paragraph of section 4A of chapter 40 of the General Laws is hereby amended by striking out the last sentence, as amended by section 5 of chapter 758 of the acts of 1969, and inserting in place thereof the following sentence:- The words "governmental unit" as used herein shall mean a city or town, a regional school district, a district as defined in section one A, regional planning commissions established under the provisions of chapter forty B, regional transit authorities established under the provisions of chapter one hundred and sixty-one B or counties.

Approved April 1, 1982.

Chap. 25. AN ACT RELATIVE TO PREVIOUSLY ABANDONED SOURCES OF WATER SUPPLY BY MEMBERS OF THE METROPOLITAN WATER DISTRICT.

Be it enacted, etc., as follows:

Chapter 92 of the General Laws is hereby amended by inserting after section 27 the following section:-

Section 27A. Notwithstanding the provisions of section ten or sixteen of this chapter to the contrary, any community which takes all its water from the metropolitan water district and upon so taking said water, abandoned a former source of water supply may cause to be investigated said abandoned or unused source of supply for the purpose of determining the suitability of use as an alternative source of supply for either potable or non-potable uses. If in the course of said investigation, the community determines that the use of said water, whether potable or non-potable, is desirable and attainable, said community shall be allowed to reactivate said water for use.

Approved April 1, 1982.

Chap. 26. AN ACT DESIGNATING THE BRIDGE OVER THE CONNECTICUT RIVER ON INTERSTATE HIGHWAY 391 CONNECTING THE CITY OF CHICOPEE AND THE CITY OF HOLYOKE AS THE VIETNAM VETERANS MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

The bridge over the Connecticut river on interstate highway Route 391 connecting the city of Chicopee and the city of Holyoke shall be designated and known as the Vietnam Veterans Memorial bridge in recognition of the significant contribution to the nation and the commonwealth rendered by Vietnam 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 April 1, 1982.

Chap. 27. AN ACT INCREASING THE JURISDICTIONAL AMOUNT FOR SMALL CLAIMS ACTIONS.

Be it enacted, etc., as follows:

Section 21 of chapter 218 of the General Laws, as most recently amended by section 185 of chapter 478 of the acts of 1978, is hereby further amended by striking out, in lines 11 and 37, the words "seven hundred and fifty" and inserting in place thereof, in each instance, the words:- twelve hundred.

Approved April 1, 1982.

EMERGENCY LETTER - April 30, 1982 @ 4:30 P.M.

Chap. 28. AN ACT AUTHORIZING MEMBER TOWNS OF THE ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT AND SAID DISTRICT TO ENTER INTO A LEASE AGREEMENT FOR THE JOINT USE OF TELEPHONE EQUIPMENT.

Be it enacted, etc., as follows:

SECTION 1. A member town of the Acton-Boxborough Regional School District, by vote of its board of selectmen, and the said Acton-Boxborough Regional School District, by vote of its regional district school committee, may enter into an agreement for the lease of telephone equipment to be used jointly by said town and said district. Such agreement may be made for a period of not exceeding ten years and shall not be subject to the provisions of section four B of chapter forty of the General Laws.

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

Approved April 2, 1982.

Chap. 29. AN ACT RELATIVE TO DEPARTMENTAL RECOMMENDATIONS FOR LEGISLATIVE ACTION.

Be it enacted, etc., as follows:

Section 33 of chapter 30 of the General Laws, as most recently amended by section 58 of chapter 757 of the acts of 1962, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- Any state officer or department or head thereof making an annual report

may include therein recommendations for legislative action which recommendations shall contain a detailed explanation of the reasons therefor, other than requests for appropriations or any matters required to be covered by budget estimates submitted to the budget director under section three or four of chapter twenty-nine.

Approved April 2, 1982.

Chap. 30. AN ACT PLACING THE TOWN OF PRINCETON IN THE JUDICIAL JURISDICTION OF THE DISTRICT COURT OF LEOMINSTER.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 218 of the General Laws is hereby amended by striking out the first paragraph under the caption "Worcester", as most recently amended by section 169 of chapter 478 of the acts of 1978, and inserting in place thereof the following paragraph:-

The central district court of Worcester, held at Worcester; Worcester, Auburn, Millbury, Paxton, West Boylston, Holden, Rutland, Barre and Oakham; excepting cases of juvenile offenders under seventeen and cases of neglected, wayward or delinquent children.

SECTION 2. Said section 1 of said chapter 218 is hereby further amended by striking out the tenth paragraph under the caption "Worcester", as appearing in the Tercentenary Edition, and inserting in place thereof the following paragraph:-

The district court of Leominster, held at Leominster; Leominster and Princeton.

Approved April 2, 1982.

Chap. 31. AN ACT AUTHORIZING THE USE OF CRIMINAL FILES BY THE ACTIVE OR ORGANIZED MILITIA.

Be it enacted, etc., as follows:

Clause (b) of section 172 of chapter 6 of the General Laws, as amended by chapter 841 of the acts of 1977, is hereby further amended by inserting after the word "Code", in line 6, the words:- ; to the active or organized militia of the commonwealth

for the purpose of determining whether a person enlisting has been convicted of a felony.

Approved April 2, 1982.

Chap. 32. AN ACT INCORPORATING NEW ENGLAND SOUTHERN RAILROAD COMPANY.

Be it enacted, etc., as follows:

SECTION 1. Michael S. Biskup, Peter M. Dearness, Eric D. Gerst, Phillip C. Otness, H. Russell Preston, Jr., William K. Viekman and Donald K. Watson, Jr., their associates and successors, are hereby made a corporation by the name of New England Southern Railroad Company, with all the powers and privileges, and subject to all restrictions and liabilities set forth in all General Laws now or hereafter in force relating to railroad companies, except as otherwise provided herein.

SECTION 2. Said corporation is hereby authorized, subject to the approval of the department of public utilities, hereinafter referred to as the department, and subject to such provisions of law as may be applicable, to acquire by purchase, gift, devise, transfer, lease or otherwise, and to operate, hold, lease, pledge, otherwise deal with, transfer, sell or dispose of certain existing rail rights-of-way or related facilities in the following cities and towns:- Chicopee, Easthampton, Holyoke, Southampton, Southwick, Westfield, West Springfield, and in such other communities in the commonwealth which may, from time to time, be designated by the executive office of transportation and construction in carrying out the transportation policy of the commonwealth.

SECTION 3. Subject to the approval of the department, said corporation may operate passenger service as permitted by the then applicable state and federal laws and regulations.

SECTION 4. The affairs of said corporation shall be managed by a board of not less than three nor more than seven directors, the number to be fixed by the by-laws. The first board of directors shall be chosen by the above named incorporators or a majority of them, who shall also adopt by-laws which may provide as to the election and qualification of directors and as to the classification of directors and their terms of office and may provide that only a minority shall be elected annually. The said incorporators, or a majority of them, shall also make provisions

as to filling vacancies in the board and otherwise as to the management of the affairs of the corporation and may adopt any other by-laws which shall be consistent with the General Laws and with the provisions hereof.

SECTION 5. The capital stock of said corporation shall be two hundred fifty thousand dollars and shall be divided into shares of five hundred dollars each. Said corporation may issue bonds for its corporate purposes, secured by mortgages of its property and franchise. The said stock and bonds shall be issued in accordance with the laws of the commonwealth relating to the issue of stock and bonds by railroad companies, in force at the time when such issue is made.

SECTION 6. Said corporation shall be granted all powers applicable to corporations formed under chapter one hundred and sixty of the General Laws or other applicable laws unless in conflict with this act.

SECTION 7. Said corporation may begin business upon filing with the state secretary all such information set forth in section thirteen of chapter one hundred and fifty-six B of the General Laws and shall also make an annual filing in the manner prescribed by section one hundred and nine of said chapter one hundred and fifty-six B.

Approved April 12, 1982.

EMERGENCY LETTER - April 13, 1982 @ 2:40 P.M.

Chap. 33. AN ACT EXTENDING THE RAILROAD SERVICES BY CAPE COD AND HYANNIS RAILROAD, INC.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the extension of railroad services by Cape Cod and Hyannis Railroad, Inc., therefore 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 36 of the acts of 1981 is hereby amended by striking out section 2 and inserting in place thereof the following section:-

Section 2. Said corporation is hereby authorized, subject to the approval of the department of public utilities, hereinafter referred to as the department, and federal regulatory agencies, to lease or to acquire by purchase or otherwise from the Consolidated Rail Corporation, Penn Central Transportation Company, their successors and assigns or the commonwealth or other parties, certain existing railroad lines, rail and roadbeds located in Bristol, Plymouth and Barnstable counties, through the following cities and towns: Wareham, Bourne, Sandwich, Barnstable, Yarmouth, Dennis, Falmouth, West Wareham, Rochester, South Middleborough, Rockland, Lakeville, Middleborough, North Middleborough, Raynham, Taunton, Oakland, North Rehoboth, Norton and Attleboro.

SECTION 2. Said chapter 36 is hereby further amended by striking out section 3 and inserting in place thereof the following section:-

Section 3. Subject to the approval of the department, said corporation may operate passenger and freight service as permitted by the applicable state and federal laws and regulations.

Approved April 15, 1982.

Chap. 34. AN ACT RELATIVE TO THE ISSUANCE OF BONDS AND NOTES OF THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately increase the authority of the state treasurer in issuing bonds and notes of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 49 of chapter 29 of the General Laws is hereby amended by adding the following paragraph:-

Bonds or notes of the commonwealth may be sold at par, premium or discount. Unless expressly provided therein to the contrary, the purposes for which money may be borrowed under any statute heretofore or hereafter enacted which authorizes the issuance of bonds or notes shall include, in addition to the purposes specified in such statute, the payment of a discount with respect thereto and interest paid or to be paid on such

bonds or notes of the commonwealth. The inclusion of an amount for one or more such purposes in a particular issue of such bonds or notes shall not reduce or otherwise affect the amount authorized to be borrowed under any such statute for any purpose expressly stated therein, except to the extent that any such amount shall be applied by the state treasurer to any such expressly stated purpose.

SECTION 1A. Section 53 of said chapter 29, as most recently amended by section 1 of chapter 695 of the acts of 1981, is hereby further amended by adding the following sentence:- Compliance with the provisions of this section may be waived with respect to an issue of bonds or notes upon the approval of the finance advisory board, established under the provisions of section ninety-seven of chapter six.

SECTION 2. Section 10 of chapter 519 of the acts of 1974 is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences:- 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 times and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and eighty-five.

SECTION 3. Section 9 of chapter 481 of the acts of 1976 is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences:- 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 times and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution

of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and eighty-five.

SECTION 4. Section 9 of chapter 920 of the acts of 1977 is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences:- The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purposes of meeting payments, as authorized by sections three to six, inclusive, of this act, and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such times and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and eighty-five.

SECTION 5. Section 10 of chapter 513 of the acts of 1978 is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences:- The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purposes of meeting payments, as authorized by sections three to six, inclusive, of this act, and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such times and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and eighty-five.

SECTION 6. Section 10 of chapter 480 of the acts of 1979 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

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 final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and eighty-four.

SECTION 7. Section 9 of chapter 798 of the acts of 1979 is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences:- 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 A, inclusive, of this act, and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such times and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and eighty-four.

SECTION 8. Section 8 of chapter 578 of the acts of 1980 is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences:- 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 six, inclusive, of this act, and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such times and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and eighty-five.

Approved April 16, 1982.

Chap. 35. AN ACT AUTHORIZING THE TOWN OF WAREHAM TO ESTABLISH A HYDROELECTRIC POWER GENERATING PLANT.

Be it enacted, etc., as follows:

SECTION 1. The town of Wareham, acting through the board of selectmen or its designee, is hereby authorized to install hydroelectric power generating equipment at the Tremont dam site, provide and operate the required transmission lines, produce electrical power at the site, sell such power to a local utility or to others at rates to be approved by the department of public utilities, lease or otherwise rent the site and all its hydroelectric equipment, acquire by purchase, lease or otherwise such hydroelectric equipment and transmission lines as may be required at the site to produce and transmit electrical power, establish a special fund for receipt and disbursement of money relating to the operation of a hydroelectric power generating site, and have all powers necessary for the production, transmission, and sale of electrical power.

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

Approved April 23, 1982.

Chap. 36. AN ACT AUTHORIZING DONALD FICCO TO TAKE A CIVIL SERVICE EXAMINATION FOR CORRECTIONAL OFFICER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section four of chapter one hundred and twenty-five of the General Laws or any other law or rule or regulation to the contrary, relative to the maximum age of an applicant for appointment as a correctional officer, Donald Ficco of the town of Franklin shall be eligible to take the next open competitive examination for correctional officer and shall be eligible for certification and appointment, provided he meets all other requirements.

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

Approved April 23, 1982.

Chap. 37. AN ACT AUTHORIZING SHARONLEE McCARTHY TO TAKE A CIVIL SERVICE EXAMINATION FOR POLICE OFFICER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

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 applicants for appointment as a police officer, Sharonlee McCarthy of the town of Winthrop shall be eligible to take the next open competitive entrance examination for police officers, and provided she meets all other requirements, shall be eligible for certification and appointment.

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

Approved April 23, 1982.

Chap. 38. AN ACT INCREASING THE MEMBERSHIP OF THE ADVISORY COUNCIL ON ALCOHOLISM.

Be it enacted, etc., as follows:

Chapter 17 of the General Laws is hereby amended by striking out section 14, as amended by section 6 of chapter 864 of the acts of 1977, and inserting in place thereof the following section:-

Section 14. There shall be an advisory council on alcoholism consisting of the attorney general, the commissioner of public health, the commissioner of mental health, the commissioner of corrections, the commissioner of rehabilitation, the commissioner of education, the commissioner of youth services, the commissioner of probation, the commissioner of public safety, the commissioner of public welfare, the commissioner of elder affairs, the commissioner of social services, the registrar of motor vehicles, the chairman of the alcoholic beverages control commission, the president of the Massachusetts chiefs of police association, or their designees, all of whom shall serve ex officiis, and twelve persons experienced in the field of alcoholism treatment and prevention to be appointed by the governor, of whom at least two shall be women and at least four shall be rehabilitated alcoholics. Upon the expiration of the term of any appointive member, a successor shall be appointed in like manner for a term of three years. The term of all appointive members shall be three years and no such member shall be appointed to serve more than two consecutive terms.

The governor shall annually designate the chairman of the council from among its members. The council shall meet at least four times each year, and shall convene special meetings at the call of the chairman, a majority of the members of the council, the commissioner of public health, or the director of the division of alcoholism. The director of the division of alcoholism shall serve as the executive secretary of the council and shall attend all meetings. The council shall make an annual report to the governor, and shall file a copy of said report with the state secretary, the clerk of the senate and the clerk of the house of representatives. Members of the council shall serve without compensation but shall be reimbursed for their expenses actually and necessarily incurred in the discharge of their duties.

Said advisory council shall (a) assist the commissioner of public health and the director of the division of alcoholism in coordinating the efforts of all public and private agencies within the commonwealth concerned with the prevention of alcoholism and the treatment and rehabilitation of alcoholics and intoxicated persons, (b) advise the said commissioner and said director on policy and priorities of need in the commonwealth for comprehensive treatment and rehabilitation of alcoholics, and (c) review the annual plans, the proposed annual budget and the programs and services of the division and make recommendations to the commissioner, including approval, modification, or disapproval in regard thereto.

The chairman of the advisory council shall appoint a five member executive committee which shall meet annually with the commissioner and director, or shall meet at the request of the commissioner, director or chairman for the purpose of reviewing existing programs and implementing new programs designed to meet the future needs which arise as a result of the administration of chapter one hundred and eleven B.

Approved April 23, 1982.

Chap. 39. AN ACT PROVIDING FOR THE USE OF SPECIAL EQUIPMENT BY HANDICAPPED HUNTERS.

Be it enacted, etc., as follows:

Section 69 of chapter 131 of the General Laws is hereby amended by adding the following paragraph:-

Notwithstanding the provisions of section sixty-four, the director may issue without fee upon application of any handicapped person confined to a wheelchair or a physically handi-

capped person as defined in section thirteen A of chapter twenty-two, whose handicap prevents the normal use of one or both hands a special permit to employ a mechanical release on bows of the general design approved under the rules and regulations of the first paragraph. The director shall require a certificate of disability for such applicant from a licensed physician. Nothing contained in this paragraph shall be construed to permit the use of crossbows by such handicapped person when hunting.

Approved April 23, 1982.

Chap. 40. AN ACT EXEMPTING LAND OR STRUCTURES USED FOR THE PURPOSES OF VITICULTURE FROM CERTAIN ZONING RESTRICTIONS.

Be it enacted, etc., as follows:

Section 3 of chapter 40A of the General Laws is hereby amended by striking out the first paragraph, as appearing in section 3 of chapter 808 of the acts of 1975, and inserting in place thereof the following paragraph:-

No zoning ordinance or by-law shall regulate or restrict the use of materials or methods of construction of structures regulated by the state building code, or shall any such ordinance or by-law prohibit, unreasonably regulate or require a special permit for the use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture; nor prohibit or unreasonably regulate the expansion or reconstruction of existing structures thereon for the primary purpose of agriculture, horticulture, floriculture, or viticulture, including those facilities for the sale of produce, and wine and dairy products, insofar as a majority of such products for sale have been produced by the owner of the land on which the facility is located, except that all such activities may be limited to parcels of more than five acres in areas not zoned for agriculture, horticulture, floriculture, or viticulture. For such purposes land divided by a public or private way or a waterway shall be construed as one parcel. No zoning ordinance or by-law shall exempt land or structures from flood plain or wetlands regulations established pursuant to general law.

Approved April 23, 1982.

Chap. 41. AN ACT FURTHER REGULATING PERSONS IN CHARGE OF OR OPERATING CERTAIN BOILERS AND ENGINES.

Be it enacted, etc., as follows:

Section 46 of chapter 146 of the General Laws is hereby further amended by striking out the first sentence, as amended by section 1A of chapter 207 of the acts of 1953, and inserting in place thereof the following sentence:- No person shall have charge of or operate a steam boiler or engine or its appurtenances, except boilers and engines upon locomotives, turbines on test stands being operated solely for the purpose of testing said turbines by qualified testing personnel approved by the turbine designer and manufacturer, motor vehicles, boilers and engines in private residences, boilers in apartment houses of less than five apartments, boilers and engines under the jurisdiction of the United States, boilers and engines used for agricultural, horticultural and floricultural purposes exclusively, boilers and engines of less than nine horse power, and boilers used for heating purposes exclusively which are provided with a device approved by the commissioner limiting the pressure carried to fifteen pounds to the square inch, unless he holds a license as hereinafter provided.

Approved April 23, 1982.

Chap. 42. AN ACT AUTHORIZING THE ATTACHMENT OF TAX REFUNDS DUE FROM THE COMMONWEALTH IN PROCEEDINGS RELATIVE TO UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT.

Be it enacted, etc., as follows:

Chapter 273A of the General Laws is hereby amended by striking out section 12, as most recently amended by section 3 of chapter 239 of the acts of 1958, and inserting in place thereof the following section:-

Section 12. In addition to the foregoing powers, the court, when the commonwealth is a responding state, may subject the respondent to such terms and conditions as it deems proper to assure compliance with its orders, and may require the respondent to make payments at specified intervals to a probation officer assigned by the court, and punish a respondent who violates any order of the court to the same extent as is provided by law for contempt in any other suit or proceeding. Such court

shall also be allowed to request attachments on any tax refund due from the commmonwealth to a respondent who is delinquent in any support order. If the court is unable to find the respondent or his property within its judicial district but discovers that the respondent or his property may be found in the judicial district of another court in the commonwealth, the court may forward the papers received from the court of the initiating state to such other court and shall inform the court in the initiating state that it has done so. Thereupon such other court shall give a receipt for the papers and thereafter have the duties imposed by this chapter.

Approved April 23, 1982.

Chap. 43. AN ACT ESTABLISHING SEPARATE ACCOUNTS FOR NONRESIDENT STUDENTS TUITION IN CERTAIN CITIES AND TOWNS.

Be it enacted, etc., as follows:

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

Section 71F. In any city or town which accepts this section, all monies received by the school committee as tuition payments for nonresident students and as state reimbursements for students who are foster care children shall be deposited with the treasurer of the town or city and held as separate accouts. The receipts held in such a separate account may be expended by said school committee without further appropriation for expenses incurred in providing education for such nonresident students or for such students who are foster care children, notwithstanding the provisions of section fifty-three of chapter forty-four. A city or town may appropriate funds for expenses incurred in providing education for such nonresident students or for such students who are foster care children, which funds shall be expended by the school committee in addition to funds provided for other sources.

Approved April 23, 1982.

Chap. 44. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND EIGHTY-TWO 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 sections two and eight for the several purposes and subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one, for the fiscal year ending June thirtieth, nineteen hundred and eighty-two 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		
	LEGISLATURE.	
0161-0000	For printing, binding and paper ordered by the senate and house of representatives, or by concurrent order of the two branches, for printing the manual of the general court, with the approval of the clerks of the respective branches, and for biographical sketches of certain state and federal officials and other expenses, prior appropriation continued	$300,000
	Other Expenses.	
0185-7803	To provide for an investigation and study by a special commission on the current local aid distribution formula in order to determine if said formulas provide a fair and equitable distribution to the cities and towns of the commonwealth. Said commission shall consist of three members of the senate, seven members of the house of representatives and three members appointed by the governor, prior appropriation continued	30,000
	JUDICIARY.	
	Trial Court.	
0330-0300	For salaries and expenses of the administrative staff	13,000
0330-3000	For the rental or purchase of equipment in the trial court, to be expended as determined by the chief administrative justice	184,000
0330-3100	For indigent court costs	100,000
	Superior Court.	
0331-0200	For clerical assistance to the justices	158,100
0331-3200	Plymouth superior court, including not more than sixty-five permanent positions; provided, however, that funds appropriated herein may be expended for expenses incurred in fiscal year nineteen hundred and eighty-one	1,922
	SECRETARY OF THE COMMONWEALTH.	
0531-0100	For the expenses and administration of the office of campaign and political finance, including not more than eleven permanent positions	9,200

TREASURER AND RECEIVER-GENERAL.

0612-0100 For audit and investigation of disability or other retirement pensions provided that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-three $119,200

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Central Services Division.

1102-4010 For the operation of certain central services and the telephone system including not more than forty-five permanent positions 107,000

DEPARTMENT OF REVENUE.

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 said department shall establish and maintain an office in the town of Greenfield, to be open not less than three days per week; 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 six hundred and forty-nine permanent positions 654,820

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 5,300

1599-3100 For the payment of certain employment security benefits, prior appropriation continued 900,000

1599-3279 For a reserve to provide for salary increases for the justices, clerk magistrates, chief probation officers, registrar of probate, and any other statutory positions in the trial court as authorized by chapter six hundred and thirty-two of the acts of nineteen hundred and eighty-one, and those management and confidential employees not subject to the provisions of chapter one hundred and fifty E, provided that 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-two such amounts as are necessary to meet the cost of said adjustments and benefits for the fiscal year nineteen hundred and eighty-two and prior years where the amounts otherwise available are insufficient for the purpose; and provided thatt he 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; and provided, further, that no transfers shall be made without the prior approval of the house and senate committees on ways and means 5,900,000

1599-3280 For a reserve to provide for the payment of obligations incurred during fiscal year nineteen hundred and eighty-one and after July first, nine-

	teen hundred and eighty-two for those agencies which were eliminated or not funded in chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one; provided that the comptroller shall pay from this item those obligations incurred for the fiscal years nineteen hundred and eighty-one and nineteen hundred and eighty-two due and payable; provided, further, that the governor upon recommendation of the commissioner of administration is hereby authorized to allocate the cost of said adjustments to the several state or other funds as such costs may be chargeable; and provided, further, that no funds shall be expended without the prior approval of the house and senate committees on ways and means	$211,055
1599-3281	For the payment of a moral obligation as authorized by chapter five of the resolves of nineteen hundred and eighty	17,354
1599-3284	For a reserve to meet the cost of community college training in conjunction with the development and the establishment of a work and training program for public assistance applicants and recipients, provided that the commissioner of administration is hereby authorized to transfer from the sum appropriated to other items of appropriation for the fiscal years nineteen hundred and eighty-two and nineteen hundred and eighty-three; provided, further, that the commissioner of administration is further authorized to allocate the cost of such program activities to the several state or other funds to which such items of appropriation are charged; provided, further, that no transfers shall be made without the prior approval of the house and senate committees on ways and means; and provided, further, that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-three	1,000,000
1599-3285	For the payment of a settlement of a certain claim for terminated employees of the state health, welfare and retirement trust funds board entered in Boston municipal court, Docket No. 463853 Buchanan v Miclette	50,000
1599-3286	For a reserve to meet the cost of payments of stipends to corpsmen of the commonwealth service corps in conjunction with the development and the establishment of a work and training program for public assistance applicants and recipients, provided that the commissioner of administration is hereby authorized to transfer from the sum appropriated to item 3744-4010 for the fiscal years nineteen hundred and eighty-two and nineteen hundred and eighty-three amounts as are necessary to meet such costs for the fiscal years nineteen hundred and eighty-two and nineteen hundred and eighty-three; provided, further, that no corpsman may receive stipends for more than six months; provided, further, that amounts paid to recipients of aid to families with dependent children shall not reduce the amounts of their assistance checks; provided, further, that no transfers shall be made without the prior approval of the house and senate committees on ways and means; and provided, further, that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-three	500,000
1599-3287	For a reserve to meet the cost of a program of work and welfare in conjunction with the development and the establishment of a work and training program for public assistance applicants and recipients, provided that the commissioner of administration is hereby authorized to transfer from the sum appropriated to item 4407-1000 for the fiscal years nineteen hundred and eighty-two and nineteen hundred and eighty-three amounts as are necessary	

to meet such costs for the fiscal years nineteen hundred and eighty-two and nineteen hundred and eighty-three; provided, further, that the sum appropriated herein shall be expended solely to contract with providers of supported work programs and shall be in addition to funds already appropriated for such purpose; provided, further, that no transfers shall be made without the prior approval of the house and senate committees on ways and means; and provided, further, that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-three $1,500,000

1599-3288 For a reserve to meet the cost of a voucher day care program in conjunction with the development and the establishment of a work and training program for public assistance applicants and recipients, to provide day care subsidies to any applicant or recipient of aid to families with dependent children who is employed, who has accepted a job offer, or who is participating in a training activity authorized by said work and training program, and to any income-eligible person who has been a recipient of said aid program within a time period prescribed by the department of public welfare; provided that the commissioner of administration is hereby authorized to transfer from the sum appropriated to other items of appropriation for the fiscal years nineteen hundred and eighty-two and nineteen hundred and eighty-three; provided, further, that no more than twenty per cent of the monies appropriated herein may be used to provide day care services to families and children with special and protective needs where such services are not otherwise available; provided, further, that said twenty per cent maximum may be exceeded for such special and protective needs services if said commissioner certifies to the house and senate committees on ways and means that such additional monies are needed to eliminate waiting lists for such services; provided further that the department of social services shall report monthly on the utilization of such special and protective needs services, on a regional basis, and including the number of children on waiting lists for such services, to the commissioner of administration and the house and senate committees on ways and means; provided, further, that no transfers shall be made without the prior approval of the house and senate committees on ways and means; provided further, that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-three 1,500,000

1599-3289 For a reserve to meet the costs of employment training, counseling and placement to displaced homemakers in conjunction with the development and the establishment of a work and training program for public assistance applicants and recipients, provided that the commissioner of administration is hereby authorized to transfer from the sum appropriated to item 9000-0300 for the fiscal years nineteen hundred and eighty-two and nineteen hundred and eighty-three amounts as are necessary to meet such costs for the fiscal years nineteen hundred and eighty-two and nineteen hundred and eighty-three; provided, further, that no transfers shall be made without the prior approval of the house and senate committees on ways and means; and provided, further, that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-three 100,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Division of Forests and Parks.

2120-1100 For the development of forests, and for a federal-state cooperative forest management program and for certain rural forestry assistance projects in cooperation with the United States Forest Service, including not more than twenty-four permanent positions $ 50,000

2120-1400 For a program of survey and detection of forest and insect diseases in cooperation with the United States Forest Service, and that an amount not less than four hundred thousand dollars be expended for the establishment and administration of a program within the division of forests and parks to assist communities with the control and suppression of gypsy moths, said program to be compatible with gypsy moth control policy recommendations of the commonwealth; provided, however, that only biological pest control products shall be used; and provided, that a chemical control agent shall be utilized as a last resort only; and provided, further, that any decision to utilize chemical agents shall be made after a public hearing held pursuant to chapter thirty A of the General Laws and shall be made in writing with an explanation as to the necessity of utilizing such a chemical agent; and provided, further, that no funds shall be expended for use of a chemical agent in the control and suppression of gypsy moths without the prior approval of the house and senate committees on ways and means 300,000

Division of Water Resources.

2130-0010 For the expenses of the water resources commission, including not more than seven permanent positions 2,300

2130-0108 For the division of water resources for payment of certain outstanding court-ordered judgments against the commonwealth resulting from ten land damage claims of property owners in the towns of Berlin and Northborough and the city of Marlborough, for land acquisition to complete the final phase of the SUASCO watershed project 450,000

Division of Water Pollution Control.

2240-0500 For reimbursement to cities, towns, and districts for certain chemical costs in accordance with the provisions of section thirty-seven of chapter twenty-one of the General Laws 2,000,000

Bureau of Environmental Sanitation.

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 purposes, provided that an amount not exceeding ten thousand dollars shall be used for weed control and cleanup at Sluce Pond in the city of Lynn; provided, further, that an amount not exceeding fifteen thousand dollars shall be used for weed control and cleanup at Spy Pond in the town of Arlington; provided, further, that an amount not exceeding eighteen thousand dollars shall be used for weed control and cleanup at Hoosac Lake in the town of Cheshire; provided, further, that an amount not exceeding ten thousand dollars shall be used for weed control and cleanup at Laurel Lake in the towns of Lee and Lenox; provided, further, that an amount not exceed-

ing fifteen thousand dollars shall be used for weed control and cleanup at Lake Buel in the towns of Monterey and New Marlboro; provided, further, that an amount not exceeding twenty thousand dollars shall be used for weed control and cleanup at Richmond Pond in the town of Richmond; provided, further, that an amount not exceeding thirty thousand dollars shall be used for weed control and cleanup at Pontoosuc Lake in the city of Pittsfield; provided, further, that an amount not exceeding twenty-fivethousand dollars shall be used for weed control and cleanup at Lake Mahkeenac in the town of Stockbridge; provided, further, that an amount not exceeding ten thousand dollars shall be used for weed control and cleanup at Cedar Lake in the town of Sturbridge; provided, further, that an amount not exceeding twenty-five thousand dollars shall be used for weed control and cleanup at Webster Lake in the town of Webster; provided, further, that an amount not exceeding ten thousand dollars shall be expended for weed control at Hampton Pond in the cities of Westfield and Holyoke and the town of Southampton; prior appropriation continued 135,000

2270-0503 For a continuous program of cleaning of harbors and inland waterways, as authorized by chapter eight hundred and seventy-eight of the acts of nineteen hundred and seventy, provided that a sum not exceeding four hundred and fifty thousand dollars shall be expended to clear and dredge the Wellfleet Harbor in the town of Wellfleet; provided further that a sum not exceeding thirty-five thousand dollars shall be used to repair and reconstruct the automatic tidal gate located at the headwaters of Straits Pond at the boundaries of the towns of Cohasset, Hingham and Hull; provided further that a sum not exceeding one hundred and fifty thousand dollars shall be used to dredge the Housatonic River and stabilize the stream bank in the vicinity of the Park Street bridge in the village of Housatonic; provided further, that a sum not exceeding two hundred thousand dollars shall be expended to clear and dredge the Hoosac River in the town of Cheshire, for stream clearance, and selective excavation and improvements; provided further, that a sum not exceeding thirty thousand dollars shall be used for the design of flood control and erosion control improvements to a section of the Green River in the town of Williamstown; and provided, further, that no funds shall be expended for such clearing and dredging project prior to the completion and consideration of an environmental impact report undertaken pursuant to sections sixty-one through sixty-two H, inclusive, of chapter thirty of the General Laws, and the approval of the house and senate committees on ways and means 865,000

Public Access Board.

2320-0100 For the expenses of the public access board for the redevelopment and improvement of the public access ramp at Apponagansett Landing in the town of Dartmouth 90,000

DEPARTMENT OF THE METROPOLITAN DISTRICT COMMISSION.
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, provided that no water shall be diverted from the Connecticut and Sudbury Rivers by the metropolitan district commission 150,000

MDC Water District Fund 100.0%

Metropolitan Parks District.

2440-0010 For the administration of the metropolitan district commission parks and recreation division, and for the maintenance of parks, reservations and the Charles River basin, including not more than two hundred and twenty-six permanent positions, provided that the metropolitan district commission shall annually pay a reasonable fee to the town of Hull for the use of the sewerage treatment plant 600,000

Highway Fund 67.0%
MDC Parks District Fund 33.0%

Department of Food and Agriculture.

2520-1400 For the expenses of the Plymouth county mosquito control project 5,000

Mosquito and Greenhead Fly Control Fund 100.0%

3722-9009 For state financial assistance for a supportive services program for public housing developments maintained by local housing authorities established pursuant to section three of chapter one hundred and twenty-one B of the General Laws; provided, however, that one million dollars shall be expended for such a supportive services program at the Boston housing authority, five hundred thousand dollars shall be expended for such a program at the Worcester housing authority, and the remainder expended for such programs at not more than five additional housing authorities to be determined by the department; and provided, further, that the appropriation shall expire on June thirtieth, nineteen hundred and eighty-three 2,000,000

3722-9010 For a program of rental assistance for families of low income in Farmers' Home Administration (FMHA) rural housing projects 250,000

EXECUTIVE OFFICE OF HUMAN SERVICES.

Department of Correction.

4314-0001 Correctional Institution at Concord, including not more than two hundred and eighty-four permanent positions 63,583

4315-0001 Correctional Institution at Framingham, including not more than one hundred and twenty permanent positions 88,460

4316-0001 Correctional Institution at Norfolk, including not more than two hundred and seventy-one permanent positions 66,458

4342-0001 For a pre-release facility at Morton street in Boston and for the administration of the correction's unit at the Lemuel Shattuck Hospital, including not more than six permanent positions 49,448

4343-0001 For pre-release centers at Shirley and Lancaster, including not more than sixteen permanent positions 71,910

4348-0001 For a medium correctional security facility in north central Massachusetts, including not more than twenty permanent positions $ 48,321

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.
Department of Public Works.

6030-7201 For the expenses of snow and ice control, including the removal of sand, and including the cost of sand, salt and chemicals, prior appropriation continued 11,856,610
Highway Fund 100.0%

6030-7601 For maintenance and operation of state highways and bridges, including the provisions of chapter eight hundred and three of the acts of nineteen hundred and seventy-nine, subject to the condition that not less than six hundred thousand dollars be expended for the purpose of repairing and maintaining the bridges of the commonwealth 600,000
Highway Fund 100.0%

EDUCATION.
George Fingold Library.

7000-0601 For the administration of the library; provided that seven hundred dollars shall be expended from this item for the purposes of the art commission, including not more than thirty-four permanent positions 52,916

DEPARTMENT OF EDUCATION.
Board of Education and Commissioner's Office.

7010-0005 For the general administration of the department, including the expenses of the members of the board, the office of the commissioner, the division of administration and personnel, the division of state and federal assistance, the division of research and development, the bureau of equal educational opportunity, and the bureau of assessment, including not more than eighty-four permanent positions 200,000

Adult Education Basic Skills.

7035-0002 For the expenses of providing basic educational attainment and work-related programs in reading, writing, and mathematics at adult learning centers provided that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-three 600,000

Board of Regents.
University of Lowell.

7220-0005 For the Northeast Consortium of Colleges and Universities in Massachusetts, subject to the condition that the funds appropriated herein will be for the express purpose of support of the Lawrence Project, so called, in conjunction with other state and private institutions which are members of the Northeast Consortium of Colleges and Universities and provided that this appropriation will expire on June thirtieth, nineteen hundred and eighty-three 50,000

EXECUTIVE OFICE OF PUBLIC SAFETY.
Division of State Police.

8312-0100 For the administration of the division, subject to the condition that not less than sixty thousand dollars be expended for the sole purpose of establishing a Drug Investigation Unit, so-called, to investigate the improper distribution of prescription drugs by medical personnel, including not more than one thousand one hundred and fifty-seven permanent positions $ 60,000

General Fund	15.0%
Highway Fund	85.0%

EXECUTIVE OFFICE OF ELDER AFFAIRS.

9110-1633 For program planning and evaluation of the home care corporations, including a circuit rider program; provided however, that one hundred and seventy-five thousand dollars of the monies appropriated herein shall be used for demonstration projects; and provided further, that said projects shall be used for the purpose of developing alternative and complementary services to the home care program, including not more than six permanent positions 30,000

EXECUTIVE OFFICE OF CONSUMER AFFAIRS.
State Racing Commission.

9210-0001 For the administration of the commission, including not more than thirty-three permanent positions 208,900

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 two hundred and fifty-two positions 125,249

SECTION 3. Section 3 of chapter 6A of the General Laws is hereby amended by striking out the last two sentences, as amended by section 12 of chapter 699 of the acts of 1981, and inserting in place thereof the following two sentences:- The secretary of human services, the secretary of manpower affairs, and the secretary of transportation and construction may, notwithstanding the provisions of section forty-five of chapter thirty or thirty-one, subject to the approval of the governor and subject to appropriation, appoint an undersecretary for said office. Each person appointed as an undersecretary shall have experience and shall know 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 his full time to the duties of the office.

SECTION 3A. Section 4D of chapter 7 of the General Laws is hereby amended by striking out the first paragraph, as amended by section 7 of chapter 704 of the acts of 1969, and inserting in place thereof the following paragraph:-

Except as otherwise provided by law, the commissioner shall appoint all employees of the executive office for administration and finance. Unless otherwise provided by law, all such appointments shall be made in accordance with chapter thirty-one; provided, however, that in staffing at any time said office, the commissioner may, without regard to chapter thirty-one but subject to the approval of the governor, appoint such experts and other assistants in said office as he shall deem necessary; provided, that no person while holding any such appointment shall be subject to section nine A of chapter thirty. 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 three 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; provided, that such salary shall not exceed the salary of the commissioner as set forth in section four of this chapter.

SECTION 4. 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; shallserve 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 5. Section 4 of chapter 401 of the General Laws, as appearing in section 192 of chapter 351 of the acts of 1981, is hereby amended by inserting after the definition of "Program" and "Program of skill training or education consistent with employment need" the following two definitions:-

"Severe economic dislocation", a permanent discontinuance of operations or reduction in force by an employer or by a number of employers located within a city or town of the commonwealth, whether caused by economic conditions, natural catastrophe or otherwise, which results in the permanent loss of employment of seventy-five or more employees who are residents of the commonwealth. In the case of a public employer, severe economic dislocation shall include the loss of employment of fifty or more employees due to economic conditions resulting from the operation of chapter five hundred and eighty of the acts of nineteen hundred and eighty.

"Targeted individuals", residents of the commonwealth who become unemployed as a result of a severe economic dislocation, and individuals receiving public assistance from the commonwealth, including recipients of aid to families with dependent children, and individuals between the ages of sixteen and twenty-one, inclusive, who are unemployed and economically disadvantaged residents of urban areas of the commonwealth.

SECTION 6. Clause (6) of paragraph (B) of section 6 of said chapter 401, as so appearing, is hereby amended by inserting after the word "grant-in-aid", in line 5, the words:- except that the BSSC may waive the requirement for such matching financial support upon finding that the program funded by the grant-in-aid will materially increase the employment opportunities for targeted individuals and that the businesses and industries participating in the program have agreed to contribute personnel, facilities, equipment, supplies, stipends or other items of financial value to the program in an amount approved by the BSSC;.

SECTION 7. Chapter 329 of the acts of 1980 is hereby amended by striking out section 92, as amended by section 3 of chapter 247 of the acts of 1981, and inserting in place thereof the following section:-

Section 92. Notwithstanding any provision of law to the contrary, the commissioner of social services may, with the approval of the commissioner of administration transfer positions and funds from the general administration account in the department of social services into regional accounts in the department of social services; provided that two million dollars, in addition to the funds in items 4800-0010, 4801-0200, 4802-0200, 4803-0200, 4804-0200, 4805-0200 and 4806-0200 of section two of this act, is hereby appropriated for an experimental day care project to provide day care subsidies to any applicant or recipient of aid to families with dependent children who is employed, who has accepted a job offer, or who is participating in a training activity authorized by the department of public welfare, and to any income-eligible person who has been a recipient of said aid program within a time period prescribed by said department of public welfare; provided, further, that up to twenty per cent of such appropriation may be utilized for families and children with special and protective needs where such services are not otherwise available; provided, further, that said twenty per cent maximum may be exceeded for such special and protective needs service if said commissioner certifies to the house and senate committees on ways and means that such additional monies are needed to eliminate waiting lists for such services; provided, further, that the department of social services shall report monthly on the utilization of such special and protective needs services, on a regional basis, and including the number of children on waiting lists for such services to the commissioner of administration and the house and senate committees on ways and means; provided, further, that such project shall utilize a voucher payment system, so-called, to supplement the present purchase slot system; and provided, further, that the department of social services shall utilize a blanket contract for the area office model portion of said demonstration program.

SECTION 8. Section 2 of chapter 351 of the acts of 1981 is hereby amended by striking out item 9000-0400 and inserting in place thereof the following item:-

9000-0400	For the administration and program grants of the Bay State Skills Corporation, provided that not more than three hundred dollars per program grant of the commonwealth's funding be expended for equipment purchase and provided, further, that no funds be expended for student grants or stipends; provided, further that one hundred and twenty thousand dollars of the amount appropriated shall be allocated to municipal colleges; provided, further, that such funds shall be matched by private or municipal funds except that not more than two million dollars of the amount appropriated may be allocated to program grants for which the Corporation has waived the requirement for matching private or municipal funds based on a finding that the programs funded thereby will materially increase the employment opportunities for targeted individuals as defined in section four of chapter forty I of the General Laws; provided, that, with respect to program grants for which the requirement of matching funds may be waived, the Corporation shall allocate not less than five hundred thousand dollars to programs which are found by the Corporation, pursuant to rules adopted by the Corporation no later than June first, nineteen hundred and eighty-two and approved by the secretary of manpower affairs, to materially increase the employment opportunities of individuals between the ages of sixteen and twenty-one, inclusive, who are unemployed and economically disadvantaged residents of urban areas of the commonwealth; and provided, further, that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-three	$5,000,000

SECTION 9. Item 0431-2000 of section 2 of chapter 392 of the acts of 1981 is hereby amended by striking out the wording and inserting in place thereof the following:- Notwithstanding any other general or special law to the contrary, the armory commission is authorized to expend up to twenty-five thousand dollars subject to the approval of the commissioner of administrationto provide for an appraisal by three qualified and independent appraisers of the fair market value of the Commonwealth armory and up to seventy-five thousand dollars subject to the approval of the commissioner of administration for the preparation of a comprehensive report on the current status of national guard armories within the commonwealth, appropriation to expire June thirtieth, nineteen hundred and eighty-two, provided that notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws, payments in the amount of twenty-one thousand dollars shall be allowed and paid from this item for certain consultant services rendered to the armory commission during the month of February, nineteen hundred and eighty-two.

SECTION 10. Item 6034-0012 in said section 2 of said chapter 392 is hereby amended by striking out the wording and inserting in place thereof the following:- For an engineering feasibility study of the repair of damages to the West Road in the town of Clarksburg, caused by the thaws and rains of April, nineteen hundred and eighty-one, and for the costs associated with said repair. Appropriation expires June thirtieth, nineteen hundred and eighty-three.

SECTION 11. Clause (1) of the first paragraph of section 1 of chapter 742 of the acts of 1981 is hereby amended by striking out, in line 1, the words "director of civil defense" and inserting in place thereof the words:- secretary of the executive office of communities and development.

SECTION 12. Section 2 of said chapter 742 is hereby amended by striking out, in line 3, the word "eighty-two" and inserting in place thereof the word:- eighty-three.

SECTION 13. Item 1599-3277 in section 2 of chapter 808 of the acts of 1981 is hereby amended by inserting after the word "employment", in line 7, the second time it appears, the words:- provided that the commissioner of administration is hereby authorized to transfer from the sum appropriated to other items of appropriation for fiscal year nineteen hundred and eighty-two for the purpose of meeting the cost of employment of said professional employees of Boston state college who are accepted for employment by other public institutions of higher education.

SECTION 14. Section 10 of chapter 808 of the acts of 1981 is hereby amended by inserting after the word "Norwood", in line 2, the words:- for consideration of one dollar,.

SECTION 14A. Notwithstanding the provisions of any other law to the contrary, the department of community affairs is hereby authorized to expend for the purpose of contracts to be entered into by said department, acting for and on behalf of the commonwealth, with housing authorities established pursuant to section three of chapter one hundred and twenty-one B of the General Laws or corresponding provisions of previous laws, for state financial assistance in the form of grants to such authorities, such sums as shall be appropriated for supportive services programs to complement the physical environment of public housing developments. Prior to giving final approval and entering into said contracts for state financial assistance, the department shall review and approve or disapprove proposals to be submitted by said housing authorities for such supportive services. Said proposals shall outline the types of supportive services to be provided at the sites of said housing developments in conjunction with public and private agencies and programs. In developing said proposals for supportive services, housing authorities shall contact residents at the public housing developments to be targeted for said services and shall obtain

their views and consider their needs for particular types of supportive services. Said proposals, as approved by the department, shall be included by reference in the aforementioned contracts for financial assistance and shall become an integral part of said contracts.

Such supportive services as required by this section shall be designed to decrease the dependence of public housing residents on public assistance, otherwise improve the health, safety and general welfare of these residents and increase the security for the residents and the structures at public housing developments. Such supportive services may include, but are not limited to, employment and job training, day care services, education, health care, and security planning and services. The department shall require that, to the maximum extent possible, said supportive services shall be provided through agencies or departments of the commonwealth which administer such services programs, or similar services programs, including but not limited to the Bay State Skills Corporation, the department of public welfare, the department of social services, and the department of education. Said supportive services program shall be provided to public housing residents, whenever possible, at the locations of the low-rent housing developments or within the same neighborhood of said developments. Housing authorities shall make known to such agencies and departments the needs for supportive services at each location and shall coordinate the participation of these agencies and departments in such programs. The department also shall require that the availability of such supportive services be communicated clearly to residents at any such development participating in programs being administered pursuant to this act.

The department also shall require, as a provision of said contracts, that housing authorities shall obtain commitments for financial resources or in-kind services, so-called, from private business sources and shall obtain similar commitments from one or more schools or universities in conjunction with the supportive services program at each project. The department may waive the requirement for such commitments for private resources or services if it determines that such commitments are not available after good faith efforts to obtain the same have been made by said housing authorities. Notwithstanding any other law to the contrary, a housing authority may expend sums authorized by this section to seek such support or assistance to provide such supportive services or to attract or facilitate supportive services programs from any source.

SECTION 15. Notwithstanding the provisions of section eight of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one and the provisions of section forty-five of chapter thirty of the General Laws, or of any other special or general law to the contrary, the amounts for permanent or temporary offices and positions in the department of revenue which are appropriated in section two of this act are hereby authorized to be expended at salary rates indicated in the schedules established by the commissioner of administration, a copy of which is filed with the personnel administrator; provided, however, that such rates shall conform to those rates established by chapter six hundred and ninety-nine of the acts of nineteen hundred and eighty-one or to applicable collective bargaining agreements.

SECTION 16. Sections three, three A and four of this act shall take effect as of June twenty-eighth, nineteen hundred and eighty-one and the remaining sections shall take effect upon its passage.

Approved April 26, 1982.

Chap. 45. AN ACT RELATIVE TO THE TAXATION OF THE HYDROELECTRICAL GENERATING FACILITY ON COBBLE MOUNTAIN IN THE TOWN OF GRANVILLE.

Be it enacted, etc., as follows:

SECTION 1. Section 4 of chapter 267 of the acts of 1928 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- For the purposes of section three of chapter six hundred and seven of the acts of nineteen hundred and twelve and of section five of said chapter one hundred and sixty-three, the value of the property to be taxed thereunder shall be assumed to be as follows:- in Russell, three thousand dollars; and in Westfield, eight thousand dollars.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, the water commissioners of the city of Springfield, established by chapter thirty of the acts of eighteen hundred and eighty, shall make payments to the town of Granville in lieu of taxes on the personal property taxable under section four of chapter two hundred and sixty-seven of the acts of nineteen hundred and twenty-eight owned by said water commissioners in said town of Granville according to the following schedule: sixty thousand dollars for fiscal year nineteen hundred and eighty-one; sixty-five thousand dollars for fiscal year nineteen hundred and eighty-two; and seventy thousand dollars for fiscal year nineteen hundred and eighty-three. Such payments shall be considered as credits to the extent permitted by any agreement between the town of Granville and said water commissioners authorized under the provisions of chapter four hundred and thirty-eight of the acts of nineteen hundred and eighty.

SECTION 3. For each of the fiscal years from nineteen hundred and eighty-four through and including nineteen hundred and eighty-eight, the board of water commissioners of the city of Springfield, established by chapter thirty of the acts of eighteen hundred and eighty, shall make payments in lieu of taxes on the personal property taxable under section four of chapter two hundred and sixty-seven of the acts of nineteen hundred and twenty-eight in the town of Granville in an amount computed as follows:-

(i) In any such year in which the revenues obtained by said water commissioners from the lease of its hydroelectric facility in said town of Granville are less than five hundred thousand

dollars, said water commissioners shall pay said town of Granville in lieu of taxes one hundred and twelve thousand five hundred dollars; and

(ii) In any year in which the revenues obtained by said water commissioners from the lease of its hydroelectric facility in said town of Granville are between five hundred thousand dollars and seven hundred and fifty thousand dollars, said water commissioners shall pay said town of Granville in lieu of taxes one hundred and fifty thousand dollars; and

(iii) In any year in which the revenues obtained by said water commissioners from the lease of its hydroelectric facility in said town of Granville exceeds seven hundred and fifty thousand dollars, said water commissioners shall pay said town of Granville one hundred and fifty thousand dollars plus ten per cent of all such revenues received by said water commissioners in excess of seven hundred and fifty thousand dollars; and

(iv) Notwithstanding the provisions of section two or clauses (i), (ii) and (iii) of this section, in no event shall payments in lieu of taxes by said water commissioners to said town of Granville exceed fifty per cent of the revenues obtained by said water commissioners from the lease of its hydroelectric facility in said town of Granville.

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

Approved April 26, 1982.

Chap. 46. AN ACT VALIDATING THE PROCEEDINGS AT THE ELECTION OF TOWN OFFICERS AT THE ANNUAL TOWN MEETING OF THE TOWN OF BEDFORD.

Be it enacted, etc., as follows:

SECTION 1. All acts and proceedings of the town of Bedford at its election of town officers at the annual town meeting held on March sixth, nineteen hundred and eighty-two, and all actions subsequently taken pursuant thereto are hereby ratified, validated, and confirmed to the same extent as if there were no defects or errors in the publication of the warrant.

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

Approved April 26, 1982.

Chap. 47. AN ACT RELATIVE TO THE DATES FOR THE ESTABLISHMENT OF PROPOSED EQUALIZED VALUATIONS AND FOR APPEALS THEREFROM.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately extend the time for the establishment of equalized valuations and for appeals, therefore 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 58 of the General Laws is hereby amended by striking out section 10A, as most recently amended by section 1 of chapter 283 of the acts of 1979, and inserting in place thereof the following section:-

Section 10A. On or before June tenth, in each year in which an equalization is to be established, the commissioner shall hold a public hearing on the proposed equalized valuations. He shall send written notice thereof, together with a copy of the proposed equalized valuations, to the assessors of each city and town on or before June first of such year. The commissioner may, on the basis of any new information furnished to him at such hearing or otherwise, change the proposed equalized valuation of any city or town. Notice of any change shall be sent to the assessors of such city or town on or before July twentieth next following.

SECTION 2. Section 10B of said chapter 58 is hereby amended by striking out the first sentence, as amended by section 2 of said chapter 283, and inserting in place thereof the following sentence:- On or before August tenth next following, a city or town aggrieved by the equalized valuation established by the commissioner under sections nine and ten A may appeal the determination of the commissioner to the appellate tax board.

SECTION 3. Said section 10B of said chapter 58 is hereby further amended by striking out the third sentence, as appearing in section 42 of chapter 514 of the acts of 1978, and inserting in place thereof the following sentence:- Every such appeal shall be decided by the board not later than January twentieth of the year next following the year in which it is filed.

SECTION 4. Section 10C of said chapter 58 is hereby amended by striking out the first sentence, as so appearing, and inserting in place thereof the following sentence:- On or before January

thirty-first of the year next following the year for which an equalization is to be established, the commissioner shall, on the basis of the equalized valuations determined under sections nine and ten A, as modified by the appellate tax board under section ten B, establish a final equalization and apportionment upon the several cities and towns as of January first of such year of the fair cash value of all property in the commonwealth subject to local taxation, the fair cash value of all such property in each city and town, the ratio which the fair cash value of all such property in each city or town bears to the fair cash value of all such property in the commonwealth, and the proportion of county tax, which should be assessed upon each city and town.

SECTION 5. Said section 10C of said chapter 58 is hereby further amended by striking out the second sentence, as appearing in section 1 of chapter 403 of the acts of 1980, and inserting in place thereof the following sentence:- The commissioner shall report his final equalization and apportionment to the general court on or before January thirty-first of the year next following the year for which an equalization is established.

SECTION 6. The provisions of this act shall apply to equalized valuations required to be established on or after January first, nineteen hundred and eighty-two.

Approved April 26, 1982.

Chap. 48. AN ACT DESIGNATING A PORTION OF STATE HIGHWAY ROUTE 16 IN THE TOWNS OF DOUGLAS AND WEBSTER AS THE HONORABLE WILFRED P. BAZINET HIGHWAY.

Be it enacted, etc., as follows:

State highway, Route 16 in the towns of Douglas and Webster shall be designated and known as the Honorable Wilfred P. Bazinet highway in memory of Wilfred P. Bazinet, a former state representative and state senator from the town of Webster. 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 April 26, 1982.

Chap. 49. AN ACT RELATIVE TO THE EMPLOYMENT OF SCHOOL ADJUSTMENT COUNSELLORS.

Be it enacted, etc., as follows:

Section 46G of chapter 71 of the General Laws is hereby amended by striking out the fifth sentence, as appearing in chapter 426 of the acts of 1970, and inserting in place thereof the following sentence:- A school adjustment counsellor employed pursuant to this section may be employed on a full-time or part-time basis as the school committee shall determine.

Approved April 26, 1982.

Chap. 50. AN ACT EXTENDING THE TIME REQUIRED TO PERFORM ENGINEERING PLANS BEFORE DECREEING THE CONVERSION OF A PRIVATE STREET TO A PUBLIC WAY.

Be it enacted, etc., as follows:

The first sentence of section 5 of chapter 82 of the General Laws, as amended by section 2 of chapter 490 of the acts of 1969, is hereby further amended by striking out, in line 3, the word "six" and inserting in place thereof the word:- twelve.

Approved April 26, 1982.

Chap. 51. AN ACT RELATIVE TO THE APPOINTMENT OF DIRECTORS OF THE MIDDLESEX CANAL COMMISSION AND CERTAIN NOTIFICATION REQUIREMENTS BY MEMBER CITIES AND TOWNS OF SAID COMMISSION AND THE BLACKSTONE RIVER AND CANAL COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 403 of the acts of 1977 is hereby amended by striking out, in lines 8 and 9, the words "director of the office of state planning" and inserting in place thereof the words:- commissioner of the department of public works or his designee, ex-officio; the commissioner of the metropolitan district commission.

SECTION 2. Section 2 of said chapter 403 is hereby amended

by inserting after the third paragraph the following paragraph:-

At least seven days before the appropriate board of a member city or town permits or approves an activity or action on land abutting the route of the Middlesex canal notice shall be given in writing to the commissioner. The appropriate boards shall include but not be limited to: the city council, board of selectmen, board of aldermen, planning board, zoning board of appeals, conservation commission, historical commission, building or public works department.

SECTION 3. Section 1 of chapter 568 of the acts of 1981 is hereby amended by striking out, in lines 9 and 10, the words "director of the office of state planning" and inserting in place thereof the words:- commissioner of the department of public works.

SECTION 4. Section 2 of said chapter 568 is hereby amended by inserting after the fourth paragraph the following paragraph:-

At least seven days before the appropriate board of a member city or town permits or approves an activity or action on land abutting the route of the Blackstone canal notice shall be given in writing to the commissioner. The appropriate boards shall include but not be limited to: the city council, board of selectmen, board of aldermen, planning board, zoning board of appeals, conservation commission, historical commission, building or public works department.

Approved April 26, 1982.

Chap. 52. AN ACT RELATIVE TO THE INVESTMENT OF CERTAIN TRUST FUNDS IN CITIES AND TOWNS.

Be it enacted, etc., as follows:

Chapter 44 of the General Laws is hereby amended by striking out section 54, as most recently amended by chapter 15 of the acts of 1980, 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 or 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 one hundred 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 two hundred and fifty thousand 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.

Approved April 26, 1982.

EMERGENCY LETTER - May 7, 1982 @ 3:50 P.M.

Chap. 53. AN ACT INCREASING THE AMOUNT WHICH MAY BE PAID TO THE HUSBAND, WIDOW, OR NEXT OF KIN OF A DECEASED DEPOSITOR.

Be it enacted, etc., as follows:

Chapter 167 of the General Laws is hereby amended by striking out section 48A, as most recently amended by section 1 of chapter 33 of the acts of 1978, and inserting in place thereof the following section:-

Section 48A. Any national banking association, savings and loan association or federal credit union, in the commonwealth having a savings, checking or other deposit account in the name of one or two persons in trust for another may make payments of the same to the trustee, or if there are two trustees, to either trustee, to both, or to the survivor. If no other notice of the existence and terms of a trust has been received in writing by the association or credit union, upon the death of the trustee or, if there are two trustees, upon the death of both trustees, the amount in said savings, checking or other deposit account, with the dividends thereon, may be paid to the other person named in said account or to his legal representative. The value of any savings, checking or other deposit account standing in

the individual name of a deceased depositor in such association or credit union shall be paid to his legal representative; provided, that if the value thereof does not exceed three thousand dollars and there has been no demand for payment by a duly appointed executor or administrator, payment may be made, in the discretion of the treasurer or other duly authorized officer after the expiration of sixty days from the date of death of such depositor, to the husband, widow or next of kin of such deceased, upon presentation of a copy of the death certificate and the surrender of the passbook or other instrument, if any, evidencing such deposits. Withdrawals and payments made as provided in this section shall discharge the liability of the association or credit union to all persons with respect to such savings, checking or other deposit account.

Approved April 26, 1982.

Chap. 54. AN ACT RELATIVE TO WAGE ASSIGNMENTS IN CERTAIN CIVIL AND CRIMINAL PROCEEDINGS.

Be it enacted, etc., as follows:

SECTION 1. Section 36 of chapter 208 of the General Laws is hereby amended by striking out the second paragraph, as amended by section 1 of chapter 197 of the acts of 1980, and inserting in place thereof the following paragraph:-

After the court has issued an order for the support of a spouse or child, the court may, either at the time the order is issued or at any time thereafter, 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 department of social services, and to notify the employer of the obligor to periodically forward such portion to the supported person. Said wage assignment may be ordered upon the motion of any party during the pendency of an action for divorce, modification or contempt, upon the request of any party in a complaint for modification or contempt, or upon the court's own motion. Such assignment shall take effect on the next payment of earnings after the employer of the obligor receives notice thereof. The order of assignment shall specify the amount of earnings to be paid to the person supported and

shall not exceed the federal limits on the percentage of an obligor's income which may be assigned for support. The obligor may move to terminate or modify the amount of such assignment at any time for good cause. The employer may deduct from said earnings a sum not exceeding one dollar as reimbursement for costs incurred. The employer may not discipline, suspend, or discharge an employee because of an assignment executed pursuant to this section, and any employer who violates this section shall be liable to such employee for all wages and employment benefits lost by the employee from the period of unlawful discipline, suspension, or discharge to the period of reinstatement. Any employer who fails to comply with a wage assignment executed pursuant to this section shall be liable to the party designated by the court to receive such funds for the full amount of the wages assigned. 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. Where an obligor has voluntarily executed a wage assignment and said assignment is submitted to the court, the assignment shall be subject to the provisions of this section. Any judgment or order for support issuing from a court of competent jurisdiction of any state, which has law similar to this section which provides for reciprocity to this commonwealth, shall have the same force and effect as if the judgment or order originated from a court in the commonwealth.

SECTION 2. Chapter 209 of the General Laws is hereby amended by striking out section 32E, as most recently amended by section 2 of said chapter 197, and inserting in place thereof the following section:-

Section 32E. After the court has issued an order for the support of a spouse or child, the court may, either at the time the order is issued or at any time thereafter, 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 department of social services and to notify the employer of the obligor to periodically forward such portion to the supported person. Said wage assignment may be ordered upon the motion of any party during the pendency of an action for separate support, modification or contempt, upon the request of any party in a complaint for modifica-

tion or contempt, or upon the court's own motion. Such assignment shall take effect on the next payment of earnings after the employer of the obligor receives notice thereof. The order of assignment shall specify the amount of earnings to be paid to the person supported and shall not exceed the federal limits on the percentage of an obligor's income which may be assigned for support. The obligor may move to terminate or modify the amount of such assignment at any time for good cause. The employer may deduct from said earnings a sum not exceeding one dollar as reimbursement for costs incurred. The employer may not discipline, suspend, or discharge an employee because of an assignment executed pursuant to this section, and any employer who violates this section shall be liable to such employee for all wages and employment benefits lost by the employee from the period of unlawful discipline, suspension, or discharge to the period of reinstatement. Any employer who fails to comply with a wage assignment executed pursuant to this section shall be liable to the party designated by the court to receive such funds for the full amount of the wages assigned. 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. Where an obligor has voluntarily executed a wage assignment and said assignment is submitted to the court, the assignment shall be subject to the provisions of this section. Any judgment or order for support issuing from a court of competent jurisdiction of any state, which has law similar to this section and which provides for reciprocity to this commonwealth, shall have the same force and effect as if the judgment or order originated from a court in the commonwealth.

SECTION 3. Section 5 of chapter 273 of the General Laws is hereby amended by striking out the second paragraph, as most recently amended by section 1 of chapter 621 of the acts of 1979, and inserting in place thereof the following paragraph:-

After the court has issued an order for the support of a spouse or child, the court may, either at the time the order is issued or at any time thereafter, 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 probation 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 department of social services and to notify the employer of the obligor to periodically forward such portion 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 order of assignment shall specify the amount of earnings to be paid to the person supported and shall not exceed the federal limits on the percentage of an obligor's income which may be assigned for support. The obligor may move to terminate or modify the amount of such assignment at any time for good cause. The employer may deduct from said earnings a sum not exceeding one dollar as reimbursement for costs incurred. The employer may not discipline, suspend, or discharge an employee because of an assignment executed pursuant to this section, and any employer who violates this section shall be liable to such employee for all wages and employment benefits lost by the employee from the period of unlawful discipline, suspension, or discharge to the period of reinstatement. Any employer who fails to comply with a wage assignment executed pursuant to this section shall be liable to the party designated by the court to receive such funds for the full amount of the wages assigned. 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. Where the obligor has voluntarily executed a wage assignment and said assignment is submitted to the court, the assignment shall be subject to the provisions of this section. Any judgment or order for support issuing from a court of competent jurisdiction of any state, which has law similar to this section and which provides for reciprocity to this commonwealth, shall have the same force and effect as if the judgment or order originated from a court in the commonwealth.

SECTION 4. Section 10 of chapter 273A of the General Laws is hereby amended by adding the following paragraph:-

After the court has issued an order for the support of a spouse or child, the court may, either at the time the order is issued or at any time thereafter, 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 probation 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 department of social services and to notify the employer of the obligor to periodically forward such portion 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 order of assignment shall specify the amount of earnings to be paid to the person supported and shall not exceed the federal limits on the percentage of an obligor's income which may be assigned for support. The obligor may move to terminate or modify the amount of such assignment at any time for good cause. The employer may deduct from said earnings a sum not exceeding one dollar as reimbursement for costs incurred. The employer may not discipline, suspend, or discharge an employee because of an assignment executed pursuant to this section, and any employer who violates this section shall be liable to such employee for all wages and employment benefits lost by the employee from the period of unlawful discipline, suspension, or discharge to the period of reinstatement. Any employer who fails to comply with a wage assignment executed pursuant to this section shall be liable to the party designated by the court to receive such funds for the full amount of the wages assigned. 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. Where an obligor has voluntarily executed a wage assignment and said assignment is submitted to the court, the assignment shall be subject to the provisions of this section. Any judgment or order for support issuing from a court of competent jurisdiction of any state, which has law similar to this section and which provides for reciprocity to this commonwealth, shall have the same force and effect as if the judgment or order originated from a court in the commonwealth.

Approved April 26, 1982.

EMERGENCY LETTER - April 27, 1982 @ 3:30 P.M.

Chap. 55. AN ACT AUTHORIZING THE DIVISION OF MOTORBOATS TO ISSUE A CERTAIN IDENTIFICATION NUMBER TO THE ORLEANS HISTORICAL SOCIETY.

Be it enacted, etc., as follows:

The division of motorboats in the registry of motor vehicles is hereby authorized and directed to issue to the Orleans Historical Society the identification number CG36500 as the certificate of number for its former United States Coast Guard motor lifeboat.

Approved April 26, 1982.

Chap. 56. AN ACT AUTHORIZING ESTIMATED VALUATION IN CERTAIN CITIES AND TOWNS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize estimated valuation in certain cities and towns, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the commissioner of revenue is hereby authorized to calculate and use an estimated full and fair cash valuation under sections twenty-one C and twenty-one D of chapter fifty-nine of the General Laws, based upon the best available information, for any city or town which (1) has been scheduled to complete its property revaluation during fiscal year nineteen hundred and eighty-two, but is unable to do so and have tax bills issued before June first, nineteen hundred and eighty-two because of significant technical deficiencies in its revaluation process, as verified by the commissioner, and (2) has not received the commissioner's certification of its values for class-one, residential property by April first, nineteen hundred and eighty-two; provided, however, that such estimated full and fair cash valuation shall be used by such city or town only for fiscal year nineteen hundred and eighty-two.

Approved April 27, 1982.

Chap. 57. AN ACT RELATIVE TO THE BORROWING BY CITIES AND TOWNS DURING NINETEEN HUNDRED AND EIGHTY-TWO FOR CERTAIN SERVICES IN RELATION TO ASSESSING OF PROPERTY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the borrowing by cities and towns during calendar year nineteen hundred and eighty-two for certain services in relation to assessing of property, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of clause (18) of section seven

of chapter forty-four of the General Laws, any city or town may, during calendar year nineteen hundred and eighty-two, borrow for a period not to exceed five years for the payment of charges incurred under contracts authorized by section four of chapter forty of the General Laws for the expert appraisal of taxable property or for the preparation of assessors maps; provided, however, that the remaining provisions of said section seven shall apply to such borrowing.

Approved April 30, 1982.

Chap. 58. AN ACT CERTIFYING FREDERICK A. HAAS OF THE TOWN OF SOUTH HADLEY AS AN ELECTRICAL ENGINEER.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the board of registration of professional engineers, established by section forty-five of chapter thirteen of the General Laws is hereby authorized and directed to certify Frederick A. Haas of the town of South Hadley as an electrical engineer.

Approved April 30, 1982.

Chap. 59. AN ACT FURTHER REGULATING THE USE OF CANDIDATE CAMPAIGN FUNDS.

Be it enacted, etc., as follows:

Section 6 of chapter 55 of the General Laws, as amended by section 2 of chapter 774 of the acts of 1975, is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

Such committee may place such funds in a savings account or money market to earn interest thereon but may not invest its funds or other things of value in any other manner.

Approved May 7, 1982.

EMERGENCY LETTER - May 7, 1982 @ 3:50 P.M.

Chap. 60. AN ACT AUTHORIZING THE TOWN OF DARTMOUTH TO ISSUE AN ADDITIONAL LICENSE FOR

THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES TO TOWNE LIQUORS OF DARTMOUTH, INC.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the town of Dartmouth is hereby authorized to issue to Towne Liquors of Dartmouth, Inc., a license for the sale of all alcoholic beverages not to be drunk on the premises 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 said section seventeen; provided, however, that if there is an addition to the quota of such licenses in the town of Dartmouth under said section seventeen, then the license authorized herein shall become included in the new quota.

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

Approved May 13, 1982.

Chap. 61. AN ACT AUTHORIZING THE TOWN OF TEWKSBURY TO SELL AND CONVEY FOR RESIDENTIAL PURPOSES CERTAIN LAND HELD FOR CONSERVATION PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The town of Tewksbury acting through its conservation commission is hereby authorized to sell and convey for residential purposes and for such sum as said commission deems advisable a certain parcel of land held for conservation purposes situated on Maple road and Heath street in said town and shown on assessor's Map 69, Lot 72, and is bounded and described as follows:-

Beginning at a point on the Northeasterly side of Heath St.;
thence turning and running in a Southeasterly direction along Maple Road for a distance of 75 feet more or less to a point at lot 317;
thence turning and running in a Southwesterly direction along said lot 317 for a distance of 87 feet more or less to a point at lot 271;
thence turning and running in a Northwesterly direction along

lots 271, 272 and 273 for a distance of 75 feet more or less to the sideline of Heath Street;
thence turning and running in a Northeasterly direction along said sideline of Heath Street for a distance of 87 feet more or less to the point of beginning.
Said lot being shown as lots 314, 315 and 316 of Plan entitled "Shawsheen River Park" dated May 1909 by J. W. Arey, Surveyor and recorded in the Northern district registry of deeds in the county of Middlesex containing 6,562 square feet more or less.

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

Approved May 13, 1982

Chap. 62. AN ACT RELATIVE TO CERTAIN NOTICES PUBLISHED BY SAVINGS BANKS.

Be it enacted, etc., as follows:

Section 9 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 fourth sentence and inserting in place thereof the following sentence:- At least seven days before the date of such meeting, notice of the meeting shall be given by mailing to each corporator a written or printed notice thereof and by advertisement in a newspaper published daily or weekly in the town wherein the main office of such corporation is situated, or if there be no such newspaper, then in a newspaper either published in the county wherein the town is situated or published in a county contiguous to said county and of general distribution.

Approved May 13, 1982.

Chap. 63. AN ACT FURTHER REGULATING THE POWERS OF THE WORCESTER COUNTY MECHANICS ASSOCIATION.

Be it enacted, etc., as follows:

SECTION 1. Chapter 66 of the acts of 1850 is hereby amended by striking out sections 1 and 2 and inserting in place thereof the following two sections:-

Section 1. Rufus D. Dunbar, William T. Merrifield, William A. Wheeler, their associates and successors, are hereby made a corporation, by the name of the Worcester County Mechanics Association, for the purpose of promoting moral and intellectual improvement and perfecting the mechanic arts, and for charitable purposes, with all the powers and privileges, and subject to all the duties, and liabilities, and restrictions, contained in the forty-fourth chapter of the Revised Statutes, and successor chapters thereto including chapter one hundred and eighty of the General Laws. The corporation shall in addition have the purpose of preserving, restoring and maintaining the structure known as Mechanics Hall in Worcester, Massachusetts as befits its inclusion in the National Register of Historic Places and in order that succeeding generations may experience first hand the historic and architectural distinction of Mechanics Hall and to use and to make use of such Hall to others for all types of events and community activities, both public and private, upon such terms and conditions as the corporation shall deem necessary and appropriate including the charging of rent for the preservation and maintenance of the building.

Section 2. That the said corporation may hold real and personal property of such value and in such amounts as shall be deemed necessary by the corporation to carry out the aforesaid purposes.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Approved May 13, 1982.

Chap. 64. AN ACT REQUIRING PRIVACY AND EASY ACCESS TO TELEPHONE SERVICE FOR NURSING HOME RESIDENTS.

Be it enacted, etc., as follows:

Chapter 111 of the General Laws is hereby amended by striking out section 72D, as amended by chapter 122 of the acts of 1975, and inserting in place thereof the following section:-

Section 72D. Every nursing home, rest home, and long-term care facility shall provide telephone access for the use of the

residents. Telephones shall be located so as to assure privacy during usage, for use by wheelchair residents, and shall be equipped for sound amplification. The department shall promulgate regulations under this section and may allow in such regulations extensions of time and waivers for certain homes and long-term care facilities which the department shall find to be in hardship if the provisions of this section are implemented forthwith.

Approved May 13, 1982.

Chap. 65. AN ACT RELATIVE TO APPEALS FROM CERTAIN INTERLOCUTORY ORDERS OF THE PROBATE AND FAMILY COURT DEPARTMENT OF THE TRIAL COURT.

Be it enacted, etc., as follows:

Chapter 231 of the General Laws is hereby amended by striking out section 118, as most recently amended by section 10A of chapter 795 of the acts of 1981, and inserting in place thereof the following section:-

Section 118. A party aggrieved by an interlocutory order of a trial court justice in the superior court department, the housing court department or the probate and family court department may file, within thirty days of the entry of such order, a petition in the appropriate appellate court seeking relief from such order. A single justice of the appellate court may, in his discretion, grant the same relief as an appellate court is authorized to grant pending an appeal under section one hundred and seventeen.

A party aggrieved by an interlocutory order of a trial court justice in the superior court department, the housing court department or the probate and family court department, granting, continuing, modifying, refusing or dissolving a preliminary injunction, or refusing to dissolve a preliminary injunction, or a party aggrieved by an interlocutory order of a single justice of the appellate court granting a petition for relief from such an order, may appeal therefrom to the appeals court or, subject to the provisions of section ten of chapter two hundred and eleven A, to the supreme judicial court, which shall affirm, modify, vacate, set aside, reverse the order or remand the cause and direct the entry of such appropriate order as may be just under the circumstances. An appeal under this paragraph shall be taken within thirty days of the date of the entry of the interlocutory order and in accordance with the Massachusetts rules of appellate procedure. Pursuant to action taken by the appellate

court the cause shall be remanded to the trial court for further proceedings.

The filing of a petition hereunder shall not suspend the execution of the order which is the subject of the petition, except as otherwise ordered by a single justice of the appellate court.

Approved May 13, 1982.

Chap. 66. AN ACT INCREASING THE PENALTY FOR POSSESSION OR CONTROL OF A CERTAIN DEVICE WHICH WHEN IGNITED AND THROWN WILL CAUSE FIRE OR EXPLOSION.

Be it enacted, etc., as follows:

Section 102B of chapter 266 of the General Laws, inserted by chapter 431 of the acts of 1969, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Whoever makes, sells, uses or has in his possession or under his control a bottle or other breakable container containing a flammable liquid into which has been fixed or placed a wick or similar device, and which bottle or container when ignited and thrown will cause a fire or explosion, shall be punished by a fine of not more than one thousand dollars or imprisonment for not more than five years in the state prison or by imprisonment for not more than two and one-half years in a house of correction or both such fine and imprisonment.

Approved May 13, 1982.

EMERGENCY LETTER - May 20, 1982 @ 9:43 AM

Chap. 67. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF LUNENBURG.

Be it enacted, etc., as follows:

SECTION 1. Any holder of an elected office in the town of Lunenburg may be recalled therefrom by the registered voters of the town as herein provided.

SECTION 2. Any one hundred registered voters of the town may initiate a recall petition by filing with the town clerk an

affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. The town clerk shall thereupon deliver to said voters making the affidavit copies of petition blanks demanding such recall, copies of which printed forms he shall keep available. Such blanks shall be issued by the town clerk, with his signature and official seal attached thereto. They shall be dated, shall be addressed to the selectmen and shall contain the names of all the 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 the town clerk. Said recall petition shall be returned and filed with the town clerk within twenty days after the filing of the affidavit, and shall have been signed by at least twenty 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 within twenty-four hours of receipt submit the petition to the registrars of voters in the town, and the registrars shall forthwith certify thereon the number of signatures which are names of registered 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 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, order an election to be held on a date 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 has been filed; provided however that if any other town election is to occur within sixty days after the date of the certificate the selectmen shall postpone the holding of the recall election to the date of such other election. No person shall be subject to recall if his term of office expires within sixty days of the certificate. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

SECTION 4. Any officer sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the town clerk shall place his name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the removal election, and the conduct of the same, shall all be in accordance with the pro-

visions 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 reelected, he shall continue in office for the remainder of his unexpired term subject to recall as before, except as provided in this section. If not reelected 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 shall submit the following propositions in the order indicated:

For the recall of (name of officers).

Against the recall of (name of officers).

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 the said propositions. Under the propositions shall appear the word "Candidates", the directions to the voters required by section forty-two of chapter fifty-four of the General Laws, and beneath this the names of candidates nominated in accordance with the provisions of law relating to elections. If two-thirds of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If more than one-third of the votes on the question are in the negative, the ballots for candidates need not be counted.

SECTION 7. No recall petition shall be filed against an officer within ninety days after he takes office, nor, in the case of an officer subjected to a recall election and not recalled thereby, until at least ninety days after the election at which his recall was submitted to the voters of the town.

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 town office within two years after such recall or such resignation.

SECTION 9. This act shall be submitted for acceptance to the voters of the town of Lunenburg 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 eighty-two, entitled 'An Act providing for recall elections in the Town of Lunenburg' 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 May 13, 1982.

Chap. 68. AN ACT PROVIDING FOR NOMINATIONS BY PRELIMINARY ELECTIONS OF CANDIDATES FOR ELECTIVE MUNICIPAL OFFICES IN THE CITY OF LEOMINSTER.

Be it enacted, etc., as follows:

SECTION 1. Section 2.02 of Article II of chapter 543 of the acts of 1970 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Preliminary elections shall be held in the city of Leominster in accordance with the provisions of sections forty-four A to forty-four G, inclusive, of chapter forty-three of the General Laws.

SECTION 2. This act shall apply to all municipal elections held in the city of Leominster on or after January first, nineteen hundred and eighty-three.

Approved May 13, 1982.

Chap. 69. AN ACT AUTHORIZING THE CEMETERY COMMISSIONERS OF THE TOWN OF LITTLETON TO REFUND MONIES TO CERTAIN PURCHASERS OF BURIAL RIGHTS IN THE TOWN CEMETERY.

Be it enacted, etc., as follows:

Notwithstanding the provisions of sections nineteen and forty-three C of chapter one hundred and fourteen of the General Laws or any other general or special law to the contrary, the cemetery commissioners of the town of Littleton are hereby authorized to refund monies paid by any person for the purchase of burial rights in the town cemetery when such person or his heirs and assigns conveys said burial rights back to the town.

Approved May 13, 1982.

Chap. 70. AN ACT RELATIVE TO THE PAYMENT OF OFF DUTY DETAILS OF POLICE OFFICERS.

Be it enacted, etc., as follows:

The second paragraph of section 53C of chapter 44 of the General Laws, as appearing in chapter 773 of the acts of 1973, is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences:- When necessary, a city, town or district may appropriate funds to be placed in the special fund authorized by this section to be used for the purpose for which the fund was established. A city, town or district may establish a fee not to exceed ten per cent of the cost of services authorized under this section, which shall, except in the case of a city, town, district or the commonwealth, be paid by the persons requesting such private detail.

Approved May 13, 1982.

Chap. 71. AN ACT RELATIVE TO NOTICES OF CO-OPERATIVE BANK MERGERS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 170 of the General Laws is hereby amended by striking out section 47, as amended by section 15 of chapter 1149 of the acts of 1973, and inserting in place thereof the following section:-

Section 47. With the approval of the commissioner, any such corporation may advance or loan upon, or purchase, the whole or any part of the assets of any other such corporation, and may participate in such an advance, loan or purchase with one or more other such corporations, at such valuations and upon such terms and conditions as shall have been agreed upon by vote of two-thirds of their respective boards of directors; and the corporation or corporations making or participating in such an advance, loan or purchase, for the purpose of effecting the same, may assume and agree to pay the whole or any part of the share liabilities and other liabilities of such other corporation upon such terms and conditions and subject to such adjustments as may be approved by the commissioner. The request for such approval shall be accompanied by an investigation fee, the amount of which shall be determined annually by the commissioner of administration under the provisions of section three B of chapter

seven. In the event of approval by the commissioner, other provisions of law applicable to the number of directors, the investment of funds of co-operative banks and to the limitations upon shares and accounts referred to in section sixteen, shall not apply. The commissioner may impose such conditions and restrictions as he may deem necessary or advisable in respect to such share liabilities and other liabilities assumed as hereinbefore provided. Before all or substantially all of the assets of any such corporation shall be sold hereunder, such action shall be approved by a vote of at least two-thirds of those shareholders present, qualified to vote and voting, at a special meeting called for the purpose, of the shareholders of the corporation proposing so to sell its assets. Notice of such special meeting, containing a statement of the time, place and purpose of the meeting, and setting forth the terms of sale tentatively agreed upon, shall be conspicuously posted in the main office and branch offices no less than thirty days before said meeting shall be held unless this requirement is waived in writing by the commissioner. In addition, said notice shall be advertised three times in one or more newspapers published in the town in which the main office or any branch office of said corporation is situated or if there be no such newspaper, then in one or more newspapers published in the county where said town is situated, the last publication to be at least one day before the meeting.

SECTION 2. Section 48 of said chapter 170, as most recently amended by section 368 of chapter 572 of the acts of 1980, is hereby further amended by striking out the introductory paragraph and inserting in place thereof the following paragraph:-

Any two or more such corporations may consolidate into a single corporation, upon such terms as shall have been agreed upon by vote of two-thirds of the board of directors of each corporation and as shall have been approved in writing by the commissioner; provided, that such action shall have been approved by the shareholders of each corporation at a special meeting thereof called for that purpose, by a vote of at least two-thirds of those shareholders present, qualified to vote and voting at each such meeting. 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. The request for approval of the commissioner shall be accompanied by an investigation fee, the amount of which shall be determined annually by the commissioner of administration under

the provisions of section three B of chapter seven. Notice of such special meeting, setting forth the terms tentatively agreed upon, shall be posted and published in the manner and to the extent provided for the notices referred to in section forty-seven. A certificate under the hands of the presidents and clerks or other duly authorized officers of all such corporations, setting forth that each said corporation, respectively, has complied with all the requirements of this section, shall be submitted to the commissioner, who, if he shall approve such consolidation, shall endorse his approval upon such certificate, and thereupon such consolidation shall become effective. Upon consolidation of any such corporation with another, as herein provided:-.

Approved May 17, 1982.

EMERGENCY LETTER - May 17, 1982 @ 1:32 P.M.

Chap. 72. AN ACT FURTHER REGULATING THE LICENSING OF REAL ESTATE SALESMEN.

Be it enacted, etc., as follows:

Section 87SS of chapter 112 of the General Laws is hereby amended by striking out the second paragraph, as appearing in chapter 522 of the acts of 1978, and inserting in place thereof the following paragraph:-

Every individual applicant for a license as a salesman who is required to take an examination therefor shall, as a prerequisite to taking such examination, submit proof satisfactory to the board that he has completed courses in real estate subjects approved by the board, such courses to total twenty-four classroom hours of instruction; provided, however, that applicants having successfully completed a course in real property while enrolled in an accredited law school in the commonwealth may also take such examination. Every individual applicant for a license as a broker who is required to take an examination therefor shall, as a prerequisite to taking such examination, submit proof satisfactory to the board that he has been actively associated with a real estate broker for a period of one year as a real estate salesman and that he has completed additional courses in real estate subjects approved by the board, such courses to total thirty classroom hours of instruction..

Approved May 17, 1982.

Chap. 73. AN ACT ESTABLISHING THE EVERETT DEVELOPMENT AND FINANCIAL CORPORATION.

Be it enacted, etc., as follows:

SECTION 1. Unless the context otherwise requires, the following words shall have the following meanings:-

"Revitalization districts", those areas that fall within the scope of the revitalization program and commercial area revitalization districts for Everett and Glendale squares, and outlined in the so-called John Brown Associates plan. More specifically, the Everett square revitalization district is bounded by the southerly sides of Hampshire street and that known as the High School to the westerly side of Pleasant street, the westerly side of Pleasant street to the northerly side of Webster street. The northerly side of Webster street to Linden street, continuing along the southerly side of Church street to the westerly sides of Devens and Norwood streets to the southerly side of Corey street. The southerly side of Corey street continuing along the easterly side of School street to the northerly side of Gladstone street. The northerly side of Gladstone street to the westerly side of Victoria street, continuing along the northerly side of Green street, to and including that known as the Vocational School, to the southerly side of Hampshire street. More specifically, the Glendale square revitalization district is bounded by the northerly sides of Coburn terrace and Marie avenue to the westerly side of Glendale place, continuing along the westerly side of Walnut street to the southerly side of Parker street. The southerly side of Parker street continuing along the southerly side of Oakland avenue to the easterly side of Blanchard avenue. The easterly side of Blanchard avenue to the southerly side of Ferry street. The southerly side of Ferry street to the westerly sides of Russell and Sycamore streets to the northerly side of Coburn terrace.

"Corporation", Everett Development and Financial Corporation, established by section two.

"Financial institution", any banking corporation or institution, trust company, savings bank, co-operative bank, savings and loan association, insurance company, or related corporation partnership, foundation or other institution engaged primarily in lending or investing funds.

SECTION 2. Mayor Edward G. Connolly, Carmin J. Mercadante, Michael L. Llwellyn, Douglas P. Whynott, Joseph Grossman, Harry B. Coholan, John F. Kryzovic, Rodney D. Twedell, Anthony J. LaMonica, Robert W. Norton, Frank Kozak,

Bernadette M. Gaynor, their successors and assigns are hereby constituted a body corporate under the name of Everett Development and Financial Corporation.

SECTION 3. It is hereby declared that unused, underutilized, and unoccupied areas exist in parts of the city of Everett; that such areas are potentially injurious and inimical to the safety and welfare of the residents of said city; that each such area constitutes an economic liability, substantially impairs the sound growth of said city, and impedes the economic well-being of the commonwealth; that each such area decreases the value of private investments and threatens the sources of public revenue; that redevelopment of each such area in accordance with an economic development plan is necessary to retain existing commercial enterprises, attract new commercial development and promote the sound economic growth of said city; that the existence of such unused areas makes persons hesitant to do business in said city; that the acquisition of property for the purpose of eliminating unused, substandard, or blighted conditions therein, preventing recurrence of such conditions in the area, improvement of sites for commercial uses, the disposition of the property for redevelopment incidental to the foregoing, the exercise of powers by the corporation and any assistance which may be given by said city, or any other public body in connection therewith are public uses and purposes for which public money may be expended; and that the acquisition, planning, clearance, development, rehabilitation, or rebuilding of such areas for commercial purposes are public uses and benefits for which private property may be regulated by wholesome and reasonable orders, law and directions and for which public funds may be expended for the good and welfare of said city and the commonwealth.

It is hereby further found that many existing commercial facilities within said city are obsolete and inefficient; that certain such facilities are underutilized or vacated; that such obsolescence of existing facilities is deleterious to the economy of said city; that the commercial sector of the economy provides one of the best opportunities for jobs at higher wages for the inhabitants of said city; that new commercial sites are required to attract and house new commercial development, and to retain existing commercial operations in need of expansion space; that the unaided efforts of private industry have not provided and cannot provide the necessary commercial sites within the urban environment due to the problems encountered in the assembly of suitable building sites, the provision of adequate public services, the unavailability of private capital for development and

the inability of private enterprise alone to plan, finance and coordinate commercial development projects.

SECTION 4. The corporation shall be subject to and have the powers and privileges conferred by the provisions of chapter one hundred and fifty-five, sections eighteen, twenty-seven, thirty-one, thirty-three, and thirty-four of chapter one hundred and fifty-six the provisions of chapter one hundred and fifty-six B and section four of chapter one hundred and eighty of the General Laws as presently enacted or hereafter amended, except insofar as said provisions are inconsistent with or otherwise restricted or limited by the provisions of this act.

SECTION 5. The principal office of the corporation shall be located in the city of Everett.

SECTION 6. The purposes of the corporation shall be, to correct the conditions found to exist in the city of Everett set forth in section three, promote the common good and general welfare of said city, improve the living standards of the citizens thereof by fostering the improvement of their employment opportunities, solicit, encourage and induce business organizations and educational institutions to locate in said city, with initial priority to the so-called Everett and Glendale squares revitalization districts with an emphasis consistent with the objectives, plans and theme for the renewal of the squares as illustrated by the John Brown Associates plan and as proposed by the office of the mayor and the Everett chamber of commerce. The corporation shall assist and promote the development and expansion of business activity and business organizations in said city, and, for the first five years of its existence, the corporation shall concentrate its activities on the rehabilitation and restoration of the commercial area revitalization districts of said Everett and Glendale squares.

In furtherance of said purposes and in addition to the powers conferred on the corporation under the provisions of section four, the corporation shall, subject to the restrictions and limitations hereinafter contained, have the following powers:

(a) To accept, acquire other than by eminent domain, receive and hold by bequest, devise, grant, gift, purchase, exchange, lease, transfer by judicial order or decree, or otherwise, for any of its objects and purposes, any property, both real and personal, from any source, including grants, loans or advances for or in aid of the purposes of the corporation from any federal agency or agency of the commonwealth or any political subdivision thereof;

(b) To sell, convey, mortgage, lease, transfer, exchange or otherwise dispose of, any such property, both real and personal that the objects and purposes of the corporation may require, subject to such limitations as may be prescribed by law;

(c) To borrow money, and, from time to time, to make, accept, endorse, execute, and issue bonds, debentures, promissory notes, bills of exchange, and other obligations of the corporation for monies borrowed or in payment for property acquired or for any of the other purposes of the corporation, and to secure the payment of any such obligations by mortgage, pledge, deed, indenture, agreement, or other instrument of trust, or by other lien upon, assignment of, or agreement in regard to all or any part of the property, rights or privileges of the corporation, whether now owned or hereafter to be acquired;

(d) To make loans to any person, firm, corporation, joint stock company, association or trust located or doing business in the city of Everett for the purpose of promoting and developing business activities of all kinds, provided such business activities tend to increase employment opportunities within said city;

(e) To acquire improved and unimproved real estate for the purpose of constructing retail, commercial and residential or other business establishments thereon, or for the purpose of disposing of such real estate to others for the construction of retail, commercial or other business establishments as the objects and purposes of the corporation may require;

(f) To acquire, construct, reconstruct, alter, maintain, sell, convey, transfer, mortgage, pledge, or otherwise dispose of retail, commercial, industrial, residential or business establishments as the objects and purposes of the corporation may require;

(g) To acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of the bonds, debentures, notes or other securities and evidences of interest in, or indebtedness of, any person, firm, corporation, joint stock company, association or trust, and while the owner or holder thereof, to exercise all the rights, powers, and privileges of ownership;

(h) To cooperate with and avail itself of the facilities and programs including, but not limited to, those of the Small Business Administration of the United States, the Massachusetts Business Development Corporation, the department of commerce and development, the United States Department of Commerce, and any similar governmental agencies; provided that at no time shall the corporation apply for governmental funds in competition with any department, agency, or instrumentality of the city of Everett without the express written consent of the mayor of said

city and city council;

(i) To receive stocks, bonds, donations, gifts and otherwise raise money for the above outlined purposes;

(j) To elect, appoint and employ officers, agents and employees; to make contracts and incur liabilities for any of the purposes of the corporation;

(k) To employ consultants;

(l) To promote the city of Everett as a regional retail, commercial, industrial, professional and financial center; and

(m) To do all things and acts necessary or convenient to carry out the powers expressly granted in this act; provided, however, that the purposes shall not include the rights to apply for a license to sell alcoholic beverages; and that no part of the funds, property or net earnings of the corporation shall inure to the benefit of any member, stockholder other than the city of Everett, officer of the corporation or any private individual, and no member, officer of the corporation, or any private individual shall be entitled to share in the distribution of any of the corporate assets on dissolution of the corporation except to the extent that stockholders are entitled to participate in the distribution of the corporation's assets upon dissolution under section nineteen, nor shall the corporation allow any of its property to be used directly or indirectly in carrying on of propaganda, or otherwise attempting to influence legislation. The corporation shall not participate in or intervene in any political campaign on behalf of any candidate for public office or publish or distribute any statements with respect thereto. Notwithstanding any other provision herein contained, neither the members, directors, officers, stockholders, nor the corporation shall participate in any of the "prohibited transactions" as defined in Section 503 of the Internal Revenue Code, nor shall the corporation accumulate income or engage in any activities if the accumulation of the income or the activities so engaged in are or would be within the prohibitions of Section 504 of the Internal Revenue Code, nor shall the corporation be operated at any time for the primary and sole purpose of carrying on a trade or business for profit.

SECTION 7. The authorized capital stock of the corporation shall consist of forty thousand shares of non-dividend-paying common capital stock with a par value of fifty dollars each. The shareholders may at any time by majority vote issue any part or all of said stock upon such terms as they shall determine or by majority vote shareholders may delegate to the directors the power to issue by majority vote any part or all of said stock upon such terms as they shall determine. An individual, corporation, estate, trust, company or partnership shall be entitled

to purchase the same from the corporation from time to time, as long as the latter has in its treasury authorized common capital stock not distributed. Such stock may also be purchased from other individuals, corporations, estates, trusts, companies or partnerships. None of the earnings or profits of the corporation shall accrue to or be paid to the stockholders of common capital stock as dividends or profits in any form.

SECTION 8. Notwithstanding any rule at common law or any authorization, limitation or any such other provision of any general or special law, or any provision in their respective charters, agreements of associations, articles of organization, or trust indentures, all domestic corporations organized for the purpose of carrying on business within the commonwealth, including without implied limitation any electric or gas company as defined in section one of chapter one hundred and sixty-four of the General Laws, railroad corporations as defined in section one of chapter one hundred and sixty of the General Laws, financial institutions, trustees and the city of Everett are hereby authorized to acquire, purchase, hold, sell, assign, transfer, or otherwise dispose of any stocks, bonds, securities, or other evidence of indebtedness of the corporation and to make contributions to the corporation, all without the approval of any regulatory authority of the commonwealth.

Any contribution made under this section to the corporation shall be in addition to any contributions authorized by section twelve C of chapter one hundred and fifty-five of the General Laws, and by other provisions of general or special law.

SECTION 9. In order to carry out the purposes and powers of the corporation, the city of Everett may raise and appropriate, or may borrow in aid of the corporation, such sums as may be necessary to make a loan or grant to the corporation, subject to approval of the mayor and city council, and provided that such action be reviewed by the city solicitor and deemed appropriate under the city charter. Any agreement, loan or arrangement between the city of Everett and said corporation shall be reduced in writing clearly setting forth the terms and arrangements therein.

SECTION 10. The shareholders of the corporation shall have the powers of the corporation to elect directors as provided in sections eleven and twelve and to exercise such other powers of the corporation as may be conferred on the shareholders by the by-laws.

SECTION 11. The board of directors of the corporation shall be elected annually and shall have the powers of the corporation: at its option, to name an advisory board; to set a fiscal year for the operation of the corporation; and to make, amend or repeal the by-laws in whole or in part.

SECTION 12. The business and affairs of the corporation shall be managed and conducted by an executive committee which shall have full power to commit the board of directors and the corporation. Said committee shall be elected annually by and from the board of directors, consisting of seven voting members, of which one shall be mayor of the city of Everett, four shall be elected from among the representatives of those participating financial institutions which have brought or subscribed to shares in the corporation in the amount of one-twentieth of one per cent of their Everett regular savings and checking account deposits, and the remaining two elected at large by and from the board of directors, and one nonvoting member who shall be a representative of said city's designated development agency chosen by the mayor or in the case of an independent agency, by its board. The board of directors shall consist of twenty-five members of which one shall be the mayor of said city and one shall be the president of the chamber of commerce. The remaining twenty-three directors shall be elected by the shareholders, casting one vote on a noncumulative basis per share owned. There shall be elected by the board of directors and from the executive board a president, treasurer, and secretary/clerk.

Directors and officers shall not be responsible for losses unless the same shall have been occasioned by the willful misconduct of such directors and officers.

SECTION 13. The corporation shall not deposit any of its funds in any banking institution unless such institution has been designated as a depository by a vote of a majority of the directors present at an authorized meeting of the board of directors, exclusive of any director who is an officer or director of the depository so designated. The corporation shall not receive money on deposit.

SECTION 14. The corporation shall make reports of its condition not less than annually to the state secretary, which report shall be published in a newspaper of general circulation in the city of Everett within sixty days of the close of the corporation's fiscal year. The state secretary shall make copies of such reports available to the commissioner of insurance and to the commissioner of banks, and the corporation shall also furnish

such other information as may, from time to time, be required by the state secretary. In addition, the mayor of said city shall appear in person before the city council of said city not less than twice annually to report the status and plans for the development of the revitalization districts and any real estate owned by the corporation.

SECTION 15. The first meeting of the corporation shall be called by a notice signed by three or more of the incorporators, stating the time, place and purpose of the meeting, a copy of which notice shall be mailed or delivered to each incorporator at least five days before the day appointed for the meeting. Said first meeting may be held without such notice upon agreement in writing to that effect signed by all the incorporators. There shall be recorded in the minutes of the meeting a copy of said notice or of such unanimous agreement of the incorporators.

At such first meeting the incorporators shall organize by the choice, by ballot, of a temporary clerk, by the adoption of by-laws, by the election by ballot of directors and by actions upon such matters within the powers of the corporation as the incorporators may see fit. The temporary clerk shall be sworn and shall make and attest a record of the proceedings until the clerk has been chosen and sworn. Eight of the incorporators shall be a quorum for the transaction of business.

Whenever the certificate required by section thirteen of chapter one hundred and fifty-five of the General Laws has been filed in the office of the state secretary, said secretary shall issue and deliver to the incorporators a certified copy of this act under the seal of the commonwealth, and the corporation shall then be authorized to commence business, and stock thereof to the extent herein or hereafter duly authorized may, from time to time, be issued.

SECTION 16. The corporation shall not be subject to any of the provisions of chapter sixty-three of the General Laws, nor to any taxes based upon or measured by income which are presently enacted by the commonwealth. The securities, evidences of indebtedness, and shares of stock issued by the corporation, and income therefrom shall at all times be free from taxation by the commonwealth.

Any stockholder, or holder of any securities, evidences of indebtedness, or shares of the capital stock of the corporation who realizes a loss from the sale, redemption, or other disposition of any securities, evidences of indebtedness or shares of the capital stock of the corporation, including any such loss realized on a partial or complete liquidation of the corporation,

and who is not entitled to deduct such loss in computing any of such stockholder's or holder's taxes to the commonwealth, shall be entitled to credit against any taxes subsequently becoming due to the commonwealth from such stockholders or other holders, a percentage of such loss equivalent to the highest rate of tax assessed for the year in which the loss occurs upon mercantile and business corporations as referred to in section two of chapter sixty-three of the General Laws.

SECTION 17. The provisions of chapter one hundred and ten A of the General Laws shall not apply to the shares of capital stock, bonds, debentures, notes, evidences of indebtedness, or any other securities of the corporation.

SECTION 18. This charter may be amended by the votes of the shareholders, and such amendments shall require approval by the affirmative vote of two-thirds of the shareholders entitled to vote; provided that no amendment of this charter which is inconsistent with the general purposes expressed herein or which eliminates or curtails the right of the state secretary to examine the corporation or the obligation of the corporation to make reports as provided in section thirteen of chapter one hundred and fifty-five of the General Laws shall be made without amendment of this act; and provided, further, that no amendment of this charter which affects a stockholder's voting right shall be made without the consent of each stockholder affected by such an amendment.

Within thirty days after any meeting at which amendments of this charter have been adopted, articles of amendment sworn to by the president, treasurer, and a majority of the directors of the corporation setting forth such amendment and the adoption thereof, shall be submitted to the state secretary, who shall examine them, and if he finds that they conform to requirements of the acts, he shall so certify and endorse his approval thereon. Thereupon, the articles of amendment shall be filed in the office of the state secretary and no such amendment shall take effect until such articles of amendment shall have been filed as aforesaid.

Prior to or within sixty days after the effective date of any legislative amendment to this charter, the approval of such amendment shall be voted on by the stockholders of the corporation at a meeting duly called for the purpose. If such amendment is not approved by the affirmative vote of two-thirds of the stockholders entitled to vote, any stockholder who has voted against the approval of such amendment if entitled to vote, or, if not entitled to vote, has registered his disapproval in writing

with the corporation at, or before said meeting, may within thirty days after said meeting, make a written demand upon the corporation for payment for his stock.

SECTION 19. The period of duration of the corporation shall be fifty years, subject, however, to the right of the members to dissolve the corporation prior to the expiration of said period as provided in section nineteen.

SECTION 20. The corporation may, upon the affirmative vote of two-thirds of its members, petition for its dissolution by order of the supreme judicial or superior court, in the manner provided in section fifty of chapter one hundred and fifty-five of the General Laws. Upon any dissolution of the corporation the stockholders, if any, shall be paid on a pro rata basis that percentage of the assets of the corporation in excess of the obligations of the corporation which the amounts paid into the corporation for all stock bear to sum of such amounts paid into the corporation for the stock and the amounts of all donations made to the corporation; provided, that in no event shall a stockholder be paid upon such dissolution more than the amount paid into the corporation for his stock.

SECTION 21. If the corporation shall fail to commence operations within three years from the effective date of this act, then this act shall be null and void.

SECTION 22. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not impair any of the remaining provisions.

SECTION 23. This act shall take effect upon its acceptance by the city of Everett.

Approved May 13, 1982.

Chap. 74. AN ACT PROVIDING CERTAIN SECURITY PROTECTION FOR NURSING HOME RESIDENTS.

Be it enacted, etc., as follows:

Chapter 111 of the General Laws is hereby amended by inserting after section 72U, added by section 3 of chapter 528 of the acts of 1981, the following section:-

Section 72V. Every nursing home, rest home, or other long term care facility shall provide adequate and secure storage space for the personal property of each resident. The department shall promulgate regulations specifying methods to protect such property, including regulations providing individual access to each resident to said resident's private storage area which may include a locked drawer, to which each resident shall have a key, except that the administrator or his designee of each such facility shall hold a master key to any such locked spaces.

Approved May 19, 1982.

Chap. 75. AN ACT VALIDATING CERTAIN ACTIONS OF THE TOWN OF EDGARTOWN AND AUTHORIZING SAID TOWN TO ISSUE BONDS OR NOTES IN CONNECTION WITH A SEWER CONSTRUCTION PROJECT.

Be it enacted, etc., as follows:

SECTION 1. The action taken by the town of Edgartown on October twenty-eighth, nineteen hundred and eighty in paying one hundred nineteen thousand one hundred and thirty-six dollars from its revenue funds being the principal amount of temporary notes in anticipation of a serial loan in connection with the sewer construction project described in and authorized by the vote of said town adopted under Article 8 of the warrant for the special town meeting held on October twentieth, nineteen hundred and seventy-eight is hereby confirmed and validated. Upon the restoration of said revenue funds as provided in section two, the director of accounts shall certify such to the assessors of said town and to the selectmen of said town as of July first, nineteen hundred and eighty-one, as provided in section twenty-three of chapter fifty-nine of the General Laws, as though such revenue funds had been restored prior to July first, nineteen hundred and eighty-one.

SECTION 2. In order to restore said revenue funds of the town to its treasury, the treasurer of the town of Edgartown, with the approval of the board of selectmen, is hereby authorized to issue from time to time bonds or notes to an amount not exceeding one hundred nineteen thousand one hundred and thirty-six dollars. Each authorized issue shall constitute a separate loan and each such loan shall be paid in not more than twenty years from its date, provided that the bonds or notes

issued for such loan may be consolidated with and issued at the same time as any other authorized bonds or notes issued by the town. Indebtedness incurred under this act shall be in excess of the statutory limit provided in section ten of chapter forty-four of the General Laws and shall, except as provided herein, be subject to the provisions of said chapter forty-four.

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

Approved May 20, 1982.

Chap. 76. AN ACT AUTHORIZING THE ESTABLISHMENT OF THE GERIATRIC AUTHORITY OF MILFORD AND PROVIDING FOR THE FINANCING THEREOF.

Be it enacted, etc., as follows:

SECTION 1. It is hereby declared that the establishment of a Geriatric Authority in the town of Milford to shelter and protect and provide service to the aging and infirm who can continue to reside in the community but may be in need of activities and services provided for at or by the Public Medical Home of Milford and such social welfare and health programs in the community relating to the care of the aging is a public purpose. It is further declared that the lack of properly constructed dwelling units designed specifically to meet the needs of elderly and infirm persons aggravates those diseases peculiar to the elderly.

SECTION 2. There is hereby established a public body corporate and politic to be known as the Geriatric Authority of Milford, hereinafter referred to as the authority, which shall own, maintain and operate the Municipal Public Medical Home of Milford and any other facilities which may be established by the authority in accordance with the powers conferred by this act. The exercise by the authority of the powers conferred by this act shall be deemed and held to be the performance of essential governmental functions.

SECTION 3. Said authority shall consist of seven members to be appointed by the board of selectmen and who shall serve for a term of three years. Of the members first appointed by the board of selectmen, two shall serve for a term of one year, two for a term of two years, and three for a term of three years. Any member may be removed from office by vote of the board of selectmen for cause. The authority shall hold at least twelve

meetings in every calendar year, and a majority of the members shall constitute a quorum for each meeting.

SECTION 4. The authority shall have the general management and control of the Milford Public Medical Home and any branches thereof which have been or which may hereafter be established, and of the expenditure of the money appropriated for the operation thereof. The authority may appoint an administrator with such assistant and subordinate officers and other employees as it may deem necessary or expedient. The authority shall have jurisdiction of its affairs and the property under its control. The authority shall establish and enforce all necessary rules and regulations for the administration, admission, government, and removal of residents in the Milford Public Medical Home and any other such facility which it may control. The authority shall have charge and control of all its financial receipts and expenditures. The authority shall reimburse said town annually the amount of principal and interest paid by said town after the effective date of this act, on bonds and notes issued by said town pursuant to section ten A or earlier issued by said town for the construction of the existing medical home facilities.

SECTION 4A. All persons holding a position of employment appointed by, or holding by, through or under the Milford Public Medical Home are hereby transferred to, and made employees of the authority without reduction in their rank or compensation, or impairment of their retirement, vacation, holiday, or sick leave rights and other rights in the position held by them on July first, nineteen hundred and eighty-two. All positions of employment appointed by, or holding by, through or under the authority, shall be exempt from the provisions of chapter thirty-one of the General Laws; provided, however, that the provisions of this act shall not impair the civil service status of any person holding a position with said status on the effective date of this act.

SECTION 5. The members of the authority shall elect a chairman, a vice-chairman, secretary and treasurer who shall serve for a term of one year, or until their successors are elected. Said election shall be held annually during the month of July.

SECTION 6. The following standing committees shall be appointed by the chairman with the approval of the members: budget and finance, medical, personnel, social and volunteer service. The chairman shall be a member ex-officio of all committees.

SECTION 7. The chairman shall preside at all meetings of the authority. He shall appoint the chairman of all standing and special committees and shall maintain general supervision over all the affairs of the authority. He shall, together with the treasurer, execute and deliver for, on behalf and in the name of the authority, all instruments which may be required for the proper prosecution of its business. In the absence or inability of the chairman to perform his duties, his duties shall be performed by the vice-chairman. The secretary shall attend all meetings of the authority and shall record the proceedings thereof in a book provided for such purpose. The treasurer shall attend all meetings of the authority. He shall have custody of the funds of the authority and shall keep and maintain complete records of all financial transactions and shall carry a complete record of all accounts. The treasurer shall cause books to be kept containing a detailed account of all funds received and expended, and shall make quarterly reports to the town accountant of funds received and expended.

SECTION 8. The authority shall have the following powers and duties:

(a) To adopt a seal, and the engraved or printed facsimile of such seal appearing on any bond, note, or other instrument of the authority shall have the same effect as though such seal were impressed thereon.

(b) To sue and be sued, but only to the same extent and upon the same conditions that a city or town may be sued.

(c) With its own funds, or with the appropriation of necessary funds by the town of Milford at a town meeting, to acquire within said town, by purchase or gift, or eminent domain under chapter seventy-nine, chapter seventy-nine A, or chapter eighty A of the General Laws, or by lease or otherwise, any land or buildings or interests in land, air or water for the purposes of the authority, and to plan, design, acquire, construct, reconstruct, improve, extend, equip, repair, maintain, and operate geriatric facilities, which may include, but not be limited to, hospital, nursing home and sheltered living facilities, as such terms are defined in section one of chapter one hundred and twenty-one B of the General Laws, and community facilities designed to meet the need of the elderly, to acquire personal property necessary in connection with the foregoing, and to lease geriatric facilities, either as lessee or lessor, provided: that any lease agreements shall be subject to approval by vote of the board of selectmen of the town, that any major construction, reconstruction, or extension, totaling one hundred thousand dollars or more, not requiring the issuance of bonds or notes

shall be subject to approval by two-thirds vote of said town meeting, and that any acquisition of real property shall be subject to approval of two-thirds vote of the town meeting.

(d) To dispose of any real or personal property of the authority which is no longer needed for its purposes by sale or otherwise provided that no real property shall be disposed of by the authority without approval of two-thirds vote of said town meeting.

(e) To maintain an office at such place or places within said town as it may determine.

(f) To receive and disburse funds for any of its purposes and to maintain financial reserves.

(g) To receive and apply any grants or gifts for its purposes.

(h) To make and enforce such rules and regulations as may, in the judgment of the authority, be necessary or desirable for the efficient operation of any geriatric facility or geriatric system within its jurisdiction, control, and supervision, and for accomplishing the purposes of this act.

(i) To issue temporary notes, from time to time, in the name and upon the full faith and credit of the authority in anticipation of revenue to be received from any source in an amount not to exceed two hundred thousand dollars outstanding at any time and in such greater amount as may be approved from time to time by a two-thirds vote of a town meeting of said town, provided that the aggregate amount of notes outstanding at any time under this section shall not exceed one-half of the authority's ordinary operating revenues of the previous fiscal year. The proceeds of such notes shall be used to pay current operating expenses only but no purchaser of such notes shall be in any way responsible for the proper application of such proceeds. Each such loan shall be payable no later than one year from its date. Temporary notes issued under this clause for shorter periods than permitted hereby may be refunded from time to time by the issue of other temporary notes maturing within the required period. Temporary notes may be issued pursuant to this clause by the chairman and the treasurer whenever they are so authorized by the authority, and said chairman and treasurer shall determine the form, interest rate and other details of such notes and shall sign such notes.

(j) To employ and fix the compensation of such consulting and other engineers, attorneys, accountants, construction and financial experts, superintendents, managers and such other employees and agents as it may deem necessary or incidental to the performance of its duties and the execution of its powers under this act.

(k) When authorized by a vote of the board of selectmen of said town, in its own name or in the name of the town, to enter into agreement with the federal government relative to the acceptance of grants or borrowing of funds for any project which the authority is authorized to undertake, and containing such covenants, terms and conditions as the authority, with like approval, may deem desirable, and, pursuant to any such agreement, to borrow funds from the federal government or from any qualified lender under a federally funded, guaranteed or insured lending program, upon the security of its bonds, notes or other evidences of indebtedness, and to secure the same by mortgages upon property held or to be held by it, or by pledge of its revenues.

(l) To call upon the various departments, authorities, boards, and commissions of said town for the purposes of assisting in making investigations and in effecting the design, construction, and operation of geriatric facilities, and the authority shall arrange for payment for such services and expenses of said agencies in connection therewith.

(m) To organize and control the activities of such nonprofit corporations as may be necessary and appropriate to receive loans and grants from the federal or state government or from any nonprofit agency for the purposes of this act, provided that the trustees of any such nonprofit corporation shall be the same persons who hold office as members of the authority. The organization of any such nonprofit corporation shall require approval by two-thirds vote of the board of selectmen of said town and any action of such nonprofit corporation which if taken by the authority would require approval under this act shall require like approval.

(n) To do all acts and things necessary or convenient to carry out the provisions of this act.

SECTION 9. Any bonds, notes, or certificates of indebtedness of the authority, in the absence of an express recital to the contrary of the face thereof, shall constitute negotiable instruments for all purposes. They may be payable from the income of the authority or constitute a general obligation thereof, may be sold at not less than par, at public or private sale, may mature at such time or times, may be secured in such manner, may provide for such rights and remedies upon their default, may contain such other covenants, terms and conditions not inconsistent with law, may be executed by such officers, and may be issued with or without the corporate seal, all as may be authorized either by vote of the authority or by the officers to whom the power to determine any or all the matters set forth in this

sentence may be expressly delegated by vote of the authority. The engraved or printed facsimile of the seal of the authority on its bonds, notes, or certificates of indebtedness shall have the same validity and effect as if such seal were impressed thereon. Whenever a bond, note or certificate of indebtedness is required to bear the signatures of two or more officers, it shall be sufficient if the signature on any one of such officers upon such instrument is a written signature and the remaining signature or signatures are engraved, printed, or stamped facsimile signatures; provided, that each officer whose facsimile signature appears on such instrument has, by a writing bearing his written signature and filed in the office of the secretary of the authority, authorized the officer whose written signature appears on such instrument to cause such facsimile to be placed thereon. The facsimile signature of any officer so engraved, printed or stamped thereon shall have the same validity and effect as his written signature. In case any officer whose signature or a facsimile thereof appears on any notes, bonds, or coupons shall cease to be such officer before the delivery of such notes or bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes as if he had remained in office until such delivery.

The bonds, notes, and certificates of indebtedness of the authority issued under this act including temporary notes issued under clause (i) of section eight their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation within the commonwealth. The bonds of the authority issued under this act shall be legal investments for the deposits and the income derived therefrom of savings banks, for the trust funds of trust companies, for the capital and other funds of insurance companies, and for funds over which the commonwealth has exclusive control.

SECTION 10. The employment of any employees of the authority shall be included in the term "employment" as used in sections one to eleven, inclusive, of chapter one hundred and fifty-one A of the General Laws, and the authority is authorized to become liable for payments instead of contributions and otherwise to comply with the provisions of subsection (o) of section fourteen of said chapter. Employees of the authority are hereby made eligible to participate in the contributory retirement system under chapter thirty-two of the General Laws, and the group insurance plan under chapter thirty-two B of the General Laws, if authorized by the authority, to the same extent as if they are employees, as defined in section one of said chapter thirty-two and section two of said chapter thirty-two B of the town of

Milford. Notwithstanding any general or special law or rule or regulation to the contrary, the authority shall be required to pay to the Milford retirement system by June first of each fiscal year, an amount of money equal to the total amount paid by said retirement system to retired employees of the Milford Medical Home or the authority. Such payment shall be in lieu of any other payment, charge or assessment required of the authority pursuant to chapter thirty-two of the General Laws. Employee contributions shall be withheld from the wages of eligible employees and paid to the Milford retirement system, as required by law.

SECTION 10A. For the purposes of this act, the town may from time to time issue bonds or notes to an amount not exceeding, in the aggregate, ten million dollars. Such bonds or notes shall bear on their face the words, Milford Public Medical Home Authority of Milford Loan, Act of 1982. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than twenty years from their dates. Indebtedness incurred from time to time under this act shall be outside the statutory limit of indebtedness described in section ten of chapter forty-four, exclusive of the limitation contained in the first paragraph of section seven thereof. The proceeds of such bonds or notes shall be paid over to the treasurer of the authority, to be used for the purposes of this act, upon such terms and conditions as said town and the authority shall mutually agree.

SECTION 10B. The town shall not assess any tax upon the geriatric facility or geriatric system or part thereof, or upon the income therefrom but payment shall be made to the town of Milford in lieu of taxes. Such payment shall be made on April first of each year and shall be that amount arrived at by applying the then current tax rate of said town for commercial real estate to sixty-five per cent of the assessed valuation of the real estate of the authority assessed as commercial property. By January first of each year, the board of assessors shall certify in writing to the authority the assessed valuation of all real property of the authority to be utilized in calculating the next payment due under this section. If aggrieved by any such valuation, the authority may appeal therefrom in accordance with the procedures set forth in chapter fifty-nine of the General Laws. Nothing contained in this act shall exempt any lessee or person in possession of a geriatric facility or part thereof, or the property leased or possessed from taxes or assessments payable under the General Laws.

SECTION 10C. This act shall be construed in all respects to meet constitutional requirements. If any provision is held invalid in any circumstances, such invalidity shall not affect any other provision or circumstance. In carrying out this act, all things shall be done which are necessary to meet constitutional requirements, whether or not such things are otherwise required by statute.

SECTION 10D. For purposes of chapter two hundred and sixty-eight A of the General Laws, the authority shall be a municipal agency, and without limiting the power of the board of selectmen of said town to classify additional special municipal employees pursuant to said chapter, each member of the authority, and any person who performs professional services for the authority in a part-time intermittent or consultant basis, shall be considered a special municipal employee.

SECTION 11. This act shall take effect upon its passage.

Approved May 20, 1982.

Chap. 77. AN ACT PROVIDING THAT THE PLACEMENT OF THE NAMES OF CANDIDATES FOR PUBLIC OFFICE ON THE OFFICIAL BALLOT USED IN MUNICIPAL ELECTIONS IN THE TOWN OF CANTON SHALL BE DRAWN BY LOT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provision of any general or special law or any by-law of the town of Canton to the contrary, in all town elections held in said town, the names of all candidates for such offices shall appear on the official ballot in the order in which they are drawn by lot. Each such drawing shall be conducted by the registrars of voters. Each candidate or his duly authorized representative shall have an opportunity to be present at such drawing. After the name of each candidate for an office who is an elected incumbent thereof shall be added the words "Candidate for Re-Election".

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

Approved May 20, 1982.

Chap. 78. AN ACT PROVIDING FOR THE RECALL OF ELECTED OFFICIALS OF THE TOWN OF CANTON.

Be it enacted, etc., as follows:

SECTION 1. Any elective officer of the town of Canton may be recalled and removed from the office by the voters as herein provided. Any voter may file with the town clerk a petition containing the name and office of the elective officer whose recall is sought, signed by registered voters of the town equal in number to not less than ten per cent of the voters in each precinct registered for the last regular town election. Said petition shall be filed within fourteen days next following written notice to the town clerk of an intent to file a recall petition.

SECTION 2. The board of registrars of voters in said town shall certify such petitions with regard to the sufficiency and validity of signatures thereon within seven days next following said filing and a recall election shall be held within thirty-five days but not less than twenty-five days next following certification as provided herein; provided, however, that no election shall be scheduled if, the regular town election shall be scheduled within sixty days next following the date of the filing of said petition. All procedures for voting upon the recall questions shall be in the same manner as provided by law for the conduct of regular town elections.

SECTION 3. A majority of those voting at said election shall be sufficient to recall such elective officer; provided that at least thirty per cent of those entitled to vote shall have voted. Any elective officer who is recalled shall be eligible to succeed himself and the vacancy created thereby shall be filled in the manner provided by law.

Approved May 20, 1982.

Chap. 79. AN ACT AUTHORIZING THE TOWN OF MARION TO ACCEPT THE TRANSFER OF THE ELIZABETH TABER LIBRARY TO SAID TOWN FOR A CERTAIN PURPOSE.

Be it enacted, etc., as follows:

The town of Marion is hereby authorized to make annual appropriations for the support and maintenance of the Elizabeth Taber Library in said town and to ratify any such action hereinbefore taken relative to said library and to authorize said town, acting through its board of selectmen, to accept a transfer to

said town of the ownership of all of the land and buildings of said library from the Marion Library Association and the Marion Natural History Society for the benefit of the inhabitants of said town.

Approved May 20, 1982.

Chap. 80. AN ACT INCREASING THE PENALTIES FOR FALSELY CLAIMING TO BE A VETERAN.

Be it enacted, etc., as follows:

Section 43A of chapter 56 of the General Laws, as amended by section 30 of chapter 393 of the acts of 1978, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- Any violation of this section shall be punished by a fine of not more than five hundred dollars.

Approved May 20, 1982.

Chap. 81. AN ACT INCREASING THE AMOUNT OF PROPERTY DAMAGE NECESSARY FOR THE MANDATORY REPORTING OF MOTOR VEHICLE ACCIDENTS.

Be it enacted, etc., as follows:

The first sentence of section 26 of chapter 90 of the General Laws, as amended by chapter 628 of the acts of 1965, is hereby further amended by striking out, in line 3, the word "two" and inserting in place thereof the word:- five.

Approved May 20, 1982.

Chap. 82. AN ACT RELATIVE TO THE ANNUAL OBSERVANCE OF PARLIAMENTARY LAW MONTH.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 15PP, inserted by chapter 63 of the acts of 1980, the following section:-

Section 15QQ. The governor shall annually issue a proclamation setting apart the month of April as Parliamentary Law Month and recommending that said month be observed in an appropriate manner by the people.

Approved May 20, 1982.

Chap. 83. AN ACT FURTHER REGULATING CERTAIN PUBLIC MEETINGS.

Be it enacted, etc., as follows:

Section 5A of chapter 66 of the General Laws, as most recently amended by section 2 of chapter 323 of the acts of 1964, is hereby further amended by striking out, in line 3, the word "twenty-three A" and inserting in place thereof the word:- twenty-three B.

Approved May 20, 1982.

Chap. 84. AN ACT INCREASING THE NUMBER OF HOSPITAL TRUSTEES TO MANAGE THE PUBLIC HOSPITAL OF THE TOWN OF DANVERS.

Be it enacted, etc., as follows:

Chapter 13 of the acts of 1949 is hereby amended by striking out section 26 and inserting in place thereof the following section:-

Section 26. Appointment of Hospital Trustees.- The town manager shall appoint eleven suitably qualified persons as trustees to manage the public hospital of the town of Danvers. Three of said persons shall be appointed for a term of one year, four for a term of two years, and four for a term of three years; and annually thereafter there shall be appointed by the town manager, members of the board of trustees for a term of three years in the place of those members whose terms are to expire. The trustees shall serve until their successors are appointed and qualified. If for any reason a vacancy should occur, the town manager shall forthwith fill the vacancy for its unexpired term. The trustees appointed hereunder shall organize for the proper conduct of their duties. In the performance of their duties, the hospital trustees shall be subject to the general supervision and direction of the town manager. They shall be

sworn to the faithful performance of their duties by the chairman of the selectmen or by a justice of the peace.

Approved May 20, 1982.

Chap. 85. AN ACT AUTHORIZING THE TOWN OF BOURNE TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES TO BEACH PACKAGE STORE, INC.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the town of Bourne is hereby authorized to grant to the Beach Package Store, Inc. a license for the sale of all alcoholic beverages not drunk on the premises 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 said section seventeen.

Approved May 20, 1982.

Chap. 86. AN ACT EXTENDING THE BOUNDARIES OF THE LYNNFIELD CENTER WATER DISTRICT.

Be it enacted, etc., as follows:

Chapter 336 of the acts of 1939 is hereby amended by inserting after section 1A, as inserted by section 1 of chapter 12 of the acts of 1964, the following section:-

Section 1B. The following described real estate in said town of Lynnfield, within the boundaries of the Lynnfield Water District established by section one of chapter four hundred and forty-five of the acts of nineteen hundred and twenty-four, shall become and be a part of said Lynnfield Center Water District and shall be holden under this act in the same manner and to the same extent as the real estate described in section one:-

Certain real estate situated in Lynnfield, Essex County, commonwealth of Massachusetts, contiguous to the territory of the Lynnfield Center Water District and bounded and described as follows:

A certain parcel of land situated at the Westerly end of Melch

Road and Huckleberry Road in Lynnfield, Essex County, Massachusetts, bounded and described as follows:
Easterly by land owners unknown, Melch Road owners unknown, H. James, Jr. and Mary E. Gross, Hughes W. and Helen J. Olilvie, Anthony R. and Ina J. Cammarano, Robert Alan and Sandra S. Brown, Huckleberry Road, Joseph A. and Barbara A. Vigliotta (being the present Water District boundary), in various courses totaling 973.93 feet;
Southerly by a portion of lot 2 as shown on said plan (being the common boundary line of the Lynnfield Water District and the Lynnfield Center Water District), 157.05 feet;
Westerly and southeasterly by land of owners unknown, 212.75 feet;
Westerly, southwesterly and southerly by land now or formerly of Harry J. Rossetti in various courses totaling 438.8 feet;
Northwesterly by land now or formerly of Edward T. and Katherine V. Reardon, Jr. and land of Philip S. and Gertrude V. Campbell (being shown on said plan as the present Water District boundary) 204.10 feet;
Northwesterly again by land of said Campbell and land of Maurice J. and Dorothea M. Danaher and land of William D. and Eileen Shapiro (being shown on said plan as present Water District boundary), in two courses totaling 282.86 feet;
Northwesterly by land of Wendell L. Follansbee (being shown on said plan as present Water District boundary) 184.84 feet;
Said land is shown as "Area Being Proposed into Lynnfield Water District: 5.63 acres" on a plan entitled "Plan of Land in Lynnfield, Massachusetts (showing proposed change in Water District boundaries)" Scale 1"=40' by Hayes Engineering Inc., which plan is dated March 19, 1981, a copy of which is on file in the office of said District.

Approved May 20, 1982

Chap. 87. AN ACT EXTENDING THE TIME LIMITATIONS FOR THE USE OF PRIOR CONVICTIONS IN A CRIMINAL TRIAL.

Be it enacted, etc., as follows:

Section 21 of chapter 233 of the General Laws is hereby amended by adding after paragraph Fourth the following paragraph:-

For the purpose of this section, any period during which the defendant was a fugitive from justice shall be excluded in de-

termining time limitations under the provisions of this section.

Approved May 20, 1982.

Chap. 88. AN ACT AUTHORIZING THE RETIREMENT BOARD OF THE CITY OF LEOMINSTER TO ESTABLISH CERTAIN SERVICE BY CERTAIN MEMBERS OF THE LEOMINSTER FIRE DEPARTMENT AS CREDITABLE SERVICE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of paragraph (c) of subdivision (1) of section four of chapter thirty-two of the General Laws, or of any other general or special law to the contrary, the retirement board of the city of Leominster is hereby authorized to establish creditable service to those members of the fire department of said city which were terminated on July first, nineteen hundred and eighty-one and reinstated by an arbitration award, upon the payment of the amount of deductions that would have been made by each member had they continued in service without interruption.

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

Approved May 20, 1982.

Chap. 89. AN ACT RELATIVE TO THE BASIS FOR THE TAX LIMITATION UNDER PROPOSITION TWO AND ONE-HALF IN THE CITY OF CHICOPEE FOR FISCAL YEAR NINETEEN HUNDRED AND EIGHTY-THREE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of chapter five hundred and eighty of the acts of nineteen hundred and eighty or any other general or special law to the contrary, the city of Chicopee is hereby authorized to combine the amount raised by taxation and the amount appropriated from available funds for the fiscal year nineteen hundred and eighty-two as the basis for the tax limitation levied in said city under proposition two and one-half, so called, for the fiscal year nineteen hundred and eighty-three.

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

Approved May 24, 1982.

Chap. 90. AN ACT RELATIVE TO THE FORM OF MOTOR VEHICLE LICENSE EXAMINATIONS.

Be it enacted, etc., as follows:

Section 8 of chapter 90 of the General Laws, as most recently amended by chapter 110 of the acts of 1980, is hereby further amended by striking out the last paragraph.

Approved May 24, 1982.

Chap. 91. AN ACT FURTHER REGULATING BUSINESS PRACTICES OF CERTAIN DISTRIBUTORS OF MOTOR VEHICLES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the further regulating of the sale or distribution of new and used motor vehicles, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 93B of the General Laws is hereby amended by striking out paragraph (g), as appearing in section 1 of chapter 814 of the acts of 1970, and inserting in place thereof the following paragraph:-

(g) "Distributor" or "wholesaler", any person who sells or distributes new or used motor vehicles to motor vehicle dealers or to any distributor or wholesaler who in turn sells or distributes such vehicles to motor vehicle dealers, or who maintains distributor representatives within the commonwealth.

SECTION 2. Said chapter 93B is hereby further amended by adding the following section:-

Section 15. All rights and remedies accorded motor vehicle dealers or franchisees under this chapter shall apply with equal force and effect to distributors and wholesalers who are not also manufacturers, factory branches, factory representatives, or

persons, firms or corporations owned or controlled by manufacturers, factory branches or factory representatives in their dealings with manufacturers or the distributors or wholesalers from which they purchase said motor vehicles.

Approved May 26, 1982.

Chap. 92. AN ACT ESTABLISHING THE OFFICE OF TREASURER/CLERK IN THE TOWN OF RANDOLPH.

Be it enacted, etc., as follows:

The offices of treasurer and clerk of the town of Randolph are hereby merged into one office of treasurer/clerk and the powers and duties formerly exercised by the treasurer and the clerk shall be exercised by the treasurer/clerk. The office of treasurer/clerk shall be an elected office whose holder shall be chosen by ballot from said town's registered voters for a term of two years at the next annual town meeting held after the effective date of this act. Upon the election and qualification of said treasurer/clerk the terms of office of the persons holding the offices of treasurer and clerk shall cease and terminate. The provisions of law relative to town treasurer and town clerk shall, except insofar as the same may be inconsistent with the provisions of this act, apply to said treasurer/clerk.

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

Approved May 26, 1982.

Chap. 93. AN ACT FURTHER REGULATING THE RATES OF PILOTAGE FOR THE PORT OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Section 31 of chapter 103 of the General Laws, as most recently amended by section 1 of chapter 162 of the acts of 1980, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

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

For vessels 3500 Gross Tons or under - $23.50 per Draft Foot.

For vessels over 3500 to 7000 Gross Tons - $24.60 per Draft Foot.

For vessels over 7000 to 15000 Gross Tons - $26.90 per Draft Foot.
For vessels over 15000 to 25000 Gross Tons - $28.00 per Draft Foot.
For vessels over 25000 to 35000 Gross Tons - $29.10 per Draft Foot.
For vessels over 35000 to 45000 Gross Tons - $30.10 per Draft Foot.
For vessels over 45000 Gross Tons - $31.40 per Draft Foot.

SECTION 2. Said section 31 of said chapter 103 is hereby further amended by striking out the first paragraph, as most recently amended by section one of this act, and inserting in place thereof the following paragraph:-

Rates of pilotage outward and inward for the port of Boston, calculated per foot of draught shall be as follows:-
For vessels 3500 Gross Tons or under - $25.70 per Draft Foot.
For vessels over 3500 to 7000 Gross Tons - $26.90 per Draft Foot.
For vessels over 7000 to 15000 Gross Tons - $29.30 per Draft Foot.
For vessels over 15000 to 25000 Gross Tons - $30.90 per Draft Foot.
For vessels over 25000 to 35000 Gross Tons - $31.70 per Draft Foot.
For vessels over 35000 to 45000 Gross Tons - $32.50 per Draft Foot.
For vessels over 45000 Gross Tons - $34.30 per Draft Foot.

SECTION 3. Section one of this act shall take effect upon its passage. Section two shall take effect on July first, nineteen hundred and eighty-three.

Approved May 26, 1982.

Chap. 94. AN ACT RELATIVE TO CERTIFICATION OF THE RECORDS OF ELECTIONS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 54 of the General Laws is hereby amended by striking out section 111, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 111. The city or town clerk shall forthwith after each

election examine the copies of the records of the election officers, and if any error appears therein, shall forthwith give notice thereof to the officers by whom the error was made, who shall forthwith make an additional record under oath in conformity with the facts and deliver a copy thereof to the city or town clerk. Such copy of the records made, with or without notice as aforesaid, shall be received by the city or town clerk at any time before the last day fixed for the transmission of copies of records of the votes cast in the city or town, or on which the results of the election are required to be declared.

The city or town clerk shall examine all original and all additional copies of the records and make them part of the records of such election, and shall certify and attest copies of the records of votes for the several candidates.

SECTION 2. Section 112 of said chapter 54 is hereby amended by striking out the second sentence, as appearing in section 3 of chapter 31 of the acts of 1939, and inserting in place thereof the following sentence:- Said record shall be certified, attested, and sealed by the city or town clerk or election commissioners.

SECTION 3. Section 137 of said chapter 54, as amended by chapter 55 of the acts of 1935, is hereby further amended by striking out the first and second sentences and inserting in place thereof the following two sentences:- The city clerk shall not declare the result of an election for city officers or of a vote upon any question submitted to the voters until the time for filing a petition for a recount of ballots has expired, or, if such petition has been filed, until the ballots have been recounted and the returns amended, notwithstanding any special act relating to the city. After the ballots have been recounted and the records amended, the city clerk shall forthwith declare the result of the election, and shall thereupon issue certificates of their election to the persons elected.

Approved May 26, 1982.

Chap. 95. AN ACT REPEALING CERTAIN OUT-DATED STATUTES RELATING TO WET, ROTTEN OR SPONGY LAND.

Be it enacted, etc., as follows:

Sections one hundred and thirty-two to one hundred and forty-two, inclusive, of chapter one hundred and eleven of the

General Laws are hereby repealed.

Approved May 26, 1982.

Chap. 96. AN ACT INCREASING THE MAXIMUM PENALTY FOR VIOLATIONS OF BOARD OF HEALTH REGULATIONS.

Be it enacted, etc., as follows:

Section 31 of chapter 111 of the General Laws, as amended by chapter 285 of the acts of 1937, is hereby further amended by striking out, in line 11, the word "twenty" and inserting in place thereof the words:- two hundred.

Approved May 26, 1982.

Chap. 97. AN ACT INCREASING THE FINE FOR SALE OF ALCOHOLIC BEVERAGES TO MINORS.

Be it enacted, etc., as follows:

The second sentence of section 34 of chapter 138 of the General Laws, as amended by chapter 193 of the acts of 1980, is hereby further amended by striking out, in lines 17 and 18, the words "two hundred" and inserting in place thereof the words:- one thousand.

Approved May 26, 1982.

EMERGENCY LETTER: May 27, 1982 @ 4:30 P.M.

Chap. 98. AN ACT AUTHORIZING CITIES AND TOWNS TO BORROW MONEY FOR COMPUTER HARDWARE AND SOFTWARE.

Be it enacted, etc., as follows:

Section 7 of chapter 44 of the General Laws is hereby amended by adding after clause (27), added by section 3 of chapter 628 of the acts of 1981, the following two clauses:-

(28) For the development, design, purchase and installation of computer hardware, other data processing equipment and

computer assisted integrated financial management and accounting systems; ten years.

(29) For the development, design, purchase of computer software incident to the purchase, installation and operation of computer hardware and other data processing equipment and computer assisted integrated financial management and accounting systems; five years.

Approved May 26, 1982.

Chap. 99. AN ACT FURTHER REGULATING THE ANNUAL ASSESSMENT CHARGE TO BE LEVIED ON THE CITIES AND TOWNS BY THE OLD COLONY PLANNING COUNCIL.

Be it enacted, etc., as follows:

The second paragraph of section 5 of chapter 332 of the acts of 1967 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The amount budgeted by the council reduced as provided in section five A shall be charged as a per capita assessment amount on the various cities and towns comprising the district that is fixed annually by the council for the fiscal year using the most recent federal or state census; provided, however, that said assessment shall not exceed any per capita limit established by the vote of two-thirds of the city councils and town meetings of member cities and towns; and provided, further, that said census shall be exclusive of the number of prisoners in any correctional institution of the commonwealth therein and of the patients in any institution under the jurisdiction of any federal or state agency.

Approved May 26, 1982.

Chap. 100. AN ACT FURTHER REGULATING THE ISSUANCE OF CERTAIN IDENTIFICATION CARDS BY THE REGISTRAR OF MOTOR VEHICLES.

Be it enacted, etc., as follows:

Section 8E of chapter 90 of the General Laws is hereby amended by striking out the second sentence, as appearing in section 1 of chapter 666 of the acts of 1977, and inserting in

place thereof the following sentence:- Every application for an identification card shall be signed and verified by the applicant and shall contain such bona fide documentary evidence of the age and identity of such applicant as the registrar may require.

Approved May 26, 1982.

Chap. 101. AN ACT RELATIVE TO COMPLIANCE WITH SUBPOENA DUCES TECUM FOR BUSINESS RECORDS.

Be it enacted, etc., as follows:

Chapter 233 of the General Laws is hereby amended by inserting after section 79I the following section:-

Section 79J. A record kept by any business which is required to be produced in court by any party shall be certified by the affidavit of the person in custody thereof to be a true and complete record and shall be delivered by such business to the clerk of such court who shall keep the same in his custody until its production is called for at the trial or hearing by the party requiring the said record. Such record, so certified and delivered shall be deemed to be sufficiently identified to be admissible in evidence if admissible in all other respects. The party requiring the production of said record and, in the discretion of the court, any other party may examine said record in the custody of the clerk at any time before it is produced in court. The clerk upon completion of such trial or hearing shall notify such business that said record is no longer required and will be returned by mail unless an authorized representative of the business calls for the same at the office of said clerk within seven days of said notice.

A copy of such record made by the photographic process may be delivered to the clerk of such court in place of the original and, if certified as hereinbefore provided, shall be admitted in evidence equally with the original.

Approved May 26, 1982.

Chap. 102. AN ACT REQUIRING CERTAIN PERSONS TO REPORT CASES OF CHILD ABUSE OR NEGLECT.

Be enacted, etc., as follows:

Section 51A of chapter 119 of the General Laws is hereby amended by striking out the first paragraph, as most recently amended by chapter 434 of the acts of 1980, and inserting in place thereof the following paragraph:-

Any physician, medical intern, hospital personnel engaged in the examination, care or treatment of persons, medical examiner, psychologist, emergency medical technician, dentist, nurse, chiropractor, podiatrist, osteopath, public or private school teacher, educational administrator, guidance or family counselor, day care worker, probation officer, social worker, foster parent, firefighter or policeman, who, in his professional capacity shall have reasonable cause to believe that a child under the age of eighteen years is suffering serious physical or emotional injury resulting from abuse inflicted upon him including sexual abuse, or from neglect, including malnutrition, or who is determined to be physically dependent upon an addictive drug at birth, shall immediately report such condition to the department by oral communication and by making a written report within forty-eight hours after such oral communication; provided, however, that whenever such person so required to report is a member of the staff of a medical or other public or private institution, school or facility, he shall immediately either notify the department or notify the person in charge of such institution, school or facility, or that person's designated agent, whereupon such person in charge or his said agent shall then become responsible to make the report in the manner required by this section. Any such person so required to make such oral and written reports who fails to do so shall be punished by a fine of not more than one thousand dollars.

Approved May 26, 1982.

Chap. 103. AN ACT REGULATING THE LABELLING AND SALE OF MAPLE SYRUP.

Be it enacted, etc., as follows:

SECTION 1. Chapter 128 of the General Laws is hereby amended by inserting after section 36B the following section:-

Section 36C. No person shall manufacture, label, package, sell, keep for sale, expose or offer for sale any article or product branded as "maple syrup", "maple candy", "maple creams", "maple butter", or "maple sugar" which is not made from pure maple syrup derived from the sap of the maple tree. Any compound or mixture branded or labelled as maple syrup, maple

candy, maple creams, maple butter or maple sugar, or branded as an imitation thereof, which consists of maple syrup mixed with any other substances or ingredients shall have printed on the package containing such compound or mixture a statement of the ingredients of which it is made, all said ingredients to be set forth in the same size type as the words "maple syrup".

The use of the words "maple syrup", shall not be used in the labelling or branding of any product which does not contain any maple syrup in its ingredients.

SECTION 2. Section 38 of said chapter 128, as amended by chapter 506 of the acts of 1951, is hereby further amended by adding the following paragraph:-

Whoever violates any provisions of sections thirty-six B and thirty-six C shall be punished for a first offense by a fine of not more than two thousand dollars, for a second offense by a fine of not more than five thousand dollars and for a subsequent offense by a fine of not more than ten thousand dollars.

Approved May 26, 1982.

Chap. 104. AN ACT PROVIDING FOR THE ESTABLISHING OF EMPLOYEE COOPERATIVE CORPORATIONS.

Be it enacted, etc., as follows:

SECTION 1. Clause (12) of paragraph (a) of section 402 of chapter 110A of the General Laws, as appearing in section 1 of chapter 694 of the acts of 1972, is hereby amended by inserting after the word "fifty-seven", in line 2, the words:- or organized under chapter one hundred and fifty-seven A.

SECTION 2. Chapter 157 of the General Laws is hereby amended by striking out section 8, as amended by section 32 of chapter 750 of the acts of 1962, and inserting in place thereof the following section:-

Section 8. Any person, partnership, association or corporation, domestic or foreign, except employee cooperatives organized under chapter one hundred and fifty-seven A and co-operative banks and corporations organized under section ten, transacting business for profit in the commonwealth under any name or title containing the word "co-operative", unless the net earnings thereof are distributed in a manner permitted for a co-operative corporation by this chapter, shall forfeit to the commonwealth not more than ten dollars for every day or part thereof during

which such name or title is so used. Such forfeiture may be recovered by an information brought in the supreme judicial or superior court by the attorney general, at the relation of the state secretary. Upon such information, the court may issue a temporary or permanent injunction restraining such person, partnership, association or corporation from doing business in the commonwealth, or from so using such name or title, and may make such other orders and decrees as justice and equity may require.

SECTION 3. The General Laws are hereby amended by inserting after chapter 157 the following chapter:-

CHAPTER 157A.
EMPLOYEE COOPERATIVE CORPORATIONS.

Section 1. This chapter shall be known and may be cited as the Employee Cooperative Corporations Act.

Section 2. As used in this chapter the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Employee cooperative", a corporation which has elected to be governed by the provisions of this chapter.

"Member", a natural person who has been accepted for membership in, and owns a membership share issued by an employee cooperative.

Section 3. Any corporation organized under chapter one hundred and fifty-six B may elect to be governed as an employee cooperative under the provisions of this chapter, by so stating in its articles of organization or articles of amendment filed in accordance with said chapter one hundred and fifty-six B.

A corporation so electing shall be governed by all provisions of said chapter one hundred and fifty-six B other than sections seventy-eight to eighty-five, inclusive, except as otherwise provided in this chapter.

Section 4. An employee cooperative may revoke its election under this chapter by a vote of two-thirds of the members and through articles of amendment filed in accordance with section seventy-two of said chapter one hundred and fifty-six B.

Section 5. An employee cooperative may include the word "cooperative" or "co-op" in its corporate name.

Section 6. (a) The articles of organization or the by-laws shall establish qualifications and the method of acceptance and termination of members. No person may be accepted as a member unless employed by the employee cooperative on a full time

or part time basis.

(b) An employee cooperative shall issue a class of voting stock designated as "membership shares". Each member shall own only one such membership share, and only members may own such shares.

(c) Membership shares shall be issued for a fee as shall be determined from time to time by the directors. Sections twenty-four, twenty-five, twenty-eight and thirty of said chapter one hundred and fifty-six B shall not apply to such membership shares. Sections seventy-six and eighty-five to ninety-eight, inclusive, of said chapter one hundred and fifty-six B shall not apply to membership shares whose redemption price is determined by reference to internal capital accounts as defined in section nine.

(d) Members of an employee cooperative shall have all the rights and responsibilities of stockholders of a corporation organized under said chapter one hundred and fifty-six B, except as otherwise provided in this chapter.

Section 7. (a) No capital stock other than membership shares shall be given voting power in an employee cooperative, except as otherwise provided in this chapter or in the articles of organization.

(b) Notwithstanding the provisions of section seventeen of said chapter one hundred and fifty-six B, the power to amend, or repeal by-laws of an employee cooperative shall be in the members only, except to the extent that directors are authorized to amend or repeal the by-laws in accordance with said section seventeen.

(c) Sections seventy, seventy-one and seventy-four of said chapter one hundred and fifty-six B shall be construed to limit voting on any amendment of the articles of organization of an employee cooperative to the members, except that amendments adversely affecting the rights of stockholders as defined in section seventy-seven of said chapter one hundred and fifty-six B may not be adopted without the vote of such stockholders as provided in section seventy-one of said chapter one hundred and fifty-six B.

Section 8. (a) The net earnings or losses of an employee cooperative shall be apportioned and distributed at such times and in such manner as the articles of organization or by-laws shall specify. Net earnings declared as patronage allocations with respect to a period of time, and paid or credited to members, shall be apportioned among the members in accordance with the ratio which each member's patronage during the period involved bears to total patronage by all members during that period. As used in this chapter, "patronage" means the amount

of work performed as a member of an employee cooperative, measured in accordance with the articles of organization and by-laws.

(b) The apportionment, distribution, and payment of net earnings required by subsection (a) may be in cash, credits, written notices of allocation, or capital stock issued by the employee cooperative.

Section 9. (a) Any employee cooperative may establish through its articles of organization or by-laws a system of internal capital accounts, to reflect the book value and to determine the redemption price of membership shares, capital stock, and written notices of allocation. As used in this chapter, "written notice of allocation" means a written instrument which discloses to a member the stated dollar amount of such member's patronage allocation and the terms for payment of that amount by the employee cooperative.

(b) The articles of organization or by-laws of an employee cooperative may permit the periodic redemption of written notices of allocation and capital stock, and must provide for recall and redemption of the membership share upon termination of membership in the cooperative. No redemption shall be made if such redemption would result in the liability of any director or officer of the employee cooperative under section sixty-one of said chapter one hundred and fifty-six B.

(c) The articles of organization or by-laws may provide for the employee cooperative to pay or credit interest on the balance in each member's internal capital account.

(d) The articles of organization or by-laws may authorize assignment of a portion of retained net earnings and net losses to a collective reserve account. Earnings assigned to the collective reserve account may be used for any and all corporate purposes as determined by the board of directors.

Section 10. (a) An internal capital account cooperative is an employee cooperative whose entire net book value is reflected in internal capital accounts, one for each member, and a collective reserve account, and in which no persons other than members own capital stock. In an internal capital account cooperative, each member shall have one and only one vote in any matter requiring voting by stockholders.

(b) An internal capital account cooperative shall credit the paid-in membership fee and additional paid-in capital of a member to the member's internal capital account, and shall also record the apportionment of retained net earnings or net losses to the members in accordance with patronage by appropriately crediting or debiting the internal capital accounts of members. The collective reserve account in an internal capital account cooperative

shall reflect any paid-in capital, net losses, and retained net earnings not allocated to individual members.

(c) In an internal capital account cooperative, the balances in all the individual internal capital accounts and collective reserve account, if any, shall be adjusted at the end of each accounting period so that the sum of the balances is equal to the net book value of the employee cooperative.

(d) Sections seventy-six and eighty-five to ninety-eight, inclusive, of said chapter one hundred and fifty-six B shall not apply to an internal capital account cooperative.

Section 11. (a) When any employee cooperative revokes its election in accordance with section four, the articles of amendment shall provide for conversion of membership shares and internal capital accounts or their conversion to securities or other property in a manner consistent with said chapter one hundred and fifty-six B.

(b) An employee cooperative which has not revoked its election under this chapter may not consolidate or merge with another corporation other than an employee cooperative. Two or more employee cooperatives may consolidate or merge in accordance with sections seventy-eight, eighty, eighty-one, eighty-four and eighty-five of said chapter one hundred and fifty-six B.

Approved May 26, 1982.

Chap. 105. AN ACT TO PROVIDE FOR THE ELECTION OF THE CITY AUDITOR OF THE CITY OF QUINCY BY THE CITY COUNCIL OF SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section fifty-two of chapter forty-three of the General Laws to the contrary, the city auditor of the city of Quincy shall be elected by the city council of said city without the approval of the mayor to hold office for three years and until the qualification of his successor. Upon qualification of the city auditor so elected, the term of office of the person holding said office prior to the effective date of this act shall cease.

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

Approved May 28, 1982.

Chap. 106. AN ACT REPEALING THE REQUIREMENT OF RECIPROCITY IN THE ACCEPTANCE OF INTERSTATE MILK SHIPMENTS ORIGINATING FROM OUT-OF-STATE FARMS UNINSPECTED BY MASSACHUSETTS OFFICIALS.

Be it enacted, etc., as follows:

Section 16C of chapter 94 of the General Laws is hereby amended by striking out clause (b), as appearing in section 13 of chapter 940 of the acts of 1977, and inserting in place thereof the following clause:-

(b) certifies with respect to each such report that the farm involved was, upon inspection by said state agency, in compliance with the requirements of said other state for approval of dairy farms; and.

Approved May 28, 1982.

Chap. 107. AN ACT PROVIDING THAT A PERSON SHALL NOT BE PROHIBITED FROM HOLDING THE OFFICE OF SELECTMAN IN A TOWN BECAUSE SUCH PERSON IS AN EMPLOYEE OF SUCH TOWN.

Be it enacted, etc., as follows:

Section 20 of chapter 268A of the General Laws is hereby amended by adding the following paragraph:-

This section shall not prohibit an employee or an official of a town from holding the position of selectman in such town nor in any way prohibit such an employee from performing the duties of or receiving the compensation provided for such office. Provided that no such member may vote or act on any matter which is within the purview of the agency by which, he is employed or over which he has official responsibility, and provided further that no member shall be eligible for appointment to such additional position while a member or for six months thereafter. Any violation of the provisions of this paragraph which has substantially influenced the action taken by any municipal agency in any matter shall be grounds for avoiding, rescinding or cancelling the action on such terms as the interest of the municipality and innocent third parties require. No such selectman shall receive compensation for more than one office or position held in a town, but shall have the right to choose which compensation he shall receive.

Approved May 28, 1982.

Chap. 108. AN ACT AUTHORIZING THE VICTIMS OF CRIME TO APPEAR OR MAKE RECOMMENDATIONS IN PAROLE HEARINGS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 127 of the General Laws is hereby amended by striking out section 1, as amended by section 27 of chapter 490 of the acts of 1941, and inserting in place thereof the following section:-

Section 1. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Commissioner", the commissioner of correction.

"Parole board", the parole board of the department of correction.

"Victim", a person who has suffered a personal injury, including mental anguish or death, property damage or property loss; also any entity which has suffered property damage or property loss as a direct result of the crime for which the sentence referred to in this chapter was imposed.

SECTION 2. Section 133A of said chapter 127 is hereby amended by striking out the second paragraph, as appearing in section 1 of chapter 766 of the acts of 1965, and inserting in place thereof the following paragraph:-

Said board shall at least thirty days before such hearing notify in writing the attorney general, the district attorney in whose district sentence was imposed, the chief of police or head of the organized police department of the municipality in which the crime was committed and the victims of the crime for which sentence was imposed, and said officials and victims may appear in person or be represented or make written recommendations to the board, but failure of any or all of said officials to appear or make recommendations shall not delay the paroling procedure. If a victim is deceased at the time any parole hearing is scheduled on the said sentence under this chapter, the deceased victim may be represented by his relatives in the following order: mother, father, spouse, child, grandchild, brother or sister, niece or nephew.

Approved June 1, 1982.

Chap. 109. AN ACT RELATIVE TO THE REFUNDING OF CERTAIN BOND ANTICIPATION NOTES BY THE CITY OF LAWRENCE.

Be it enacted, etc., as follows:

SECTION 1. The treasurer of the city of Lawrence is hereby authorized to issue bond anticipation notes of the city in the principal amount of one million dollars maturing not later than six months from their date for the purpose of paying and refunding the one million dollars principal amount of bond anticipation notes of the city originally dated June eighth, nineteen hundred and seventy-nine, which notes are now payable on June eighth, nineteen hundred and eighty-two. Notes issued under this act which mature in less than six months may be renewed or paid from time to time by the issue of other notes, provided that the period from the date of any original note issued under this act to the maturity of any note issued to renew or pay the same debt shall not exceed six months. Notes issued under this act may be converted into a serial loan in the same principal amount.

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

Approved June 1, 1982.

Chap. 110. AN ACT AUTHORIZING THE TOWN OF GREAT BARRINGTON TO ESTABLISH PARKING FINES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section twenty A of chapter ninety of the General Laws or any other general or special law to the contrary, the town of Great Barrington is hereby authorized to establish, after a public hearing held by the selectmen of said town, by rule, regulation or by-law, a schedule of established fines for violations of parking laws in said town, provided that such fines do not exceed twenty-five dollars.

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

Approved June 1, 1982.

Chap. 111. AN ACT RELATIVE TO EMPLOYEE RETIREMENT ASSOCIATIONS FOR CO-OPERATIVE BANKS, SAVINGS BANKS AND CREDIT UNIONS.

Whereas, The deferred operation of this act would tend to

defeat its purpose, which is, in part, to effect certain necessary changes in the pension systems of savings banks and credit unions consistent with federal law, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 168 of the General Laws is hereby amended by striking out section 74, as most recently amended by section 1 of chapter 372 of the acts of 1980, and inserting in place thereof the following section:-

Section 74. Fifteen or more savings banks may form the Savings Banks Employees Retirement Association, in this section and in sections seventy-five and seventy-six called the association, for the purpose of providing pensions for eligible employees of the participating banks who retire on account of age or disability. The association, in its name and by or through its authorized officers may (a) make agreements and investments subject to such limitations as from time to time may be prescribed by law or the by-laws of the association, (b) sue and be sued, plead and be impleaded, (c) enforce liens and other obligations and foreclose mortgages held by the association on or with respect to real or personal property situated in the commonwealth or in any state or territory of the United States, (d) adopt an official seal and alter the same at pleasure, and (e) do such other acts and things as may be necessary to carry out the powers conferred upon it by law and its by-laws.

All savings banks established under the laws of the commonwealth, the Savings Banks Association of Massachusetts, the Savings Banks Employees Retirement Association, the Mutual Savings Central Fund, Inc., the Savings Bank Life Insurance Council, and such other Massachusetts savings bank organizations as from time to time may be provided for in the by-laws of the association, and such of the respective employees of each of the foregoing as may be provided by such by-laws, shall be eligible for membership in the association. For the purposes of this section and sections seventy-five and seventy-six reference to "bank" or "banks" shall, unless the context otherwise requires, mean and include any or all of the organizations named or referred to in this paragraph, and a reference to "trustees" of a bank shall also, unless the context otherwise requires, mean and include the governing body of each of such organizations.

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 current services, as defined in the by-laws, on account of any employee shall not exceed fifteen per cent of his compensation.

A participating bank may also contribute for 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 sixty per cent of the highest average salary for any three successive years within the five years preceding retirement.

In the event that any employee who has been continuously in the employ of such a bank for ten years or more becomes incapacitated for further service by reason of physical or mental disability before age sixty-five, the employing bank may pay him a pension in an amount not to exceed two per cent of his average salary for the three years preceding the date of retirement for each year, not exceeding thirty years, of continuous service with any and all banks as defined in the second paragraph of this section. Any pension paid on account of disability may be discontinued at any time by trustees of the employing bank, and shall be discontinued when any such pensioner substantially recovers his earning capacity or attains age sixty-five or the date the employee elects to have his pension or annuity commence.

The funds contributed by participating banks and member employees shall be held or used by the trustees of the association for the purchase of annuities or payment of pensions to eligible employees upon their retirement from service, for the payments to beneficiaries or representatives of any member employee of the participating bank dying before reaching the age of retirement, and for the payment to any such employee retiring from service before becoming entitled to a pension or annuity. Expenses necessary for the administration of the association shall be paid by participating banks, on a proportionate basis as provided in the by-laws.

In any calendar year, the association or a bank, by vote of its board of trustees, may directly supplement the retirement benefits being paid to the former employees or their beneficiaries on account of bank service provided, no supplement of a retirement benefit shall exceed the retirement benefit multiplied by the increase in the cost of living since the retirement began. The increase in the cost of living is the percentage by which the national monthly consumer price index for all urban consumers issued by the bureau of labor statistics of the United States Department of Labor for the last November before the year in

which payment is made is greater than the beginning index figure. The beginning index figure is the average of such monthly consumer price index figures for the year in which a retirement benefit was first paid to or with respect to a former employee. No bank may become obligated to pay in future years any supplement authorized by this paragraph.

SECTION 2. Said chapter 168 is hereby further amended by striking out section 75, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 75. The by-laws of the association shall be submitted to the commissioner and shall prescribe the manner in which, and the officers and agents by whom, the association may be conducted and the manner in which its funds may be invested and paid out. Such association shall be formed when its by-laws have been approved and agreed to by a majority of the trustees of each of fifteen or more savings banks, and have been approved by the commissioner. Such association shall annually, on or before December first, report to the commissioner such statements of its membership and financial transactions for the year ending on the preceding October thirty-first as the commissioner may consider necessary to show its business and standing. The commissioner may verify such statement by an examination of the books and papers of the association.

The association shall not be subject to chapter thirty-two or chapter one hundred and seventy-five or to such other provisions of law as relate to insurance companies or other retirement associations.

SECTION 3. Chapter 171 of the General Laws is hereby amended by striking out section 31, as most recently amended by section 3 of chapter 442 of the acts of 1981, and inserting in place thereof the following section:-

Section 31. Fifteen or more credit unions, having assets of fifty thousand dollars or more each, may form the Credit Union Employees Retirement Association, in this section and in sections thirty-two and thirty-three called the association, for the purpose of providing pensions for eligible employees of the participating credit unions who retire on account of age or disability.

All credit unions established under the laws of the commonwealth, the Massachusetts CUNA Association, Inc., the Credit Union League of Massachusetts, Inc., the Central Credit Union Fund, Inc., the Massachusetts Credit Union Share Insurance Corporation, and such other Massachusetts credit union organizations as from time to time may be provided for in the by-laws of the association, and such of the respective employees of each of

the foregoing as may be provided by such by-laws, shall be eligible for membership in the association. For the purpose of this section and sections thirty-two and thirty-three a reference to "credit union" or "credit unions" shall, unless the context otherwise requires, mean and include any or all of the organizations named in this paragraph, and reference to "directors" of a credit union shall also, unless the context otherwise requires, mean and include the governing body of each of such organizations.

Eligible employees may contribute a portion of their salaries or wages, to be deducted by the employing credit unions and paid to the association. A participating credit union may contribute to the funds of the association to the extent determined by its trustees, but its contributions for current services, as defined in the by-laws, on account of any employee shall not exceed fifteen per cent of his compensation.

A participating credit union may also contribute for 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 sixty per cent of the highest average salary for any three successive years within the five years preceding retirement.

In the event that any employee who has been continuously in the employ of such credit union for ten years or more becomes incapacitated for further service by reason of physical or mental disability before age sixty-five, the employing credit union may pay him a pension in an amount not to exceed two per cent of his average salary for the three years preceding the date of retirement for each year, not exceeding thirty years, of continuous service with any and all credit unions as defined in the second paragraph of this section. Any pension paid on account of disability may be discontinued at any time by the trustees of the employing credit union, and shall be discontinued when any such pensioner substantially recovers his earning capacity, or attains age sixty-five or the date the employee elects to have his pension or annuity commence.

The funds contributed by participating credit unions and member employees shall be held or used by the trustees of the association for the purchase of annuities or payment of pensions to eligible employees upon their retirement from service, for the payments to beneficiaries or representatives of any member employee of the participating credit union dying before reaching the age of retirement, and for the payment to any such employee retiring from service before becoming entitled to a pension or annuity. Expenses necessary for the administration of the association shall be paid by participating credit unions, on a

proportionate basis as provided in the by-laws.

In any calendar year, the association or credit union, by vote of its board of trustees, may directly supplement the retirement benefits being paid to the former employees or their beneficiaries on account of bank service provided, no supplement of a retirement benefit shall exceed the retirement benefit multiplied by the increase in the cost of living since the retirement benefit began. The increase in the cost of living is the percentage by which the national monthly consumer price index for all urban consumers issued by the bureau of labor statistics of the United States Department of Labor for the last November before the year in which payment is made is greater than the beginning index figure. The beginning index figure is the average of such monthly consumer price index figures for the year in which a retirement benefit was first paid to or with respect to a former employee. No credit union may become obligated to pay in future years any supplement authorized by this paragraph.

SECTION 4. Said chapter 171 is hereby further amended by striking out section 32, as amended by chapter 334 of the acts of 1973, and inserting in place thereof the following section:-

Section 32. The by-laws of the association shall be submitted to the commissioner and shall prescribe the manner in which, and the officers and agents by whom, the association may be conducted and the manner in which its funds may be invested and paid out. Such association shall be formed when its by-laws have been approved and agreed to by a majority of the trustees of each of fifteen or more credit unions, and have been approved by the commissioner. Such association shall annually, on or before December first, report to the commissioner such statements of its membership and financial transactions for the year ending on the preceding October thirty-first as the commissioner may consider necessary to show its business and standing. The commissioner may verify such statement by an examination of the books and papers of the association.

The association shall not be subject to chapter thirty-two or chapter one hundred and seventy-five or to such other provisions of law as relate to insurance companies or other retirement associations.

Approved June 1, 1982.

Chap. 112. AN ACT RELATIVE TO THE PERKINS SCHOOL FOR THE BLIND.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 113 of the acts of 1829 is hereby amended by inserting after the word "persons", in line 21, the words:- and such other handicapped persons as can be trained and educated without diminishing the said corporation's commitment to the education and training of said blind persons.

SECTION 2. Section 2 of said chapter 113, as most recently amended by section 1 of chapter 136 of the acts of 1890, is hereby further amended by inserting after the word "persons", in lines 7 and 8, the words:- and other handicapped persons; provided, however, that the support and maintenance of handicapped persons shall not operate to remove any restrictions on funds now held by the Perkins School for the Blind for specific purposes.

SECTION 3. Chapter 96 of the acts of 1864 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. The governor shall appoint four trustees of the Perkins School for the Blind, who shall hold their offices until the appointment of their successors; provided, however, that the governor may fill any vacancy occurring by death or resignation among the trustees so appointed.

SECTION 4. This act shall take effect upon its acceptance by the Perkins School for the Blind at a meeting of the corporation specially called for that purpose.

Approved June 1, 1982.

Chap. 113. AN ACT RELATIVE TO EMINENT DOMAIN TAKINGS OF THE ECONOMIC DEVELOPMENT AND INDUSTRIAL CORPORATION OF LYNN.

Be it enacted, etc., as follows:

Paragraph (k) of section 5 of chapter 778 of the acts of 1977 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The provisions of section seven A of said chapter seventy-nine shall apply to any taking by the corporation.

Approved June 1, 1982.

Chap. 114. AN ACT AUTHORIZING THE CITY OF GLOUCESTER TO ISSUE AN ADDITIONAL LICENSE FOR

THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES TO COLLINS PACKAGE STORE, INC.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the city of Gloucester is hereby authorized to issue to Collins Package Store, Inc. a license for the sale of all alcoholic beverages not to be drunk on the premises 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 said section seventeen.

Approved June 1, 1982.

Chap. 115. AN ACT FURTHER REGULATING THE REGISTRATION OF MOTORBOATS.

Be it enacted, etc., as follows:

Section 2 of chapter 90B of the General Laws, as most recently amended by chapter 528 of the acts of 1972, is hereby further amended by striking out clauses 4 and 5 and inserting in place thereof the following two clauses:-

(4) A motorboat numbered in accordance with a numbering system established by the secretary; provided, that the certificate of number or similar document awarding a number to such motorboat is in full force and effect; and provided, further, that such motorboat shall not have been within the commonwealth for a period of time in excess of sixty consecutive days.

(5) A motorboat numbered in accordance with the numbering system of another state, which system has been approved by the secretary; provided, that the certificate of number or similar document awarding a number to such motorboat is in full force and effect; and provided, further, that such motorboat shall not have been within the commonwealth for a period of time in excess of sixty consecutive days.

Approved June 1, 1982.

Chap. 116. AN ACT REVIVING AND EXTENDING IN THE CITY OF SALEM THE CIVIL SERVICE FIRE DEPARTMENT LIEUTENANT'S PROMOTION LIST.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the eligible civil service list for promotion to lieutenant of the fire department in the city of Salem, established on November eleventh, nineteen hundred and eighty, shall be revived and extended until November eleventh, nineteen hundred and eighty-five.

Approved June 1, 1982.

Chap. 117. AN ACT RELATIVE TO THE FORM OF MOTOR VEHICLE EXCISE TAX BILLS.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 60A of the General Laws is hereby amended by striking out the third sentence, as appearing in section 4 of chapter 415 of the acts of 1976, and inserting in place thereof the following sentence:- The excise shall be assessed to the owner of the motor vehicle or trailer registering the same, and the registrar of motor vehicles shall promptly transmit to the commissioner a notice of the registration of a motor vehicle or trailer subject to this excise, giving the name and residential address of the owner, if an individual, or the name and principal place of business in this commonwealth, if any, otherwise that outside the commonwealth, if a corporation, partnership or voluntary association, the municipality in which the motor vehicle or trailer is customarily to be kept if it is to be kept in the commonwealth, the name of the maker, the year of manufacture as designated by the manufacturer, the model and type of vehicle or trailer, the type of transmission and the operator's license number of the owner of the vehicle, if any.

SECTION 2. Said section 2 of said chapter 60A, as so appearing, is hereby amended by inserting after the sixth sentence the following sentence:- All tax notices sent to owners of vehicles notifying said owner the amount of excise tax due and due date shall indicate the owners license to operate number as appearing on the registration application, renewal application or amended registration as provided in section two of chapter ninety.

Approved June 1, 1982.

Chap. 118. AN ACT ALLOWING CERTAIN PHYSICAL THERAPISTS RECORDS INTO EVIDENCE IN CERTAIN CIVIL ACTIONS.

Be it enacted, etc., as follows:

Section 79G of chapter 233 of the General Laws is hereby amended by striking out the first two paragraphs, as amended by chapter 489 of the acts of 1976, and inserting in place thereof the following two paragraphs:-

In an action of tort or contract, or for consequential damages arising therefrom, an itemized bill for medical, dental or hospital services rendered to a person injured, subscribed and sworn to under the penalties of perjury, by the physician, dentist, optometrist, chiropractor, physical therapist or podiatrist, or authorized agent of the hospital rendering such services, shall be admissible as evidence of the necessary, fair and reasonable charge for such services; provided, that said bill shall include only the date and place of each service rendered because of said injury and the charge therefor without reference to the injury itself or the history thereof; and provided, further that written notice of the intention to offer such a bill as such evidence, together with a copy thereof, has been given to the opposing party or parties, or to his or their attorneys, by mailing the same by certified mail, return receipt requested, not less than ten days before the trial, and that an affidavit of such notice and the return receipt is filed with the clerk of the court forthwith after said receipt has been returned. Nothing contained in this section shall be construed to limit the right of the defendant to summon, at his own expense, such physician, dentist, optometrist, chiropractor, physical therapist or podiatrist, or agent or the records of such hospital for the purpose of cross examination with respect to such bill or record or to rebut the contents thereof, or for any other purpose, nor to limit the right of the defendant to summon any other person to testify in respect to such bill or record or for any other purpose.

The words "physician", "dentist", "optometrist", "chiropractor", "physical therapist", and "podiatrist" shall not include any person who is not licensed to practice as such under the laws of the jurisdiction within which such services were rendered.

Approved June 1, 1982.

Chap. 119. AN ACT RELATIVE TO THE BERKSHIRE COUNTY MOSQUITO CONTROL PROJECT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 456 of the acts of 1945, as most recently amended by section 1 of chapter 598 of the acts of 1963, is hereby further amended by adding the following section:-

Section 4. Any city, by a majority vote of the city council with the approval of the mayor, may withdraw from said district; provided, however, that if the mayor of any city fails to approve such withdrawal, such city may withdraw from said district by a two-thirds vote of the city council. Any town with the majority vote of the voters at a town meeting may withdraw from membership in the district hereinbefore established and thereupon the provisions of this act shall no longer apply to such city or town. Any city or town which has voted to withdraw from said district shall send a certified copy of said vote to the State Reclamation Board.

SECTION 2. Any city or town which, within the twelve months, immediately preceding the effective date of this act, has voted to withdraw from said district in accordance with the provisions of the act shall not be required to have an additional vote for said purpose. Any city or town which has so previously voted shall be considered to have withdrawn from said district as of the effective date of this act.

Any city or town which withdraws from said district in accordance with the provisions of this act shall be liable for its share of any debts or obligations incurred prior to the effective date of such withdrawal. Any city or town shall not be liable for any debts or obligations incurred by the cities or towns remaining in said district subsequent to the effective date of such withdrawal.

SECTION 3. This act shall take effect on July first, nineteen hundred and eighty-two.

Approved June 1, 1982.

Chap. 120. AN ACT FURTHER REGULATING ENERGY COGENERATION AND SMALL POWER PRODUCTION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately encourage the construction and development of cogeneration and small power production facilities, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 164 of the General Laws is hereby amended by inserting before the definition, "Articles of organization", inserted by section 1 of chapter 860 of the acts of 1973, the following definition:-

"Alternative energy producer", any person, firm, partnership, association, public or private corporation, or any agency, department, board, commission or authority of the commonwealth or of a subdivision of the commonwealth, that owns or operates a cogeneration facility or small power production facility as defined in this section, and does not engage in the retail sale of electricity other than sales to customers that are within the confines of an industrial park, which park existed prior to March first, nineteen hundred and eighty-two, and in which park there existed as of said date electrical generating capacity of more than fifteen megawatts.

SECTION 2. Said section 1 of said chapter 164 is hereby further amended by inserting after the definition of "Articles of organization", inserted by said section 1 of said chapter 860, the following definition:-

"Cogeneration facility", any electrical generating unit having a power production capacity which, together with any other facilities located at the same site, is not greater than thirty megawatts and which produces electric energy and steam or other form of useful energy utilized for industrial, commercial, heating or cooling purposes, and employs a fuel other than oil or gas as its primary energy source, except that gas may be used if it is produced from coal, biomass, solid waste, or wood and oil may be used (1) in combination with coal, in a mixture not exceeding seventy per cent oil, or (2) during any modifications to any existing electrical generating facility undertaken for the purpose of enabling such facility to employ, except during any periods of maintenance or repair, a fuel other than oil or gas as its primary energy source.

SECTION 3. Said section 1 of said chapter 164 is hereby further amended by striking out the definition of "Electric company", as appearing in the Tercentenary Edition, and inserting in place thereof the following definition:-

"Electric company", a corporation organized under the laws of the commonwealth for the purpose of making by means of water power, steam power or otherwise and selling, or distributing and selling, electricity within the commonwealth, or authorized by special act so to do, even though subsequently authorized to

section 1 of chapter 400 of the acts of 1941, is hereby further amended by inserting after the word "electricity", in line 16, the words:- , or as affecting a contract for the purchase of electricity from an alternative energy producer.

Approved June 3, 1982.

Chap. 121. AN ACT MAKING SUPPLEMENTAL APPROPRIATIONS FOR HAMPDEN COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the current appropriation act for Hampden county, the following sums are hereby appropriated, subject to the provisions of law regulating the disbursement of county funds and the approval thereof, for fiscal year nineteen hundred and eighty-two.

HAMPDEN COUNTY.

Item		Subtotal	Total
20.	For County Extension Service		$74,937 39
	2. Contractual services	$53,593 61	
	3. Supplies and materials	3,357 78	
	4. Current charges and obligations	17,986 00	
	Total		$74,937 39

SECTION 2. Notwithstanding any general or special law to the contrary the treasurer of Hampden county is hereby authorized, with the approval of the county commissioners, to expend the total amount appropriated in section one from any available funds, including federal revenue sharing funds, in the treasury of the county.

SECTION 3. The amounts appropriated in section one are to fund the Home Information Centers at Holyoke and East Longmeadow.

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

Approved June 3, 1982.

Chap. 122. AN ACT RELATIVE TO THE RIGHTS OF WAY OF FIRE ENGINES, POLICE PATROL VEHICLES AND AMBULANCES.

make or sell gas; provided, however, that electric company shall not mean an alternative energy producer.

SECTION 4. Said section 1 of said chapter 164 is hereby further amended by striking out the definition of "Gas company", as so appearing, and inserting in place thereof the following three definitions:-

"Gas company", a corporation organized under the laws of the commonwealth for the purpose of making and selling, or distributing and selling, gas within the commonwealth, even though subsequently authorized to make or sell electricity; provided, however, that gas company shall not mean an alternative energy producer.

"Primary energy source", the fuel or fuels used, except during periods of maintenance or repair, for the generation of electric energy, except that such term does not include the minimum amounts of fuel required for ignition, start-up, testing, flame stabilization, and control uses, and minimum amounts of fuel required to alleviate or prevent unanticipated equipment outages and emergencies declared by the governor, directly affecting the public health, safety, and welfare which would result from electric power outages.

"Small power production facility", a facility which is any electrical generating unit which produces electric energy solely by the use, as a primary energy source, of biomass, waste, wind, water, wood, geothermal, solar energy, or any combination thereof, or produces gas if it is produced from coal, biomass, solid waste or wood, and has a power production capacity which, together with any other facilities located at the same site is not greater than thirty megawatts.

SECTION 5. Section 2 of said chapter 164, as so appearing, is hereby amended by inserting after the word "commonwealth", in line 13, the words:- but shall not include any alternative energy producer.

SECTION 6. Section 76 of said chapter 164, as so appearing, is hereby amended by inserting after the word "department", in line 7, the words:- ; provided, however, that any alternative energy producer shall not be considered to be a municipality, manufacturing company, corporation or other person engaged in the manufacture, sale, distribution or transmission of gas or electricity and shall be exempt from regulation by the department.

SECTION 7. Section 94A of said chapter 164, as amended by

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish immediately rights of way of fire engines, police patrol vehicles and ambulances while going to a fire or responding to an alarm, therefore 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 89 of the General Laws is hereby amended by striking out section 7, as most recently amended by chapter 144 of the acts of 1974, and inserting in place thereof the following section:-

Section 7. The members and apparatus of a fire department while going to a fire or responding to an alarm, police patrol vehicles and ambulances, and ambulances on a call for the purpose of hospitalizing a sick or injured person shall have the right of way through any street, way, lane or alley. Whoever wilfully obstructs or retards the passage of any of the foregoing in the exercise of such right shall be punished by a fine of not more than fifty dollars or imprisonment for not more than three months.

Approved June 3, 1982.

Chap. 123. AN ACT AUTHORIZING RONALD HODGDON TO TAKE A CIVIL SERVICE EXAMINATION FOR POLICE OFFICER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any rule or law to the contrary regulating the maximum age of applicants for appointment as a police officer, Ronald Hodgdon of the city of Somerville shall be eligible to take the next open and competitive examination for police officer and, provided he meets all other requirements, shall be eligible for certification and appointment as a police officer.

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

Approved June 3, 1982.

Chap. 124. AN ACT RELATIVE TO MUNICIPAL WITHDRAWAL FROM REGIONAL HEALTH DISTRICTS.

Be it enacted, etc., as follows:

Section 27A of chapter 111 of the General Laws, as most recently amended by chapter 145 of the acts of 1963, is hereby further amended by striking out the eighth sentence and inserting in place thereof the following sentence:- A member town of a regional health district formed pursuant to this section may withdraw by majority vote taken at the annual town meeting of such member town, and said vote to withdraw shall become effective on the last day of the next fiscal year.

Approved June 3, 1982.

Chap. 125. AN ACT VALIDATING THE ACTS AND PROCEEDINGS TAKEN BY THE TOWN OF MILLIS AT THE ANNUAL ELECTION AND TOWN MEETING HELD IN THE YEAR NINETEEN HUNDRED AND EIGHTY-TWO.

Be it enacted, etc., as follows:

SECTION 1. All acts and proceedings of the town of Millis at the annual election and town meeting held in the year nineteen hundred and eighty-two and at all adjourned sessions thereof, and all acts done in pursuance thereof, are hereby ratified, validated, and confirmed, notwithstanding the failure of said town to comply with the law relative to the posting of the warrant for said meeting and election.

SECTION 2. This act shall take effect May third, nineteen hundred and eighty-two.

Approved June 3, 1982.

Chap. 126. AN ACT RELATIVE TO CERTAIN FEES PAID TO THE TOWN CLERK OF ROWLEY.

Be it enacted, etc., as follows:

SECTION 1. The town clerk of the town of Rowley shall, commencing on July first, nineteen hundred and eighty-two and on the first Monday of each month thereafter, pay over to the treasurer of the town of Rowley that part of the dog license funds formerly retained by such clerk under the provisions of

section one hundred and forty-seven of chapter one hundred and forty of the General Laws, and that part of the fish and game license funds formerly retained by such clerk under the provisions of section seventeen of chapter one hundred and thirty-one of the General Laws; provided that the town clerk's salary, to be effective July first, nineteen hundred and eighty-two, shall, in addition to any general salary increase voted from time to time for elected officials, include an amount equal to the fees retained under said section one hundred and forty-seven of said chapter one hundred and forty and said section seventeen of said chapter one hundred and thirty-one, during the fiscal year July first, nineteen hundred and eighty-one through June thirtieth, nineteen hundred and eighty-two.

SECTION 2. Money paid over to the treasurer of the town of Rowley under section one shall become part of the estimated receipts of the town of Rowley.

SECTION 3. This act shall take effect upon its acceptance by the town of Rowley.

Approved June 3, 1982.

Chap. 127. AN ACT RELATIVE TO THE PROCEEDINGS FOR THE FORECLOSURE OF MORTGAGES UNDER THE SOLDIERS' AND SAILORS' CIVIL RELIEF ACT.

Be it enacted, etc., as follows:

Section 1 of chapter 57 of the acts of 1943 is hereby amended by striking out the last paragraph, added by section 2 of chapter 105 of the acts of 1959, and inserting in place thereof the following paragraph:-

In proceedings under this section, no person who is not a record owner of the equity of redemption in the mortgaged property and who is not entitled to the benefit of the Soldiers' and Sailors' Civil Relief Act, 50 USC Sections 510 to 591, inclusive, with respect to the mortgage, trust, deed or other security described in the bill, whether named as a defendant in the bill or not, shall be entitled to appear or be heard in such proceeding, except on behalf of a person so entitled, or unless an affidavit by the claimant, or a certificate by counsel appearing for him, stating that he is in the service and thus entitled to the benefits of said act, is filed with the appearances. Such proceedings shall be limited to the issues of the existence of

such persons and their rights, if any.

Approved June 3, 1982.

Chap. 128. AN ACT PROVIDING FOR A COUNTY VETERANS' AGENT IN THE COUNTY OF DUKES COUNTY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section three of chapter one hundred and fifteen of the General Laws or of any other provision of law to the contrary, the county of Dukes County is hereby authorized to establish the position of county veterans' agent. The county commissioners of said county shall appoint said county veterans' agent, with the advice of the Dukes County Selectmen's Association; provided, however, that the position shall have been advertised in a newspaper published in said county at least seven days before the date the appointment is made. Said county commissioners shall fix the compensation, determine the expenses of and may remove the county veterans' agent, and shall determine if the position shall be a full or part-time position. The county veterans' agent shall serve as veterans' agent for the several towns within the county of Dukes County. He shall meet the qualifications of and shall have all the powers and duties of a veterans' agent appointed under the provisions of said section three of said chapter one hundred and fifteen. His office shall be maintained in a county owned facility. The administrative costs of the county veterans' agent shall be paid by the county and apportioned among the towns of said county on the basis of the county tax formula. Expenditures for veterans' benefits to veterans and their dependents shall be made by the town in which the veteran or dependent resides.

SECTION 2. The position of veterans' agent in the several towns in the county of Dukes County shall terminate upon the appointment of a county veterans' agent as provided for in section one.

Approved June 3, 1982.

Chap. 129. AN ACT RELATIVE TO MEMBERSHIP ON THE GOVERNING COMMITTEE OF THE MASSACHUSETTS MOTOR VEHICLE REINSURANCE FACILITY.

Be it enacted, etc., as follows:

The first paragraph of section 113H of chapter 175 of the General Laws, as appearing in section 3 of chapter 365 of the acts of 1977, is hereby amended by inserting after the third sentence the following two sentences:- Effective July first, nineteen hundred and eighty-two such governing committee shall consist of three members from insurance companies participating in the plan and two members from associations of insurance producers appointed for terms of six years, two members from insurance companies participating in the plan and two members from associations of insurance producers appointed for terms of two years. The governing committee shall be responsible for the hiring of the employees of the plan.

Approved June 3, 1982.

Chap. 130. AN ACT INCREASING THE PENALTIES FOR ILLEGAL DUMPING OF TRASH, REFUSE OR RUBBISH.

Be it enacted, etc., as follows:

SECTION 1. Section 16 of chapter 270 of the General Laws is hereby amended by striking out the first paragraph, as amended by chapter 105 of the acts of 1979, and inserting in place thereof the following paragraph:-

Whoever places, throws, deposits, discharges or causes to be placed, thrown, deposited or discharged, any trash, bottles or cans, 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 two hundred dollars for the first offense and not more than one thousand dollars for each subsequent offense, 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 land to place, throw, deposit or discharge such trash, refuse, rubbish, garbage, debris, scrap, waste or any other material of any kind on such owner's land shall constitute a defense in any trial for such offense.

SECTION 2. The last sentence of said section 16 of said

chapter 270, as appearing in chapter 39 of the acts of 1974, is hereby amended by inserting after the word "agents", in line 8, the words:- ; provided, however, that any person observing a violation of this section may file a petition for issuance of a complaint pursuant to this section with the clerk of the district court having jurisdiction or, in the city of Boston, with the clerk of the Boston municipal court department, and upon determining that probable cause exists therefor, such clerk shall issue such complaint.

Approved June 3, 1982.

Chap. 131. AN ACT FURTHER REGULATING PENALTIES FOR VIOLATIONS OF CERTAIN COMMERCIAL FISHERMAN LAWS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 130 of the General Laws is hereby amended by striking out section 2, as most recently amended by section 1 of chapter 444 of the acts of 1980, and inserting in place thereof the following section:-

Section 2. Licenses, permits and certificates of registration issued by the director shall not, except as otherwise provided in this chapter, be transferable and shall be produced for examination upon demand of any authorized person.

Unless otherwise specifically provided by law, every license, permit or certificate issued under any provision of this chapter or any other provision of law relating to marine fish and fisheries or of any rule or regulation made under authority thereof, held by any person convicted of a violation of any of the laws relating to marine fish and fisheries or any rule or regulation made under authority thereof by a court of competent jurisdiction, or any person who pleads nolo contendere or admits to sufficient facts in a court of competent jurisdiction to an allegation of a violation of any such law, rule or regulation, shall be suspended and inoperative for one month for the first offense, three months for the second offense, and for one year for any subsequent offense. All suspended or void licenses, permits or certificates shall be surrendered forthwith to any officer authorized to enforce the laws relating to marine fish and fisheries. No person whose license, permit or certificate has become suspended or void shall be given a new license, permit or certificate under authority of any provision of law relating to marine fish and fisheries during the period of suspension, and any license,

permit or certificate so issued shall also be void and shall be surrendered forthwith on demand of any officer authorized to enforce the laws relating to marine fish and fisheries. No fee received for a license, permit or certificate suspended or made void under this section shall be refunded. All traps, trawls, pots, buoys, lines, boats or other fishing gear used in violation of the laws relating to lobsters may be impounded by the division of law enforcement for a period of not less than thirty days nor more than one year from and after the date on which the owner, lessee or person in possession of such traps, trawls, pots, buoys, lines, boats or other fishing gear is convicted of such violation.

Whoever violates any provision of this chapter shall, unless otherwise provided, be punished by a fine of not less than fifty nor more than one thousand dollars, or by imprisonment for not more than three months, or both.

Whoever violates any rule or regulation made under authority of this chapter shall, unless otherwise provided, be punished by a fine of not less than fifty nor more than one thousand dollars.

Any penalty imposed under this section shall be in addition to the suspension or revocation of licenses, permits or certificates as authorized by this section, and to any forfeiture proceedings authorized under this chapter.

SECTION 2. The fourth paragraph of section 37 of said chapter 130 is hereby amended by striking out the first sentence, as amended by section 1 of chapter 69 of the acts of 1977, and inserting in place thereof the following sentence:- Violation of any provision of this section shall be punished by a fine of not less than two hundred nor more than five hundred dollars, or by imprisonment for not more than three months, or both.

SECTION 3. Section 38A of said chapter 130 is hereby amended by striking out the third paragraph, as amended by section 3 of said chapter 69, and inserting in place thereof the following paragraph:-

Whoever violates any provision of this section shall be punished by a fine of not less than one hundred nor more than two hundred dollars.

SECTION 4. Section 41 of said chapter 130 is hereby amended by striking out the first sentence, as amended by section 1 of chapter 779 of the acts of 1970, and inserting in place thereof the following sentence:- Whoever takes, sells or has in possession any female lobster bearing eggs, or whoever, not being one

who fishes for or takes lobsters as provided in section forty-one A, has in possession any female lobster from which he knows eggs have been removed by any means other than natural hatching, shall be punished for the first offense by a fine of not less than fifty nor more than one hundred dollars for every such lobster and for a subsequent offense by a fine of not less than one hundred nor more than two hundred dollars for every such lobster, or by imprisonment for not less than one month nor more than three months, or both, but a person who takes any such lobster and immediately returns it alive to the waters from which it was taken shall not be subject to such penalty.

SECTION 5. Section 41A of said chapter 130, inserted by section 2 of said chapter 779, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Whoever, being one who fishes for or takes lobsters, has in his possession, while engaged in or returning from fishing or while preparing to land or landing lobsters or delivering said lobsters to a dealer, any female lobster from which eggs have been removed by any means other than natural hatching, shall be punished for the first offense by a fine of not less than fifty nor more than one hundred dollars for every such lobster and for a subsequent offense by a fine of not less than one hundred nor more than two hundred dollars for every such lobster, or by imprisonment for not less than one month nor more than three months, or both; provided, however, that any person who takes any such lobster and immediately returns it alive to the waters from which it was taken shall not be subject to such penalty.

SECTION 6. Section 47 of said chapter 130 is hereby amended by striking out the third sentence, as amended by section 4 of chapter 300 of the acts of 1963, and inserting in place thereof the following sentence:- Violation of any provision of this section shall be punished by a fine of not less than five hundred nor more than one thousand dollars.

SECTION 7. Said chapter 130 is hereby further amended by striking out section 49, as appearing in section 1 of chapter 598 of the acts of 1941, and inserting in place thereof the following section:-

Section 49. Any carrier who knowingly receives or carries from place to place any lobster or lobster meat in barrels, boxes or other containers not marked as provided in section forty-seven shall be punished by a fine of not more than five hundred dollars.

SECTION 8. Section 51 of said chapter 130, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Violations of any provision of this section shall be punished by a fine of not less than fifty nor more than five hundred dollars.

Approved June 3, 1982.

Chap. 132. AN ACT FURTHER REGULATING THE FORFEITURE OF CERTAIN PROPERTY IN DRUG RELATED CASES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for regulating the forfeiture of certain property in drug related cases, therefore 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 (a) of section 47 of chapter 94C of the General Laws is hereby amended by adding after subparagraph (6), added by section 3 of chapter 669 of the acts of 1981, the following subparagraph:-

(7) No forfeiture under this section shall extinguish a security interest held by a creditor in a conveyance.

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

Approved June 4, 1982.

Chap. 133. AN ACT AUTHORIZING AND DIRECTING THE TRUSTEES OF MOUNT WACHUSETT COMMUNITY COLLEGE TO NAME THE PHYSICAL EDUCATION COMPLEX AT SAID COLLEGE THE VIETNAM VETERANS MEMORIAL PHYSICAL EDUCATION COMPLEX.

Be it enacted, etc., as follows:

Notwithstanding any provision of law to the contrary, the trustees of Mount Wachusett Community College are hereby authorized and directed to name the physical education complex

at said college the Vietnam Veterans Memorial Physical Education Complex.

Approved June 4, 1982.

Chap. 134. AN ACT INCREASING THE INVESTMENT AUTHORITY OF CITIES, TOWNS AND DISTRICTS.

Be it enacted, etc., as follows:

Section 55 of chapter 44 of the General Laws is hereby amended by striking out the fourth sentence, as appearing in section 2 of chapter 782 of the acts of 1979, 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 or notes, prior to their application to the payment of liabilities incurred for the purposes for which the bonds or notes were authorized, in term deposits or certificates of deposits, in trust companies, national banks, savings banks or banking companies, or in obligations issued or unconditionally guaranteed by the United States government or an agency thereof and having a maturity from date of purchase of one year or less, 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 June 4, 1982.

Chap. 135. AN ACT RELATIVE TO THE AMOUNT OF RETIREMENT BENEFITS WHICH MAY BE PAID BY THE TAUNTON POLICE MUTUAL BENEFIT ASSOCIATION, INC.

Be it enacted, etc., as follows:

Chapter 211 of the acts of 1976 is hereby amended by striking out, in line 6, the words "the sum of one" and inserting in place thereof the words:- an amount not to exceed five.

Approved June 4, 1982.

Chap. 136. AN ACT INCREASING THE AMOUNT OF A CERTAIN BENEFIT WHICH MAY BE PAID BY THE WALTHAM POLICE RELIEF ASSOCIATION INCORPORATED TO CERTAIN MEMBERS PRIOR TO THEIR RETIREMENT.

Be it enacted, etc., as follows:

The Waltham Police Relief Association Incorporated, a corporation duly organized 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 Waltham, to pay such member such sum, not exceeding five thousand dollars, as may be determined by vote of the board of directors of said corporation. Said association is hereby further authorized to pay a member upon the death of his spouse such sum, not exceeding five hundred dollars, as may be determined by said board.

Approved June 4, 1982.

Chap. 137. AN ACT REQUIRING THAT PHYSICAL EXAINATIONS FOR CIVIL SERVICE POSITIONS IN BERKSHIRE, FRANKLIN, HAMPSHIRE AND HAMPDEN COUNTIES MAY BE CONDUCTED AT THE WESTERN MASSACHUSETTS HOSPITAL IN THE CITY OF WESTFIELD.

Be it enacted, etc., as follows:

Chapter 9 of the acts of 1982 is hereby amended by striking out, in line 6, the word "shall" and inserting in place thereof the word:- *may*.

Approved June 4, 1982.

Chap. 138. AN ACT RELATIVE TO THE COMPENSATION OF MEDICAL EXAMINERS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately compensate medical examiners of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 773 of the acts of 1981 is hereby amended by adding the following section:-

Section 7. Notwithstanding any other provision of this act, each county shall continue to make all payments relative to the maintenance and operations of medical examiners from funds appropriated for this purpose in the county for fiscal year nineteen hundred and eighty-two which said county was required to make under the provisions of law in effect prior to the effective date of this act. Said payments shall continue until such time as the commonwealth provides for the full funding of medical examiners, or July first, nineteen hundred and eighty-two whichever occurs first.

SECTION 2. This act shall take effect as of January fifth, nineteen hundred and eighty-two.

Approved June 4, 1982.

Chap. 139. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND EIGHTY-TWO TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN NEW ACTIVITIES AND PROJECTS.

Be it enacted, etc., as follows:

Section 2 of chapter 351 of the acts of 1981 is hereby amended by inserting after item 4000-0100 the following item:-

4000-0150 For a reserve to meet the cost of payrolls at the schools for the retarded operated by the department of mental health; provided, that the commissioner of administration and finance upon request of the secretary of human services is hereby authorized to transfer from the sum appropriated to the subsidiaries entitled "01, Salaries, Perma

nent Positions," and "02, Salaries, Others," where amounts otherwise available are insufficient in the following items of appropriation: 5016-0100, 5183-0100, 5283-0100, 5483-0100, 5583-0100, 5883-0100; provided, however, that no funds appropriated herein shall be authorized for transfer to the appropriation items for said facilities prior to notification of the house and senate committees on ways and means

$4,732,000

Approved June 7, 1982.

Chap. 140. AN ACT AUTHORIZING THE TOWN OF SUDBURY TO DISPOSE OF THE FEE INTEREST IN CERTAIN LAND.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any law to the contrary, the town of Sudbury is hereby authorized to sell and convey a parcel of land subject to the condition that the purchaser shall, for appropriate consideration, place an agricultural preservation restriction thereon.

Said parcel is described as follows:

Containing approximately 39 acres and bounded on the south by Lincoln road in said town, on the west by property of Fay and property of Barton, on the north and east by Pantry Brook state fish and game management area and property of Neate.

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

Approved June 8, 1982.

Chap. 141. AN ACT RELATIVE TO DISTRIBUTIONS TO STOCKHOLDERS AFTER DISSOLUTION OF A CORPORATION.

Be it enacted, etc., as follows:

Section 102 of chapter 156B of the General Laws, as amended by chapter 389 of the acts of 1978, is hereby further amended by inserting after the word "and", in line 10, the second time it appears, the words:- to make distributions to its stockholders

of any.

Approved June 8, 1982.

Chap. 142. AN ACT RELATIVE TO THE OPERATION OF CERTAIN MOTOR VEHICLES AT RAILROAD GRADE CROSSINGS.

Be it enacted, etc., as follows:

Section 15 of chapter 90 of the General Laws is hereby amended by striking out the second sentence, as amended by chapter 248 of the acts of 1961, and inserting in place thereof the following sentence:- Every person operating a school bus, or any motor vehicle carrying explosive substances or inflammable liquids as a cargo, or part of a cargo, upon approaching a railroad crossing at grade, and every person operating a motor vehicle, upon approaching at grade a railroad crossing protected by red lights which flash as a warning or by an automatic gate, while such lights are flashing or such gate is lowered, or when a crossing is protected by a railroad employee waving a red flag or lantern, shall bring his vehicle to a full stop not more than seventy-five feet from the nearest track of said railroad, and shall not proceed to cross until it is safe to do so.

Approved June 8, 1982.

Chap. 143. AN ACT PROVIDING THAT CERTAIN STATE EMPLOYEES MAY RECEIVE COMPENSATION FOR FILING STATE TAX RETURNS.

Be it enacted, etc., as follows:

Section 4 of chapter 268A of the General Laws is hereby amended by adding the following paragraph:-

This section shall not prevent a state employee, other than an employee in the department of revenue, from requesting or receiving compensation from anyone other than the commonwealth in relation to the filing or amending of state tax returns.

Approved June 8, 1982.

Chap. 144. AN ACT AUTHORIZING THE COUNTY TREASURER OF PLYMOUTH COUNTY TO PAY CERTAIN UNPAID BILLS.

Be it enacted, etc., as follows:

SECTION 1. The county treasurer of the county of Plymouth, with the approval of the county commissioners of said county, is hereby authorized to pay certain unpaid bills totalling seven thousand three hundred forty-seven dollars and fifty-one cents to be taken from available funds and payable as follows:

William J. Clary, one hundred twelve dollars and fifty cents, Elaine M. Epstein, one hundred sixty-six dollars and twenty-five cents, Paul R. Sullivan, one hundred dollars, and John S. Tara, four hundred ninety dollars, for providing counsel for indigent defense in the courts in Plymouth county in the year ending June thirtieth, nineteen hundred and seventy-nine, and to:

Paul A. Carbone, sixty-one dollars and twenty-five cents, John F. Creedon, fifty-two dollars and fifty cents, A. Stanley Littlefield, eight hundred forty dollars, Edward J. Lydon, one thousand two hundred sixty dollars, Arthur T. Murphy, eight hundred ten dollars, Gregory Sullivan, one thousand eighty-five dollars, and George M. Tull, two hundred forty-five dollars, for providing master services in the superior and probate courts of Plymouth county in the years nineteen hundred and seventy-seven, nineteen hundred and seventy-eight and nineteen hundred and seventy-nine, and to:

Leonard F. Freidman, M.D., three hundred fifty dollars, for providing examinations and reports required by the various courts in Plymouth county in the year ending June thirtieth, nineteen hundred and seventy-nine, and to:

Charles River Pathology Associates, Inc., one thousand four hundred dollars, for providing medical-legal autopsies in the years nineteen hundred and seventy-eight and nineteen hundred and seventy-nine, and to:

The Jordan Hospital, one hundred seventy-two dollars and ninety-one cents, and Alfred G. Krebs, M.D., fifty-five dollars, for providing medical services under the provisions of chapter one hundred and fifty-two of the General Laws to Plymouth county employees in the years nineteen hundred and seventy-eight and nineteen hundred and seventy-nine, and to:

The Jordan Hospital, one hundred forty-seven dollars and ten cents, for providing emergency medical treatment to persons incarcerated in the Plymouth county jail and house of correction in the years nineteen hundred and seventy-eight and nineteen hundred and seventy-nine.

SECTION 2. No bill shall be approved by the county commissioners of said county or paid by said county treasurer, under the authority of this act, unless and until a certificate

has been signed and filed with the county treasurer stating, under penalties of perjury, that the services for which said bill was submitted were ordered by an official or an employee of said county, and that such services were performed and actually received by said county.

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

Approved June 8, 1982.

Chap. 145. AN ACT AUTHORIZING A CERTAIN PAYMENT BY THE MONTACHUSETT REGIONAL VOCATIONAL-TECHNICAL SCHOOL DISTRICT TO LINDA CORMIER FOR SERVICES RENDERED AS A TEACHER IN SAID DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary the Montachusett regional vocational-technical school district committee is hereby authorized to approve for payment from any available funds and after such approval, the treasurer of said district is hereby authorized to pay to Linda Cormier the sum of one thousand five hundred ninety-four dollars and ninety-four cents for services rendered as a teacher during the nineteen hundred and eighty and nineteen hundred and eighty-one school year, said amount to be in addition to any amount previously paid her for such services.

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

Approved June 14, 1982.

Chap. 146. INCREASING THE SUM OF MONEY THE WINCHESTER POLICE RELIEF ASSOCIATION, INC. MAY PAY TO MEMBERS UPON THEIR RETIREMENT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 225 of the acts of 1969 is hereby amended by striking out, in line 4, the word "one" and inserting in place thereof the word:- two.

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

Approved June 14, 1982.

Chap. 147. AN ACT VALIDATING CERTAIN PROCEEDINGS OF THE BLACKSTONE VALLEY VOCATIONAL REGIONAL SCHOOL DISTRICT AND PROVIDING FOR THE APPORTIONMENT OF CERTAIN CAPITAL COSTS AMONG THE MEMBER TOWNS.

Be it enacted, etc., as follows:

SECTION 1. The proceedings taken by the regional district school committee of the Blackstone Valley Vocational Regional School District on May fifteenth, nineteen hundred and eighty and July seventeenth, nineteen hundred and eighty by which vote there was authorized the borrowing of two million two hundred and thirty thousand dollars for the construction and equipping of an addition to the regional district school are hereby validated and confirmed and said bonds may be issued, subject to the provisions of sections two and three.

SECTION 2. Capital costs consisting of principal and interest on bonds or notes issued pursuant to the proceedings described in section one shall be apportioned annually by said Blackstone Valley Vocational Regional School District Committee among the member towns of said district other than the town of Hopedale. Such costs shall be apportioned in accordance with the agreement, as amended, pursuant to which said district was established except that, for such purposes, pupils from the town of Hopedale shall not be included in the pupil enrollment on the basis of which apportionments are made.

SECTION 3. In view of the provisions of section two, said town of Hopedale shall not be allowed any added enrollment in the regional district school which results solely from the expansion of facilities constructed with the proceeds of the bonds or notes issued pursuant to the proceedings described in section one.

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

Approved June 14, 1982.

Chap. 148. AN ACT RELATIVE TO THE REGIONAL SCHOOL BUDGET PROCESS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to clarify the regional school budget process, therefore 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 16B of chapter 71 of the General Laws, as appearing in chapter 744 of the acts of 1981, is hereby further amended by inserting after the fourth paragraph the following paragraph:-

For the purposes of this section, a vote by a local appropriating authority to appropriate the municipality's apportioned share shall constitute approval of the annual regional school district budget; provided, however, that any municipality's apportioned share may not be increased in the same fiscal year without approval of the local appropriating authority.

Approved June 14, 1982.

Chap. 149. AN ACT RELATIVE TO THE RIGHTS OF A STOCKHOLDER DEMANDING PAYMENT FOR HIS STOCK.

Be it enacted, etc., as follows:

Section 96 of chapter 156B of the General Laws is hereby amended by adding the following paragraph:-

Notwithstanding the provisions of clauses (1) to (3), inclusive, said stockholder shall have only the rights of a stockholder who did not so demand payment for his stock as provided in this chapter.

Approved June 14, 1982.

Chap. 150. AN ACT FURTHER REGULATING THE PENALTY FOR FRAUDULENT INSURANCE CLAIMS.

Be it enacted, etc., as follows:

Section 111A of chapter 266 of the General Laws, as appearing

in the Tercentenary Edition, is hereby amended by striking out, in line 2, the word "fire".

Approved June 14, 1982.

Chap. 151. AN ACT REGULATING BALLOT TITLES.

Be it enacted, etc., as follows:

The first paragraph of section 45 of chapter 53 of the General Laws is hereby amended by striking out the third sentence, as amended by chapter 172 of the acts of 1981, and inserting in place thereof the following sentence:- 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, school committee member, moderator and town clerk.

Approved June 14, 1982.

Chap. 152. AN ACT FURTHER REGULATING HISTORIC PRESERVATION SITES.

Be it enacted, etc., as follows:

SECTION 1. Section 26 of chapter 9 of the General Laws is hereby amended by inserting after the fifth sentence, as amended by chapter 283 of the acts of 1974, the following sentence:- The commission shall encourage all governmental bodies and persons considering action which may affect a historical or archeological asset of the commonwealth to consult with the commission to avoid any adverse effect to such asset.

SECTION 2. Section 26A of said chapter 9, as appearing in section 2 of chapter 1155 of the acts of 1973, is hereby amended by striking out paragraph (1) and inserting in place thereof the following paragraph:-

(1) Compile and maintain an inventory of historical and archeological sites and specimens, which inventory shall not be a public record.

SECTION 3. Said chapter 9 is hereby further amended by striking out 26B, as so appearing, and inserting in place thereof

the following section:-

Section 26B. The following definitions shall apply to section twenty-six A, section twenty-six C, and to sections twenty-seven to twenty-seven C, inclusive:-

"Adverse effect", (1) the destruction or alteration of all or part of a site, (2) the isolation or alteration of a site's surrounding environment, (3) the introduction of visual, audible or atmospheric elements that are out of character with the site or alter its setting, (4) the neglect of a site resulting in deterioration or destruction, or (5) the transfer or sale of the site without adequate conditions or restrictions regarding preservation, maintenance or use.

"Effect", any change in the integrity of the location, design, setting, material, workmanship, feeling or association of the site.

"Field investigation", the study of the traces of human culture or other remains at any land or water site by means of surveying, digging, sampling, excavating or removing surface or subsurface objects, or the entrance onto a site with that intent.

"Site", any building, structure, district or area including those underground, that is one hundred and fifty years old or more and significant in the history, archeology, architecture or culture of the nation, the commonweath or its communities as determined by the commission.

"Specimens", all relics, artifacts, remains, objects, or any other evidence of a historical, prehistorical, archeological, anthropological or paleontological nature fifty years old or more which may be found below or on the surface of the earth, and which have scientific, historical or archeological value, including but not limited to objects of antiquity, aboriginal, colonial or industrial relics, and archeological or paleontological samples.

SECTION 4. Said chapter 9 is hereby further amended by inserting after section 26B the following section:-

Section 26C. The commission shall establish and maintain a state register of historic places, known as the state register. The state register shall contain the following properties: (1) all districts, sites, buildings, or objects determined eligible for listing or listed in the National Register of Historic Places; (2) all local historic districts established pursuant to chapter forty C or a special law; (3) all landmarks designated under local ordinance or by-law; (4) all structures and sites subject to a preservation easement approved or held by the commission pursuant to section thirty-two of chapter one hundred and eighty-four; and (5) all historical or archeological landmarks certified pursuant to section twenty-seven.

The commission shall periodically update the state register.

SECTION 5. Section 27C of said chapter 9, inserted by section 4 of chapter 1155 of the acts of 1973, is hereby amended by inserting before the first paragraph the following two paragraphs:-

As early as possible in the planning process of any project undertaken by any agency, executive office, department, board, commission, bureau, division or authority of the commonwealth or of any authority established by the general court to serve a public purpose and prior to such state body funding, licensing or approving any private project, such state body shall determine if the project will affect any property listed on the state register of historic places. If the project affects a listed property, the state body shall so notify the commission. Within thirty days of receiving notification, the commission shall determine if the project will adversely affect a listed property, and shall send an advisory report to the state body describing and documenting its findings. If the commission does not notify the state body within thirty days, the state body may proceed with the project.

If the commission finds that the project will adversely affect a listed property, the commission and the state body shall meet to discuss alternatives to the project and means of mitigating any adverse effect. The state body, in implementing its final plans, shall adopt all prudent and feasible measures that eliminate or mitigate the adverse effect.

SECTION 6. Said section 27C of said chapter 9, as so inserted, is hereby further amended by adding the following paragraph:-

The commission may adopt any rules and regulations necessary to implement the provisions of this section.

Approved June 14, 1982.

Chap. 153. AN ACT PROVIDING SUPPLEMENTAL APPROPRIATIONS FOR WORCESTER COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the current appropriation act for Worcester county, the following sums are hereby appropriated, subject to the provision of law regulating the disbursement of county funds and the approval thereof, for the fiscal year nineteen hundred and eighty-two.

WORCESTER COUNTY.

Item		Subtotal	Total
8	For registry of deeds (Northern District)		$2,695 00
	2. Contractual services	$2,695 00	
16.	For jail and house of correction		198,000 00
	1. Personal services	198,000 00	
27.	Unpaid bills		75,000 00
	Total		$275,695 00

SECTION 2. Notwithstanding any general or special law to the contrary, the treasurer of Worcester county is hereby authorized, subject to the approval of the county commissioners, to expend the total amount appropriated in section one from any available funds, including federal revenue sharing funds, in the treasury of the county.

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

Approved June 15, 1982.

Chap. 154. AN ACT AUTHORIZING CHIROPRACTORS TO PERFORM CERTAIN PROCEDURES.

Be it enacted, etc., as follows:

The definition of "Chiropractic" in section 89 of chapter 112 of the General Laws, as appearing in section 2 of chapter 409 of the acts of 1966, is hereby amended by adding the following sentence:- Nothing in this definition shall exclude the use of supportive procedures and therapy, including braces, traction, heat, cold, sound, electricity, and dietary and nutritional advice, as treatment supplemental to a chiropractic adjustment.

Approved June 15, 1982.

Chap. 155. AN ACT RELATIVE TO MERGERS AND CONVERSIONS OF BANKS; MAKING CERTAIN CHANGES TO THE BANKING LAWS; AND REVISING THE LAWS GOVERNING STATE-CHARTERED SAVINGS BANKS, CO-OPERATIVE BANKS AND TRUST COMPANIES.

(2) A bank may use its effective lending territory, which is defined as that local area or areas around each office or group of offices where it makes a substantial portion of its loans, and all other areas equidistant from its offices as those areas. Adjustments such as those indicated in paragraph (1) may be made, or

(3) A bank may use any other reasonably delineated local area that meets the purposes of this section and does not exclude low and moderate-income neighborhoods.

The board of directors or trustees of each bank shall adopt a statement, referred to as the community reinvestment statement, for each delineated community.

Each such statement shall include at least the following:

(1) the delineation of the local community;

(2) a list of specific types of credit within certain categories, such as residential loans for one to four-dwelling units, residential loans for five-dwelling units and over, housing rehabilitation loans, home improvement loans, small business loans, farm loans, community development loans, commercial loans, and consumer loans, that the bank is prepared to extend within the local community; and

(3) a copy of the community reinvestment notice as provided for in this section.

Each bank may include the following in each community reinvestment statement;

(1) a description of how its current efforts, including special credit-related programs, help to meet community credit needs;

(2) a periodic report regarding its record of helping to meet community credit needs; and

(3) a description of its efforts to ascertain the credit needs of its community, including efforts to communicate with members of its community regarding credit services.

Each bank's board of directors or trustees shall review each community reinvestment statement at least annually and shall act upon any meterial change made in the interim at its first regular meeting after the change. Such actions shall be noted in its minutes.

Each current community reinvestment statement shall be readily available for public inspection (1) at the head office of the bank; and

(2) at each office of the bank in the local community delineated in the statement, except off-premises electronic deposit facilities.

Copies of each current community reinvestment statement shall be provided to the public upon request. A bank may charge a fee not to exceed the cost of reproduction.

Each bank shall maintain files that are readily available for

public inspection of:

(1) any signed, written comments received from the public within the past two years that specifically relate to any community reinvestment statement or to the bank's performance in helping to meet the credit needs of its community or communities;

(2) any responses to the comments that the bank wishes to make; and

(3) any community reinvestment statements in effect during the past two years.

Such files shall not contain any comments or responses that reflect adversely upon the good name or reputation of any person other than the bank or publication of which would violate specific provisions of law.

Such files shall be maintained by each bank as follows:-

(1) all materials at the head office; and

(2) those materials relating to each local community at a designated office in that community.

Each bank shall provide, in the public lobby of each of its offices other than off-premises electronic deposit facilities, a public notice substantially similar to the one set forth below. Bracketed material shall be used only by a bank having more than one local community. The last item shall be included only if the bank is a subsidiary of a holding company that is not prevented by statute from acquiring additional banks.

COMMUNITY REINVESTMENT NOTICE

Community Reinvestment (C.R.) requires the evaluation of our performance in helping to meet the credit needs of this community, and to take this evaluation into account when the commissioner decides on certain applications submitted by us. Your involvement is encouraged.

You should know that:-

You may obtain our current C.R. statement for this community in this office. (Current C.R. statements for other communities served by us are available at our head office, located at:
..... .)

You may send signed, written comments about our C.R. statement(s) or our performance in helping to meet community credit needs to (title and address of bank official) and to the commissioner of banks (address). Your letter, together with any responses by us, may be made public.

You may look at a file of all signed, written comments received by us within the past two years, any response we have made to the comments, and all C.R. statements in effect during the past two years, at our office located at (address). (You also may look at the file about this community at (name and address of

designated office).)

You may ask to look at any comments received by the commissioner of banks.

We are a subsidiary of (name of holding company), a bank holding company. You may request from the Federal Reserve Bank of (city, address) an announcement of applications covered by C.R. filed by bank holding companies.

The information and disclosures required under this notice may be combined or attached to the information and disclosures required under the Federal Community Reinvestment Act, (Title VIII of Public Law 95-128) and any regulations thereunder.

In connection with its examination of a bank, the commissioner shall assess the record of performance of the bank in helping to meet the credit needs of its entire community, including low and moderate-income neighborhoods, consistent with safe and sound operation of the bank. The commissioner shall review the bank's community reinvestment statement and signed, written comments retained by the bank, or the commissioner. In addition, the commissioner will consider the following factors in assessing a bank's record of performance:

(a) activities conducted by the bank to ascertain the credit needs of its community, including the extent of the bank's efforts to communicate with members of its community regarding the credit services being provided by the bank;

(b) the extent of the bank's marketing and special credit-related programs to make members of the community aware of the credit services offered by the bank;

(c) the extent of participation by the bank's board of directors or trustees in formulating the bank's policies, and reviewing the performance with respect to the purposes of community reinvestment as set forth in this section;

(d) any practices intended to discourage applications for types of credit set forth in the bank's community reinvestment statement;

(e) the geographic distribution of the bank's credit extensions, credit applications, and credit denials;

(f) evidence of prohibited discriminatory or other illegal credit practices;

(g) the bank's record of opening and closing offices and providing services at offices;

(h) the bank's participation, including investments, in local community development and redevelopment projects or programs;

(i) the bank's origination of residential mortgage loans, housing rehabilitation loans, home improvement loans, and small business or small farm loans within its community, or the purchase of such loans originated in its community;

(j) the bank's participation in governmentally-insured guaranteed, or subsidized loan programs for housing, small businesses or small farms;

(k) the bank's ability to meet various community credit needs based on its financial condition and size, its legal impediments, local economic conditions and other factors; and

(l) other factors that, in the commissioner's judgment reasonably bear upon the extent to which a bank is helping to meet the credit needs of its entire community.

In considering an application for the establishment of a domestic branch or other facility with the ability to accept deposits, the relocation of the main office or a branch office, or a merger or consolidation with or the acquisition of assets or assumption of liabilities of another bank or federally-insured bank, the commissioner or the board of bank incorporation shall consider, but not be limited to consideration of, the bank's record of performance.

The assessment of a bank's record of performance in helping to meet the credit needs of its community may be the basis for denial of such an application.

SECTION 2. Said chapter 167 is hereby further amended by striking out section 9A, inserted by section 3 of chapter 491 of the acts of 1980, and inserting in place thereof the following section:-

Section 9A. The commissioner of banks shall annually prepare and submit a list to the investment committee established under the provisions of section twenty-three of chapter thirty-two and the state treasurer which indicates those banks, as defined in section one of this chapter, which have satisfied their continuing and affirmative obligations to help meet the needs of the local communities in which they are chartered, including low and moderate-income neighborhoods, consistent with the safe and sound operation of those banks. Only mortgage lenders so listed shall be eligible to sell or participate in the sale of mortgage pass-through securities or mortgage-backed bonds to public employee retirement systems. Only banks so listed shall be eligible to receive deposits under the provisions of section thirty-four or thirty-four A of chapter twenty-nine. A bank shall not be excluded from such list unless it has been examined after May first, nineteen hundred and eighty-two for compliance with its obligations to meet the credit needs of its local communities consistent with the provisions of section two B.

The commissioner of banks also shall prepare annually and submit to said investment committee and the treasurer, a list, based on information received from the appropriate federal

agency, which indicates those federal savings and loan associations and national banking associations which have been determined by the Federal Home Loan Bank Board, the Federal Deposit Insurance Corporation, or the Office of the Comptroller of the Currency to have complied with the requirements of the Federal Community Reinvestment Act, sections 802 et. seq., (Title VIII of P.L. 95-128), and regulations promulgated thereunder. Only those associations so listed shall be eligible to sell such securities or bonds to such systems, and only such associations so listed shall be eligible to receive deposits under the provisions of section thirty-four or thirty-four A of chapter twenty-nine.

SECTION 3. Said chapter 167 is hereby further amended by inserting after section 51C the following section:-

Section 51D. Notwithstanding any other provision of law, a trust company, savings bank or co-operative bank may, subject to such regulations as the commissioner deems advisable, make and acquire, or participate with any other such corporation or with a national banking association or savings and loan association in making and acquiring, loans secured by security interests in shares of stock issued by a co-operative housing corporation established under the provisions of chapters one hundred and fifty-six, one hundred and fifty-six B or chapter one hundred and fifty-seven. The aggregate balance of principal of all such loans outstanding at any one time shall not exceed five per cent of the deposits of such bank.

SECTION 4. Section 70 of said chapter 167 is hereby amended by adding the following paragraph:-

Notwithstanding any other provision of law to the contrary, the commissioner may, by further conditions and restrictions, provide that the rate of amortization may be varied, including utilizing a period of negative amortization, in order to adjust the rate of interest.

SECTION 5. The General Laws are hereby further amended by striking out chapter 167 and inserting in place thereof the following chapter:-

CHAPTER 167.
SUPERVISION OF BANKS.

Section 1. The following words as used in this chapter, unless the context requires otherwise, shall have the following meanings:-

"Bank" or "such bank", a savings bank, co-operative bank, trust company, any corporation authorized to do the business of a banking company under chapter one hundred and seventy-two A or any individuals, partnership, association or corporation, incorporated or doing a banking business in the commonwealth, subject to the supervision of the commissioner of banks.

"Commissioner", the commissioner of banks.

Section 1A. The commissioner shall promulgate rules and regulations establishing minimum standards relative to the security and protection of banks or credit unions under his supervision, both for the benefit of employees as well as the general public, including the requirement for the installation, maintenance and operation of security devices and procedures and to assist in the identification and apprehension of criminals.

Said rules and regulations shall fix the time limit within which each such bank or credit union shall comply with the standards so established and may require the submission, in writing, of periodic reports and other information necessary to ensure compliance with such rules and regulations. A bank or credit union which violates any rule or regulation promulgated pursuant to this section shall forfeit to the commonwealth one hundred dollars for each day during which such violation continues, to be recovered by an information in equity in the name of the attorney general at the request of the commissioner, commenced in the supreme judicial court for Suffolk county.

Section 1B. Any corporation conducting the business referred to in section one of chapter one hundred and seventy-two A, whether or not such corporation shall have been authorized to do the business of a banking company under said chapter, shall be subject to the supervision of the commissioner and, except as otherwise provided in this section, the provisions of sections four to eight, inclusive, and ten to fourteen, inclusive, of said chapter, shall apply to such corporation. Any such corporation shall carry on only such business and shall make only such investments as are authorized by said chapter; provided, that in the case of any corporation subject to section seven A thereof, the holding and disposition of assets not authorized as investments by section seven thereof shall be governed by said section seven A. The rates of interest charged on loans coming within the limitations of section ninety-six of chapter one hundred and forty by any corporation conducting the business hereinbefore referred to shall not exceed the rates established by the commissioner pursuant to section one hundred of chapter one hundred and forty, but whenever any such corporation shall have been authorized to do the business of a banking company under said chapter one hundred and seventy-two A rates of interest author-

ized by section nine of said chapter shall apply. No such corporation incorporated after January first, nineteen hundred and thirty-eight shall transact, in this commonwealth, the business referred to in section one of said chapter until it shall have received a certificate from the board of bank incorporation under section two of said chapter.

Section 2. The commissioner, either personally or by his examiners, or such others of his assistants as he may designate, shall, at least once in every two calendar years, make a thorough examination of the books, securities, cash, assets and liabilities and ascertain the condition of all banks under his supervision, the ability of each bank to fulfill its obligations, and also whether it has complied with the law; and he may also, whenever he considers it expedient, make, or cause to be made, at the expense of the bank, such further examinations or audits as he deems advisable, by his examiners, or by certified public accountants or public accountants not connected with such bank approved by him and subject to his direction, and he may also, whenever he considers it expedient, appoint individuals certified as real estate appraisers by the society of real estate appraisers, or similar successor society, to make, at the expense of the bank, appraisals of real estate securing loans of the bank, and, at the time he names such appraiser, he shall so notify the bank and advise it of the date on which he has requested submission of the appraisal report to him, whereupon the bank may then appoint an appraiser who may submit the report of his appraisal to the commissioner on the same date.

The cost of the annual examination or audit of each bank under the supervision of the commissioner shall be paid by said bank and shall include, subject to the limitations herein contained, all monies expended by the commonwealth for personal services and such proportion of the general overhead of the division of banks and loan agencies, including travel, hotel and meal allowances, and other direct and indirect costs, as is determined by the commissioner to be attributable to such examination or audit. The charge for each examiner participating in such examination or audit shall be determined annually by the commissioner of administration under the provision of section three B of chapter seven. In addition to the foregoing, a charge to be also determined under the aforementioned provision, may be assessed which together with the charges authorized by the preceding sentence, will be sufficient to reimburse the commonwealth for the direct and indirect costs of such examination or audit.

Each bank shall, within thirty days after notice from the commissioner of the charge for such examination or audit, pay to him such charge. No examination charge shall be collected

hereunder from a bank which has been in operation for one year or less nor shall a charge in excess of one-half of the amount actually attributable to such examination or audit be assessed against a bank which has been in operation for more than one year but less than two years.

The commissioner or the person making the examination shall, at the time of any such examination, have free access to the vaults, investments, cash, books and papers. In making any examination which in the opinion of the commissioner is necessary, the commissioner shall have access to the vaults, books and papers of each of the bank's affiliates and may make such examination of the affairs of its affiliates as may be necessary to disclose fully the relations between such bank and its affiliates and the effect of this relationship upon the affairs of the bank.

The expense of the examination of the affairs of any affiliate of a bank, determined as provided in this section, shall be paid by the affiliate examined. For the purposes of this section, the term "affiliate" shall include holding company affiliates, but shall not include any person or corporation the control of which is held by a bank when acting in a fiduciary capacity.

The commissioner shall preserve a full record of each such examination of a bank including a statement of its condition. Such records, and information contained in the reports of such banks, other than information required by law to be published or to be open to the inspection of the public, shall be open only to the inspection of the commissioner, his examiners and assistants, and such other officers of the commonwealth as may have occasion and authority to inspect them in the performance of their official duties. Nothing herein contained shall be construed to prohibit the required production of such records, and information contained in the reports of such banks, before any court of this commonwealth or any master or auditor appointed by any such court, in any criminal or civil proceeding therein pending, affecting such bank, its officers, directors or employees.

Copies of reports of such examinations of any bank shall be furnished to such bank for its use only and shall not be exhibited to any other person, organization or agency without the prior written approval of the commissioner of banks. There may be furnished to the chief national bank examiner, the Federal Reserve Bank of Boston, the Federal Deposit Insurance Corporation, the Massachusetts Credit Union Share Insurance Corporation, the National Credit Union Administration, Federal Home Loan Bank Board, or the banking departments of other states, such information, reports and statements relating to the institutions under the supervision of the commissioner as he deems appropriate.

Section 3. Whenever the commissioner deems it expedient, he may cause a meeting of the board of directors or board of trustees of a bank to be held in such manner and at such time and place as he may direct. Any report of an examination of the affairs of such bank under section two, any conclusions drawn therefrom by the commissioner and any directions or recommendations made by him relative thereto and any other matters concerning the operation or condition of such bank, may be presented to such board by the commissioner in person or by such assistant as he may designate, and the person having custody of the records of such bank, hereinafter referred to as the recording officer, shall forthwith incorporate such directions and recommendations in the records of such meeting. Each director or trustee of such bank who is present at such meeting shall forthwith sign a certificate or other acknowledgment in such form as may be prescribed by the commissioner, that he has heard the directions and recommendations of the commissioner or read the records containing the same. The recording officer of such bank shall, within seven days after the date of such meeting, transmit to the commissioner the said certificates or other forms of acknowledgment, signed as aforesaid, together with an attested copy of the records of such meeting. The recording officer shall also, within such period, mail, by registered mail, an attested copy of the records of such meeting and a blank form for said certificate or other form of acknowledgment, to each director or trustee, unless excused by the commissioner for physical or mental incapacity or absence from the commonwealth, who, in turn, shall sign and return to the recording officer such certificate or other form of acknowledgment. The commissioner may make rules and regulations relative to the filing of such certificates or other form of acknowledgment by absent directors or trustees and relative to their transmission to him. The commissioner may require a monthly report from the recording officer relative to the execution of and compliance with the directions, recommendations or orders set forth at such meeting. The superior court shall have jurisdiction in equity to enforce any lawful order made by the commissioner under the provisions of this section upon application by said commissioner.

Section 4. The commissioner, or his examiners or such others of his assistants as he may designate, may summon the trustees, officers or agents of a bank, or any other witnesses, and examine them relative to the affairs, transactions and condition of the bank, and, for that purpose, may administer oaths. Whoever, without justifiable cause, refuses to appear and testify when so required or obstructs the person making such examination in the performance of his duty, shall be punished by a fine

of not more than one thousand dollars or by imprisonment for not more than one year.

Section 5. Upon written application on oath to the commissioner by five or more officers, trustees, creditors or depositors of a bank setting forth their interest and the reasons for making an examination and requesting him to examine such bank, he shall forthwith make a full investigation of its affairs in the manner provided in the preceding sections.

Section 6. The commissioner may prescribe the manner and form of keeping the books and accounts of a bank, the extent to which they shall be audited, the manner of safeguarding its money and securities and regulations under which it may deposit its securities with trust companies or banking associations for safekeeping.

Section 6A. Any bank, as defined in section one, or a national banking association, federal savings and loan association or federal credit union authorized to do business in the commonwealth, shall make available copies of all agreements as referred to in subsection (2) of 4-103 of chapter one hundred and six.

The commissioner shall establish such rules and regulations as he deems necessary to carry out the purposes of this section.

Section 7. In addition to the reports required by law, banks shall make such other statements and reports to the commissioner as he may require. The commissioner shall furnish blank forms for all statements or reports required to be made to him. Any bank neglecting to make the returns required by law or by the commissioner, or failing to amend such report with fifteen days after notice from him, shall, unless such neglect or failure is due to justifiable cause and not due to wilful neglect, forfeit to the commonwealth, five dollars for each day during which such neglect continues, to be recovered by an information in equity in the name of the attorney general at the relation of the commissioner, brought in the supreme judicial court for Suffolk county.

Section 8. An officer of any bank who, for fifteen days after notice by the commissioner, fails to make any return, statement or report required by law or by the commissioner, or fails to amend such a return, statement or report if lawfully required by the commissioner, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.

Section 9. Returns to the commissioner under section twenty-two A of chapter one hundred and seventy-two, records of examinations of banks made under section two of this chapter, certificates or other form of acknowledgment filed with the commissioner under section three of this chapter, reports made under

section twenty-six of chapter one hundred and sixty-eight, and reports made under section eighteen of chapter one hundred and seventy, may, after six years from the date of their receipt, be destroyed or disposed of by order of their lawful custodian with the approval of the commissioner, and any proceeds received in the course of their disposal shall be paid to the commonwealth; provided, however, that if the commissioner shall have received actual notice, in writing, of any pending judicial proceeding in which such returns, records, certificates or other form of acknowledgment or reports are to be offered as evidence thereat, such returns, records, certificates, or other form of acknowledgment or reports shall not be destroyed or disposed of until after the final determination of such judicial proceeding.

Section 10. Any violation of sections fifty-two to fifty-three A, inclusive, of chapter two hundred and sixty-six shall be reported, in writing, within a reasonable time after discovery, to the commissioner and to the district attorney of the district in which the bank does business, by the president and treasurer of the bank in, or with respect to which, such violation occurs or, in the absence of either of said officers, by the officer performing the duties of such office.

Section 11. Any shortage of five thousand dollars or more in a bank shall, within forty-eight hours of discovery thereof by an officer of the bank in or with respect to which such shortage occurs, be reported in writing to the commissioner by the president and treasurer of the bank in which the shortage occurs, or in the absence of either of said officers by the officer performing the duties of such office.

Any person who wilfully violates the provisions of this section or section ten shall be guilty of a misdemeanor and shall be punished by a fine of not less than two hundred or more than one thousand dollars.

Section 12. If, after inquiry, the commissioner finds that any officer of any bank, including a director or trustee thereof, has violated any law related to such bank or has conducted the business of such bank in an unsafe or unsound manner or has used his official position in a manner contrary to the interests of such bank or its depositors or has been negligent in the performance of his duties, the commissioner may, by written notice to such officer detailing his reasons therefor, forthwith order his suspension. Any suspension so ordered shall become effective upon service of such notice upon the official involved and shall remain in effect until removed by the commissioner.

The commissioner may also, in his discretion, send a statement of facts upon which his conclusion is based relative to the conduct of the official involved, to the executive officer and each

director or trustee of the bank affected. Within such reasonable time as the commissioner may direct, a special meeting of the directors or trustees of the bank shall be held with respect to the statement of the commissioner. If, in the opinion of the commissioner, appropriate action is not taken to protect the interest of the bank or its depositors, or if such conduct is continued, the commissioner shall cause notice to be served on such officer, director or trustee, to appear and show cause why he should not be removed from office. If, after granting the officer, director or trustee so summonsed a reasonable opportunity to be heard, the commissioner finds that he has been guilty of any such delinquency, the commissioner, in his discretion, may order that such officer, director or trustee be removed from office and from participation in the management of such bank.

In either of the foregoing instances, a copy of any such notice shall be sent by registered mail to each officer, director or trustee of the bank affected. A copy of any such notice shall be sent to a board composed of the state treasurer, the attorney general and the commissioner of revenue. The members of the board, or a duly authorized representative, shall be present at any appearance of such officer, director or trustee. Any decision by the commissioner to suspend or remove such officer, director or trustee may be reversed by a decision of a majority of the members of the board made within five business days after the commissioner's decision; provided, however, that in the absence of any such reversal, any such decision of the commissioner shall be given full force and effect. Copies of such order shall be served upon the delinquent officer and upon such bank, whereupon such officer shall cease to be an officer of such bank and shall not participate in any way, in the management thereof; provided, however, that any such order, and the evidence and findings of fact upon which it is based, shall not be made public or disclosed to anyone except the delinquent officer and the other officers, directors or trustees of such bank, other than in the course of any judicial proceeding under this section. The commissioner shall thereupon transmit to the attorney general a transcript of the evidence and finding, and the attorney general shall institute such proceedings as he may deem necessary and proper. Any person suspended from office as herein provided who, during the term of his suspension, participates in any manner in the management of any bank in the commonwealth shall be punished by a fine of not more than one thousand dollars or one year in jail, or both. Any person removed from office as herein provided who thereafter participates in any manner in the management of any bank in the commonwealth shall be punished by imprisonment in the state prison for not more than five years

or by a fine of not more than five thousand dollars, or both.

Within twenty days after the service of an order of suspension or removal under this section upon the person removed thereby, such person may file a petition in the supreme judicial court for Suffolk county for a review of such suspension or removal but, pending such review, the order shall remain in full force and effect. The court shall have jurisdiction in equity to annul, reverse or affirm any such order, shall review all questions in accordance with the standards for review provided in paragraph (8) of section fourteen of chapter thirty A and may make any appropriate order or decree. The decision of the court shall be final and conclusive.

Section 12A. Whenever any officer of a bank, including a director or trustee, or other person participating in the conduct of the affairs of such bank, is charged in any information, indictment or complaint with the commission or participation in a crime involving a breach of trust which is punishable by imprisonment for a term exceeding one year under state or federal law, the commissioner may, if in his opinion continued service or participation by the individual may pose a threat to the interests of the bank's depositors or may threaten to impair public confidence in the bank, by written notice served upon such individual, suspend him from office or prohibit him from further participation in any manner in the conduct of the affairs of the bank. A copy of such notice shall be served upon the bank. Such suspension or prohibition shall remain in effect until such information, indictment or complaint is finally disposed of or until terminated by the commissioner. In the event that a judgment of conviction with respect to such crime is entered against such officer or other person, and at such time as such judgment is not subject to further appellate review, the commissioner may, if he deems that continued service or participation by the individual may pose a threat to the interest of the bank's depositors or may threaten to impair public confidence in the bank, issue and serve upon such officer or other person, an order removing him from office or prohibiting him from further participation in any manner in the conduct of the affairs of the bank without the consent of the commissioner. A copy of such order shall also be served upon such bank whereupon such officer shall cease to be an officer of such bank. A finding of not guilty or other disposition of the charge shall not preclude the commissioner from thereafter instituting proceedings to remove such officer or other person from office or to prohibit further participation in bank affairs, pursuant to section twelve.

Section 13. Annually, on or before the third Wednesday in March, the commissioner shall communicate to the general court

an abstract of his report and such suggestions as he considers expedient relative to the general conduct and condition of banks under this supervision. Thereafter, on or before the first day of April in each year, the commissioner shall make an annual report to the general court containing a statement of the condition, as of the last day of December next preceding, of each trust company, corporation subject to chapter one hundred and seventy-two A and private or foreign bank under his supervision, including any such banks as are in the hands of the commissioner, together with such other information relative to the affairs of said banks and of such persons subject to chapters one hundred and sixty-nine and one hundred and seventy-four as, in his opinion, the public interest may require. Annually, on or before the first day of August, the commissioner shall make a similar report containing a statement of the condition, as of the regular meeting day for the receipt of moneys in the preceding April of each co-operative bank and savings and loan association, and, on or before the first day of April, a similar report upon the condition, as of the last day of October next preceding, of each credit union, and, on or before the first day of February, a statement of the condition, as of the last business day of October next preceding of each savings bank and institution for savings under his supervision, with such other information relative to the affairs of such banks, associations and credit unions as he may deem to be in the public interest.

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

Section 14. The commissioner shall assess the record of each bank, as defined in section one, in satisfying their continuing and affirmative obligations to help meet the credit needs of their local communities, including low and moderate-income neighborhoods, consistent with the safe and sound operation of those banks, and shall provide for taking into account those records in connection with certain applications.

Each bank shall prepare and, at least annually, review a delineation of the local community or communities that comprise its entire community, without excluding low and moderate-income neighborhoods. Maps shall be used to portray community delineations. The reasonableness of the delineations will be reviewed by state examiners.

A local community shall consist of the contiguous areas sur-

rounding each office or group of offices, including any low and moderate-income neighborhoods in those areas. More than one office of a bank may be included in the same local community. A community delineation need not take into account an off-premises electronic facility that receives deposits for more than one institution unless the commissioner determines otherwise.

In preparing its delineation, a bank shall use any one of the following:-

(1) Existing boundaries such as those of Standard Metropolitan Statistical Areas (SMSA's) or counties in which the bank's office or offices are located may be used to delineate a local community. Where appropriate, portions of adjacent areas should be included. The bank may make adjustments in the case of areas divided by state borders or significant geographic barriers, or areas that are extremely large or of unusual configuration. In addition, a small bank may delineate those portions of SMSA's or counties it reasonably may be expected to serve;

(2) A bank may use its effective lending territory, which is defined as that local area or areas around each office or group of offices where it makes a substantial portion of its loans, and all other areas equidistant from its offices as those areas. Adjustments such as those indicated in paragraph (1) of this section may be made; or

(3) A bank may use any other reasonably delineated local area that meets the purposes of this section and does not exclude low and moderate-income neighborhoods.

The board of directors or trustees of each bank shall adopt a statement, referred to as the community reinvestment statement, for each delineated community.

Each such statement shall include at least the following:-

(1) the delineation of the local community;

(2) a list of specific types of credit within certain categories, such as residential loans for one to four-dwelling units, residential loans for five-dwelling units and over, housing rehabilitation loans, home improvement loans, small business loans, farm loans, community development loans, commercial loans, and consumer loans, that the bank is prepared to extend within the local community; and

(3) a copy of the community reinvestment notice as herein provided.

Each bank may include the following in each community reinvestment statement:

(1) a description of how its current efforts, including special credit related programs, help to meet community credit needs;

(2) a periodic report regarding its record of helping to meet community credit needs; and

(3) a description of its efforts to ascertain the credit needs of its community, including efforts to communicate with members of its community regarding credit services.

Each bank's board of directors or trustees shall review each community reinvestment statement at least annually and shall act upon any material change made in the interim at its first regular meeting after the change. Such actions shall be noted in its minutes.

Each current community reinvestment statement shall be readily available for public inspection (1) at the head office of the bank, and (2) at each office of the bank in the local community delineated in the statement, except off-premises electronic deposit facilities.

Copies of each current community reinvestment statement shall be provided to the public upon request. A bank may charge a fee not to exceed the cost of reproduction.

Each bank shall maintain files that are readily available for public inspection of:

(1) any signed, written comments received from the public within the past two years that specifically relate to any community reinvestment statement or to the bank's performance in helping to meet the credit needs of its community or communities;

(2) any responses to the comments that the bank wishes to make; and

(3) any community reinvestment statements in effect during the past two years.

Such files shall not contain any comments or responses that reflect adversely upon the good name or reputation of any person other than the bank or publication of which would violate specific provisions of law.

Such files shall be maintained by each bank as follows:

(1) all materials at the head office; and

(2) those materials relating to each local community at a designated office in that community.

Each bank shall provide, in the public lobby of each of its offices other than off-premises electronic deposit facilities, a public notice substantially similar to the one set forth below. Bracketed material shall be used only by a bank having more than one local community. The last item shall be included only if the bank is a subsidiary of a holding company that is not prevented by statute from acquiring additional banks.

COMMUNITY REINVESTMENT NOTICE

Community Reinvestment (C.R.) requires the evaluation of our

performance in helping to meet the credit needs of this community, and to take this evaluation into account when the commissioner decides on certain applications submitted by us. Your involvement is encouraged.

You should know that:

You may obtain our current C.R. statement for this community in this office. (Current C.R. statements for other communities served by us are available at our head office, located at: ..... .)

You may send signed, written comments about our C.R. statement(s) or our performance in helping to meet community credit needs to (title and address of bank official) and to the commissioner of banks (address). Your letter, together with any responses by us, may be made public.

You may look at a file of all signed, written comments received by us within the past two years, any response we have made to the comments and all C.R. statements in effect during the past two years at our office located at (address). (You also may look at the file about this community at (name and address of designated office).)

You may ask to look at any comments received by the commissioner of banks.

We are a subsidiary of (name of holding company), a bank holding company. You may request from the Federal Reserve Bank of (city, address) an announcement of applications covered by the C.R. filed by bank holding companies.

The information and disclosures required under this notice may be combined or attached to the information and disclosures required under the Federal Community Reinvestment Act, Title VIII of Public Laws 95-128 any regulations thereunder.

In connection with its examination of a bank, the commissioner shall assess the record of performance of the bank in helping to meet the credit needs of its entire community, including low and moderate-income neighborhoods, consistent with safe and sound operation of the bank. The commissioner shall review the bank's community reinvestment statement and signed, written comments retained by the bank, or the commissioner. In addition, the commissioner will consider the following factors in assessing a bank's record of performance:

(a) activities conducted by the bank to ascertain the credit needs of its community, including the extent of the bank's efforts to communicate with members of its community regarding the credit services being provided by the bank;

(b) the extent of the bank's marketing and special credit-related programs to make members of the community aware of the credit services offered by the bank;

(c) the extent of participation by the bank's board of directors or trustees in formulating the bank's policies, and reviewing its performance with respect to the purposes of community reinvestment as set forth in this section;

(d) any practices intended to discourage applications for types of credit set forth in the bank's community reinvestment statement;

(e) the geographic distribution of the bank's credit extensions, credit applications and credit denials;

(f) evidence of prohibited discriminatory or other illegal credit practices;

(g) the bank's record of opening and closing offices and providing services at offices;

(h) the bank's participation, including investments, in local community development and redevelopment projects or programs;

(i) the bank's origination of residential mortgage loans, housing rehabilitation loans, home improvement loans and small business or small farm loans within its community, or the purchase of such loans originated in its community;

(j) the bank's participation in governmentally-insured guaranteed, or subsidized loan programs for housing, small businesses or small farms;

(k) the bank's ability to meet various community credit needs based on its financial condition and size, its legal impediments, local economic conditions and other factors; and

(l) other factors that, in the commissioner's judgment, reasonably bear upon the extent to which a bank is helping to meet the credit needs of its entire community.

In considering an application for the establishment of a domestic branch or other facility with the ability to accept deposits, the relocation of the main office or a branch office, or a merger or consolidation with or the acquisition of assets or assumption of liabilities of another bank or federally-insured bank, the commissioner shall consider, but not be limited to the bank's record of performance.

The assessment of a bank's record of performance in helping to meet the credit needs of its community may be the basis for denial of such an application.

Section 15. The commissioner of banks shall annually prepare and submit a list to the investment committee established under the provisions of section twenty-three of chapter thirty-two and the state treasurer which indicates those banks, as defined in section one, which have satisfied their continuing and affirmative obligations to help meet the needs of the local communities in which they are chartered, including low and moderate-income neighborhoods, as set forth in section fourteen.

Only mortgage lenders so listed shall be eligible to sell or participate in the sale of mortgage pass-through securities or mortgage-backed bonds to public employee retirement systems. Only banks so listed shall be eligible to receive deposits under the provisions of section thirty-four or thirty-four A of chapter twenty-nine.

The commissioner of banks shall also prepare and submit annually to said investment committee and the state treasurer a list, based on information received from the appropriate federal agency, which indicates those federal savings and loan associations and national banking associations which have been determined by the Federal Home Loan Bank Board, the Federal Deposit Insurance Corporation, or the Office of the Comptroller of the Currency to have complied with the requirements of the Federal Community Reinvestment Act, sections 802 et. seq., of Title VIII of P.L. 95-128, and regulations promulgated thereunder. Only those associations so listed shall be eligible to sell such securities or bonds to such systems, and to receive deposits under the provisions of section thirty-four or thirty-four A of chapter twenty-nine.

Section 15A. Annually, not later than July first, the commissioner shall prepare a list of all stocks, bonds, notes and other interest bearing obligations which are then legal investments under any provision of sections forty-two or forty-eight, inclusive, paragraphs three, four, and six of section forty-nine, and section fifty of chapter one hundred and sixty-eight in effect immediately prior to the effective date of this section provided that all privately placed or held issues may in the discretion of the commissioner be omitted. Said list shall at all times be open to public inspection and a copy thereof shall be sent to every state-chartered bank having savings deposit. In the preparation of any list hereunder which the commissioner is required to prepare or furnish, he may employ such expert assistance as he deems proper or may rely upon information contained in publications which he deems authoritative in reference to such matters, and he shall be in no way held responsible or liable for the omission from such list of the name of any state or political subdivision or authority thereof or of any corporation or association the stocks, bonds, notes or other interest bearing obligations of which conform to this chapter, or for the omission of any stocks, bonds, notes or other interest bearing obligations which so conform; nor shall he be held responsible or liable for the inclusions in such list of any such names or of any stocks, bonds, notes or other interest bearing obligations which do not so conform.

Offices, and members of a board of a bank may rely upon the

legal list referred to in this section as representing an accurate listing of stocks, bonds, notes and other interest bearing obligations eligible for investment by it; and no such officer or member shall be personally liable for any loss incurred by such bank arising from the purchase in good faith of any security appearing on said list at the time of such purchase.

As used in any general or special law, the term "legal list for savings banks" or "legal investments for savings banks" shall mean the list referred to in this section.

Section 16. In connection with his annual examination of a bank, the commissioner shall consider the amount of investment made on mortgage loans on real estate located outside the commonwealth in assessing whether a bank is satisfying its continuing and affirmative obligation to help meet the credit needs of its local community delineated in accordance with applicable law and regulations; provided, however, that the commissioner shall also consider activities and investments made by a bank which contribute to the economic development of the commonwealth in general and the effect the investments made outside the commonwealth may have on such 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 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 banks made outside the commonwealth.

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 recommendations deemed necessary or appropriate if the commissioner determines, 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 outside the commonwealth.

Section 17. On the first of October and the first of April each year, the commissioner shall file a report to the general court on the availability of home mortgages within the commonwealth. This report shall consist of, but not be limited to, the following: (a) the amount of investment in home mortgages

made within the commonwealth during the preceding six month period, including those mortgages sold to a secondary market, (b) the cost of funds for banks during said preceding period, (c) the availability of funds for home mortgages in the commonwealth, and (d), other factors that, in the commissioner's judgment, reasonably bear upon the extent to which state chartered banks are meeting the home mortgage needs of the commonwealth.

Section 18. Whenever in the opinion of the commissioner an excessive loan has been made, or is about to be made, upon real estate, by a bank, said commissioner may cause an appraisal of such real estate to be made at the expense of the bank making the loan. One appraiser shall be named by the commissioner, one by the bank, and a third by the two thus named. The appraisers shall determine the value of the real estate and certify the same, in writing, to the commissioner and to the bank. If it appears from the appraisal that the loan is excessive, the commissioner may make such order in relation thereto as he deems advisable.

Section 19. Whenever it has been determined by the commissioner, after investigation, that the losses of any such bank resulting from a depreciation in the value of its assets or otherwise, exceed its surplus and any other reserve accounts, so that the estimated value of its assets is less than the total amount due to shareholders and holders of accounts referred to in chapter one hundred and sixty-seven D, he may require, by order, a suspension of dividend and interest distributions or a reduction of its liability to such shareholders and account holders in such manner as to distribute the loss equitably among them. If, after such an order of reduction, the bank realizes from such assets an amount in excess of the value so estimated, such amount shall be divided among the then remaining shareholders and account holders whose balances were so reduced, to the extent of such reduction only, and any balance of said excess remaining shall be transferred to the surplus account.

Section 20. At least once in each three year period, every bank shall cause its savings accounts to be verified, to such an extent and in such manner as the commissioner shall require, and under such rules as he may prescribe.

Section 21. Any bank, which term for the purposes of this section shall include not only any bank as defined in section one but also, to the extent that the provisions hereof are not inconsistent with and do not infringe upon paramount federal law governing national banks, any national banking association, federal reserve bank, federal home loan bank, federal savings and loan association or federal credit union doing business in the

commonwealth, may remain closed on any and all Saturdays and any and all days on which, by reason of an occasion of national mourning or rejoicing, or national emergency or local emergency affecting the community in which such bank is located, the governor shall, by proclamation, request the people of the commonwealth or of said community to close their places of business.

Wherever the commissioner determines that an emergency exists affecting banks located in the commonwealth or in any part or parts thereof, he may authorize banks located in the area or areas affected by such emergency to close any or all of their offices, and he shall make public announcement of such authorization. Further, if the commissioner determines that an emergency exists which affects a particular bank or banks or a particular office or offices thereof but not banks located in the area generally, he may authorize the particular bank or banks or office or offices so affected to close. As used in this paragraph, the word "emergency" shall include any condition which may interfere with the conduct of the normal operations of, or the transportation of, employees to or from, a bank or one or more offices thereof, or poses an existing or imminent threat to the safety or security of bank personnel or property, including, without limitation, conditions arising by reason of fire, flood, windstorm, snowstorm or other casualty, interruption of transportation or power facilities, war or other enemy action, and riots, civil commotion or other acts of lawlessness or violence.

Whenever the officers of a bank are of the opinion that conditions exist which pose an existing or imminent threat to the safety or security of bank personnel or property generally or at any one or more offices thereof, they may close the bank or the office or offices affected by such threat, as the case may be irrespective of whether the governor has acted or the commissioner has acted under this section. As used in this section, the word "officers" shall mean the person or persons designated by the board of directors, board of trustees or other governing body of a bank to act for the bank in carrying out the provisions of this section or, in the absence of any such designation, the president or any other officer currently in charge of the operations of the bank or of the office or offices in question. 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.

Any bank or office thereof which is closed by action of the commissioner under this section may remain closed until the commissioner declares that the emergency had ended; if closed by decision of the officers, the bank may remain closed until they determine that the threat has ended; and, in either event, for

such further time thereafter as may reasonably be required to reopen but in any event until the normal time of opening on the next business day.

Any Saturday or proclaimed day of closing on which a bank remains closed, and any day on which a bank or anyone or more of its offices is closed during any part or all of its normal banking hours by decision of the commissioner or by decision of its officers, shall be, with respect to such bank or, if not all of its offices are closed, then with respect to those offices which are closed, a day which is neither a "full business day" nor a "banking day" as such words are used in and for purposes of chapter one hundred and six, and any act authorized, required or permitted to be performed at, or by or with respect to such bank or such office or offices, on such day, may be performed on the next succeeding business day without any liability or loss of rights resulting from such delay.

Any action taken by the commissioner in authorizing any bank to close shall be recorded in a permanent record book, of such actions, to be maintained by the commissioner.

The provisions of this section shall be construed to be in addition to and not in substitution for, or in limitation of, any other law of the commonwealth or of the United States authorizing the closing of banks or excusing delay by a bank in the performance of its duties or obligations because of emergencies or conditions beyond its control or otherwise.

Section 21A. Any officer of the commonwealth or of any political subdivision thereof, or of any public or quasi-public body or corporation, receiving public or quasi-public moneys, including trust and sinking funds, who lawfully and in good faith and in the exercise of due care has deposited any of such moneys to the credit of any political subdivision of the commonwealth, or of any department, board, commission or other activity of the commonwealth or of any political subdivision thereof, or of any such body or corporation in a bank as defined in section one or in a national banking association doing business within the commonwealth, may, subject to the approval hereinafter required, on behalf of the commonwealth or political subdivision thereof or of the public or quasi-public body or corporation, on behalf of which such moneys were deposited, and without thereby incurring any personal liability for the loss of any such moneys by reason of any reorganization hereinafter referred to, assent to and participate in a plan of reorganization of such bank or national banking association, if such plan shall have previously been approved by the commissioner or by the comptroller of the currency, and may enter into all necessary agreements in connection therewith. The state treasurer, subject to the approval

hereinafter required, may act under authority of this section as to any public moneys deposited by himself or any other officer of the commonwealth to the credit of the commonwealth and not specifically to the credit of any department, board, commission or other activity thereof.

No action shall be taken under authority of this section unless and until approved, in case of action of the state treasurer or any other officer of the commonwealth, by the governor and council; in case of action of any officer of a county, city or town, by the county commissioners, mayor and city council or board of selectmen; in case of action of any officer of a district, by the prudential committee thereof, or other officer or board exercising similar powers therein; and in case of action of any officer of a public or quasi-public body or corporation, by its board of directors, or board of trustees or other officers or board thereof exercising similar powers.

Section 22. Whenever it shall appear to the commissioner that any bank has violated its charter or any law of the commonwealth, or is conducting its business in an unsafe or unauthorized manner, or that its capital is impaired, or if it shall refuse to submit its books, papers and concerns to the inspection of the commissioner or his duly authorized agents, or if any officer of such bank shall refuse to be examined on oath by the commissioner or his duly authorized assistants touching its concerns, or if it shall suspend payment of its obligations, or if from an examination or from a report provided for by law the commissioner shall have reason to conclude that such bank is in an unsound or unsafe condition to transact the business for which it is organized, or that it is unsafe and inexpedient for it to continue business, the commissioner may take possession forthwith of the property and business of such bank and may retain possession thereof until the bank shall resume business or until its affairs shall finally be liquidated as herein provided.

Section 23. Upon taking possession of the property and business of a bank, the commissioner shall forthwith give notice thereof to all banks, associations and individuals holding or having possession of any assets of such bank. No bank, association or individual, knowing that the commissioner has taken such possession or having been notified thereof as aforesaid, shall have a lien or charge for any payment, advance or clearance thereafter made, or liability thereafter incurred, against any of the assets of the bank of whose property and business the commissioner shall have taken possession as aforesaid. Such bank may, with the consent of the commissioner, resume business upon such conditions as said commissioner may approve; provided, however, that if, in said commissioner's judgment it is

for the public interest so to do, said commissioner may retain, in behalf of the bank the control, prosecution or defense of any undetermined suits or claims brought on behalf of, or against, the bank under section twenty-five during the time when the bank was in said commissioner's charge, and the expense of prosecuting or defending such suits or claims shall be paid from the funds of such bank.

Section 24. Upon taking possession of the property and business of such bank, the commissioner may collect moneys due to the bank and do all acts necessary to conserve its assets and business, and shall proceed to liquidate its affairs as hereinafter provided. Said commissioner shall collect all debts due and claims belonging to it, and upon the order or decree of the supreme judicial court, or any justice thereof, may sell or compound all bad or doubtful debts, and, on like order or decree, may sell for cash or other consideration or as provided by section thirty-eight of chapter one hundred and sixty-eight or section thirty-seven of chapter one hundred and seventy-two, all or any part of the real and personal property of the bank on such terms as the court shall direct, and, in the name of such bank, may take a mortgage on such real property from a bona fide purchaser to secure the whole or a part of the purchase price upon such terms and for such periods as the court shall direct. If, at any time after he has taken possession of the property and business of a bank under section twenty-two, the commissioner deems it necessary to enforce the individual liability of stockholders therein, as described in the first sentence of section twenty-eight of chapter one hundred and seventy-two, in order to pay the liabilities of such bank, said commissioner may file a bill in equity in the supreme judicial court against all persons who were stockholders therein at the time of such taking possession; but no such stockholder shall be liable to pay a larger sum than the amount of the par value of the stock held by him at the time of such taking possession. Such suit shall not abate by reason of the non-joinder of persons liable as respondents, unless the commissioner, after notice by plea or answer of their existence, unreasonably neglects to make them parties, nor shall it abate by reason of the death of a respondent but his estate shall be liable in the hands of his executor or administrator who may voluntarily appear, or who may be summoned by the commissioner to defend the suit.

The commissioner shall not sell for cash or other consideration or as provided by section thirty-eight of chapter one hundred and sixty-eight all or any part of the real or personal property of a savings bank in his possession without having first given to the Mutual Savings Central Fund, Inc., and to the Federal De-

posit Insurance Corporation or to any successor to said corporations, respectively, reasonable opportunity, jointly or severally, to offer to purchase the same; and the commissioner shall, in any petition to the supreme judicial court filed by him seeking an order or decree directing the sale of any such property, certify that such reasonable opportunity has been so given and the amounts, if any, for which the Mutual Savings Central Fund, Inc., or the Federal Deposit Insurance Corporation, or both, or any successor corporation thereto have expressed a willingness to purchase said property.

Section 25. To execute and perform the powers and duties conferred upon him, the commissioner may, in the name of any such bank, prosecute and defend all suits and other legal proceedings and may, in the name of the bank, execute, acknowledge and deliver all deeds, assignments, releases and other instruments necessary and proper to effectuate any sale of real or personal property or any compromise authorized by the court, and any deed or other instrument, executed pursuant to the authority hereby given, shall be valid and effectual for all purposes to the same extent as though executed by the officers of the bank by authority of its board of directors or of its stockholders, or by the individual banker personally. In case any of the real property so sold is located in a county other than that where the application to the court for leave to sell the same is made, the commissioner shall cause a certified copy of the order or decree of the court authorizing or ratifying such sale to be filed in the registry of deeds for the district wherein said real property lies.

Section 26. The commissioner may, under his hand and official seal, appoint agents to assist him in the duty of liquidation and distribution. The certificates of the appointment of such agents shall be filed in the office of the commissioner and certified copies thereof shall be filed in the office of the clerk of the supreme judicial court. The commissioner may from time to time authorize such agents to perform such duties connected with said liquidation and distribution as he deems proper. The commissioner may procure such expert assistance and advice as he considers necessary in the liquidation and distribution of the assets of such bank and he may retain such officers or employees of the bank as he deems necessary. The commissioner shall require, from a special agent and from such assistants, such security for the faithful discharge of their duty as he deems proper.

The commissioner may, under his hand and official seal, appoint the Federal Deposit Insurance Corporation as the liquidating agent of a bank insured by the Federal Deposit Insurance

Corporation. Upon its acceptance of the appointment, the Federal Deposit Insurance Corporation as liquidating agent shall acquire both legal and equitable title to all of the assets, rights or claims and to all of the real or personal property of the closed bank. The Federal Deposit Insurance Corporation as liquidating agent shall have the power to perform all acts and duties of the commissioner in the liquidation of the closed bank. The commissioner shall petition the supreme judicial court for an order confirming the appointment of the Federal Deposit Insurance Corporation as liquidating agent of such bank.

When the Federal Deposit Insurance Corporation accepts appointment as liquidating agent as provided herein and proposes a purchase and assumption resolution, the board of bank incorporation may exercise its authority under chapter one hundred and sixty-seven A, chapter one hundred and sixty-eight or chapter one hundred and seventy-two without regard to notice of hearing requirements to effect such a resolution.

Whenever the Federal Deposit Insurance Corporation pays or makes available for payment the insured deposit liabilities of a closed bank, it shall become subrogated to all of the rights of the owners of the deposits against the closed bank, whether or not it has become receiver thereof, in the same manner and to the same extent as it would be subrogated in the closing of a national banking association as provided in the Federal Deposit Insurance Act, as amended.

Section 26A. The commissioner may, under his hand and official seal, appoint the National Credit Union Administration Board as the liquidating agent of a credit union insured by the National Credit Union Administration Board. Upon its acceptance of the appointment, said board as liquidating agent shall acquire both legal and equitable title to all of the assets, rights or claims and to all of the real or personal property of such closed credit union. Said board shall have the power to perform all acts and duties of the commissioner in the liquidation of such closed credit union. Further, said board may also as liquidating agent aid in the liquidation of a credit union insured by it in the same manner and to the same extent as the Massachusetts Credit Union Share Insurance Corporation may aid in the liquidation of a credit union insured by that corporation, as provided in chapter one hundred and seventy-one.

Whenever the National Credit Union Administration Board pays or makes payment of the insured share and deposit liabilities of a closed credit union, it shall become subrogated to all of the rights of the member and owner of the shares and deposits against the closed credit union, whether or not it becomes receiver thereof in the same manner and to the same extent as it

would be subrogated in the closing of a federal credit union as provided in Sec. 1787 USC 12.

Section 27. Upon taking possession of the property and assets of such bank, the commissioner shall make an inventory, in duplicate, of the assets of the bank, one to be filed in his office and one in the office of the clerk of the supreme judicial court.

Section 28. The commissioner shall publish weekly for three consecutive months, in such newspapers as he directs, a notice calling on all persons who may have claims against such bank to present the same to the commissioner and to make legal proof thereof at a place and in a time, not earlier than the last day of publication, to be therein specified. The commissioner shall mail a similar notice to all persons whose names appear as creditors upon the books of the bank, so far as their addresses are known. If the commissioner doubts the justice and validity of any claim, he may reject the same and serve notice of such rejection upon the claimant either personally or by mail. An affidavit of service of such notice, which shall be prima facie evidence thereof, shall be filed with the commissioner. An action upon the claim so rejected shall not be entertained unless brought within six months after such service. Claims presented after the expiration of the time specified in the notice to creditors shall be entitled to share in the distribution only to the extent of the assets in the hands of the commissioner equitably applicable thereto.

Section 29. Upon the expiration of the time fixed for the presentation of claims, the commissioner shall make, in duplicate, a full and complete list of the claims presented, including and specifying such claims as have been rejected by him. One of said lists shall be filed in his office and the other in the office of the clerk of the supreme judicial court. Thereafter the commissioner shall make and file in said offices, at least fifteen days prior to every application to the court for leave to declare a dividend, a supplementary list of the claims presented since the last preceding list was filed, including and specifying such claims as have been rejected by him, and, he shall make and file said list at least once in every six months after the filing of the original list, so long as he remains in possession of the property and business of the bank. Said inventory and lists shall be open to inspection at all reasonable times.

Section 30. The compensation of the special agents, counsel, employees and assistants, and all expenses of supervision and liquidation, shall be fixed by the commissioner, subject to the approval of the supreme judicial court, on notice to such bank, and, upon the certificate of the commissioner, shall be paid out of the funds of the bank in his hands.

Section 31. At any time after the expiration of the date fixed for the presentation of claims, the supreme judicial court, on application of the commissioner, depositor, creditor, stockholder or any party in interest, may authorize or direct the commissioner to declare out of the funds remaining in his hands, after the payment of expenses, one or more dividends, and, after the expiration of one year from the first publication of notice to creditors, or earlier, if the supreme judicial court so orders, the commissioner may declare a final dividend, such dividends to be paid to such persons, in such amounts, and upon such notice as may be directed by the supreme judicial court or as may be directed by a justice of said court. Objections to any claim not rejected by the commissioner may be made by any person interested by filing a copy of the objections with the commissioner who shall present the same to the supreme judicial court at the time of the next application for leave to declare a dividend. The court to which such application is made shall thereupon dispose of said objections, or may refer them to a master, and, should the objections to any claim be sustained by the court or by the master, no dividend thereon shall be paid by the commissioner until the claimant shall have established his claim by the judgment of a court of competent jurisdiction. The court may make proper provision for unproved or unclaimed deposits.

Section 31A. In the case of a deposit standing in the name of a minor having no known guardian, the commissioner, in his discretion if the amount of the deposit does not exceed five hundred dollars, or with the approval of the supreme judicial court, whether or not the amount of the deposit exceeds five hundred dollars, may make any dividend payment, payable under section thirty-one on account of such deposit, to such minor or either of his parents, and such payment shall be a valid discharge to the same extent as if made to the legal representative of such minor. In the case of a deposit standing in the name of a decedent after whose death sixty days have elapsed, if no petition for the allowance of his will or for the administration of his estate has been filed, the commissioner, in his discretion if the amount of the deposit does not exceed five hundred dollars, may make any dividend payment, payable under said section thirty-one on account of such deposit, to the person or persons whom he finds entitled thereto, or the commissioner, with the approval of the supreme judicial court whether or not the amount of the deposit exceeds five hundred dollars, may make any dividend payment, payable under said section thirty-one on account of such deposit, to the person or persons whom the court finds entitled thereto, and in either case such payment shall be a valid discharge to the same extent as if made to the legal representative

of the decedent.

Section 32. Should any bank, at the time when the commissioner takes possession thereof, have in its possession for safe keeping and storage, any jewelry, plate, money, securities, valuable papers or other valuable personal property, or should it have rented any box, safes, or safe deposit boxes, or any part thereof, for the storage of property of any kind, the commissioner may at any time after taking possession as aforesaid cause to be mailed to the person claiming or appearing upon the books of the bank to be the owner of such property, or to the person in whose name the safe, vault, or box stands, a written notice in a securely closed postpaid, registered letter, directed to such person at his post office address as recorded upon the books of the bank, notifying such person to remove, within a period fixed by said notice and not less than sixty days from the date thereof, all such personal property; and upon the date fixed by said notice, the contract, if any, between such persons and the bank for the storage of such property, or for the use of said safe, vault or box, shall cease and determine, and the amount of unearned rent or charges, if any, paid by such person shall become debt of the bank to such person. If the property be not removed within the time fixed by the notice, the commissioner may make such disposition of said property as the supreme judicial court, upon application thereto, may direct; and thereupon the commissioner may cause any safe, vault or box to be opened in his presence, or in the presence of one of his special agents and a notary public not an officer or employee of the bank, or of the commissioner, and the contents thereof, if any, to be sealed up by such notary public in a package upon which the notary public shall distinctly mark the name and address of the person in whose name such safe, vault or box stands upon the books of the bank, and shall attach thereto a list and description of the property therein. The package so sealed and addressed, together with the list and description, may be kept by the commissioner in one of the general safes for boxes of the bank until delivered to the person whose name it bears, or may otherwise be disposed of as directed by the court.

Section 33. Whenever any bank of whose property and business the commissioner has taken possession deems itself aggrieved thereby, it may, at any time within ten days after such taking possession, apply to the supreme judicial court to enjoin further proceedings; said court, after citing the commissioner to show cause why further proceedings should not be enjoined, and after hearing the allegations and proofs of the parties and determining the facts, may, upon the merits, dismiss such application or may enjoin the commissioner from further proceedings and direct him

to surrender the said business and property to the bank.

Section 34. Whenever the commissioner has paid to every depositor and creditor of such corporation, not including stockholders, whose claims as such creditors or depositors have been duly approved and allowed, the full amount of such claims, and has made proper provision for unclaimed and unpaid deposits or dividends, and has paid all expenses of the liquidation, he shall call a meeting of the stockholders of the corporation by mailing notice thereof, not less than thirty days prior to the date of the meeting, to each stockholder of record whose address is known, and also by publishing notice of the meeting once a week for four successive weeks in some newspaper of general circulation published in the county wherein the principal office of the corporation is located, the first publication to be not less than thirty days before the date appointed for the meeting. At such meeting the stockholders shall determine whether the commissioner shall be continued as liquidator and shall wind up the affairs of the corporation, or whether an agent or agents shall be elected therefor, and in so determining, the stockholders shall vote by ballot, in person or by proxy, each share of stock entitling the holder to one vote; and a majority of the stock shall be necessary for the determination. (If it is determined to continue the liquidation and, after paying the expenses thereof, distribute the proceeds remaining among the stockholders in proportion to their several holdings of stock, in such manner and upon such notice as may be directed by the supreme judicial court.) If it is determined to appoint an agent or agents to liquidate, the stockholders shall thereupon select such agent or agents by ballot, a majority of the stock present and voting, in person or by proxy, being necessary to a choice. Such agent or agents shall execute and file with the commissioner a bond to the state treasurer in such amount, with such sureties and in such form as shall be approved by the commissioner, conditioned for the faithful performance of all the duties of his or their trust, and thereupon the commissioner shall transfer and deliver to such agent or agents all undivided, uncollected or other assets of the corporation then remaining in his hands. Upon such transfer and delivery, the commissioner shall be discharged from all further liability to such corporation. Said agent or agents shall convert into cash the assets coming into his or their possession and shall account for and make distribution of the property of the corporation as provided in the case of distribution by the commissioner, except that the expenses thereof shall be subject to the direction and control of the supreme judicial court. In case of the death, removal or refusal to act of any such agents, the stockholders, on the like notice to be given by the commis-

sioner upon proof of such death, removal or refusal to act being filed with him, and by the like vote hereinbefore provided, may elect a successor who shall have the same powers and be subject to the same liabilities and duties as the agent originally elected.

Section 35. Unclaimed dividends and all other funds received from the liquidation of any institution, so taken possession of, and remaining in the possession of the commissioner after the expiration of twelve months from the order for final distribution, shall be paid by him to the state treasurer, to be held in trust, subject to the conditions hereinafter provided, for the several depositors with the creditors of such institution or other persons entitled thereto, according to their several interests. The commissioner shall state, annually, in his report to the general court the names of institutions so taken possession of and liquidated and the amounts of unclaimed dividends and other funds held by him with respect to every such institution. Upon certification by the commissioner that he has been furnished satisfactory evidence of their right to the same, the state treasurer shall pay over the money so held by him to the persons respectively entitled thereto. In cases of doubt or of conflicting claims, the commissioner may require an order from the supreme judicial court authorizing and directing payment, and any expenses incurred in connection therewith shall be deducted before payment from the amount payable. At the expiration of six years from the date of receipt by the state treasurer from the commissioner of any such unclaimed dividends or other funds, upon certification by the commissioner that no claim thereto has been proven to his satisfaction or is pending, the same or the balance thereof then remaining, together with the interest, if any, earned thereon, shall escheat to the commonwealth.

Section 35A. After the expiration of six years from the order for final distribution, the commissioner may, with the approval of the supreme judicial court, cause to be destroyed any or all of the books, records, correspondence and other papers in his possession concerning any such bank and the liquidation thereof.

Section 35B. The commissioner shall, while any such bank is in his possession, issue, from time to time, at intervals of not more than six months, reports with respect to such bank containing a statement of its receipts and expenditures, and a general report as to the progress of its liquidation, including an estimate of the liquidating value of its remaining assets and liabilities appropriately classified. Said reports shall be available to the depositors and to the stockholders or shareholders, if any, of such bank.

Section 36. The supreme judicial court, or any justice thereof, shall have jurisdiction in equity to enforce the provisions of

sections twenty-two to thirty-five B, inclusive, and to act upon all applications and in all proceedings thereunder.

Section 37. 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, chapters one hundred and sixty-seven C to one hundred and sixty-seven G, inclusive, 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 chapter one hundred and sixty-seven A 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 contain 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 con-

tains 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.

Section 37A. The commissioner or his examiners may examine the accounts, books and papers of any corporation, person, partnership or association making a business of receiving money on deposit, or which has the word "bank", "banking", "banker", "bankers", or "trust", or any word in a foreign language having the same or similar meaning, in the name under which its business is conducted, in order to ascertain whether such corporation, person, partnership or association has violated or is violating any provision of the preceding section; any corporations, person, partnership or association refusing to allow such examination or violating any provision of said section shall forfeit to the commonwealth one hundred dollars a day for every day or part thereof during which such refusal or violation continues. Any violation of this or the preceding section shall forthwith be reported by the commissioner to the attorney general. The said forfeiture may be recovered by any information or other appropriate proceeding brought in the supreme judicial or superior court in the name of the attorney general. Upon such information or other proceeding the court may issue an injunction restraining such corporation, person, partnership or association from further prosecution of its business within the commonwealth during the pendency of such proceeding or for all time, and may make such other orders or decrees as equity and justice may require.

Any corporation, person, partnership, or association found by the commissioner to be violating or to have violated this or section twelve shall bear the expenses of the examination made by the commissioner, including the actual cost thereof and such additional sum for the overhead expenses of the division of banks and loan agencies as the commissioner shall determine to be at-

tributable to such examination to be recovered in an action of contract brought by the attorney general in behalf of the commonwealth.

Section 38. No foreign banking association or corporation shall transact business in this commonwealth until it has received a certificate from the board of bank incorporation, authorizing it so to do. The said board may grant such certificate conditioned upon the performance of such requirements as to auditing as said board may prescribe. Any foreign banking association or corporation transacting business in this commonwealth shall be subject to the supervision of the commissioner, and shall annually, within thirty days after the last business day of December, and at other times during each year on any past day to be specified by the commissioner, make, to him, in such form as may be prescribed by him a return, signed and sworn to by the treasurer, or the corresponding officer, of the corporation, showing accurately the condition thereof at the close of business on said day. The president and a majority of the directors shall certify on oath that the report is correct according to their best knowledge and belief.

Section 38A. No association, corporation, partnership, or person organized or operating under laws other than the laws of this commonwealth and doing a business similar to any business referred to in section one, shall establish or maintain any branch or depot in this commonwealth unless expressly authorized to operate and maintain a branch or depot by the laws under which it was organized or operates and except in accordance with the same restrictions and limitations as to branches and depots applicable to similar institutions organized or operating under the laws of this commonwealth.

Section 39. The commissioner shall annually at least, and as much oftener as he deems expedient, examine, either personally or by a competent examiner appointed by him, every such association or corporation and thoroughly inspect and examine its affairs to ascertain its financial condition and whether it has complied with the law. The proper charges incurred by reason of any such examination shall be paid by the association or corporation examined.

Section 39A. For the purpose aforesaid, the commissioner or the person making the examination shall have free access to the vaults, books and papers of any such association or corporation, and may summon the directors, officers or agents thereof, and such other witnesses as he deems necessary, for examination relative to the affairs, transactions and condition of such association or corporation, and for that purpose is empowered to administer oaths.

Section 40. If, upon examination, it appears that such association or corporation is insolvent, or that its capital is impaired, or that its condition is such as to render the continuance of its business hazardous to the public or to those having funds in its custody, the commissioner shall apply, or, if such association or corporation appears to have exceeded its powers or failed to comply with any provision of law, may apply to the supreme judicial court, which shall have jurisdiction in equity on such application, to issue an injunction restraining such association or corporation, in whole or in part, from further proceeding with its business, and to make such further orders or decrees as justice and equity may require. The court may appoint one or more receivers to take possession of its property and effects, subject to such directions as may from time to time be prescribed by the court.

Section 41. Every foreign banking association or corporation which was, on June tenth, nineteen hundred and six, transacting business in this commonwealth and which receives any deposits or transacts any business in the manner of a savings bank, or in such a manner as might lead the public to believe that its business is that of a savings bank, shall have a savings department in which all business transacted in such manner in this commonwealth shall be done. All money received in said manner shall be a special deposit and shall be placed in said savings department, and all loans or investments thereof shall be made in accordance with the laws governing the investment of deposits.

Section 42. Such funds and the investments or loans thereof shall be appropriated solely to the security and payment of such deposits, and shall not be mingled with the investments of the capital stock or other money or property belonging to such association or corporation or be liable for the debts or obligations thereof. The accounts and transactions of said savings department shall be kept separate and distinct from the general business of the association or corporation.

Section 43. All income received from the investment of funds in said savings department, over and above the sums paid to depositors in that department as interest or dividends, shall accrue as profits to the association or corporation and may be transferred to its general funds.

Section 44. No such association or corporation described in section forty-one shall have more than two offices or places of business in the commonwealth.

Section 45. Sections forty-one to forty-four, inclusive, shall not apply to any deposit received by any such association or corporation in exchange for the obligation of a depositor secured

by such deposit, there shall be issued, either at the time of receiving the deposit, or thereafter, orders for merchandise for the full amount or any part thereof, and nothing contained in said sections shall be construed to apply to national banks.

Section 45A. The board of bank incorporation may, subject to such conditions as the commissioner may prescribe, grant to a banking association or corporation whose principal office is in another state, a certificate authorizing it to act in a fiduciary capacity under the provisions, so far as applicable, of chapter one hundred and sixty-seven G; provided, however, that said association or corporation is authorized so to act by the laws of the state wherein its principal office is located; and provided, further, that the laws of such state grant a similar privilege or privileges to like associations or corporations having their principal office in this commonwealth. Any such banking association or corporation holding a certificate as aforesaid and appointed a fiduciary shall be subject to the provisions of general law with respect to the appointment of agents by foreign fiduciaries and to the same taxes, obligations and penalties, with respect to its activities as such fiduciary and the property held by it in its fiduciary capacity, as like associations or corporations having their principal office in this commonwealth, and no such certificate shall be issued to any such banking association or corporation until it has filed with the said board of bank incorporation an agreement, in writing, in which it binds itself to perform said obligations and pay any such taxes and penalties as aforesaid as may be levied or imposed upon it in this commonwealth. Such a corporation or association, to the extent only that it acts as fiduciary as hereinbefore authorized, shall not be deemed to transact business in the commonwealth for the purposes of sections thirty-eight to forty-five, inclusive.

SECTION 6. Paragraph (d) of section 1 of chapter 167A of the General Laws, as amended by section 1 of chapter 633 of the acts of 1966, is hereby further amended by adding the following sentence:- So much of section ten of chapter one hundred and sixty-eight that provides that no trustee or other officer of a savings bank may at the same time be a director or other officer of a bank holding company shall not apply to service as a director or other officer of a bank holding company formed by one or more savings banks, and so much of section eight A of chapter one hundred and seventy that provides that no director or other officer of a co-operative bank may at the same time be a director or other officer of a bank holding company shall not apply to service as a director or other officer of a bank holding company formed by one or more co-operative banks.

SECTION 7. The first paragraph of paragraph 1 of section 4A of said chapter 167A is hereby amended by striking out the first sentence, as appearing in chapter 899 of the acts of 1969, and inserting in place thereof the following sentence:- A company having capital stock divided into shares which desires to acquire all the capital stock of one or more corporations, organized under or subject to the provisions of chapter one hundred and sixty-eight, one hundred and seventy or one hundred and seventy-two, shall, together with such corporation or corporations, submit, in duplicate, to the commissioner a written plan of acquisition of such stock.

SECTION 8. Said section 4A of said chapter 167A is hereby further amended by striking out paragraph 6, as amended by section 4 of chapter 313 of the acts of 1971, and inserting in place thereof the following paragraph:-

6. Any corporation organized under or subject to the provisions of chapter one hundred and sixty-eight, one hundred and seventy or one hundred and seventy-two shall have the power to organize a company for the purposes contemplated by this section; and in connection with such organization and the development of a plan of acquisition, any such corporation may incur organization and other expenses in such amounts, in the aggregate, not exceeding two per cent of its capital stock and surplus account for a trust company or two per cent of surplus for a savings bank or co-operative bank, as the commissioner may approve.

SECTION 9. The General Laws are hereby further amended by inserting after chapter 167B the following five chapters:-

CHAPTER 167C.
BANK LOCATIONS.

Section 1. The following words as used in this chapter, unless the context requires otherwise, shall have the following meanings:-

"Bank", or "such bank", a savings bank, co-operative bank, or trust company subject to the supervision of the commissioner of banks.

"Commissioner", the commissioner of banks.

"Stock corporation", a savings bank or a co-operative bank which has converted to a stockholder form of corporation or a trust company as defined in section one of chapter one hundred and seventy-two.

"Thrift institution", a savings bank as defined in chapter one

hundred and sixty-eight or a co-operative bank as defined in chapter one hundred and seventy except as herein provided.

Section 2. The main office of a bank shall be in the town specified in its charter or in its agreement of association, or in such other town to which such office may have been lawfully moved or may be moved as provided in this section. The location of the main office of any bank may be changed to any point in the town of its location with the written consent of the commissioner. With the approval of the board of bank incorporation and upon the vote of two-thirds of the corporators or members and the approval of its board of trustees or board of directors, present at a meeting called for the purpose, a bank may change the location of its main office to another town within the commonwealth by appropriate amendment of its charter or of its agreement of association, a copy of which amendment shall be filed immediately with the secretary of state.

Section 3. After such notice and hearing as the commissioner may require and with his written permission and under such conditions as he may approve, a bank 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 would benefit by the establishment of additional bank facilities, or (c) on a site in the commonwealth within forty miles from the premises of the main office where, in the opinion of the commissioner, the public would benefit by the establishment of additional bank facilities.

The offices and depots of any bank in any location within the commonwealth consolidated or merged under sections thirty-four, thirty-four A, thirty-four B or thirty-four D of chapter one hundred and sixty-eight, sections twenty-five, twenty-six, twenty-six A, twenty-six B or twenty-six D of chapter one hundred and seventy, or section thirty-six of chapter one hundred and seventy-two, or all, or substantially all, of the assets and liabilities of which have been acquired and assumed by another bank under section thirty-five of chapter one hundred and sixty-eight, sections twenty-four or twenty-six of chapter one hundred and seventy or section thirty-eight of chapter one hundred and seventy-two, may be maintained as branch offices or depots, respectively, of such other bank, with the written permission of and under such conditions, if any, as may be approved by the commissioner.

No bank may be given permission pursuant to this section more than three times in any one calendar year either to acquire and maintain offices of another bank whose main office is located outside of the county wherein the main office of such bank is lo-

cated, or to establish a branch office outside of the county wherein its main office is located.

With the written consent of the commissioner and under such procedures as he may require, a branch or depot may be closed, or its location may be changed.

Any of the usual business transacted by a bank 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 or board of directors and shall be limited to the receipt of deposits and the collection of moneys due or payable to the bank and such business shall be subject to such other conditions, if any, as may be prescribed by the commissioner.

Section 4. Every application to change the location of the main office or to establish and maintain one or more branch offices or depots shall be accompanied by payment of an investigation fee, the amount of which shall be determined annually by the commissioner of administration.

Section 5. No bank may occupy the same office or suite of offices or any office directly connected by doors or other openings in partitions with the office or suite of offices used or occupied by a national banking association or any bank as defined in section one of chapter one hundred and sixty-seven or a federal savings and loan association; but this provision shall not be construed as preventing a bank from occupying a portion of the same building with, or holding meetings, referred to in section seven in the same office or suite of offices occupied by any such bank or association. The limitations contained in this paragraph shall not apply to any savings bank occupying the same office or suite of offices or any office so connected, with a co-operative bank, on November first, nineteen hundred and fifty-five, to the extent so occupied.

Section 6. Mobile branch banking may be authorized by the commissioner of banks subject to this chapter in the county wherein the main office of such bank is located under conditions as said commissioner may approve and subject to such regulations as said commissioner may establish.

Section 7. A stock corporation having a total capital stock and surplus account of five million dollars or more or a thrift institution having a surplus account of five million dollars or more may establish and operate one or more branches in foreign countries or dependencies of the United States. Any such action shall require the approval of the commissioner, and shall be under such conditions and regulations as the commissioner may prescribe.

CHAPTER 167D.
DEPOSITS AND ACCOUNTS.

Section 1. In this chapter, unless the context otherwise requires, the following words shall have the following meanings:-

"Bank", a savings bank, co-operative bank or trust company incorporated as such in the commonwealth.

"Board", the board of trustees in a savings bank, the board of directors in a co-operative bank and the board of directors in a trust company.

"Commissioner", the commissioner of banks.

"Federally-chartered bank", a national banking association, savings and loan association or a federal credit union authorized to do business in the commonwealth.

Section 2. Every bank in its banking department shall, subject to any limitations imposed by this chapter, have the following powers and whatever further incidental powers may fairly be implied from those expressly conferred and such as are reasonably necessary to enable it to exercise fully those powers according to common banking customs and usages:

1. To receive demand, time and savings deposits upon such terms and conditions as may be agreed upon between the depositors and such corporation; and

2. To receive on deposit, storage or otherwise, money, government securities, stocks, bonds, coin, jewelry, plate, valuable papers and documents, evidences of debt, and other property of any kind, upon terms and conditions to be agreed upon; and to collect and disburse, at the request of the depositor, the interest or income or principal of said property upon terms to be prescribed by such bank.

Section 3. A bank may receive savings deposits subject to the following limitations:

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

2. Deposits on any joint account, but no such account shall be permitted to exceed three hundred and sixty thousand dollars except by accumulation of interest. Either party to a joint account also may make deposits to his individual account but the deposits to his individual account and in all joint accounts to which he is a party shall not, at any one time, exceed three hundred and sixty thousand dollars, exclusive of interest accumulated thereon. Notwithstanding the foregoing, a savings bank or a co-operative bank may receive time deposits for the account of any person or any one or more estates or trusts and joint time

deposits to an aggregate amount which, when added to the aggregate amount on deposit for the account of such person, estate or trust in all other types of deposit accounts, does not exceed six hundred thousand dollars, exclusive in each case of interest accumulated thereon and upon such interest.

Said limitations shall not apply to deposits of the following classes:- deposits by trustees or custodians appointed pursuant to the provisions of 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 trustees for the holders of any bonds issued by the Massachusetts Health and Educational Facilities Authority, pursuant to the provisions of chapter six hundred and fourteen of the acts of nineteen hundred and sixty-eight; deposits by trustees for the holders of any bonds issued by the Massachusetts Industrial Finance Agency, pursuant to the provisions of chapter twenty-three A, or by any industrial development finance authority of any city or town of the commonwealth, pursuant to the provisions of chapter forty D; deposits by the commonwealth or any city, town or county of the commonwealth or by any instrumentality thereof; deposits of the United States or any department, agency or 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 or by a corporation, partnership, association or other business entity; deposits of the funds of any private retirement or pension system or association, provided, however, 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, three hundred thousand dollars or one and one-half per cent of the deposits of such savings bank, whichever is greater; and deposits of funds of any housing authority, referred to in sections three and five of chapter one hundred and twenty-one B; and deposits of any national banking association or trust company for the individual accounts estab-

lished for all estates and trusts represented by it as trustee, executor, guardian or in any other fiduciary capacity.

Section 4. A bank may receive savings deposits in denominations of one hundred dollars or two hundred dollars in the form of shares as hereinafter described:

1. Serial Shares. - (a) Issue: Serial shares in either denomination may be issued in quarterly, half-yearly or yearly series, in such amounts and at such times as the directors, from time to time, may determine. Shares of a prior series may be sold with the approval of the directors. Purchasers of shares of a prior or current series shall pay therefor their value computed from the date of their issue.

(b) Dues: On or before each bank day every serial shareholder shall pay one dollar as dues upon each serial share held by him until it is withdrawn, forfeited, suspended, retired and matured.

(c) Maturity: Serial shares shall mature when they reach the value of either one hundred dollars or two hundred dollars, depending on which denomination such series is in, by the accumulation of dues, distributed earnings and other credits. When maturity of any shares would occur between distribution dates by the crediting of interest at the last rate of distribution, such interest shall be so credited and such shares thereupon shall mature.

(d) Exchange of Serial Shares: The withdrawal value of the serial shares of a nonborrower who continues in arrears for more than six months, at the option of the directors, if he fails to pay the arrears within thirty days after notice, may be transferred into paid-up shares or into a savings account, or both, or into a suspended share account. In the event of any withdrawal before maturity of interest or dividends paid or credited upon serial shares, the remaining withdrawal value of such shares may, unless withdrawn by the holder, be transferred by the corporation into paid-up shares or into a savings share account, or both.

2. Paid-up Shares. - Paid-up shares may be sold in denominations of either one hundred dollars or two hundred dollars each payable when issued either with or without interest adjusted from the last distribution of profits at a rate fixed by the directors. When serial shares mature they shall be deemed paid-up shares. A passbook or other instrument as evidence of the holder's account may be issued.

No person individually and no two or more persons in a joint account shall hold more than six hundred serial shares in the denomination of one hundred dollars nor more than three hundred serial shares in the denomination of two hundred dollars. Each person so holding shares with one or more other persons

also may hold shares individually, but the total amount of shares in a bank held at the same time by such person both individually and with one or more other persons shall exceed in the denomination of one hundred dollars, six hundred serial shares, or in the denominations of two hundred dollars, three hundred serial shares.

Paid-up shares shall be governed by the limitations contained in section three.

Limitations upon individual holdings shall apply to shares held by more than one fiduciary in the same estate and to shares held for each estate where the same person is fiduciary in two or more distinct estates.

For other applicable provisions of law, shares shall be deemed deposits.

Section 5. Any bank or federally-chartered bank 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.

Such deposits or any part thereof, or any dividends thereon, may be paid to any of such persons or to any assignee or pledgee of any of such persons, whether the other such persons be living or not, provided they are not then attached at law or in equity in a suit against any such person, and the bank then has no notice in writing of any assignment or pledge of the account by any of such persons to any person other than the person to whom payment is being made hereunder. All such payments shall be valid.

Section 6. Any bank or federally-chartered bank may receive deposits made by one or two persons in trust for another. The name and residence of the person for whom such deposit is made shall be disclosed and the deposit shall be credited to the depositors as trustees for such person. Payments may be made to

the trustee, or if there are two trustees, to both or to either or the survivor. If no other notice of the existence and terms of a trust has been received in writing by the corporation upon the death of the trustee, or if there are two trustees upon the death of both, the amount then on deposit together with the dividends thereon may be paid to the person for whom such deposit was made, or to his legal representative. Withdrawals and payments made in accordance with this section shall fully discharge the liability of the corporation to all persons.

Section 7. Any bank or federally-chartered bank having funds on deposit in the name of a minor may, unless in violation of a written agreement to which such bank or federally-chartered bank is a party, pay the same in whole or in part directly to such minor, to his legal representative, to either parent of such minor or to others on his written order; and any such payments shall discharge the liability of such bank or federally-chartered bank to all persons to the extent of such payment.

Section 8. Any deposits may, if the board of the bank so determines, be received as time deposits. Any such deposits shall be received subject to a written agreement between the bank and the depositor or joint depositors.

For any such deposit with a maturity in excess of thirty days, any such bank shall be required to mail to the depositor a written notification of maturity at least thirty days prior to the date of maturity of said plan or deposit but in no event more than forty-five days prior to said date of maturity of said deposit.

No general requirement of notice of withdrawal or loan under section seventeen shall apply to the withdrawal of such deposits pursuant to a withdrawal notice, if so required, received by a bank before such general requirement was imposed.

Notwithstanding the provisions of any time deposit or of any agreement made pursuant to the authority thereof relative to notice of intent to withdraw funds from such an account, no such requirement of notice shall be applicable after the death of the depositor in such an account to a duly appointed and qualified executor or administrator of the estate of such depositor.

Section 9. Any such bank may contract, on terms to be agreed upon, for club deposits, so-called, which deposits may be made at intervals within any period of twelve months, of sums of money in the aggregate not in excess of the statutory limit on deposits on which deposits interest shall be paid; provided, however, that if interest is not paid on deposits made in Christmas clubs, vacation clubs and tax clubs, so-called, in the same manner and to the same extent that interest is paid on regular savings deposits, a statement to such effect shall be conspicuously printed on the passbook, application or elsewhere as the commissioner shall by

regulation determine. A sum thus accumulated, if transferred to any regular form of account within fifteen days after the date on which money ordinarily begins to draw interest or dividends, may, if the depository so provides, draw interest or dividends from such prior date.

Section 10. Any such bank may authorize accounts that would allow withdrawals by negotiable or transferable instruments for the purpose of making transfers to third parties. Such accounts shall be designated as Negotiable Withdrawal Order Accounts. Said accounts shall be subject to the regulations of the commissioner.

No bank shall authorize noninterest bearing savings accounts that would allow withdrawals by negotiable or transferable instruments, for the purpose of making transfers to third parties.

Section 11. In order to encourage savings among school children, any bank 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. To give effect to the purposes of this section any such bank may, in participation and under an agreement in writing with one or more other such banks, all such banks having their main offices in the same town, arrange for such collection in one or more public or private schools in any town in which a participating bank has its main office or a branch office, or in any contiguous or surrounding town in which no other bank or bank branch office is located; subject, however, to the approval of the commissioner and, in the case of public schools, of the commissioner and the school committee of the town or regional district wherein such school or schools are situated. Subject to conditions approved by the commissioner and notwithstanding the provisions of section thirty-seven of chapter one hundred and sixty-seven, such participation may be effected through an association or through a corporation established under chapter one hundred and eighty, organized for that purpose by some or all of the participating banks or by persons on their behalf, and any such association or corporation shall be subject to the supervision of the commissioner. Whenever used in this section, the word "assocation" shall mean an association the business of which is conducted or transacted by trustees under a written instrument or declaration of trust.

Section 12. A bank may receive on deposit to any amount, funds in trust for the purposes of setting out shade trees in streets and parks and improving the same, purchasing land for parks or playgrounds and improving the same, maintaining cem-

eteries or cemetery lots, or erecting and maintaining drinking fountains in public places, subject to the following provisions:

1. Payments. - The dividends arising from such deposits shall be paid at least annually to such town or cemetery authorities as may be designated by the donors of said funds or by the will of the person bequeathing the same, and shall be expended by such authorities within their respective towns or cemeteries for any or all of said purposes as may be specified by such donors or such will. Such deposits and dividends shall be exempt from attachment or levy on execution. No part of the principal of such deposits shall be withdrawn or expended, but nothing in this sentence shall prevent the withdrawal of the principal of or dividends on deposits made by a cemetery corporation under section three, and nothing in this sentence shall prevent the withdrawal by the city or town treasurer of cemetery perpetual care funds deposited by a city or town.

2. Court Order. - A judge of probate, after notice and a hearing, may authorize an executor, administrator or trustee holding money or other personal property for any of the purposes mentioned in this section, to deposit such money, or the avails arising from such personal property, in any such bank designated by the judge, to be held by it in the manner and for such purposes and upon the trusts upon which the executor, administrator or trustee held the same; and upon the deposit of such money and its receipt and acceptance by such bank the executor, administrator or trustee shall be discharged from further care and responsibility therefor.

3. Statement Every Three Years. - The deposits held in accordance with this section shall be known as the "Shade Tree and Cemetery Accounts" and the treasurer of the bank with which they are deposited shall give a receipt therefor to the depositor, and shall send by mail or delivery, in January in each third year after the first deposit, to the mayor of a city or the chairman of the selectmen of a town, a written statement, signed by such treasurer, of the amount of deposits held for any of the purposes aforesaid in the name or for the benefit of such city or town or of any instrumentality thereof. Such statement shall be recorded in the office of the city or town clerk.

4. Transfer of Deposit. - If a bank holding such deposits surrenders its charter or ceases to do business, the supreme judicial court may order said deposits to be transferred and deposited in another such corporation, upon the same trusts, and if the laws authorizing such corporations are repealed, the court may order such deposits to be transferred and deposited in such banking institutions as it may find proper, to be held upon the trusts aforesaid.

Section 13. A bank may receive deposits, under the terms of a written plan approved by the commissioner from any labor union, association, trust, public utility, partnership, corporation, college, university, insurance company, charity, any city, town, county or district of the commonwealth, or by any instrumentality thereof, or individual for the sole purpose of making loans guaranteed in whole or in part by the Massachusetts higher education assistance corporation; provided, however, that no such plan shall discriminate against any applicant otherwise eligible for such a loan; and provided, further, that such deposits shall not exceed twenty per cent of the assets of the bank.

Section 14. A depositor's vouchers may be returned by mailing the same to him, at his last known address, postage prepaid, and such depositor may, when required to notify the bank, give notice in like manner.

Section 15. Without the consent of the commissioner, no bank shall advertise in any manner more than four months prior to the date interest or dividends on deposits or shares will be payable, the rate at which it is anticipated or estimated such interest or dividends will be paid.

Section 16. 1. As used in this section the following words shall have the following meanings:

(a) "Non-federally-insured bank", any bank, except a credit union as defined in section one of chapter one hundred and seventy-one, which is subject to supervision by the commissioner, which is not a "member" of a Federal Home Loan Bank as defined in Section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422), and the deposits of which are not insured in accordance with the provisions of the Federal Deposit Insurance Act (12 U.S.C. 1811-1831);

(b) "Insured nonmember bank", the same meaning that such term has in the Federal Deposit Insurance Act;

(c) "Member", the same meaning that such term has in the Federal Home Loan Bank Act;

(d) "Insured institution", the same meaning that such term has in section 401 (a) of the National Housing Act (12 U.S.C. 1724 (a));

(e) "Deposits", time and savings deposits, shares and withdrawable accounts; and

(f) "Affiliate", the same meaning that such term has in section 2 (b) of the Banking Act of 1933 (12 U.S.C. 221a), except that the term "member bank", as used in said section 2(b), shall be deemed to refer to a non-federally-insured bank.

2. The advertising and payment of interest or dividends on deposits, including time and savings deposits, shares or with-

drawable accounts, shall be subject to regulation by the commissioner as herein provided. Said commissioner may, from time to time, prescribe rules and regulations governing the payment and advertisement of interest on deposits, including limitations on the rates of interest or dividends that may be paid on deposits, by all non-federally-insured banks. Said commissioner may prescribe different rate limitations for different classes of deposits, for deposits of different amounts or with different maturities or subject to different conditions regarding withdrawal or repayment, according to the nature or location of such non-federally-insured banks or their depositors, or according to such other reasonable bases as the commissioner may deem desirable in the public interest. The commissioner is authorized, for the purposes of this section to define the terms "time deposits" and "savings deposits", to determine what shall be deemed a payment of interest and to prescribe such regulations as he may deem necessary to effectuate the purposes of this section and to prevent evasions thereof. Such regulations shall prohibit any non-federally-insured bank from paying any time deposit before its maturity except upon such conditions and in accordance with such rules and regulations as may be prescribed by the commissioner and from waiving any requirement of notice before payment of any savings deposit except as to all savings deposits having the same requirement. The provisions of this section and of regulations hereunder shall also apply, in the discretion of the commissioner, to obligations other than deposits that are undertaken by non-federally-insured banks or their affiliates for the purpose of obtaining funds to be used in the banking business. The commissioner shall also have any such authority with respect to non-federally-insured banks as the board of directors of the Federal Deposit Insurance Corporation now has or may in the future have with respect to insured non-member banks pursuant to Section 18 (g) of the Federal Deposit Insurance Act (12 U.S.C. 1828 (g)) and as the Federal Home Loan Bank Board now has or may in the future have with respect to members and insured institutions pursuant to Section 5B of the Federal Home Loan Bank Act (12 U.S.C. 1425b). Any authority conferred on the commissioner by this section with respect to non-federally-insured banks shall be effective only during such time as the board of directors of the Federal Deposit Insurance Corporation shall have comparable authority with respect to insured nonmember banks or as the Federal Home Loan Bank board shall have comparable authority with respect to members and insured institutions.

3. (a) Whenever it appears to the commissioner that any bank is engaged or has engaged or is about to engage in any

act or practice which constitutes or will constitute a violation of the provisions of this section or of any regulation hereunder, the commissioner may, in his discretion, bring an action in the superior court for the county in which the principal office of such bank or association is located to enjoin such act or practice, to enforce compliance with this section or any regulation prescribed hereunder or for a combination of the foregoing, and such court shall have jurisdiction of such action, and, upon a proper showing, an injunction, restraining order or other appropriate order may be granted without bond.

(b) In addition to any other penalty provided by this or any other law, any institution, subject to this section, which violates a rule promulgated pursuant to this section shall be subject to such civil penalties, which shall not exceed one hundred dollars for each violation, as may be prescribed by the commissioner by regulation, and such regulation may provide, with respect to any or all such violations, that each day on which the violation continues shall constitute a separate violation. The commissioner may recover any such civil penalty for his own use, through action or otherwise, including recovery thereof in any other action or proceeding under this section. The commissioner may, at any time before collection of any such penalty, whether before or after the bringing of an action or other legal proceeding, the obtaining of any judgment or other recovery or the issuance or levy of any execution or other legal process therefor, and with or without consideration, compromise, remit or mitigate in whole or in part any such penalty of any such recovery.

4. Any regulation made by the commissioner pursuant to the authority conferred by this section shall be subject to the provisions of chapter thirty A, except that the commissioner may from time to time change the maximum rate of interest or dividends on deposits without holding a public hearing by publishing in a newspaper or newspapers of general circulation in the commonwealth selected by the commissioner, and delivering to any banks subject to such maximum rate, a notice which states the substance of the proposed maximum rate limitation and fixes an effective date for such limitation not earlier than thirty days after the date of publishing or delivering such notice.

Section 17. The savings deposits in any bank may be withdrawn at such time and in such manner as the by-laws direct, but the treasurer or other authorized officer of such bank may, at any time, require a depositor to give a written notice, not exceeding ninety days, of his intention to withdraw the whole or any part of his savings deposit or to apply for a loan secured by a deposit. Whenever said notice is required from ten or more depositors on any one day, such corporation shall be deemed to

have made a general requirement and shall file with the commissioner, within forty-eight hours thereafter, a written notice thereof. Until such general requirement has been removed and notice thereof filed with the commissioner, no payment by way of withdrawal or loan shall be made to any such depositor on account of his deposit, except that, with the approval of the commissioner, such sum or sums not exceeding, in the aggregate, an amount fixed by the board may be so paid to each such depositor.

Whenever in the judgment of the board there is an unusual demand by such depositors for withdrawals the bank may, with the approval of the commissioner, and whenever in the opinion of the commissioner there is such an unusual demand the corporation shall upon his order, require such a depositor to give written notice of his intention to withdraw the whole or any part of his deposits or to apply for a loan secured by a deposit, such notice to be for such period not exceeding six months, as may be determined by the commissioner, which period may, in his discretion, be extended but not beyond one year from the date of notice, and until such a requirement has been revoked by the commissioner, the foregoing limitations as to payments by way of withdrawal or loan applicable in case of a general requirement as aforesaid shall apply.

Such bank shall not advertise for deposits in newspapers, by posters or other written solicitation, while any requirement of notice of intention to withdraw is in effect, unless the advertisement shall contain, in type not smaller than the largest type thereof, a statement that such deposits may not be paid out, by way of withdrawal or loan, except in accordance with the terms of the requirement, which terms shall be set forth in such statement.

Section 18. Any agreement between a depositor or certificate holder and any bank which exculpates such bank when a deposit account, or any part thereof, is paid by such bank to a person unlawfully presenting a passbook, certificate or other evidence of such account is hereby declared to be contrary to public policy and void.

Section 19. When a passbook issued by any bank has been lost, stolen or destroyed, the person in whose name it was issued, or in the case of a joint account, by the joint owners thereof may make written application to such bank for payment of the amount of the deposit represented by said book or for issuance of a duplicate book therefor. The application shall include an affidavit signed and sworn to 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. All signatures contained within such application shall be duly notarized. Upon receipt of such application, the bank may pay the amount due on said passbook or may issue a duplicate book therefor. The provisions of this section shall apply to certificates of deposit, and to passbooks and certificates hereinabove referred to issued by a bank which subsequently merged in, consolidated with or transferred its deposit liabilities to another bank.

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

Section 20. Whenever a bank as a consequence of a default of a debt owed to said bank 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 D unless the written notice required by section twenty-three of said chapter one hundred and forty D has been given. A depositor or shareholder to whom such notice has not been sent shall be entitled to recover the amount of any actual damages.

Section 21. A person indebted to a bank may, when proceeded against for the collection of such indebtedness or for the enforcement of any security therefor, set off or recoup the amount of a deposit in such bank held and owned by him at the time of the commencement of such proceeding; provided, however, that if a proceeding in equity has been commenced to restrain the bank from doing its actual business, or if possession of such bank has been taken over by the commissioner as provided in section twenty-two of chapter one hundred and sixty-seven or as otherwise provided by law, no deposit shall be so

set off or recouped by any such person unless held and owned by him on the date of the commencement of such proceeding or of possession so taken, and the right of set off or recoupment shall be determined as of such date whether the indebtedness of the depositor, or the deposit, is then due or payable or becomes due or payable at a later date. Any indebtedness against which a deposit is permitted to be set off or recouped as aforesaid may be secured or unsecured. Section three of chapter two hundred and thirty-two shall not apply to a set off hereunder, except that any party to a joint account may, upon presentation of the deposit book, set off the joint deposit against his individual debt to such corporation. Notwithstanding the foregoing, a judgment shall not be rendered against such bank in favor of the defendant for any balance found due from it if a proceeding in equity has been commenced against the bank or possession thereof has been taken as aforesaid. The word "deposit", as used in this section, shall include interest due thereon.

Section 22. No bank shall give collateral or other security for a deposit of money received in its banking department, except that such corporation may make such a deposit of securities as may be required by the laws of the United States or the rules and regulations of any department, agency or instrumentality thereof as security for deposits of funds made with such bank and may give such collateral or other security for deposits of public or other funds as may be required by any public authority making such deposits or controlling the terms upon which they may be made and except as provided in section eight of chapter one hundred and sixty-seven G.

Section 22A. A bank may act as a depository of funds of the United States or any department, agency or instrumentality thereof, and in connection therewith and in accordance with applicable federal law, rules and regulations, may satisfy any requirement, including, without limitation, the pledging of collateral, and enter into such arrangements necessary or incidental to the receipt and administration of such deposit accounts.

Section 23. Any bank may cause any stock or security in registered form held for its account and not in a fiduciary capacity to be registered and held in the name of a partnership or corporate nominee named by it and residing or having a principal place of business in the commonwealth; provided, however, that nothing in this section shall be construed as to permit any bank to deliver any security held for its account into the possession and control of any other person except in accordance with the regulations of the commissioner pursuant to section six of chapter one hundred and sixty-seven. A depository having possession of securities of a bank registered as authorized by this

section shall maintain adequate records indicating the ownership thereof, shall segregate the same from his or its own assets and shall be absolutely liable for any loss occasioned by the acts of a nominee.

Section 24. If, in an action against a bank for money on deposit therewith, it appears that the same fund is claimed by another party than the plaintiff, whether by the husband or wife of the plaintiff, or otherwise, the court in which such action is pending, on the petition of the corporation and on such notice to the plaintiff and to such claimants as the court considers proper, may order the proceedings to be amended by making such claimants defendants thereto, and thereupon the rights and interests of the several parties in and to said funds shall be heard and determined. Such deposits may remain with the bank until final judgment and shall be paid as the court orders, or may be paid into court to await final judgment, and when so paid into court, the action shall be discontinued as to such bank and its liability for such deposit shall cease. The taxable costs of the bank in such actions shall be in the discretion of the court and may be charged upon the fund.

Section 25. Subject to section twenty-eight of chapter two hundred and six, the probate court, court of insolvency or other court, respectively, shall, upon the application of a person interested or of the attorney general, and after public notice, order and decree that all amounts of money deposited with a bank by authority of any of said courts or of any judge thereof, and which shall have remained unclaimed for more than twenty years from the date of such deposit shall be paid, together with the interest accumulated thereon, to the state treasurer, to be held and used by him according to law, subject to be repaid to the person having and establishing a lawful right thereto, with interest at the rate of three per cent per annum from the time when it is so paid to said treasurer to the time when it is paid over by him to such person, as hereinafter provided in this section. The registers and the clerks of said courts shall, annually, submit to the attorney general a list of all said deposits over twenty years old, setting forth the docket numbers, the names of the estates, depositors, depositories, the bank book numbers and the balances.

Any person claiming a right to money deposited with the state treasurer under this section pursuant to a decree of a probate court or a court of insolvency in any county may establish the same by a petition to the probate court of such county, or if so deposited, pursuant to the order of any other court, by a petition to the superior court under section one of chapter two hundred and fifty-eight; provided, however, that in cases where

claims amount to less than fifty dollars each, such claims may be presented to the comptroller of the commonwealth who shall examine the same and allow and certify for payment such as may be proved to his satisfaction.

Section 26. The supreme judicial court or any justice thereof sitting in equity may, on petition of a bank or the board of the bank, approved by the commissioner, approve or order a reduction of the deposit account of each depositor therein whenever the value of its assets is less than the total amount of its deposits so as to divide the loss equitably among said depositors. If thereafter the bank shall realize from said assets a greater sum than was fixed by said order of reduction, such excess shall be divided among the depositors whose accounts have been reduced, but to the extent of such reduction only; provided, however, that at any time after the entry of a decree approving or ordering such a reduction of deposit accounts, said court or any justice thereof may, by order, finally determine the amount which said depositors are equitably entitled to receive in full settlement of their said deposit accounts and the manner of distribution of said amount.

Section 27. Any bank or federally-chartered bank which accepts deposits for demand deposit accounts or negotiable withdrawal order accounts shall, if requested by the depositor, return the cancelled negotiable or transferable instruments of such accounts and shall not charge a fee for such return and any such cancelled instrument becomes lost prior to such return the bank shall provide, without charge, photostats of such instruments.

Section 28. Any advertisement, within the commonwealth, in a language other than English made by a bank, or federally-chartered bank to aid, promote or assist directly or indirectly any deposit account offered by such bank or federally-chartered bank shall state in such other language what language the forms associated with the opening and maintenance of such account are in.

For the purposes of this section, "advertisement" shall mean any commercial message in any newspaper, magazine, leaflet, flyer or catalog, on radio, television or public address system, in direct mail literature or other printed material, on any interior or exterior sign or display, in any window display, in any point-of-transaction literature or price tag which is delivered or made available to a customer or prospective customer in any manner whatsoever.

Section 29. A city, state, county or municipal treasurer or other official or private employer who receives a written request from a pensioner or retiree, shall, at the direction of said pen-

sioner or retiree, forward any payment made under a pension or retirement fund or plan to a bank or federally-chartered bank that shall be designated by said pensioner or retiree. Such payment shall be deposited, with the approval of said pensioner or retiree in his savings or checking account. Such bank shall notify promptly the pensioner or retiree of any deposit made pursuant to this section.

Section 30. Any designation of any beneficiary in connection with and as provided by an instrument intended to establish a pension, profit-sharing, or other deferred compensation or retirement plan, trust or custodial account described in one or more of the following sections of the Internal Revenue Code of the United States, as amended and in effect from time to time, shall be effective according to its terms, notwithstanding any purported testamentary disposition allowed by statute, by operation of law or otherwise to the contrary; section four hundred and one (a), section four hundred and one (f), section four hundred and three (b) (7), section four hundred and five (a), section four hundred and eight (a), and section four hundred and eight (h). 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.

Section 31. No bank, federally-chartered bank or other corporation doing a banking business in the commonwealth, in this section called the depository, shall be required to recognize an adverse claim to a deposit standing on his or its books to the credit of or to securities held for the account of any person, except by virtue of the service upon him or it of appropriate process issued by a court of competent jurisdiction in a suit or action to which such person, or his executors or administrators, has been made a party, unless the adverse claimant gives bond satisfactory to the depository and the adverse claimant to hold harmless and indemnify it from any liability, loss, damage, costs and expenses whatsoever on account of such adverse claim, or files with the depository an affidavit setting forth facts showing a reasonable cause for belief that a fiduciary relationship exists between such person and said adverse claimant and that such person is about to misappropriate the deposit or securities in question.

Section 32. Any bank or federally-chartered bank may establish an account to receive deposits from a lessor acting as a trustee for funds received and held by such trustee pursuant to paragraph (a) of subsection (3) of section fifteen B of chapter one hundred and eighty-six. Such account may be established

as required by said section fifteen B for the purpose of holding security deposits taken by a lessor of residential dwelling units owned or managed by said lessor, but the terms of said account shall be such as to place said deposit beyond the claim of a creditor of the lessor, including a foreclosing mortgagee or trustee in bankruptcy, and as will provide for the transfer of said deposit to a subsequent owner of any property for which such security deposit was taken. Interest accruing on said deposit shall be paid to the lessor pursuant to the terms of the deposit. Withdrawals and payments made by the bank from said account shall discharge the liability of said bank to all persons.

Section 33. Savings, checking or other deposit account deposits standing in the individual name of a deceased depositor of a bank or federally-chartered bank shall be paid to his legal representative; provided, however, that if the deposit does not exceed three thousand dollars and there has been no demand for payment by a duly appointed executor or administrator, payment may be made, in the discretion of the treasurer or other duly authorized officer of the corporation, or pursuant to special vote of its board, after the expiration of thirty days from the death of such depositor, to the surviving husband, wife or next of kin of such deceased, upon presentation of a copy of the death certificate and the surrender of the deposit book or other instrument, if any, evidencing the deposit. Any such corporation may pay an order, drawn by a person who has funds on deposit to meet the same, notwithstanding the death of the drawer, if presentation is made within thirty days after the date of such order, and at any time if the corporation has not received written notice of the death of the drawer; provided, however, that in either event, that such funds would, on the date of such payment, have been subject to withdrawal by the drawer if living. Payments made under authority of any provision of this section shall discharge the liability of the corporation to all persons to the extent of such payments.

CHAPTER 167E.
MORTGAGES AND LOANS.

Section 1. The following words as used in this chapter, unless the context otherwise requires, shall have the following meanings:-

"Bank" or "such bank", a savings bank, co-operative bank, or trust company subject to the supervision of the commissioner of banks.

"Board of investment" or "board", those trustees of a bank

which shall approve all loans made or acquired by the bank as provided for in section twelve of chapter one hundred and sixty-eight.

"Capital stock", the sum of the par value of the preferred and common shares of capital stock, issued and outstanding.

"Commissioner", the commissioner of banks.

"Committee", the security committee as set forth in section nine of chapter one hundred and seventy, or the executive committee as provided for in section thirteen of chapter one hundred and seventy-two, having authority to approve all loans made or acquired by the bank.

"Cooperative bank mortgage", a loan represented by a note secured by a mortgage upon real estate and a pledge of a share of the bank for each two hundred dollars loaned.

"Stock corporation", a savings bank or a co-operative bank which has converted to a stockholder form of corporation or a trust company as defined in section one of chapter one hundred and seventy-two.

"Surplus account", an account so designated on the books of a bank and consisting of such amounts as shall be required by law or shall be transferred thereto by vote of the board of directors or board of trustees.

"Thrift institution", a savings bank as defined in chapter one hundred and sixty-eight or a co-operative bank as defined in chapter one hundred and seventy except as herein provided.

Section 1A. Every bank, in its banking department, shall, subject to any limitations imposed by this chapter, have the following powers:

1. To discount, buy, invest in, hold, assign, transfer, sell and negotiate promissory notes, drafts, bills of exchange, mortgages, trade acceptances, banker's acceptances, bonds, debentures, bonds or notes secured by mortgages, installment obligations, accounts receivable, balances due on conditional sales and other evidences of debt for its own account or for the account of customers; and

2. To advance money or credits on real estate or on personal security, on terms to be agreed upon.

A loan secured by real estate shall be deemed to include a loan on a leasehold under a lease which does not expire for at least ten years beyond the maturity date of the loan, subject to such rules and regulations as the commissioner may prescribe.

Section 2. A. Any such bank may make, acquire by purchase, participate in or service first mortgage real estate loans of the following classes:

(1) a mortgage loan on improved farmland, located within the commonwealth or within a radius of fifty miles of its principal

office without regard to geographical location, not exceeding fifty per cent of its appraised value and payable in or within three years from the date of the note, or acquisition, except that, when, by its terms, the note requires repayment of not less than two per cent of the principal each year, the loan may be payable in or within five years from the date of the note or the acquisition thereof;

(2) a mortgage loan on improved real estate, located in the United States, not exceeding fifty per cent of its appraised value and payable in or within five years from the date of the note, mortgage or other such instrument or the acquisition thereof;

(3) a mortgage loan on improved real estate, located within the commonwealth or within a radius of fifty miles of the principal office of such corporation without regard to geographical location, not exceeding sixty per cent of its appraised value and payable in or within three years from the date of the note or the acquisition thereof, except that when, by its terms, the note requires repayment of not less than two per cent of the principal each year, the loan may be payable in or within five years from the date of the note or the acquisition thereof;

(4) a mortgage loan on improved real estate, located in the United States, not exceeding eighty per cent of its appraised value, or a mortgage loan on a leasehold interest created pursuant to chapter three hundred and fifty-four of the acts of nineteen hundred and fifty-two, not exceeding eighty per cent of the value of such leasehold interest; provided, however, that the terms of the note, mortgage or other such instrument shall require payments in periodic installments, at intervals not exceeding three months, sufficient to amortize at least forty per cent of the principal in or within ten years or in periodic installments, at intervals not exceeding three months, sufficient to fully amortize the principal in or within twenty-five years from the date of the note, mortgage or other such instrument or the acquisition thereof; and

(5) a mortgage loan on real estate, located in the United States, when the note has been endorsed for instance, or a commitment to so insure has been given, by the Federal Housing Administrator or is guaranteed in whole or in part by the United States under the Servicemen's Readjustment Act of 1944.

Loans insured by the Federal Housing Authority shall also be subject to the provisions of section seven.

B. Any such bank may make or acquire first mortgage loans of the several classes specified in paragraphs 1 to 19, inclusive, of this subsection, on real estate mortgaged or to be mortgaged, and, in the case of loans of the class specified in paragraph 5, on leasehold interests created pursuant to chapter three hundred

and fifty-four of the acts of nineteen hundred and fifty-two, as amended, in air rights over land owned or held by the Massachusetts Turnpike Authority, or on leasehold interests created pursuant to section twenty-two E of chapter forty, in air rights over land owned or held by a city or town, mortgaged or to be mortgaged, subject in each instance to the limitations applicable to the particular class, except that periodic payments provided by a mortgage of any class may be less for the first year of the term than for the remainder thereof.

Such first mortgages shall be on real estate located in the commonwealth or in a city or town of a state contiguous to the commonwealth, provided, however, that such city or town is not more than fifty miles from the town in which the main office of such bank is located as determined by the distance between the two nearest points of separation.

Each such loan shall be evidenced by a note secured by a first mortgage which shall be a first lien on the real estate so loaned upon, except for municipal liens and for mortgages or other liens held by the bank, and subject to participating interests in the case of a participation mortgage loan under paragraph 12, but nothing in this paragraph shall prevent such bank from making an agreement with a lessee of the mortgaged property for uninterrupted possession thereof by the lessee in the event of foreclosure of the mortgage so long as the lessee shall comply with the terms of such lease.

1. Forty Per Cent of Value. - A mortgage loan on unimproved or unproductive real estate, not exceeding forty per cent of its value, payable on demand or not more than three years from the date of the note.

2. Seventy Per Cent of Value, Unamortized. - A mortgage loan not exceeding seventy per cent of the value of the real estate, payable on demand or not more than three years from the date of the note.

3. Common Form Mortgage Loans. - 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, however, 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.

4. Sixty Per Cent of Value, Amortized. - A mortgage loan not exceeding sixty per cent of the value of the real estate, payable not more than thirty years from the date of the note; provided, however, that the terms of the note or mortgage shall require payments on the loan to be made in periodic installments, at intervals not exceeding three months, in amounts aggregating an-

nually not less than two per cent of the original amount of the loan.

5. Eighty Per Cent of Value. - A mortgage loan not exceeding eighty per cent of the value of 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. The terms of the note or mortgage shall require payments on the loan to be made in periodic installments, at least quarterly, in an amount aggregating annually not less than three per cent of the original amount of the loan, except that the minimum annual principal payment may be less than three per cent of the original amount of the loan if the terms of the note or mortgage shall require periodic payments, at least quarterly, in such amounts as will enable complete amortization over a period equal to the maximum term authorized by this paragraph, which periodic payments shall be equal in amount or shall be in accordance with a schedule under which the earlier of such payments shall be greater than the later and such periodic payments shall be applied first to interest and the balance to principal and the interest on the loan shall be computed on the unpaid balance monthly or at such other time as the periodic payment is required. The note or mortgage also shall require payment, at least quarterly, of a proportionate part of the estimated real estate taxes and betterment assessment on the mortgaged real estate if the amount of the loan exceeds seventy per cent of the value of the real estate. No loan of this class shall be made or acquired for a sum in excess of one and one-quarter per cent of the deposits of such corporation or fifty thousand dollars, whichever is the greater.

6. Ninety Per Cent of Value. - 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, however, that the loan shall be secured by a mortgage on real estate improved with a dwelling designed to be occupied by not more than four families and occupied or to be occupied in whole or in part by the mortgagor; provided, further, that the

terms of the note or mortgage shall require monthly payments in such amounts that the aggregate principal reduction at any time during the term of the loan shall be not less than that which would be required in the case of a note of like amount and interest rate providing for complete amortization by equal monthly payments over a period of thirty-five years; and provided, further, that construction of the dwelling on the mortgaged property shall be completed prior to the making of any disbursement on the loan in excess of eighty per cent of the value of the real estate, that the mortgagor shall furnish to the board of investment or the committee an affidavit that the mortgagor does not require junior financing and that the board or the committee shall certify, in writing, that the dwelling has a useful life beyond the term said loan has to run. Each such monthly payment shall be applied first to interest and the balance to principal. Interest upon such loan shall be computed monthly on the unpaid balance. The note or mortgage also shall require payment each month of a proportionate part of the estimated real estate taxes and betterment assessment on the mortgaged real estate. The maximum sum for a loan of this class to be made or acquired shall be determined by regulation of the commissioner.

7. Ninety-Five Per Cent of Value. - A mortgage loan not exceeding ninety-five per cent of the value of the real estate, payable not more than thirty-five years from the date of the note; provided, however, that the loan shall be secured by a mortgage on real estate improved with a dwelling designed to be occupied by not more than four families and occupied or to be occupied in whole or in part by the mortgagor; and provided, further, that the terms of the note or mortgage shall require monthly payments in such amounts that the aggregate principal reduction at any time during the term of the loan shall be not less than that which would be required in the case of a note of like amount and interest rate providing for complete amortization by equal monthly payments over a period of thirty-five years; and provided, further, that construction of the dwelling on the mortgaged property shall be completed prior to the making of any disbursement on the loan in excess of eighty per cent of the value of the real estate, that the mortgage shall furnish to the board of investment or the committee an affidavit that the mortgagor does not require junior financing and that the board or the committee shall certify, in writing, that the dwelling has a useful life beyond the term said loan has to run; and provided, further, that that portion of the unpaid balance of the loan which exceeds eighty per cent of the value of the real estate shall be guaranteed or insured by a mortgage insurance company which has been determined to be a "qualified private insurer" by the Federal Home

Loan Mortgage Corporation, (Public Law 91-351), or has been approved by the commissioner as qualified to insure loans of this class, and which is authorized to transact business in the commonwealth. Each such monthly payment shall be applied first to interest and the balance to principal.

Interest upon such loan shall be computed monthly on the unpaid balance. The note or mortgage also shall require payment each month of a proportionate part of the estimated real estate taxes and betterment assessment on the mortgaged real estate. The maximum sum for a loan of this class to be made or acquired shall be determined by regulation of the commissioner.

8. Statutory Co-operative Bank Mortgage Loans. - Any bank which issues serial shares may make a loan as defined in section twenty-two of chapter one hundred and eighty-three. The loan shall be accompanied by a transfer and pledge of at least one serial share for each two hundred dollars loaned. The terms of the note and mortgage shall include reference to the number of shares pledged, the series to which they belong, and the monthly payments and other payments to be made. Such loans shall also be subject, where applicable, to the provisions and limitations of this chapter and sections twenty-two, twenty-three, and twenty-four of said chapter one hundred and eighty-three.

9. Graduate Payment Mortgage. - A mortgage loan not exceeding ninety-five per cent of the value of the real estate or in excess of ninety-five per cent of the value of the real estate, but in no event more than one hundred per cent of the value of the real estate if such excess is secured by a deposit account assigned or pledged to the bank to be used to supplement the monthly payments, payable not more than thirty-five years from the date of the note; provided, however, that the loan shall be secured by a mortgage on real estate improved with a dwelling designed to be occupied by not more than four families and occupied or to be occupied in whole or in part by the mortgagor; provided, further, that the terms of the note or mortgage shall require monthly principal and interest payments which increase not more than seven and one-half per cent annually for a graduation period of five or fewer years or not more than three per cent annually for a graduation period of ten or fewer years; and subsequently in such amounts that the aggregate principal reduction at any time during the remaining 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 the remaining period of the loan; and provided, further, that construction of the dwelling on the mortgaged property shall be completed prior to the making of any disbursement on the loan in excess of eighty

per cent of the value of the real estate, that the mortgagor shall furnish to the committee or board of investment an affidavit that the mortgagor does not require junior financing, that the board of investment or committee shall certify in writing that the dwelling has a useful life beyond the term said loan has to run; and provided, further, that the portion of the unpaid balance of the loan which exceeds eighty per cent of the value of the acceptable collateral shall be guaranteed or insured by the Federal Housing Administration, the Veterans Administration, or a mortgage insurance company which has been determined to be a "qualified private insurer" by the Federal Home Loan Mortgage Corporation, (Public Law 91-351), or has been approved by the commissioner as qualified to insure loans of this class, and which is authorized to transact business in the commonwealth. Interest upon such loan shall be computed monthly on the unpaid balance. The note or mortgage shall also require payment each month of a proportionate part of the estimated real estate taxes and betterment assessment of the mortgaged real estate. The maximum sum for a loan of this class to be made or acquired shall be determined by regulation of the commissioner. No loan of this class shall allow the payment amount to be changed more than once a year and any such change shall not occur less than one year after the first regular loan payment.

The interest capitalization resulting from any negative amortization of any such loan shall be considered to have been contracted for at the time such loan was made.

The mortgagor shall have the right to convert, at a time chosen by him, to a conventional mortgage as defined by the commissioner, provided that said mortgagor is eligible for such mortgage.

Each prospective mortgagor, offered a graduated payment mortgage, shall also be offered a more conventional mortgage as defined by the commissioner and shall receive materials explaining in simple terms the nature and conditions of the graduated payment mortgage. Such materials shall include: (1) a side-by-side comparison of differing interest rates and other terms, (2) payment schedules for both types of mortgages, to the extent they are known, (3) a description of the conversion option, and (4) a statement, prominently displayed, that an applicant has the option to elect a more conventional instrument.

10. Variable Rate Mortgage. - Any bank may make or acquire mortgage loans of the several classes or types specified in this chapter evidenced by a note which provides for variation in the rate of interest over the term of the note; provided, however, that such a loan secured by a first lien on a dwelling house of four or fewer separate households occupied or to be occupied in

whole or in part by the mortgagor shall be subject to but not limited to the following conditions and restrictions imposed by the commissioner:

(1) the method by which the rate of interest may be adjusted;

(2) the frequency with which the rate of interest may be adjusted, provided that successive rate adjustments shall be no less than six months apart;

(3) the maximum increase in the rate of interest allowed for any such adjustment;

(4) provisions for decreases in the rate of interest as may be warranted by market conditions;

(5) requirements for advance notification and explanation of adjustments in the rate of interest, provided that such notification and explanation shall occur no less than thirty days prior to such adjustments; and

(6) methods of disclosure to the mortgagor of the terms and conditions of the loan as required under the provisions of chapter one hundred and forty D.

Notwithstanding any provision of law to the contrary, the commissioner may by further conditions and restrictions provide that the rate of amortization may be varied, including utilizing a period of negative amortization, in order to adjust the rate of interest.

11. Residential Development Loans. - A mortgage loan upon two or more parcels of real estate contained within a single project being developed by one owner, for the purpose of financing the construction of a dwelling and appurtenances designed to be occupied by not more than four families upon each such parcel. Such mortgage loan shall not exceed seventy-five per cent of the aggregate estimated completed value of the parcels of land and structures thereon securing the mortgage, or one hundred thousand dollars with respect to each such parcel and structures thereon, whichever amount is the lesser. Each mortgage loan of this class shall be payable not more than three years from the date of the note.

Not later than thirty days after such mortgage loan becomes payable, at least two members of the board of investment or committee shall certify, in writing, according to their best judgment or as determined by them upon the opinion of an appraiser approved by said board or committee, the aggregate value of the parcels of land and structures thereon then remaining subject to the mortgage. If at that time the unpaid balance of principal on said mortgage exceeds sixty per cent of the value so certified, a sufficient reduction shall be required, as promptly as may be practicable, to reduce said balance to sixty per cent of such

value and, until so reduced, an amount equal to the unpaid amount of the required reduction shall be established and maintained by such bank as a reserve for loss against such amount. No mortgage loan of this class shall be made or acquired for an amount in excess of one per cent of the deposits of such bank or fifty thousand dollars, whichever is the greater. The aggregate balance of principal, outstanding at any one time, on mortgage loans of this class shall not exceed four per cent of the deposits of such bank.

12. Participation Loans. - Any such bank may, in participation with one or more other such banks, or with one or more 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 to 7, inclusive, of this subsection; provided, however, that with respect to paragraph 6, 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.

The participating corporations shall enter into a written agreement, for themselves, their successors and assigns, which shall include provisions for the custody of the note and mortgage in the commonwealth and for the servicing and foreclosure thereof. The aggregate balance of principal of such participations not insured by the Federal Housing Administrator, outstanding at any one time, shall not exceed twenty per cent of the total deposits of such bank.

13. Construction Loans. - Any such bank may make construction mortgage loans with respect to any of the classes of mortgage loans authorized by this chapter, or by any other provision of general or special law applicable to banks; provided, however, that any payments required on account of principal shall commence not later than two years from the date of the mortgage note.

Loans made to finance the construction of industrial or commercial buildings shall be governed, where applicable, to section four.

14. Loans Outside the Commonwealth. - Any such bank, 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 fortyfive, and (c), on real estate located outside of its lending area as defined in this subsection, which loans are of the several classes specified in paragraphs 1 to 12, inclusive, of this subsection.

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 within fifty miles from the town in which the main office of such bank is located or twenty-seven and one-half per cent of the deposits of such bank, whichever is the lesser; provided, however, that not more than ten per cent of the deposits of such bank 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 bank 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 bank 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 this subsection and section seven.

15. Other Insured or Guaranteed Loans. - Any such bank may make or acquire mortgage loans and real estate located within its lending area, as defined in this subsection, 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. Such loans may be made or acquired notwithstanding the provisions of section seven.

16. Housing Projects. - Subject to such regulations as the commissioner deems necessary or advisable if requested to issue regulations hereunder by one or more banks, any such bank, either alone or in conjunction with one or more such banks, may exercise the powers relative to housing projects granted to domestic life insurance companies by section sixty-six A of chapter one hundred and seventy-five; provided, however, that the aggregate balance of principal outstanding at any one time in investments of this class shall not exceed three per cent of the deposits of such bank.

17. Any such bank may make, hold or acquire mortgage loans on real estate, regardless of location, relative to armed services housing accommodations as are guaranteed by the secretary of

defense or his designee, pursuant to the provisions of Title VII of the National Housing Act, as heretofore or hereafter amended.

18. Notwithstanding the limitation contained in paragraph 5 of this subsection and in paragraph 4 of subsection A, any bank make make or acquire a first mortgage loan not exceeding eighty per cent of the value of 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, if such leasehold interest is occupied, or to be occupied by a nursing home, extended care facility or convalescent home, licensed under chapter one hundred and eleven.

19. Notwithstanding any other provision of law to the contrary, a bank may, subject to such regulations as the commissioner deems advisable, make and acquire, or participate with any other such bank or with a national banking association or savings and loan association in making and acquiring loans secured by first mortgages on units of a condominium, as defined in section one of chapter one hundred and eighty-three A or loans secured by security interests in shares of stock issued by a co-operative housing corporation, established under the provisions of chapters one hundred and fifty-six, one hundred and fifty-six B or chapter one hundred and fifty-seven. The aggregate balance of principal of all such loans outstanding at any one time shall not exceed twenty-five per cent of the deposits of such bank. A bank shall maintain an annual record of each condominium mortgage which shall indicate whether such mortgage loan 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.

The requirements for records on first mortgages on a unit of a condominium shall only be compiled on such mortgages made, acquired or participated in after February first, nineteen hundred and eighty.

Section 3. Any bank may make or acquire mortgage loans of the several classes or types specified in this chapter evidenced by a note which provides for installment payments of principal or interest, or both, that will not amortize the outstanding principal amount in full by the maturity of such note; provided, however, that the term of mortgage securing the note shall be for a period not less than the original or anticipated amortization period; and provided, further, that such loans secured by a first lien on a dwelling house of four or fewer separate households occupied or to be occupied in whole or in part by the mortgagor shall be subject to the conditions and restrictions imposed under the provisions of section sixty of chapter one hundred and eighty-

three.

Section 3A. Any note or mortgage secured by a first lien on a dwelling house of four or fewer separate households occupied or to be occupied in whole or in part by the mortgagor may provide for monthly payments in such amounts that the aggregate principal reduction at any time during the remaining 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 the term of the loan which payment shall be first applied to interest and the balance thereafter remaining applied to principal.

Section 4. Loans made to finance the construction of industrial or commercial buildings and having maturities not exceeding thirty-six months where there is a valid and binding agreement entered into by a financially responsible lender to advance the full amount of the bank's loan upon the completion of the buildings shall not be considered as real estate loans, but shall be classed as ordinary commercial loans whether or not secured by a mortgage or similar lien upon the real estate upon which the building or buildings are being constructed; provided, however, that no such corporation shall invest in, or be liable on, any such loans in an aggregate amount in excess of one hundred per cent of its capital stock and surplus account.

Section 5. A loan may be made to one person evidenced by a single note secured by a mortgage covering two or more parcels of real estate owned by the person, but each parcel included in the mortgage shall be subject to the limitations as to percentages of value and other limitations applicable to mortgages on one parcel of real estate contained in sections one to four, inclusive.

Section 6. The following provisions shall, unless otherwise provided, apply to mortgage loans made or acquired by such bank:-

1. Application. - There shall be written application for each mortgage loan originated by the bank showing the date, names of applicants, amount asked for and security offered, and containing such other information as the bank may deem necessary. Such application shall be signed by or on behalf of the applicants prior to consummation of the loan and shall be filed and preserved with the records of the bank but may accompany any sale or assignment of such mortgage loan. No application shall be required when a mortgage is acquired by purchase.

2. Appraisal. - At least two members of the committee or board charged with the responsibility for making such investments, or two officers of the bank approved by said committee or board shall certify, in writing the value of the property offered as security according to their best judgment, and in the

case of a mortgage loan acquired by purchase, two members of said board or committee, or two officers of the bank approved by said committee or board, shall certify in writing, the value of the property mortgaged according to their best judgment. In either case, such value may be determined upon the signed opinion in writing of an appraiser approved by said committee or board.

3. Additional Principal Payments. - Such bank may accept principal payments in excess of payments required by any mortgage made or acquired under any of the provisions of section two, and such additional payments may be accepted as anticipating an equal number of whole payments or as effecting a reduction of all future payments required by the mortgage, in the event that any such additional payments are made, the committee may reduce the monthly or other periodic payments as set forth in said mortgage; provided, however, that such reduced payments shall not extend the original term of the mortgage except as authorized by paragraph 4.

The acceptance of such payments shall not constitute a waiver of any provisions for payment required by the terms of the loan or by law.

3A. Prepayment of Interest. - Such bank shall, upon written request by the mortgagor, accept a prepayment of interest for a period not exceeding twelve months beyond the end of the taxable year. In the event that any such additional payments are made, the board of investment or committee may reduce the monthly or other periodic payments as set forth in the mortgage.

4. Revision of Terms. - With the approval of the board or committee of such bank, at the request of the owner of the equity of redemption, the amount of the periodic payments of principal or interest, or both, called for by any note and mortgage and any other terms or provisions of any note or mortgage may be changed; provided, however, that in the case of any change in the amount of any such periodic payments, the unpaid balance of principal is not in excess of the percentage of value of the mortgaged property required for one of the classes of mortgage loans authorized under section two as certified in accordance with the provisions of paragraph 2; and provided, further, that in such case, the periodic payments as changed shall meet the minimum payments required for such class of mortgage; and provided, further, that in the case of any change authorized hereunder, such change shall be consistent with the requirements for such class of mortgage as changed hereunder. Every such change shall be evidenced by a writing setting forth such change, the payments to be made pursuant thereto, the provisions of any mortgage extension and any other changed

terms or provisions, which writing shall be filed with the papers relating to the loan.

No such change shall result in the extension of the term of such mortgage beyond the maximum number of years permitted under section two, for such mortgage as changed hereunder, computed from the date of such extension. Neither the note evidencing the loan nor the mortgage securing the same shall be prejudiced by any such change, notwithstanding the fact that no provision for such change was originally made in the note or mortgage; and both note and mortgage shall continue to be held by the bank as good and sufficient security for the balance remaining unpaid after the date of such change. Nothing in this paragraph shall be construed to prevent any real estate mortgage loan held by such bank from being rewritten, substituted or converted into any other class of mortgage loan which such corporation may lawfully hold; provided, however, that the unpaid balance of principal is not in excess of the percentage of the then value of the mortgaged property required for such other class of loan, as certified in accordance with the provisions of paragraph 2.

In revising the terms of any mortgage under the authority of this paragraph, no additional money shall be loaned or advanced thereon, but this provision shall not prevent such bank from making a new mortgage loan of one of the classes authorized by section two, or from making an additional advance on such mortgage as authorized by section twenty-eight A of chapter one hundred and eighty-three.

5. Revaluation and Inspection. - Except as provided in clause (d), real estate securing mortgage loans shall be subject to periodic revaluation or inspection, as follows:

(a) Revaluation Required. - Every parcel of real estate mortgaged to secure a loan which by its terms is payable in three years or less from the date of the note, except a parcel of real estate on which is located a residence which, is designed for not more than four families, shall be revalued as long as the loan is held, at intervals of three calendar years commencing not later than the end of the third calendar year after the year in which the loan is made or acquired. At the time of such revaluation at least two members of the committee or the board of investment shall certify, in writing, the then value of the mortgaged property, according to their best judgment or as determined by one member of the board or committee so certifying upon the signed opinion in writing of an appraiser approved by said board. Upon the partial release of any real estate securing a mortgage, the remainder of the security shall be revalued notwithstanding that the security shall have been revalued within three years;

but this requirement shall not apply to construction mortgage loans.

(b) Inspection Authorized. - Every parcel of real estate mortgaged to secure a loan, other than the parcels referred to in clause (a), shall be revalued, as long as the loan is held, commencing not later than the end of the third calendar year after the year in which the loan is made or acquired and thereafter at intervals of five calendar years, in the manner provided in said clause or, in lieu of revaluation, such parcel shall be inspected for the purpose of determining the general physical condition of the mortgaged property, including its state of preservation or deterioration and any other information deemed by the board of investment or committee as materially affecting the value of such parcel, except that, in the case of any parcel of real estate on which is located a residence which is designed for not more than four families, such periodic inspection or revaluation need not be made; provided, however, that in the event that a payment of interest or principal upon any such loan or on account of real estate taxes upon the parcel mortgaged to secure the same shall be in default, inspection for the purpose aforesaid shall be made within ninety days from the date of such default in payment of interest or principal or within one hundred and eighty days from the date of such default in payment on account of taxes, as the case may be, and thereafter periodic revaluation or inspection shall continue in accordance with the foregoing provision of this clause until such loan shall no longer be in default. Such inspection shall be made by at least two members of said board or committee or by a person deemed by it to be qualified to make such inspection, and a report thereof shall be made in writing and signed by one of such members or by such person and shall be submitted to said board or committee.

(c) Reports. - Each report or revaluation and inspection shall be filed and preserved with the records of the corporation until the obligation to which it relates is paid in full or otherwise legally discharged.

(d) Insured and Guaranteed Mortgages. - Revaluation and inspection of insured and guaranteed mortgages, referred to in paragraph 5, shall be subject to regulations, if any, of the commissioner.

6. The commissioner may cause an appraisal of real estate to be made whenever the commissioner deems an excessive loan has been made or is about to be made upon real estate pursuant to the powers set forth in section eighteen of chapter one hundred and sixty-seven.

7. Servicing of Loans. - Any such bank may collect and apply payments due upon and otherwise service mortgage loans sold by

it; and may authorize any servicing contractor, approved by the board or committee to collect and apply payments due upon and otherwise service mortgage loans acquired by such bank; provided, however, that any such servicing contractor servicing mortgage loans on real estate located in this commonwealth or within the fifty-mile limit referred to in subsection B of section two shall be a savings bank, trust company, national banking association, co-operative bank or federal savings and loan association, but mortgage loans so located may, subject to conditions approved by the commissioner, be serviced by a person eligible under regulations of the commissioner to service any insured or guaranteed mortgages hereinafter referred to in this paragraph. An agreement setting forth the terms and conditions of and charges to be made for such servicing shall be executed on behalf of such bank and any such servicing contractor, and filed with the records of such corporation. The servicing of insured or guaranteed mortgages referred to in paragraph 14 of subsection B of section two, section seven, and chapter forty-six of the acts of nineteen hundred and forty-five, shall be governed by regulations of the commissioner.

8. Any note or mortgage may contain conditions requiring the payment monthly or at other periods, of apportionments of estimated taxes, betterment assessments and premiums for insurance of any kind applicable to the loan.

9. A loan may be repaid at any time in full or in part subject to such anticipatory repayment charges as may be provided in the by-laws.

Payments made between bank days may be computed as of the bank day following. For each one hundred dollars or two hundred dollars repaid upon a co-operative bank mortgage one share in the applicable denomination, if desired by the borrower, may be released from pledge or the value thereof applied to any remaining balance of principal. When shares pledged upon a co-operative bank mortgage reach their matured value, unless the loan is otherwise paid or discharged, so much of their matured value shall be applied as will pay the loan in full and any remainder shall be released from pledge.

10. In the event that any shares or accounts which are pledged as security for any loan are sold, forfeited, transferred, assigned or credited for the nonperformance of the conditions of such loan or on the foreclosure thereof or for any other lawful purpose, the treasurer shall have full authority to transfer, assign or credit such shares or accounts to the bank or purchaser at any foreclosure or other sale or to any assignee.

11. Notwithstanding any other provision of law to the contrary, any bank holding a first mortgage on real estate may

take, in substitution therefor, from a person deemed by such bank to be a bona fide purchaser of such real estate, a first mortgage thereon plus the accumulated interest, taxes, municipal liens and other proper charges due thereon.

12. Legality of Certain Mortgages. - No provision of this chapter shall render illegal the investment in or pledge of any mortgages of real estate held by any such bank on November first, nineteen hundred and fifty-five.

All loans on real estate located outside the commonwealth which are not governed by the provisions of section seven or chapter forty-six of the acts of nineteen hundred and forty-five, except those loans made within a radius of fifty miles of the principal office, and all participation loans and servicing arrangements shall be subject to such regulations as the commissioner may deem necessary.

The provisions of this chapter shall not apply to mortgages taken in good faith by way of security for debts to such bank previously contracted, or to loans made by such bank to secure the payment of a portion of the purchase price of real estate acquired by such bank by foreclosure, or otherwise.

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

14. Any bank organized under the laws of the commonwealth may sell or assign mortgages to the Federal National Mortgage Association, created under the Federal Housing Act of 1954, and purchase stock of such association, service mortgages therefor and do any and all acts which under the laws and regulations applicable to such sales or assignments may be required to enable them to be affected.

Section 7. Subject to such regulations as the commissioner of banks deems necessary or desirable, any bank organized under the laws of the commonwealth is authorized: (a) to make such loans and advances of credit, and purchase of obligations representing such loans and advances of credit, as are insured by the federal housing administrator or commissioner, or by the secretary of agriculture under Title I of the Bankhead-Jones Farm Tenant Act, and to obtain such insurance, (b) to make and acquire such loans secured by mortgages on real property in the commonwealth held in fee simple as the federal housing administrator or commissioner or the secretary of agriculture under Title I of the Bankhead-Jones Farm Tenant Act, insures or gives commitments to insure, and to obtain such insurance and, in addition thereto, a bank having assets in excess of twenty-five million dollars, may make, acquire, service or participate in with

one or more domestic insurance companies authorized so to do, loans secured by mortgages of leasehold interest in real property located in the commonwealth; provided, however, that (1) such leasehold is held from the federal government or the commonwealth or a political subdivision of the commonwealth, or any agency of said governments, (2) the term of such lease is for not less than fifty years from the date of the execution of the mortgage and note, (3) such loan will be by its terms be paid in full before the termination of the lease, (4) the federal housing administrator insures or gives commitments to insure such loan under the provisions of the National Housing Act and such insurance is obtained, (5) the aggregate balance of amounts invested in all such loans outstanding at any one time from any such bank shall not exceed twenty-five per cent of its deposits, and (6) the balance of amounts invested in any such loan outstanding at any one time from any such bank secured by a mortgage of a single leasehold interest shall not exceed two per cent of the deposits of such bank, and (c) to collect and apply payments due upon and otherwise to service any mortgage loan insured by the federal housing administrator or commissioner or by the secretary of agriculture under Title I of the Bankhead-Jones Farm Tenant Act, and with respect to such mortgage loan, to make agreements with any mortgages approved by the federal housing administrator or commissioner or by the secretary of agriculture under Title I of the Bankhead-Jones Farm Tenant Act to collect and apply payments due upon and otherwise to service any such mortgage loan. A bank may also, in participation with one or more other such banks or domestic insurance companies authorized to transact life insurance, national banking associations or savings and loan associations if such associations are authorized so to do, make or acquire any of the loans referred to in clause (b) which are secured by mortgages on real property held in fee simple. With respect to the obligation of any mortgage contract entered into under any provision of this section, for the life of said obligation, no provision of law limiting the ratio of a mortgage loan to the value of the property or the term of the mortgage, or limiting the power of any bank to make loans other than those secured by mortgages upon real estate shall apply to loans made pursuant to this section and subject to regulations referred to herein, and no provision of law limiting the power of any bank to make loans shall apply to home improvement loans insured pursuant to the provisions of subsection (h) of section two hundred and twenty or of subsection (k) of section two hundred and three of the National Housing Act and subject to such regulations, but no more than twenty per cent of the total deposits of any bank shall be invested at any one time

in loans insured pursuant to the provision of said subsections (h) of said section 220 or (k) of said section 203. Nothing contained herein shall be deemed to abridge any power or authority conferred upon the commissioner of banks by any other provision of law.

Section 8. Such bank shall, upon application by a savings depositor or by any joint savings depositors therein, make a loan to him secured by his deposit book, in an amount not exceeding said deposit account, for a time not extending beyond the date when the next dividend on savings deposits shall be payable. Such bank may charge the depositor interest for, or may collect discount in advance upon, the loan at a rate not exceeding one per cent more than the rate of the next preceding dividend declared and paid on savings deposits; provided, however, that a minimum of three dollars may be charged or collected as such interest or discount in the case of any such loan. The bank shall keep posted in a conspicuous place in its banking rooms a notice containing the substance of this section and of section seventeen of chapter one hundred and sixty-seven D in such form as the commissioner may prescribe.

Section 9. Subject to such regulations as the commissioner may deem necessary, a bank may make and acquire such loans and advances of credit to qualified students as are insured by the federal commissioner of education under Part B of Title IV of the Higher Education Act of 1965 (Public Law 89-329), as amended, and may obtain and may receive such insurance, commitments for such loans, lines of credit and certificates of individual or comprehensive insurance coverage for such loans as are provided by said act, may pay the premiums for such insurance fixed by the federal commissioner of education pursuant to said act and may receive payments of interest and principal on such loans pursuant to said act and regulations made thereunder.

Section 10. Any student who has not attained the age of eighteen and has been admitted to an institution of higher learning or attends such an institution shall have full legal capacity to act in his own behalf in the matter of contracts and other transactions with respect to financing this education under any federal, state or private financing plan, and with respect to such acts done by such student, he shall have the rights, powers and privileges and be subject to the obligations of persons of full age.

Section 11. A bank may make or acquire loans upon

(a) real estate for any purpose secured by a mortgage other than a first lien, of the several classes specified in paragraphs 1, 2, 3, 4, 5, 6, and 7 of subsection B of section two, subject, in each instance, to the provisions and limitations applicable to

the particular class except that, any provision of said subsection notwithstanding, the note or mortgage need not require payment of a proportionate part of the estimated real estate taxes and betterment assessments on the mortgaged real estate, such loan may be made or acquired without regard to the location of the real estate loaned upon, and such loan may be made or acquired for an amount less than or equal to the greater of twenty-five thousand dollars or the amount by which the loan limitation applicable to the particular class under said subsection exceeds the principal balance outstanding on any first mortgage loan secured by a mortgage on the property loaned upon. In any case in which loans of the particular class are subject by said subsection to a limitation upon the aggregate balance of principal outstanding on loans of that class, such aggregate balance shall be determined by adding the aggregate balance of principal outstanding on loans of that class authorized by said subsection to the aggregate balance of principal outstanding on loans of the same class authorized by this section. In any case in which loans of the particular class are subject by said subsection to a condition that the mortgagor furnish to the board or committee an affidavit that the mortgagor does not require junior financing, such condition shall be deemed satisfied by an affidavit which states that the mortgagor requires no further financing; or,

(b) any real estate as collateral security for a commercial or business loan; provided, however, that said second mortgage shall not be taken as the primary security for such a loan.

Section 12. Improvement Loans. - A loan to the owner of improved real estate, upon which such bank holds a mortgage, for the purpose of financing the improvement, repair, alteration, rehabilitation of, or fuel for supplying the energy needs 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 solar or wind-powered system or heat pump system. Such loan shall not exceed fifteen thousand dollars, exclusive of interest or discount from the date of the note, with respect to any one parcel of such real estate. The loan shall be payable not more than 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. 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 terms of

the loan, which payments shall first be applied to interest and the balance to principal.

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

Section 12A Home Improvement Loans. - Any such bank may make or acquire a loan to the owner of improved real estate located within its lending area as defined in subsection B of section two, for the purpose of financing the improvement, repair, alteration or rehabilitation of such real estate or the purchase and installation of fixtures to be affixed thereto, including but not limited to the purchase and installation of a solar or wind-powered system or heat pump system; provided that (a) each such loan shall be evidenced by a note and may, in the discretion of such bank, be secured by a mortgage which shall be a lien on the real estate so loaned upon, (b) the note or mortgage shall provide that in any event it shall become due and payable simultaneously with the transfer of the mortgaged premises, and (c) such loan shall be subject to all the provisions and limitations applicable to first mortgage loans authorized by section twelve.

Section 13. No such bank shall directly or indirectly make a loan or discount on the security of the shares of its own capital stock or on the security of the shares of capital stock of any company, fifty per cent or more of the assets of which consists of capital stock of such corporation, nor may any such corporation be the purchaser or holder of such shares, unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith, and stock so purchased or acquired shall, within six months after its purchase or acquisition, be sold or disposed of at public or private sale but the commissioner, in his discretion, may grant additional periods of time for the holding of such stock. Any officer or employee of a bank who knowingly violates any provision of this section, shall be punished by a fine of not more than five thousand dollars or by imprisonment for not more than one year, or both.

Nothing in this section shall be deemed to prevent any such bank from being the purchaser or holder of its own shares; (a) if, in connection with a stock dividend or a merger or consolidation to which such bank is a party or a purchase by such bank of all or substantially all of the assets of a trust or banking company or national banking association, such purchase or hold-

ing is incidental to an arrangement approved by the commissioner as appropriate to enable those entitled thereto to sell resulting fractional interests or to purchase such fractional interests as may be necessary for the acquisition of a full share or (b) if, in connection with a merger or consolidation or plan of acquisition to which such bank is a party or a sale or exchange by such bank of all or substantially all of its property and assets, such purchase or holding is necessary to satisfy such corporation's liability to dissenting stockholders under section thirty-six of chapter one hundred and seventy-two, and section four A of chapter one hundred and sixty-seven A.

Section 14. A. The total obligations of one borrower to a stock corporation under this chapter and chapter one hundred and sixty-seven F shall not exceed the limitations prescribed in the following table:

1. Obligations of one person including in the liabilities of a firm the liabilities of its several members.	(a) 20% of the total of the capital stock and surplus account if the capital stock of such corporation is less than $500,000; or more; (b) 20% of the capital stock, or 10% of the total of the capital stock and surplus account, whichever is greater, if the capital stock of such corporation is less than $500,000; (c) 25% of the total of the capital stock and surplus account, if the amount of such obligations in excess of the limitations set forth in (a) or (b) is fully secured by obligations of the United States of like value; (d) 100% of the total of the capital stock and surplus account, if

the amount of such obligations in excess of the limitations set forth in (a) or (b) is fully secured by obligations of the United States of like value, due within three years of the date of the note of the borrower;

(e) In addition to the limitations prescribed in (a), (b), (c) or (d), 2% of the total amount of savings deposits, if the amount of such obligations in excess of such prescribed limitations is secured by collateral of the classes specified in section thirty-eight of chapter one hundred and sixty-eight.

2.	Obligations of a state or a political subdivision of a state other than a New England state or a state contiguous thereto.	10% of capital stock and surplus account.
3.	Obligations of a political subdivision of a New England state other than this commonwealth.	20% of capital stock and surplus account.
4.	Obligations of a political subdivision of a state contiguous to any of the New England states.	20% of capital stock and surplus account.
5.	Obligations of a foreign government or a political subdivision thereof.	10% of capital stock and surplus account.
6.	Obligations of all foreign governments and the political subdivisions thereof.	20% of capital stock and surplus account.

B. The total obligations of one borrower to a thrift institution under this chapter and chapter one hundred and sixty-seven F shall not exceed the limitations prescribed in the following table:

1.	Obligations of one person, including in the liabilities of a firm the liabilities of its members	20% of its surplus account.
2.	Obligations of a state or a political subdivision of a state other than a New England state or a state contiguous thereto.	20% of its surplus account.
3.	Obligations of a political subdivision of a New England state other than this commonwealth.	20% of its surplus account.
4.	Obligations of a political subdivision of a state contiguous to any of the New England states.	20% of its surplus account.
5.	Obligations of a foreign government or a political subdivision thereof.	20% of its surplus account.
6.	Obligations of all foreign governments and the political subdivision thereof.	20% of its surplus account.

C. The limitations of subsections A and B shall not apply to:

1. Obligations of the United States and of this commonwealth.

2. Obligations of any other New England state and of any state contiguous thereto.

3. Obligations of a political subdivision of this commonwealth.

4. Obligations to the extent that they are secured as to principal and interest by the unconditional guarantee, insurance or other like commitment of the United States, an agency of the United States or a federal reserve bank, whether the commitment provides for payment in cash or in obligations of the United States.

5. Obligations arising out of the discount of:

(a) drafts or bills of exchange drawn in good faith against actually existing values, and

(b) commercial or business paper actually owned by the person negotiating it; and

6. Obligations to the extent that they are secured as to principal and interest by the guarantee, insurance or other like commitment of the Massachusetts Industrial Finance Agency pursuant

to section thirty-four of chapter twenty-three A.

D. Real estate loans made under the provisions of subsection B of section two shall not apply to the limitations of paragraphs A and B of this section.

E. Notwithstanding the provisions of paragraphs A and B, liabilities for federal funds and other short-term obligations of any national bank or other bank to a bank may exceed one hundred per cent of the capital stock and surplus account of a trust company and no collateral shall be required for such obligations except insofar as the commissioner of banks may by regulation set limits on such obligations and require collateral of any kind.

Section 15. Any advertisement, within the commonwealth, in a language other than English made by a bank, or a federally-chartered bank authorized to do business in the commonwealth or a creditor, to aid, promote or assist directly or indirectly any credit account offered by such bank, or federally-chartered bank, or creditor shall state in such other language what language the forms associated with the opening and maintenance of such account are in.

For the purposes of this section, the following words shall have the following meanings:-

"Creditor", a creditor as defined in section one of chapter one hundred and forty D.

"Advertisement", any commercial message in any newspaper, magazine, leaflet, flyer or catalog, on radio, television or public address system, in direct mail literature or other printed material, on any interior or exterior sign or display, in any window display, in any point-of-transaction literature or price tag which is delivered or made available to a customer or prospective customer in any manner whatsoever.

Section 16. No bank shall require as a condition of granting a loan, that a borrower enter into a payroll services contract with the bank. Any bank violating the provisions of this section shall be liable in an action of tort for treble the amount of actual damages; provided, however, that if there are no actual damages the court may assess special damages not to exceed two thousand dollars.

CHAPTER 167F.
INVESTMENTS AND OTHER POWERS.

Section 1. In this chapter, unless the context otherwise requires, the following words shall have the following meanings:-

"Bank", a savings bank, co-operative bank or trust company incorporated as such in the commonwealth.

"Board", the board of trustees in a savings bank, the board

of directors in a co-operative bank and the board of directors in a trust company.

"Capital stock", the sum of the par value of the preferred and common shares of capital stock of a trust company, issued and outstanding.

"Commissioner", the commissioner of banks.

"Federally-chartered bank", a national banking association, savings and loan association or a federal credit union authorized to do business in the commonwealth.

"Stock corporation", a savings bank or a co-operative bank which has converted to a stockholder form of corporation or a trust company as defined in section one of chapter one hundred and seventy-two.

"Surplus account", an account so designated on the books of a bank and consisting of such amounts as shall be required by law or shall be transferred thereto by vote of its board.

"Thrift institution", a savings bank as defined in chapter one hundred and sixty-eight or a co-operative bank as defined in chapter one hundred and seventy except as herein provided.

Section 2. Every bank in its banking department shall, subject to any limitations imposed by this chapter, have the following powers and whatever further incidental powers may fairly be implied from those expressly conferred and such as are reasonably necessary to enable it to exercise fully those powers according to common banking customs and usages. Any bank may invest its deposits and income derived therefrom in the investments authorized by this chapter and in such other investments as may be authorized for banks by general or special laws.

1. To discount, buy, invest in, hold, assign, transfer, sell and negotiate promissory notes, drafts, bills of exchange, mortgages, trade acceptances, banker's acceptances, bonds, debentures, bonds or notes secured by mortgages, installment obligations, accounts receivable, balances due on conditional sales and other evidences of debt for its own account or for the account of customers;

2. To invest in the bonds or other evidences of indebtedness of associations or trusts, both as defined in chapter one hundred and eighty-two, and of corporations;

3. To invest in the bonds or other evidences of indebtedness of governments, or political subdivisions thereof, both foreign and domestic;

4. To invest in the capital stock of any bank, national banking association, federal savings bank, federal savings and loan association or bank holding company;

5. To invest in the capital stock of any small business investment company organized under the provisions of the Small Busi-

ness Investment Act of 1958 in an amount aggregating not more than two per cent of its capital stock and surplus account for a stock corporation or not more than two per cent of its surplus account for a thrift institution; to invest, subject to the approval of the commissioner, in the Minbanc Capital Corporation, a non-diversified closed end investment company created for the purpose of making capital funds available to qualifying minority owned banks, up to an amount not exceeding two per cent of its capital stock and surplus account for a stock corporation or not more than two per cent of its surplus account for a thrift institution;

6. To invest such amount not exceeding ten per cent of its capital stock and surplus account for a stock corporation or not exceeding ten per cent of its surplus account for a thrift institution as the commissioner may approve in the capital stock of one or more corporations organized under the laws of the United States for the purpose of engaging in international or foreign banking or other international or foreign financial operations, or in banking or other financial operations in a dependency or insular possession of the United States, and subject to the jurisdiction and supervision of the Board of Governors of the Federal Reserve System;

7. To invest, subject to the approval of the commissioner and under such limitations or conditions as he may impose, in the capital stock or shares of one or more wholly owned subsidiary corporations or trusts organized and operated solely for the purpose of performing functions that the bank itself is empowered to perform directly;

8. Such corporation may make any investment not otherwise eligible under any other provision of this chapter or any other provision of law including, but not limited to, investment in any capital stock of a corporation organized for the purposes of acquiring and managing interests in real property and acquiring, constructing, rehabilitating, leasing, financing and disposing of housing facilities, or in any other interest in real or personal property, debt security, equity security or loan; provided, however, that (a) no more than five per cent of the deposits of such corporation shall be invested pursuant to the provisions of this section; and provided, further, that any amount in excess of three of said five per cent shall be invested by any such corporation in capital stock of a corporation organized for the purpose of acquiring, constructing, rehabilitating, leasing, financing and disposing of housing facilities; (b) no investment shall be made by such corporation in the equity securities of any one issuer pursuant to this section if the aggregate amount invested by it in the equity securities of such issuer pursuant to this

section together with the amount invested in such securities pursuant to any other provision of law exceeds, or by the making of such investment will exceed, two per cent of the deposits of such corporation, and no investment shall be made by such corporation in a loan to, or in the debt securities of, any one issuer pursuant to this section, if the aggregate amount invested by it pursuant to this section together with the amount invested in a loan to, or in the debt securities of, such issuer pursuant to any other provision of law exceeds two per cent of the deposits of such corporation; (c) any loan made or debt security purchased pursuant to this section shall be secured over the term of the loan or the debt security; (d) this section shall not be deemed to alter any provision of this chapter or other provision of law limiting the aggregate amount that may be invested in any class of loan or investment; and (e) investments authorized solely by this section shall not be deemed investments in which savings banks may legally invest for the purposes of any other provision of law which restricts investments to those in which savings banks may legally invest;

9. To hold real estate suitable for the transaction of its business; provided, however, that if the aggregate amount invested and proposed to be invested therein, including the cost of alterations and additions in the nature of permanent fixtures exceeds, directly or indirectly, thirty per cent of its capital stock and surplus account or one hundred per cent of its capital stock whichever is greater, for a stock corporation or if such amount exceeds one hundred per cent of surplus or four and one-half per cent of assets for a thrift institution such excess investment shall be made only with the approval of the commissioner. The amount of any mortgage on real estate owned by a bank directly or indirectly and used by it in whole or in part for the transaction of its business and the amount of money invested by a bank in the securities of any corporation, trust or other organization which holds real estate used in whole or in part for the transaction of the business of such bank or intended for such use, shall be included in determining the amount of real estate that may be held by such bank under this section;

Any sums that may be recovered by a bank through the sale or other disposal of real estate or any part thereof held under this section, together with such sums as are allowable for ordinary depreciation under the provisions of the federal income tax law, and such additional sums as are taken on account of depreciation or obsolescence, or for other reason shall, with the consent of the commissioner or at his direction, be deducted from the amount considered to be invested in such real estate;

10. To invest an amount to be approved by the commissioner,

subject to such regulations, if any, as he may deem necessary, in a corporation or association formed for the purpose of furnishing to such bank, or to other banks as hereinafter provided, statistical or bookkeeping services or information of the kind generally required by a bank. A bank may also, in participation with any other bank or national banking association, invest its deposits in such corporation or association, subject however to the same approval and regulation, if any, as above provided. The provisions of section two of chapter one hundred and sixty-seven shall apply to such corporations or associations. Nothing contained herein shall be construed to preclude a bank from renting or subscribing for the services of such corporations or association or any other corporation or association rendering such services;

11. To consent to any settlement, modification or readjustment of any investment in securities legally made by such corporation, and to accept and hold as investments bonds, notes, stocks and other securities offered in full or partial settlement, modification or readjustment of any such investment, pursuant to a reorganization or otherwise;

12. To act as trustee or custodian under a retirement plan or individual retirement account which in the judgment of such corporation at the time such trustee or custodian is accepted, is established pursuant to the provisions of Public Law 87-792 entitled "Self-Employed Individuals Tax Retirement Act of 1962", Public Law 93-406 entitled "Employee Retirement Income Security Act of 1974" or section 152 of Public Law 95-600 entitled "Revenue Act of 1978", if the provisions of said plan have been approved by the commissioner and permit any of the funds of said trust or custodial account to be invested in savings deposits or time deposits of said bank. No funds held by said bank as trustee or custodian shall be invested otherwise than in bank deposits, properly qualified life insurance retirement income policies or other investments authorized by law for banks, or any combination thereof as 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;

13. To act as trustee for the holders of any bond issued by the Massachusetts Industrial Finance Agency, pursuant to the provisions of chapter twenty-three A or by any industrial development authority of any city or town pursuant to the provisions of chapter forty D or by the Massachusetts Health and Educational Facilities Authority, pursuant to the provisions of chapter six hundred and fourteen of the acts of nineteen hundred

and sixty-eight. No funds held as a trustee shall be invested otherwise than in bank deposits or other legal investments for banks or any combination thereof, as may be prescribed by the trust instrument;

14. To 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;

15. To issue or participate with other persons in the issuance of securities representing units of interest in specific mortgage loans or pools or mortgage loans held by such corporation or other issuer, and in connection therewith may enter into and perform such arrangements relating to the custody and servicing of such mortgages and to other related matters, including without limitation provisions for guaranteeing collection or payment of the principal and interest on such securities, as may be found necessary and appropriate by the board of investment of such corporation; provided, however, that the commissioner may from time to time promulgate regulations governing the terms and conditions upon which any such securities may be issued;

16. To purchase by itself with other banks, under regulations established by the commissioner, group life insurance on the lives of debtors who request such insurance. The premium for such insurance, or the premium on an individual life insurance policy held to cover the indebtedness, may be added to the payments required of those who elect to become insured. In the event of the death of any debtor so insured, the insurance proceeds shall be applied to reduce or extinguish the unpaid indebtedness to the extent of such payment. If a dividend or premium refund is received by the bank from such group life insurance under one or more group policies to which the debtors contribute to the cost of premiums, the excess, if any, of the aggregate of such dividends and premium refunds over the aggregate expenditure of the bank toward the cost of such insurance, including its administration, shall be applied by the bank for the sole benefit of debtors who are then insured or who subsequently become in-

sured under such group policies or any policies replacing such group policies. No trustee, director, officer or employee of such bank shall benefit financially, directly or indirectly from the sale of such insurance;

17. To purchase by itself or with other banks, under regulations established by the commissioner, group accident and health insurance covering debtors of such bank or group of banks if the debtors request such insurance. Such insurance shall cover all or part of the indebtedness of such debtors. The premium for such insurance, or the premium on an individual accident and health insurance policy held to cover the indebtedness, may be added to the payments required of any such debtor who elects to become insured, and the proceeds of any such dividends or premium refunds on such insurance, shall be applied by the bank, or group of banks, for the sole benefit of the debtors in the manner provided in paragraph 15. No trustee, director, officer or employee of such bank or group of banks shall benefit financially, directly or indirectly, from the sale of such insurance. Such bank or group of banks may take or receive a service charge which shall be reasonably related to the cost to such bank or group of banks of administering such insurance;

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

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

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

19. To provide group life insurance, group accident and health insurance or group medical, surgical or hospital insurance or benefits, or all or any combination thereof, for its employees, officers, and directors. The commissioner may, if he deems it

necessary, establish regulations providing reasonable restrictions in connection therewith;

20. To establish, participate in, and act as trustee in an educational savings program approved by the commissioner whereby any person may purchase a specific plan in such program designed to provide for the education of a child upon his attaining college age. Such bank may purchase group life insurance on the lives of the debtors participating in such program. The premium for such insurance, or the premium on an individual life insurance policy held to cover the indebtedness, may be added to the payments required of any such debtor and the proceeds of any such insurance, dividends or premium refunds shall be applied by the bank for the sole benefit of the debtors, officer or employee of such paragraph 15. No trustee, director, officer or employee of such bank shall benefit financially, directly or indirectly, from the sale of such insurance;

21. To buy and sell gold and silver bullion, foreign coin and exchange;

22. Subject to such restrictions as may be imposed by the commissioner, to accept for payment at a future date drafts and bills of exchange drawn upon it and to issue letters of credit authorizing holders thereof to draw drafts upon it, or its correspondents, at sight or on time; provided, that such acceptance of drafts be based upon actual values; and, provided, that no such corporation shall accept such bills or drafts to an aggregate amount exceeding at any one time one-half of its capital stock and surplus account for a stock corporation and one-half of its surplus account for a thrift institution, except with the approval of the commissioner, and in no case to an aggregate amount in excess of its capital stock and surplus account for a stock corporation or its surplus account for a thrift institution;

23. To accept drafts or bills of exchange drawn upon it and arising out of transactions involving the import or export of goods, having not more than six months' sight to run; provided, however, that no such corporation shall accept such bills to an aggregate amount exceeding at any time one-half of its capital stock and surplus account for a stock corporation or its surplus account for a thrift institution;

24. To rediscount notes, drafts and bills of exchange arising out of actual commercial transactions;

25. To act as financial or other agent for a person, association, trust, corporation, municipal corporation or government, and in their behalf to negotiate loans and the sale, purchase or other disposition or acquisition of securities or other property;

26. To act as fiscal agent of the United States, and of any corporation, state, county municipality, board, commission or

other body politic, and to perform all duties as such fiscal agent as may lawfully be required of it;

27. To assist customers or act for customers in the preparation of payrolls and payroll deductions and in the preparation, maintenance and furnishing of records and statistical information;

28. To lease equipment, machinery, or personal property to customers provided that such equipment, machinery or personal property was acquired at the request of the customer and to maintain, and rent out for hire, at any location occupied by its principal office or any branch office, safe deposit boxes or other receptacles for the safe keeping of personal property upon such terms and conditions as may be agreed upon; and

29. To contribute such sum or sums of money as the board of investment in a savings bank or the board of directors in a co-operative bank or trust company may determine to be reasonable, (a) to any private nonprofit organization organized for the purpose of improving the social and economic conditions in the community where such corporation is established, including any educational institution, and to any educational institution located outside that community for the purpose of providing scholarships for the benefit of residents of that community; or (b) to any fund being raised by a committee or agency for the purpose of relieving suffering or distress resulting from disaster or other calamity occurring in any part of the commonwealth. For the purposes of promoting, protecting or conserving the assets of banking institutions, such bank may subscribe for services, including advertising and professional services, rendered or to be rendered collectively through any association referred to in or through any group of banking institutions; and in each such case the corporation with the approval of said board may pay for such services its proportionate share of the total cost thereof or such other amount as said board shall deem reasonable and proper.

Section 3. Notwithstanding any provision of this chapter or any other provision of law, any bank may invest in the following classes of stocks in accordance with the conditions, limitations and requirements prescribed herein:

1. Insurance Company Stocks - In the capital stock of any insurance company authorized to conduct a fire and casualty insurance business in the commonwealth, subject to the following conditions, limitations and requirements.

(i) Kind of Business - In the calendar year immediately preceding the date of investment not less than one-fourth of the net premiums written by such company and its subsidiaries shall have been in respect to risks involving loss of or damage to property belonging to or in the custody of the insured, which risks shall

be deemed to be fire and allied risks. As used herein, the term "fire and allied risks" shall be deemed to include homeowners, commercial and industrial multiple period risks, boiler and machinery, glass, burglary and theft and fidelity risk. Net premiums written in the same period in respect to casualty risks shall have been not less than one-fourth of the net premiums written by the company and its subsidiaries. The term "casualty risks" shall be deemed to include risks involving liability of the insured for injury or damage to the person or property of others, workmen's compensation, accident and health, hospital and medical, surety and credit risks. Not more than one-half of the net premiums written in the same period shall have been in respect to liability of owners or operators of motor vehicles for personal injury or property damage. If more than one-fifth of the net premiums written by the company and its subsidiaries in the same period shall have been life insurance premiums, the company or the subsidiary or subsidiaries writing such life insurance shall be licensed to conduct such business in this commonwealth.

(ii) Subsidiary Defined - For the purposes of this section, "subsidiary" shall be construed to mean any insurance company fifty per cent or more of the capital stock of which is owned by such insurance company or by any other subsidiary thereof.

(iii) Large Company Requirement - At the end of the calendar year immediately preceding the date of investment the total admitted assets of such company shall be not less than one hundred million dollars, and it shall be one of the companies which meet the provisions of clause (i) and of which a majority of stock is not owned by five or less stockholders.

(iv) Operating Profit Ratio - Of the companies referred to in clause (iii), such company shall be one of the fifteen having the highest average operating profit ratio for the five years immediately preceding the date of investment. The annual operating profit ratio of each of the five years preceding the date of investment shall be calculated by subtracting from one hundred per cent the ratio of loss and loss adjustment expense to net premiums earned and thereafter subtracting from the remainder the ratio of other operating expenses, excluding all income taxes, to net premiums written. The ratios of the five years immediately preceding the date of investment shall be averaged to obtain the measurement. The losses, expenses, premiums written and profits earned referred to above shall be the totals of such items for such company and all its fire and casualty insurance subsidiaries except that, if less than ninety per cent of the capital stock of a subsidiary is owned by such company, the totals of said items for such subsidiary shall be included in the calculation only in proportion of the percentage of stock so owned.

(v) Ratio of Assets to Liabilities - At the end of the calendar year immediately preceding the date of investment, the total admitted assets of the company shall be equal to or in excess of one hundred and twenty-five per cent of all liabilities of the company excluding capital, surplus and voluntary reserves.

(vi) Dividends - Such company shall have paid a dividend in cash in each of the ten years preceding the date of investment.

(vii) Other Limitations - The following additional limitation also shall apply to stocks of insurance companies:

(a) Preferred Stock, etc. - Such company shall have no preferred stock or other senior securities outstanding at the date of investment.

(b) Aggregate Investment Limit - No insurance stock shall be purchased (a) if the cost thereof added to the cost of insurance stocks and bank stocks already owned shall exceed sixty-six and two-thirds per cent of the total of the surplus accounts of such corporation, referred to in section twenty-seven of chapter one hundred and sixty-eight, if the cost thereof added to the amount already invested in stocks and in shares of beneficial interest of the Savings Bank Investment Fund shall exceed the total of such surplus accounts.

(c) Investment Limit in One Company - No investment shall be made in the stock of any one insurance company if the cost thereof added to the amount already invested in its stock shall exceed one-fifteenth of the total of said surplus accounts of such corporation, as so appearing.

2. Shares of Savings Investment Fund - In the shares of beneficial interest of the Savings Bank Investment Fund; provided that no such corporation shall invest in any such shares of any class representing a beneficial interest in any distinct investment fund consisting in whole or in part of equity securities (a) if the cost thereof added to the cost of such shares of an equity fund already owned shall exceed fifty per cent of the total of the surplus accounts of such corporation, referred to in section twenty-seven of chapter one hundred and sixty-eight, if the cost thereof added to the amount already invested in such shares of such surplus accounts; and provided, further, that no such corporation shall invest in any such shares of any class representing a beneficial interest in any distinct investment fund which is not an equity fund if the cost thereof added to the cost of such shares of the class which is proposed for investment already owned shall exceed ten per cent of the total deposits of such corporation.

3. Utility Company Stocks - In the preferred and common stocks of any company which, at the time of such investment, is incorporated under the laws of the United States or any state

thereof, or the District of Columbia, and authorized to engage, and engaging, in the business of furnishing telephone service in the United States, or any gas, electric light or water company incorporated or doing business in this commonwealth and subject to the control and supervision thereof; provided, that in at least four of the five years immediately preceding the date of investment such company shall have earned and paid dividends on each class of outstanding stock and the after tax net operating income, as hereinafter defined, of such company shall have been not less than twice the sum of the amount necessary to pay the interest for the same periods, excluding interest charged to fixed assets during construction thereof, if any, on all of its outstanding indebtedness and of the amount required to pay dividends on all of its preferred stock, if any. As used in this paragraph the words "after tax net operating income" shall mean the amount available for payment of interest and dividend charges after deduction from total operating revenues of all operating expenses, including current maintenance, provision for depreciation, all taxes including federal income taxes, rentals and guaranteed interest or dividends. No such corporation shall invest in such preferred or common stocks (a) if the cost thereof added to the cost of such preferred or common stocks, as the case may be, already owned shall exceed thirty-five per cent of the total of the surplus accounts of such corporation referred to in section twenty-seven of chapter one hundred and sixty-eight, if the cost thereof added to the amount already invested in stocks and in shares of the Savings Bank Investment Fund of a class representing a beneficial interest in any distinct investment fund consisting in whole or in part of equity securities, shall exceed the total of such surplus accounts; and provided that no such corporation shall invest more than one-half of one per cent of its deposits in the stock of any one such company.

4. Preferred and Common Corporate Stock - In the preferred and common stock of any corporation organized under the laws of the United States or any state and any association defined herein to mean an association the business of which is conducted or transacted by trustees under a written instrument or declaration of trust; provided, however, not more than four per cent of its deposits shall be invested in the stocks so authorized and provided, further, that in addition to such four per cent, an amount equivalent to one per cent of its deposits may be invested in stocks of Massachusetts corporations or companies with substantial employment in the commonwealth which have pledged to the commissioner that such monies will be used for further development within the commonwealth.

5. Prudent Investments - In the shares of stock registered on

a national securities exchange as provided in the Securities Exchange Act of 1934, 15 USC 78a or for which quotations are available through the National Association of Securities Dealers Automated Quotations System, or any comparable service designated by the commissioner; provided that not more than fifteen per cent of the assets of such corporation shall be invested pursuant to the provisions of this paragraph, and such investment shall be made in the exercise of the judgment and care consistent with the prudent man rule, so-called.

Section 4. Any bank, a national banking association or savings and loan association authorized to do business in the commonwealth, may engage directly in the business of selling, issuing or registering checks or money orders, except that trust companies and national banks may engage in such business through agents who shall not be deemed to be branches of such banks. No person, other than the foregoing, shall engage in such business directly or indirectly unless he files on or before January fifteenth in each year a sworn statement setting forth his name and address, the names and business addresses of his agents, other than a bank, a national banking association or savings and loan association, authorized to receive money and transact such business on his behalf. Such person shall deposit and maintain with the state treasurer a surety bond, cash or securities, in a sum of one hundred thousand dollars. Any such bond or deposit shall be held as security for the payment of checks or money orders sold by such person or his agents, and the commissioner may make such rules and regulations as may be necessary for the enforcement of this section, including an investigation relative to reputation, integrity and net worth, the cost of which investigation shall be chargeable to such person.

Each person to whom a certificate to engage in such business has been issued shall on or before the fifteenth of April, July and October of each year notify the commissioner of any change in the list of agents contained in the annual statement, and shall file with him the name of any additional agent appointed or of any agent whose authority has been revoked.

There shall be a fee for the filing of such annual statement payable to the commissioner and for each agent listed in the annual statement or in any addition thereto, the amount of such fees shall be determined annually by the commissioner of administration under the provisions of section three B of chapter seven for the filing thereof.

The commissioner may issue a certificate to engage in such business to any person who in his judgment has complied with the provisions of this section, but he may, at any time, revoke such certificate for failure to comply with the provisions of this

section, or of any rule or regulation promulgated by him, or for failure to pay any check or money order upon presentation for payment.

Whoever violates any provision of this section or any rule or regulation established hereunder shall be punished by a fine of not more than one hundred dollars for each day during which such violation continues.

Section 5. A bank may become a member of the Federal Home Loan Bank established for the district of New England under the provisions of an act of Congress, approved July twenty-second, nineteen hundred and thirty-two, as amended, and known as the Federal Home Loan Bank Act, or of any successor of said bank; and may terminate such membership at any time. A bank may subscribe to and invest in such amounts of the stock of said home loan bank or of any such successor as may be required by law to qualify such corporation for membership therein.

Section 6. A bank may become a member of the Federal Deposit Insurance Corporation, subject to the provisions of the act of Congress approved in nineteen hundred and fifty, known as the Federal Deposit Insurance Act, or any successor of that corporation, and may terminate its membership at any time. A Member of the Deposit Insurance Fund of the Mutual Savings Central Fund, Inc., established by chapter forty-three of the acts of nineteen hundred and thirty-four, shall also be subject to sections twelve to seventeen, inclusive, of said chapter forty-three, as amended by section ten of chapter three hundred and twenty-four of the acts of nineteen hundred and fifty-six.

The Federal Deposit Insurance Corporation, upon payment of the insured portion of any deposit in a bank so insured, shall, subject to the provisions of said section seventeen of said chapter forty-three, as amended by sections one and two of chapter one hundred and seventy-five of the acts of nineteen hundred and sixty-one, be subrogated to the rights of the person to whom the insurance was so paid to receive the same distribution from the proceeds of the assets and claims of the bank as would have been payable to that person on a claim for the portion of the deposit insured by the Federal Deposit Insurance Corporation; but that person shall retain the right to receive distribution on so much of the person's claim as represents the uninsured portion of the deposit.

Section 7. A bank may become a member of the Federal Savings and Loan Insurance Corporation, subject to the provisions of the act of Congress, approved in nineteen hundred and thirty-four, known as the National Housing Act, or any successor of that corporation, and may terminate its membership at any time. A member of the Share Insurance Fund of the Co-operative Cen-

tral Bank, established by chapter seventy-three of the acts of nineteen hundred and thirty-four, shall also be subject to the provisions of sections eleven to sixteen, inclusive, of said chapter seventy-three.

The Federal Savings and Loan Insurance Corporation, upon payment of the insured portion of any share, deposit, or other accounts in a bank so insured, shall subject to the provisions of section sixteen of said chapter seventy-three, be subrogated to the rights of the person to whom the insurance was so paid to receive the same distribution from the proceeds of the assets and claims of the bank as would have been payable to that person of a claim for the portion of the account insured by the Federal Savings and Loan Insurance Corporation; but that person shall retain the right to receive distribution on so much of the person's claim as represents the uninsured portion of the account.

Section 8. Any such bank may subscribe for and acquire stock issued by the Federal Reserve Bank of Boston for the purpose of qualifying for membership in the federal reserve system, and while a member of such system may have and exercise any and all of the corporate powers and privileges which may be exercised by federal reserve member banks.

Section 9. Such bank may, by vote of its board of investment, or board of directors, obtain memberships in certain organizations, and may make contributions and donations and subscribe for services, subject to the conditions, and requirements of this section.

1. Banking Association Memberships. - Such corporation may become a member of any association organized to protect and promote the interests of banking institutions, and may pay for such membership its proportionate share of the expenses as is reasonable and necessary.

2. Miscellaneous Memberships. - Such corporation may become a member of or contribute to any other association or organization in the commonwealth if, in the opinion of said board, such membership or contribution is reasonable and of substantial benefit to such corporation and its depositors.

3. Subscriptions to Services. - For the purposes of promoting, protecting or conserving the assets of banking institutions, such corporation may subscribe for services, including advertising and professional services, rendered or to be rendered collectively through an association referred to in paragraph 1 or through any group of banking institutions; and in each such case the corporation, with the approval of the board, may pay for such services its proportionate share of the total cost thereof or such other amount as said board shall deem reasonable and proper.

CHAPTER 167G.
TRUST DEPARTMENT.

Section 1. The following words as used in this chapter, unless the context otherwise requires, shall have the following meanings:

"Bank" or "such bank", a savings bank, co-operative, or trust company subject to the supervision of the commissioner of banks.

"Capital stock", the sum of the par value of the preferred and common shares of capital stock, issued and outstanding.

"Commissioner", the commissioner of banks.

"Officer", any individual designated as such in accordance with the by-laws including, whether or not so designated, the president, vice-president, treasurer, and the clerk or secretary or any individual who performs the duties appropriate to those offices.

Section 2. With the written authority of the commissioner any such bank may have a trust department in which all business conducted by such department shall be segregated from its general business. The commissioner may grant or refuse such authority after such investigation of the affairs of the bank as the commissioner deems appropriate.

Section 3. The trust department of such bank shall, subject to the limitations contained in this chapter, have the following powers:

1. To hold money or property in trust or on deposit from executors, administrators, assignees, guardians, conservators and trustees upon such terms and conditions as may be agreed upon;

2. To be appointed and to act as executor of a will, codicil, or writing testamentary, administrator with the will annexed, administrator of the estate of any person, receiver, assignee, guardian, conservator or trustee under a will or instrument creating a trust for the care and management of property, under the same circumstances, in the same manner, and subject to the same control by the court having jurisdiction of the same, as a legally qualified individual; to act in any other fiduciary capacity not expressly prohibited by the laws of this commonwealth; provided, however, that any such appointment as guardian shall apply to the estate and not to the person of the ward;

3. To act as agent for the purpose of issuing, transferring, registering, or countersigning the certificates of stock, bonds, or other evidences of indebtedness or legal or beneficial ownership of a corporation, association, trust, municipal corporation, state or national government, on such terms as may be agreed upon;

4. To act as trustee or financial or other agent for a person, association, trust, corporation, municipal corporation or government and in their behalf to negotiate loans and the sale, purchase or other disposition or acquisition of securities or other property; to act as trustee for the holders of obligations, shares, or evidences of interest or ownership of a corporation or other issuer, and for any such purposes to receive transfers or deposits of money or of real and personal property upon such terms as may be agreed upon;

5. Any association or corporation authorized to do a banking business and to exercise trust powers in the commonwealth, may hold securities held by it as custodian for any fiduciary, or in a fiduciary capacity pursuant to the exercise of such trust powers in a manner such that, without certification as to ownership attached, certificates representing securities of the same class of the same issuer and from time to time constituting assets of particular fiduciary accounts are held in bulk, including, to the extent feasible, the merging of certificates of small denomination into one or more certificates of large denomination, provided that such association or corporation shall be subject to such rules and regulations as may from time to time be issued in the case of national banking associations, by the comptroller of the currency, and in the case of all other such associations and corporations, by the commissioner. Such association or corporation shall, on demand by any court, fiduciary, co-fiduciary, beneficiary, or other interested party to an accounting, or by the attorney for any such fiduciary, co-fiduciary, beneficiary, or other interested party to an accounting, certify in writing the securities held by such association or corporation as such fiduciary.

6. Any individual, partnership, association or corporation authorized to do a banking business and to exercise trust powers in the commonwealth, and any resident of the commonwealth appointed by a trustee by a probate court or who is required to file an account in a probate court, may cause any stock or security held in a fiduciary capacity to be registered and held in the name of a partnership or corporate nominee residing or having a principal place of business within the commonwealth named by him or it, provided, however, that every individual trustee of the same estate or trust consents thereto, and any fiduciary may deposit stocks or other securities held in a fiduciary capacity with one so exercising trust powers, with authority to register and hold the same in the name of a partnership or corporate nominee residing or having a principal place of business within the commonwealth. Such a depository shall not, without first causing the stock or security to be registered in the name of the depositing fiduciary as such, redeliver the same to him,

but this provision shall not apply to other transfers or to sales made by the depository pursuant to directions of the depositing fiduciary, and the depository and his or its partnership or corporate nominee residing or having a principal place of business within the commonwealth shall be held to have discharged their responsibilities by accounting for or paying over the proceeds of any sale or transfer made as so directed. A fiduciary holding securities in the manner authorized by this section shall retain possession of said securities, shall maintain adequate records indicating the ownership thereof, shall segregate the same from his or its own assets, and shall be absolutely liable for any loss occasioned by the acts of a nominee.

7. Any association or corporation authorized to do a banking business and to exercise trust powers in the commonwealth, while acting as a fiduciary or as an agent or custodian for any other fiduciary, or any individual fiduciary holding securities in the capacities aforementioned, may deposit or arrange for the deposit of such securities in a securities depository, or in a clearing corporation, as defined in section 8-102 of chapter one hundred and six. Ownership of, and other interests in, such securities may be transferred by bookkeeping entry on the books of such clearing corporation without physical delivery of certificates representing such securities. The records of any bank, acting in the capacities described, or of any individual fiduciary, shall at all times show the name of the party for whose account the securities are so deposited. A bank depositing securities pursuant to this section shall be subject to such rules and regulations as, in the case of state chartered institutions, the commissioner of banks and, in the case of national banking associations, the comptroller of the currency, may from time to time issue. Any bank or any other fiduciary which has deposited securities with a clearing corporation shall on demand by any court, fiduciary, co-fiduciary, beneficiary or other interested party to an accounting, or by the attorney for any such fiduciary, co-fiduciary, beneficiary or other interested party to an accounting, certify in writing that the securities are held by such association or corporation as such fiduciary, and shall therein hold harmless any interested party to the account who has relied upon such certification.

8. Any association or corporation authorized to do a banking business and to exercise trust powers in the commonwealth, while acting as a fiduciary, or as an agent or custodian for any other fiduciary or private banker, is authorized to deposit, or arrange for the deposit of, with any federal reserve bank, any securities, the principal and interest of which the United States or any department, agency, or instrumentality thereof has agreed to pay,

or has guaranteed payment, such securities to be credited to one or more accounts on the books of the federal reserve bank and to be designated fiduciary or safekeeping accounts to which account or accounts other similar securities held in other accounts may be credited. Ownership of and other interests in such securities may be transferred by bookkeeping entry on the books of such federal reserve banks without actual issue or physical delivery of such securities. The records of any bank, acting in the capacities described, or of any individual fiduciary, shall, at all times, show the name of the party for whose account the securities are so deposited. Any bank or any other fiduciary which has deposited securities with a federal reserve bank, shall on demand by any court, fiduciary, co-fiduciary, beneficiary or other interested party to an accounting, or by the attorney for any such fiduciary, co-fiduciary, beneficiary or other interested party to an accounting, certify, in writing, that the securities are held by such association or corporation as such fiduciary, and shall therein hold harmless any interested party, or fiduciary or guardian representing such party for loss arising from reliance upon such certification.

9. Any association or corporation authorized to do a banking business and to exercise trust powers in the commonwealth while acting as a fiduciary is authorized to utilize one or more collective investment funds for the purpose of providing for temporary investments of cash which it or any other such association or corporation lawfully holds in such capacity.

Any such collective investment fund shall be administered in accordance with a written declaration of trust which shall provide that if property is held by such corporation or associatior as a fiduciary together with a co-fiduciary or co-fiduciaries, such property may be invested in such collective investment fund only with the written consent of such co-fiduciary or co-fiduciaries, but that in no case shall any other notice or consent be required for the making of any such investment. An account of the administration of each such collective investment fund shall be prepared annually, shall be audited by an independent certified public accountant and a copy of such account and of the audit report thereon shall be made available to any interested party upon written request and, if any cash held for charitable purposes is invested in such collective investment fund, shall be filed with the attorney general, division of public charities. All expenses of the administration of such collective investment fund, including the cost of the annual audit, shall be borne by the fund, but the corporation or association shall absorb the costs of establishing any such collective investment fund.

10. Any corporation qualified to act as a fiduciary in the com-

monwealth may establish one or more common trust funds or may utilize one or more common trust funds previously established by it, for funds held in a fiduciary capacity by itself or by other corporate fiduciaries located in the commonwealth. Each such corporate fiduciary may invest and reinvest in one or more such common trust funds the monies of any fiduciary account which would be eligible under chapter two hundred and three A for investment in a common trust fund established and maintained by such corporate fiduciary. The corporate fiduciary establishing, maintaining or so utilizing such common trust fund shall comply with and be subject to all of the provisions of said chapter two hundred and three A as though such corporate fiduciary and other corporate fiduciaries participating in such fund were one and the same entity.

11. To perform any and all functions and engage in any and all business customarily engaged in by trust departments of banks in this commonwealth, provided that the same is not expressly prohibited by the laws of this commonwealth.

Section 4. Money, property or securities received, invested or loaned by the trust department of any such bank, shall be a special deposit in such corporation, and the accounts thereof shall be kept separate. Such funds and the investment or loans thereof shall be specially appropriated to the security and payment of such deposits, shall not be mingled with the investments of the capital stock or other money or property belonging to such bank, or be liable for the debts or obligations thereof.

Section 5. Such bank in its trust department may invest the funds or assets which it may receive and hold in a fiduciary capacity in the same way, to the same extent, and under the same restrictions as an individual holding a similar position may invest such funds or assets.

Section 6. No surety shall be required upon the bonds filed by such bank as fiduciary except that the court making such an appointment other than of a trustee, may, upon application by an interested person, require the bank so appointed to give such security, in addition to that provided by section nine as the court may consider proper, and upon failure of such bank to give the security required, may revoke such appointment and remove such bank.

Section 7. In all proceedings in the probate court or elsewhere, connected with any authority exercised by the trust department, all accounts, returns and other papers may be signed and sworn to, in behalf of such bank by any officer thereof duly authorized by it, who has knowledge of the subject matter covered therein, and the answers and examinations under oath of said officer shall be received as the answers and examinations of such

bank. The court may order and compel an officer of such bank to answer and attend said examination in the same manner as if he, instead of the bank, were a party to the proceeding.

Section 8. Notwithstanding any provision of section four, funds held in the trust department of any bank awaiting investment or distribution may be deposited in its banking department if such bank shall first transfer to its trust department, to be held as security therefor, bonds, notes, bills and certificates of indebtedness of the United States, of this commonwealth, or of the states of Maine, New Hampshire, Vermont, Rhode Island, Connecticut or New York, or any of them, or any other securities in which the bank may legally invest, of an aggregate value of not less in amount than funds so deposited, and such bank shall at all times maintain the value of such security at such amount.

Section 9. The capital stock of a trust company, or such funds of a savings bank or co-operative bank as determined by the commissioner shall be security for the faithful performances of duties undertaken by the trust department of a bank.

SECTION 10. Section 5 of chapter 168 of the General Laws is hereby amended by striking out the first paragraph, as most recently amended by section 359 of chapter 572 of the acts of 1980, and inserting in place thereof the following paragraph:-

After such notice and hearing as the commissioner may require and with his written permission and under such conditions as he may approve, such corporation may establish and maintain one or more branch offices or depots (a) in the city or town where 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 in the commonwealth within forty 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, the amount of which shall be determined annually by the commissioner of administration under the provision of section three B of chapter seven, for each branch office or depot applied for. Not more than three applications 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.

SECTION 11. Section 5 of said chapter 168 is hereby amended by striking out the second paragraph, as appearing in section 1

of chapter 293 of the acts of 1979, and inserting in place thereof the following paragraph:-

The offices and depots in the commonwealth of any bank consolidated or merged under section seventy-two, seventy-two A, seventy-two B or seventy-two D, or all or substantially all of the assets and liabilities or stock of which have been acquired and assumed or purchased by a savings bank under section seventy-three, may be maintained as branch offices or depots, respectively, of such savings bank, with the written permission of and under such conditions, if any, as may be approved by the commissioner. No savings bank shall be given permission pursuant to this section more than three times in any one calendar year either to acquire and maintain offices of any other bank whose main office is located outside of the county wherein the main office of such savings bank is located, or to establish a branch office outside of the county wherein its main office is located.

SECTION 12. Paragraph 1 of section 21 of said chapter 168, as most recently amended by section 1 of chapter 75 of the acts of 1980, is hereby further amended by striking out, in line 15, the word "four" and inserting in place thereof the word:- six.

SECTION 13. The second paragraph of section 22 of said chapter 168, as most recently amended by section 2 of said chapter 75, is hereby further amended by striking out, in line 4, the word "four" and inserting in place thereof the word:- six.

SECTION 14. Said chapter 168 is hereby further amended by striking out section 22C, as most recently amended by section 1 of chapter 343 of the acts of 1981, and inserting in place thereof the following section:-

Section 22C. Any of the deposits authorized by sections twenty-one and twenty-two may, if the trustees of such corporation determine, be received as term deposits subject to regulations promulgated by the commissioner and to any other applicable law or regulation. Term deposits shall be evidenced by a certificate or other written instrument issued to the depositor to acknowledge receipt of such deposits and which sets forth the terms of the deposit.

For any such deposit with a maturity in excess of thirty days, any such corporation shall be required to mail to the depositor a written notification of maturity at least thirty days prior to the date of maturity of said deposit but in no event more than forty-five days prior to said date of maturity of said deposit.

SECTION 15. Paragraph 6A of section 35 of said chapter 168 is hereby amended by striking out the fifth sentence, as most

recently amended by section 1 of chapter 204 of the acts of 1980, and inserting in place thereof the following sentence:- The maximum sum for a loan of this class to be made or acquired shall be determined by regulation of the commissioner.

SECTION 16. Paragraph 6B of said section 35 of said chapter 168 is hereby amended by striking out the fifth sentence, as most recently amended by section 2 of said chapter 204, and inserting in place thereof the following sentence:- The maximum sum for a loan of this class to be made or acquired shall be determined by regulation of the commissioner.

SECTION 17. Paragraph 6C of said section 35 of said chapter 168, inserted by section 1 of chapter 775 of the acts of 1977, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:- The maximum sum for a loan of this class to be made or acquired shall be determined by regulation of the commissioner.

SECTION 18. Paragraph 6D of said section 35 of said chapter 168, inserted by section 1 of chapter 267 of the acts of 1981, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- The maximum sum for a loan of this class to be made or acquired shall be determined by regulation of the commissioner.

SECTION 19. Section 37 of said chapter 168, as most recently amended by section 1 of chapter 248 of the acts of 1980, is hereby further amended by striking out the fourth sentence and inserting in place thereof the following sentence:- The total obligation of any one person to any such corporation outstanding at any one time in this class of investment, including, in the case of a savings and insurance bank, as defined in section one of chapter one hundred and seventy-eight, any obligation on account of any such loan or loans made or acquired from funds of the insurance department pursuant to section nine of said chapter, shall not exceed thirty thousand dollars exclusive of interest or discount.

SECTION 20. Said section 37 of said chapter 168 is hereby further amended by striking out the fourth sentence, as most recently amended by section 19 of this act, and inserting in place thereof the following sentence:- The total obligation of any one person to any such corporation outstanding at any one time in this class of investment, including, in the case of a savings and insurance bank, as defined in section one of chapter

one hundred and seventy-eight, any obligation on account of any such loan or loans made or acquired from funds of the insurance department pursuant to section nine of said chapter, shall not exceed forty thousand dollars exclusive of interest or discount.

SECTION 21. Said chapter 168 is hereby further amended by striking out section 37C, as amended by chapter 138 of the acts of 1979, and inserting in place thereof the following section:-

Section 37C. Such corporation may make or acquire loans upon real estate for any purpose secured by a mortgage other than a first lien, of the several classes specified in paragraphs 1, 2, 3, 4, 6A, 6B and 6C of section thirty-five, subject in each instance to the provisions and limitations applicable to the particular class except that, any provision of said section thirty-five notwithstanding, the note or mortgage need not require payment of a proportionate part of the estimated real estate taxes and betterment assessments on the mortgaged real estate, such loan may be made or acquired without regard to the location of the real estate loaned upon, and such loan may be made or acquired for an amount less than or equal to the greater of twenty-five thousand dollars or the amount by which the loan limitation applicable to the particular class under said section thirty-five exceeds the principal balance outstanding on any first mortgage loan secured by a mortgage on the property loaned upon. In any case in which loans of the particular class are subject by said section thirty-five to a limitation upon the aggregate balance of principal outstanding on loans of that class, such aggregate balance shall be determined by adding the aggregate balance of principal outstanding on loans of that class authorized by said section thirty-five to the aggregate balance of principal outstanding on loans of the same class authorized by this section. In any case in which loans of the particular class are subject by said section thirty-five to a condition that the mortgagor furnish to the board of investment an affidavit that the mortgagor does not require junior financing, such condition shall be deemed satisfied by an affidavit which states that the mortgagor requires no further junior financing.

SECTION 22. Said chapter 168 is hereby further amended by striking out section 39A, inserted by section 2 of chapter 547 of the acts of 1980, and inserting in place thereof the following section:-

Section 39A. Such corporation may make such other commercial, corporate, and business loans not otherwise authorized under any other provision of this chapter or any other provision of law; provided, however, that not more than ten per cent of

the assets of such corporation shall be invested at any one time in loans made under this section; and provided, further, that such loans may only be made within the commonwealth or within seventy-five miles of the main office of such corporation.

SECTION 23. Said chapter 168 is hereby further amended by striking out section 39A, as amended by section 22 of this act, and inserting in place thereof the following section:-

Section 39A. Such corporation may make such other commercial, corporate, and business loans not otherwise authorized under any other provision of this chapter or any other provision of law; provided, however, that not more than twelve per cent of the assets of such corporation shall be invested at any one time in loans made under this section; and provided, further, that such loans may only be made within the commonwealth or within seventy-five miles of the main office of such corporation.

SECTION 24. Section 47 of said chapter 168, as most recently amended by section 2 of chapter 367 of the acts of 1980, is hereby further amended by striking out paragraphs 3 to 5, inclusive, and inserting in place thereof the following two paragraphs:-

3. Bank Holding Company Stocks. - (a) In the common stock of a bank holding company, as defined in chapter one hundred and sixty-seven A, provided such stock is received pursuant to an offer made by such bank holding company to exchange shares of its common stock for shares of a trust company incorporated under the laws of this commonwealth or for shares of a national banking association doing business in this commonwealth, or provided that such stock is received pursuant to a plan for the merger or consolidation of such a trust company or of such a national banking association with or into, or the transfer, sale or exchange of property or of assets of such a trust company or of such a national banking association to or with a trust company incorporated under the laws of this commonwealth or a national banking association doing business in this commonwealth the stock of which trust company or national banking association, as the case may be, is at the time owned by such bank holding company. (b) In the common stock of a bank holding company, as defined in chapter one hundred and sixty-seven A, acquired otherwise than as set forth in the foregoing provisions of subdivision (a) of this paragraph, or in the common stock of a bank holding company, as defined in the federal Bank Holding Company Act of 1956, provided, however, that in either case at least one bank in the holding company at the end of its fiscal year immediately preceding the date of investment is of the kind

referred to in paragraph 1 or 2. Also the holding company shall own eighty per cent or more of the voting stock of the qualifying bank. If at any time after an investment in the common stock of any such bank holding company, no bank of such holding company meets the requirements of paragraph 1 or 2, such holding company's stock shall be disposed of within such reasonable time as the commissioner shall determine.

4. One Bank Holding Company Stocks. - In the common stock of a company as defined in chapter one hundred and sixty-seven A or in the federal Bank Holding Company Act of 1956, which owns, controls, or holds with power to vote eighty per cent or more of the voting stock of a banking institution, as defined in said chapter, or a bank, as defined in said federal Bank Holding Company Act, provided such banking institution or bank is of the kind referred to in paragraph 1 or 2 and such stock of such banking institution or bank represents at least fifty per cent of such company's assets at book value at the end of its fiscal year immediately preceding the date of investment or at the date of investment in the case of a newly formed company. If at any time after an investment in the common stock of any such company at least fifty per cent of the assets of each company at book value shall cease to consist of such stock of such banking institution or bank such company's stock shall be disposed of within such reasonable time as the commissioner shall determine. Nothing in this paragraph shall be construed as limiting the authority of such corporation to invest in the common stock of a bank holding company pursuant to paragraph 3 of this section.

SECTION 25. Said chapter 168 is hereby further amended by inserting after section 47 the following section:-

Section 47A. Such corporation may purchase the whole or any part of the stock of a savings bank, co-operative bank, federal savings and loan association or federal savings bank provided that any such bank or association meets the criteria established by the commissioner for such purchase.

SECTION 26. The first paragraph of section 72 of said chapter 168, as amended by section 360 of chapter 572 of the acts of 1980, is hereby further amended by striking out the fourth sentence and inserting in place thereof the following sentence:- If the consolidating corporations have main offices in different counties, the main office of the continuing corporation shall be the main office of that consolidating corporation which has the greater total assets on the date on which the merger or consolidation is approved by the board of the last consolidating corporation so to approve; provided, however, that upon a determ-

ination by the commissioner that such consolidation is not for the purpose of circumventing any geographic restrictions on the establishment of branch offices, he may allow the main office of the consolidating corporation which has the lesser total assets on such date to be the main office of the continuing corporation.

SECTION 27. Said chapter 168 is hereby further amended by striking out section 72A, inserted by section 1 of chapter 454 of the acts of 1980, and inserting in place thereof the following four sections:-

Section 72A. Any one or more such corporations and any one or more co-operative banks, as defined in section one of chapter one hundred and seventy, may merge or consolidate into a single savings bank or into a single co-operative bank, upon such terms as shall have been approved by a vote of at least two-thirds of the board of trustees of each corporation and of the board of directors of each co-operative bank, and as shall have been approved in writing by the commissioner. The terms of any such merger or consolidation shall be approved by the corporators of each corporation and shareholders of each co-operative bank in the manner prescribed herein. A request for such approval by the commissioner shall be accompanied by an investigation fee the amount of which shall be determined annually by the commissioner of administration under the provisions of section three B of chapter seven, a copy of the terms of any agreement reached by the respective boards of trustees and directors, and certified copies of the vote of such boards. If the commissioner, after such notice and hearing as he may require, is satisfied that a merger or consolidation can be effected on terms approved by him and he finds that such a merger or consolidation is in the interests of the depositors and shareholders of the institutions concerned, such merger or consolidation may be approved by him subject to his direction. Before becoming effective, any merger or consolidation authorized by this section, hereinafter sometimes referred to as a "consolidation", shall have been approved by a vote of at least two-thirds of the corporators of each corporation at meetings specially called to consider the subject, and approved by a vote of at least two-thirds of the shareholders of each co-operative bank present, qualified to vote, and voting at meetings of each co-operative bank specially called for that purpose. Notice for such meetings shall be given in accordance with the relevant provisions of section nine of this chapter and section forty-seven of chapter one hundred and seventy. A certificate under the hands of the presidents and clerks, or other duly authorized officers of all merging or consolidating corporations and co-operative banks setting forth that each institution, respec-

tively, has complied with the requirements of this section, shall be submitted to the commissioner, who, if he shall approve such consolidation, shall endorse his approval upon such certificate, and thereupon such consolidation shall become effective. The commissioner shall not endorse his approval thereupon until he has received notice from the Mutual Savings Central Fund, Inc. and from the insurer for such other bank that arrangements satisfactory to each such insurer have been made for such consolidation. Upon consolidation of any such institutions, as herein provided for:

1. The corporate existence of all but one of the consolidating institutions shall be discontinued and consolidated into that of the remaining institution, which shall continue. All and singular the rights, privileges and franchises of each discontinuing institution and its right, title and interest to all property of whatever kind, whether real, personal or mixed, and things in action, and every right, privilege, interest or asset of conceivable value or benefit then existing which would inure to it under an unconsolidated existence, shall be deemed fully and finally, and without any right of reversion, transferred to or vested in the continuing institution, without further act or deed, and such continuing institution shall have and hold the same in its own right as fully as if the same was possessed and held by the discontinuing institution from which it was, by operation of the provisions hereof, transferred, and other provisions of law relative to limitations on the number of directors, corporators or trustees and on the investment of funds of such institutions shall not apply.

2. A discontinuing institution's rights, obligations and relations to any shareholder or depositor, creditor, trustee or beneficiary of any trust, or other person, as of the effective date of the consolidation, shall remain unimpaired, and the continuing institution shall, by the consolidation, succeed to all such relations, obligations and liabilities, as though it had itself assumed the relation or incurred the obligation or liability; and its liabilities and obligations to creditors existing for any cause whatsoever shall not be impaired by the consolidation; nor shall any obligation or liability of any shareholder or depositor in any such institution, continuing or discontinuing, which is party to the consolidation, be affected by any consolidation, but such obligations and liabilities shall continue as fully and to the same extent as the same existed before the consolidation, and the provisions relative to the limitations on shares and deposits, shall not apply.

3. A pending action or other judicial proceeding to which any of the consolidating institutions is a party shall not be deemed to

have abated or to have discontinued by reason of the consolidation, but may be prosecuted to final judgment, order or decree in the same manner as if the consolidation has not been made; or the continuing institution may be substituted as a party to any such action or proceeding to which the discontinuing institution was a party, and any judgment, order or decree may be rendered for or against the continuing institution that might have been rendered for or against such discontinuing institution if such consolidation had not occurred.

4. After such consolidation, a foreclosure of a mortgage begun by any discontinuing institution may be completed by the continuing institution, and publication begun by the discontinuing institution may be continued in the name of the discontinuing institution. Any certificate of possession, affidavit of sale or foreclosure deed relative to such foreclosure shall be executed by the proper officers in behalf of whichever of such institutions actually took possession or made the sale, but any such instrument executed in behalf of the continuing institution shall recite that it is the successor of the discontinuing institution which commenced the foreclosure.

5. A new name may be adopted as the name of the continuing institution at the special meetings called as herein provided, and it shall become the name of the continuing institution upon the approval of the consolidation, without further action under the laws of the commonwealth as to change or adoption of a new name on the part of the continuing institution.

6. Any consolidation may be approved and effected pursuant to this section, notwithstanding that the percentage which the aggregate value of the surplus and other reserves, of any of the consolidating institutions, bears to its liabilities including share liabilities, exceeding such percentage of any other consolidating institution, and any consolidating institution having such an excess of percentage shall not be required to pay an extra dividend or make any other distribution to its shareholders or depositors.

The offices and depots of any savings bank and the offices of any co-operative bank merged or consolidated under this section, may be maintained as branch offices or depots, respectively, of the continuing institution with the written permission of, and under such conditions, if any, as may be approved by the commissioner.

If the consolidating corporations have main offices in different counties, the main office of the continuing corporation shall be the main office of that consolidating corporation which has the greater total assets on the date on which the merger or consolidation is approved by the board of the last consolidating cor-

poration so to approve; provided, however, that upon a determination by the commissioner that such consolidation is not for the purpose of circumventing any geographic restrictions on the establishment of branch offices, he may allow the main office of the consolidating corporation which has the lesser total assets on such date to be the main office of the continuing corporation.

Section 72B. Any one or more such corporations and any one or more federal thrift institutions may merge or consolidate into a single savings bank or into a single federal thrift institution, upon such terms as shall have been approved by a vote of at least two-thirds of the board of trustees of each corporation and by the board of each federal thrift institution, and as shall have been approved in writing by the commissioner. The terms of any such merger or consolidation shall be approved by the corporators of each corporation and by each federal thrift institution in the manner prescribed herein. A request for such approval by the commissioner shall be accompanied by an investigation fee the amount of which shall be determined annually by the commissioner of administration under the provisions of section three B of chapter seven, a copy of the terms of any agreement reached by the respective boards of trustees and directors, and certified copies of the votes of such boards. If the commissioner, after such notice and hearings as he may require, is satisfied that a merger or consolidation can be effected on terms approved by him and he finds that such a merger or consolidation is in the interests of the depositors and shareholders of the institutions concerned, such merger or consolidation may be approved by him subject to his direction. Before becoming effective, any merger or consolidation authorized by this section, which hereinafter may be referred to as a "consolidation", shall have been approved by a vote of at least two-thirds of the corporators of each corporation at meetings specially called to consider the subject, and approved by a vote of each such federal thrift institution as required by any applicable law or regulation governing such institution.

Notice for such meetings shall be given in accordance with the relevant provisions of section nine of this chapter and any applicable provision governing a federal thrift institution. A certificate under the hands of the presidents and clerks, or other duly authorized officers of all merging or consolidating corporations and federal thrift institutions setting forth that each institution, respectively, has complied with the requirements of this section, shall be submitted to the commissioner, who, if he shall approve such consolidation, shall endorse his approval upon such certificate, and thereupon such consolidation shall become effective. The commissioner shall not endorse his approval thereupon

until he has received notice from the Mutual Savings Central Fund, Inc. or the Federal Savings and Loan Insurance Corporation, that arrangements satisfactory to each insurer have been made for such consolidation. Upon consolidation of any such institutions as herein provided:

1. The corporate existence of all but one of the consolidating institutions shall be discontinued and consolidated into that of the remaining institution, which shall continue. All and singular the rights, privileges and franchises of each discontinuing institution and its right, title and interest to all property of whatever kind, whether real, personal or mixed, and things in action, and every right, privilege, interest or asset of conceivable value or benefit then existing which would inure to it under an unconsolidated existence, shall be deemed fully and finally, and without any right of reversion, transferred to or vested in the continuing institution, without further act or deed, and such continuing institution shall have and hold the same in its own right as fully as if the same was possessed and held by the discontinuing institution from which it was, by operation of the provisions hereof, transferred, and other provisions of law relative to limitations on the number of directors, corporators or trustees and on the investment of funds of such institutions shall not apply.

2. A discontinuing institution's rights, obligations and relations to any shareholder, or depositor, creditor, trustee or beneficiary of any trust, or other person, as of the effective date of the consolidation, shall remain unimpaired, and the continuing institution shall, by the consolidation, succeed to all such relations, obligations and liabilities, as though it had itself assumed the relation or incurred the obligation or liability; and its liabilities and obligations to creditors existing for any cause whatsoever shall not be impaired by the consolidation; nor shall any obligation or liability of any shareholder or depositor in any such institution, continuing or discontinuing, which is party to the consolidation, be affected by any consolidation, but such obligations and liabilities shall continue as fully and to the same extent as the same existed before the consolidation, and the provisions relative to the limitations on shares and deposits, shall not apply.

3. A pending action or other judicial proceeding to which any of the consolidating institutions is a party shall not be deemed to have abated or to have discontinued by reason of the consolidation, but may be prosecuted to final judgment, order or decree in the same manner as if the consolidation has not been made; or the continuing institution may be substituted as a party to any such action or proceeding to which the discontinuing institution

was a party, and any judgment, order or decree may be rendered for or against the continuing institution that might have been rendered for or against such discontinuing institution if such consolidation had not occurred.

4. After such consolidation, a foreclosure of a mortgage begun by any discontinuing institution may be completed by the continuing institution, and publication begun by the discontinuing institution may be continued in the name of the discontinuing institution. Any certificate of possession, affidavit of sale or foreclosure deed relative to such foreclosure shall be executed by the proper officers in behalf of whichever of such institution actually took possession or made the sale, but any such instrument executed in behalf of the continuing institution shall recite that it is the successor of the discontinuing institution which commenced the foreclosure.

5. A new name may be adopted as the name of the continuing institution at the special meetings called as herein provided, and it shall become the name of the continuing institution upon the approval of the consolidation, without further action under the laws of the commonwealth as to change or adoption of a new name on the part of the continuing institution.

6. Any consolidation may be approved and effected pursuant to this section, notwithstanding that the percentage which the aggregate value of the guaranty fund, surplus and other reserves, of any of the consolidating institutions, bears to its liabilities including share liabilities, exceeds such percentage of any of the other consolidating institutions, and any consolidating institution having such an excess of percentage shall not be required to pay an extra dividend or make any other distribution to its shareholders or depositors.

The offices and depots of any savings bank and the offices of any federal thrift institution merged or consolidated under this section, may be maintained as branch offices or depots, respectively, of the continuing institution with the written permission of, and under such conditions, if any, as may be approved by the commissioner.

If the consolidating corporations have main offices in different counties, the main office of the continuing corporation shall be the main office of that consolidating corporation which has the greater total assets on the date on which the merger or consolidation is approved by the board of the last consolidating corporation so to approve; provided, however, that upon a determination by the commissioner that such consolidation is not for the purpose of circumventing any geographic restrictions on the establishment of branch offices, he may allow the main office of the consolidating corporation which has the lesser total assets on

such date to be the main office of the continuing corporation.

For the purposes of this section, a federal thrift institution shall mean a federal savings and loan association or a federal mutual savings bank which has its main office located in, and is authorized to do business in the commonwealth.

Section 72C. Notwithstanding any general or special law to the contrary a savings bank subject to approval of the commissioner, may convert to a stockholder owned form of corporation.

Any savings bank which converts to a stockholder owned form of corporation shall have all the powers and privileges of a savings bank.

The commissioner shall prescribe from time to time such rules and regulations as may be necessary or proper in carrying out the provisions of this section. Such regulation shall be similar to regulations promulgated under Title 12 USC section 1725 or Title 12 USC section 1464, provided herewith, that the commissioner may make such adjustments and exceptions as in his judgment are necessary to carry out the purposes of this section or to facilitate compliance therewith.

Any regulation, or any amendment or repeal of any such regulation issued under the provisions of this section after compliance with all applicable provisions of chapter thirty A shall be submitted to the general court for approval. The 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 have been complied with. Any regulations filed with the general court under the provisions of this section shall be accompanied by a summary of the regulations in layman's terms. The clerk shall refer such regulation to the joint committee on banks and banking within five days of the filing thereof. The committee shall consider the proposed regulation, amendment or repeal and shall report to the general court within forty-five days whether the same should be adopted in the manner submitted. The clerk of the senate and the clerk of the house shall recommend to the general court the form and procedure which shall be followed in considering the approval of a proposed regulation, amendment or repeal; provided, however, that approval or disapproval shall be by joint resolution.

The clerk of the senate shall cause any regulation, amendment or repeal, approved by both branches of the general court within seventy-five days from the time of filing of the same with the clerk of the house of representatives, to be forwarded to the governor for his approval; provided, however, that any such regulation, amendment or repeal which is not approved by the

general court and the governor within thirty days of such filing shall be deemed to have been disapproved.

If the governor approves any regulation, amendment or repeal submitted to him, as hereinbefore provided, he shall forward the same to the state secretary who shall publish the same in accordance with section five of said chapter thirty A.

Emergency regulations may be adopted during the prorogation of the general court in the manner provided by section five of chapter thirty A; provided, however, that such regulation shall be filed with the clerk of the house of representatives for submission the next session of the general court for approval as hereinbefore provided; and provided, further, that such regulation shall not remain in force for more than ninety days after the general court has convened for such session.

Section 72D. Any one or more such stock corporations may, upon compliance with the provisions of section seventy-eight of chapter one hundred and fifty-six B, which are hereby made applicable in all such cases and subject as to any such corporation to the provisions of section eighty-five of chapter one hundred and fifty-six B as modified for the purposes of this section by the provisions hereof, consolidate or merge into any single state or federally-chartered stock corporation. A request for approval by the commissioner of such a consolidation or merger shall be accompanied by an investigation fee, the amount of which shall be determined annually by the commissioner of administration under the provision of section three B of chapter seven. A certificate under the hands of the presidents and clerks or other duly authorized officers of all merging or consolidating corporations setting forth that each corporation, respectively, has complied with the requirements of this section shall be submitted to the commissioner. The commissioner shall not endorse his approval thereupon until he has received notice from the insurer for each corporation that arrangements satisfactory to each such insurer have been made for such consolidation. The offices and depots in the commonwealth of any such corporation merged or consolidated under this section may be maintained as branch offices or depots, respectively, of the continuing institution with the written permission of and under such conditions, if any, as may be approved by the commissioner.

If the consolidating corporations have main offices in different counties, the main office of the continuing corporation shall be the main office of that consolidating corporation which has the greater total assets on the date on which the merger or consolidation is approved by the board of the last consolidating corporation so to approve; provided, however, that upon a determination by the commissioner that such consolidation is not for

the purpose of circumventing any geographic restrictions on the establishment of branch offices, he may allow the main office of the consolidating corporation which has the lesser total assets on such date to be the main office of the continuing corporation.

For the purposes of this section, the value of the stock of stockholders of a state-chartered stock corporation who have, as provided in section eighty-five or section seventy-six of chapter one hundred and fifty-six B, voted against any action authorized herein shall be ascertained in the manner provided in sections eighty-six to ninety-eight, inclusive, of chapter one hundred and fifty-six B.

The provisions of section eighty of chapter one hundred and fifty-six B shall apply to consolidations and mergers of state-chartered stock corporations authorized under this section provided that, for this purpose, references in said section eighty of said chapter one hundred and fifty-six B shall be deemed to be the chapter of the General Laws governing such stock corporation, and references in said section eighty to articles of organization, including any special act of incorporation, as from time to time amended.

For the purposes of this section, a state-chartered stock corporation shall mean a trust company or a savings bank or co-operative bank which has converted under applicable provisions of law. A federally-chartered stock corporation shall mean a national banking association or a federal savings and loan association or a federal savings bank which has converted to a stock corporation, which has its main office located in, and is authorized to do business in the commonwealth.

SECTION 28. Said chapter 168 is hereby further amended by striking out section 73, as most recently amended by section 361 of chapter 572 of the acts of 1980, and inserting in place thereof the following section:-

Section 73. With the approval of the commissioner, any such corporation may advance or loan upon or purchase the whole or any part of the assets or stock of any state-chartered bank or of any federally-chartered bank, including any state-chartered bank in possession of the commissioner under sections twenty-two to thirty-six, inclusive, of chapter one hundred and sixty-seven and any state-chartered bank assisted by or in possession of its insurer and may participate in such an advance, loan or purchase with one or more banks so located. The request for such approval shall be accompanied by an investigation fee, the amount of which shall be determined annually by the commissioner of administration under the provision of section three B of chapter seven. Such advance, loan or purchase may be made

upon such terms and conditions as shall have been approved by vote of at least two-thirds of the trustees of the corporation and the applicable board of such other bank.

Such corporation or corporations making or participating in such an advance, loan or purchase for the purpose of effecting the same, may assume and agree to pay the whole or any part of the deposit and other liabilities of any other state-chartered bank or federally-chartered bank upon such terms and conditions and subject to such adjustments as may be approved by the commissioner. In the event of such approval by the commissioner, other provisions of law applicable to the investment of funds of savings banks and to the limitations upon deposits therein shall not apply.

The commissioner shall not endorse his approval thereupon until he has received notice from the Mutual Savings Central Fund, Inc. and the insurer for each such other bank that arrangements satisfactory to each affected insurer have been made for such action.

The commissioner may impose such conditions and restrictions as he may deem necessary or advisable in respect to the deposit or other liabilities as hereinbefore provided. In the case of any new savings bank formed for the purpose of purchasing any or all the assets and assuming any or all the liabilities of any state-chartered bank in possession or assisted as aforesaid, the commissioner may impose such other and further conditions and restrictions concerning the business, investments and operations of such new savings bank as he may deem necessary or advisable. So much of sections ten and thirteen as provide that no person shall hold an office in two savings banks at the same time shall not prevent an officer or trustee of any other savings bank from serving as an officer or trustee of such new bank, or of a state-chartered bank or federally-chartered bank or the assets and liabilities or stock of which shall have been purchased and assumed by a savings bank hereunder.

Before all or substantially all of the assets or stock of any such corporation shall be sold to a corporation other than one chartered under chapter one hundred and sixty-eight, such action shall be approved by a vote of at least two-thirds of those corporators present and voting at a special meeting called for that purpose, of the corporation proposing to sell its assets or stock. Notice of such special meeting shall be given by the clerk in accordance with the provisions of section nine.

For the purposes of this section, a federally-chartered bank shall mean a federal savings bank, a federal savings and loan association, a national bank association which has its main office located in and is authorized to do business in the commonwealth.

SECTION 29. The General Laws are hereby further amended by striking out chapter 168 and inserting in place thereof the following chapter:-

CHAPTER 168.
SAVINGS BANKS.

Section 1. The following words as used in this chapter, unless the context otherwise requires, shall have the following meanings:-

"Annual meeting", the meeting of corporators required by section nine A to be held annually.

"Commissioner", the commissioner of banks.

"Corporator", an original incorporator, or a person elected as a corporator as provided by section nine.

"Deposit book", the book or other instrument issued to the depositor as evidence of his deposit.

"Dividends" or "interest", payments to depositors from earnings or profits as provided by sections twenty-nine and thirty.

"Guaranty fund, surplus, unallocated reserves and undivided profits", the surplus accounts required to be established and maintained by section twenty-seven.

"Savings bank", a savings bank, institution for savings or savings institution incorporated as such in this commonwealth.

"Such corporation" or "such bank", a savings bank, institution for savings and a savings institution incorporated as such in this commonwealth.

Section 2. A savings bank shall have all the powers expressly granted by law and whatever further incidental powers may fairly be implied from those expressly conferred and such as are reasonably necessary to enable it to exercise fully those powers according to common or accepted banking customs and usages.

Section 3. Any such corporation organized prior to January first, nineteen hundred and fifty-five, shall be subject to this chapter so far as is consistent with the provisions of its charter, and may, by vote of its corporators at its annual meeting or at a meeting called for the purpose, accept any provision of this chapter which is inconsistent with its charter. Any such corporation organized after January first, nineteen hundred and fifty-five, shall be subject to this chapter.

Section 4. Twenty-five or more persons who associate themselves by an agreement in writing for the purpose of forming a savings bank, may, upon compliance with this section and sections five, six and seven, become a corporation with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws now or hereafter in

force relating to such corporations. Said agreement shall set forth that the subscribers thereto associate themselves with the intention of forming a corporation to transact business within the commonwealth, and shall specify:

First. - The name by which the corporation shall be known, the words "savings bank" or "institution for savings" to form a part thereof.

Second. - The purpose for which it is to be formed.

Third. - The town wherein its main office is to be located.

Fourth. - The occupation, residence and post office address of each subscriber.

Each subscriber shall deposit at least two hundred dollars in cash with the corporation before it commences business; provided, however, that an aggregate of not less than ten thousand dollars shall be so deposited by the subscribers. Except with the written approval of the commissioner, none of such deposits shall be assigned, pledged or paid prior to the expiration of two years from the date the deposits are made.

Each subscriber shall sign the agreement which shall not be invalidated by reason of the death or incapacity of one or more of the subscribers.

Section 5. The subscribers to said agreement shall give notice to the board of bank incorporation of their intention to form a savings bank, and shall apply to said board for a certificate that public convenience and advantage will be promoted by the establishment thereof. Said application shall be accompanied by an investigation fee, the amount of which shall be determined annually by the commissioner of administration under the provision of section three B of chapter seven. Said board may grant such certificate, which shall be deemed to be revoked if the applicants therefor do not become incorporated and begin business within six months after its date of issue. Upon receipt of such application, said board shall furnish the subscribers a form of notice, specifying the names, occupations and addresses of the proposed incorporators and the name and location of the proposed savings bank, and assigning a date and place for a public hearing on the application. The subscribers shall publish the notice at least once a week for three successive weeks, in one or more newspapers designated by said board and published in the town wherein it is desired to establish the savings bank; or, if there is no newpaper in such town, in the town wherein a newspaper is published which is nearest to the proposed location of the bank; and at least fourteen days before the date fixed for said public hearing the subscribers shall mail a copy of said notice by registered mail, postage prepaid, to the Mutual Savings Central Fund, Inc. If said board refuses to issue such cer-

tificate, no further proceedings shall be had, but the application may be renewed after one year from the date of such refusal, in which case notice of a public hearing thereon shall be published as herein provided.

Such board may require the subscribers to establish or provide for the establishment of a special guaranty fund, in an amount determined by the board, which shall be represented by cash, deposits or securities eligible for investment under any of the provisions of this chapter. Such fund shall be paid in, in full, to the corporation before it commences business. Said board shall issue regulations government the maintenance of and withdrawals from any such fund.

Section 6. The first meeting of the subscribers to the agreement of association shall be called by a notice signed either by that subscriber to the agreement who is designated therein for the purpose, or by a majority of the subscribers. Such notice shall state the time, place and purpose of the meeting. Seven days at least before the day appointed for the meeting, a copy of the notice shall be given to each subscriber, or left at his residence or usual place of business, or deposited in the post office, postage prepaid, and addressed to him at his residence or usual place of business. Another copy of said notice and an affidavit by one of the signers that the notice has been duly served shall be recorded with the records of the proposed corporation. If, however, all the incorporators shall, in writing endorsed upon the agreement of association, waive such notice and fix the time and place of the meeting, no notice shall be required. The subscribers to the agreement of association shall hold the franchise until the organization has been completed. At the first meeting, or at any adjournment thereof, the incorporators shall organize by the election by ballot of a temporary clerk, by the adoption of by-laws and by the election, in such manner as the by-laws may determine, of a president, a clerk of the corporation, a treasurer, a board of not less than eleven trustees, and such other officers as the by-laws may prescribe. All the officers so elected shall be sworn to the faithful performance of their duties. The temporary clerk shall make and attest a record of the proceedings until the clerk has been elected and sworn, including a record of the election and qualification of the clerk.

Section 7. The president and a majority of the trustees who are elected at the first meeting shall make, sign, and make oath to articles in duplicate, setting forth:-

(a) A true copy of the agreement of association, the names of the subscribers thereto, and the name, residence and post office address of each of the officers of the corporation; and

(b) The date of the first meeting and the successive adjournments thereof, if any.

One duplicate original of the articles so signed and sworn to shall be submitted to the board of bank incorporation, and the other, together with the records of the proposed corporation, to the commissioner of corporations and taxation, who shall examine the same and may require such amendments thereof or such additional information as he considers necessary. If he finds that the articles conform to sections four, five and six, and that section five has been complied with, he shall so certify and endorse his approval thereon. Thereupon the articles shall be filed in the office of the state secretary who upon receipt of fee, the amount of which shall be determined annually by the commissioner of administration under the provision of section three B of chapter seven, shall issue a certificate of incorporation in the following form:-

COMMONWEALTH OF MASSACHUSETTS.

Be it known that whereas (the names of the subscribers to the agreement of association) have associated themselves with the intention of forming a corporation under the name of (the name of the corporation), for the purpose (the purpose declared in the agreement of association) and have complied with the provisions of the statutes of this commonwealth in such case made and provided, as appears from the articles of organization of said corporation, duly approved by the commissioner of corporations and taxation and recorded in this office: Now, therefore, I (name of the secretary), secretary of the commonwealth of Massachusetts, do hereby certify that said (the names of the subscribers to the agreement of association), their associates and successors, are legally organized and established as, and are hereby made, an existing corporation under the name of (name of the corporation) with the powers, rights and privileges, and subject to the limitations, duties and restrictions, which by law appertain thereto.

Witness my official signature hereunto subscribed, and the great seal of the commonwealth of Massachusetts hereunto affixed, this day of in the year (the date of the filing of the articles of organization).

The state secretary shall sign the certificate of incorporation and cause the great seal of the commonwealth to be affixed thereto, and such certificate shall have the force and effect of a special charter. The existence of every such corporation which is not created by special law shall begin upon the filing of the articles of organization in the office of the state secretary, who shall also cause a record of the certificate of incorporation to be

made, and such certificate or such record, or a certified copy thereof, shall be conclusive evidence of the existence of the corporation.

Section 8. 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.

Section 9. Such corporation shall have at least twenty-five corporators and may, at a legal meeting of the corporators, elect by ballot to be a corporator, any person who is a resident of the commonwealth, or any person who resides in a state contiguous thereto and within twenty-five miles of the main office of such corporation; provided, however, that not more than three corporators shall be nonresidents of the commonwealth at any one time. Corporators shall be elected for a term of ten years, except that any corporator may not continue serving upon reaching the age of seventy-five. No person shall serve as a corporator of more than one savings bank, and no corporator shall, after January first, nineteen hundred and seventy-five, serve as an officer or director of a national bank, trust company, cooperative bank, savings and loan association or credit union. A corporator shall, at the time of his election or within thirty days thereafter, be a depositor of such corporation. Any person serving as a corporator of a savings bank may at the same time serve as a director or other officer of a trust company that does not make real estate mortgage loans and does not accept savings deposits from natural persons.

No person shall continue to be a corporator after removing from the commonwealth unless, at the annual meeting following such removal, the corporators shall vote to continue such person as a corporator subject to the limitations of this section applicable to nonresident corporators.

Any person may, at an annual or special meeting of the corporators, cease to be a corporator if, at least three days before such meeting, he has filed with the clerk a written notice of his intention so to do. If a corporator fails to attend two consecutive annual meetings, his membership may, by vote of the corporators at their next annual meeting, be declared forfeited; and such action and vote when recorded shall be evidence of such forfeiture. Not more than three-fifths of the corporators of any

such corporation shall be trustees or officers thereof at any one time.

Section 9A. The annual meeting of the corporators of such corporation shall be held at such time as the by-laws direct. Special meetings may be held by order of the trustees or upon written request of the ten corporators addressed to the clerk who shall give notice of special meetings upon such order or request. In the absence or inability of the clerk to serve, the president or a vice president may give the notice or notices required by this section. At least seven days before the date of such meeting, notice of the meeting shall be given by mailing to each corporator a written or printed notice thereof and by advertisement in a newspaper published daily or weekly in the town wherein the main office of such corporation is situated, or if there be no such newspaper, then in a newspaper either published in the county wherein the town is situated or published in a county contiguous to said county and of general distribution. The names of those present at meetings shall be entered in the records of the corporation. A quorum shall consist of not less than thirteen incorporators or twenty-five per cent of the total number of corporators, whichever is the greater; provided, however, that not more than fifty corporators shall be necessary to constitute a quorum.

Section 10. Such corporation shall have a board of trustees, subject to the following provisions:-

1. Number. - The board shall consist of not less than eleven trustees and such additional number, if any, as may be provided in the by-laws.

2. Qualifications. - Each trustee shall be a resident of the commonwealth or be a resident of a state contiguous thereto and within twenty-five miles of the main office of such corporation; provided, that not more than one trustee shall be a nonresident of the commonwealth at any one time. A trustee shall at the time of his election or within thirty days thereafter, be a depositor of such corporation and shall not have reached the age of seventy-two years at the time of election. At least two trustees of each such board shall at the time of their election be residents of the city or town wherein the main office of such corporation is located.

3. Interlocking Restrictions. - No person shall be a trustee or other officer of two savings banks at the same time, except in the case of the purchase of assets and assumption of liabilities provided under section thirty-five. After January first, nineteen hundred and seventy-five, a trustee or other officer of a savings bank may at the same time be a director or other officer of a co-operative bank, credit union, state or federally-char-

tered savings and loan association, trust company, a bank holding company or an affiliate, or national banking association if, in such case, there is in force a permit therefor issued by the commissioner in writing with the reasons thereon stating why the public interest warrants its issuance, after reasonable notice and an opportunity to be heard, who is hereby authorized to issue such permit if, in his judgment, it is not incompatible with the public interest, and to revoke any such permit whenever he finds, after reasonable notice and opportunity to be heard, that the public interest warrants its revocation except that the provisions of this section shall not apply to any trustee or other officer who held such position at the time of incorporation of said savings bank. Any person serving as a trustee or other officer of a savings bank may at the same time serve as a director or other officer of a company that does not make real estate mortgage loans and does not accept savings deposits from natural persons.

4. Election. - All trustees shall be elected by and from the corporators, except that any vacancy in the board arising between annual meetings from death, resignation or otherwise, may be filled by the trustees until the next annual meeting at which the corporators may elect a trustee for the balance, if any, of the unexpired term. The trustees shall be divided into three groups as nearly equal in number as possible, and one of such groups shall be elected annually for a term of three years, provided, however, that during the minimum time necessary to accomplish the foregoing, one of said groups may be elected for a term of one year and one for a term of two years. Upon the election as trustee of a person who has not been theretofore a trustee of such corporation, the clerk shall send forthwith to the commissioner the name and address of such person and the commissioner thereupon shall transmit to such person a copy of the laws relating to savings banks as most recently compiled under the direction of the commissioner.

5. Termination of Office. - If a trustee fails to attend four consecutive regular quarterly meetings of the board of trustees, said board may declare his office to be vacant at its next regular quarterly meeting, and if a trustee fails to attend eight consecutive regular quarterly meetings of said board, it shall declare his office to be vacant at its next regular quarterly meeting, but this provision shall not apply to a trustee while he is serving on active duty as a member of the Armed Forces of the United States. Any trustee whose office is declared to be vacant as provided in this paragraph shall not be re-elected as a trustee except upon vote of at least two-thirds of all the corporators of such corporation passed at a subsequent annual meeting.

The by-laws may authorize the continuance, as honorary trustees, of those persons who shall have served as trustee for ten years or more. Such honorary trustee may be elected for an indefinite term and shall not be included in determining the minimum number of trustees provided under paragraph 1, or the number of trustees to be elected annually as provided in paragraph 4 of this section. Such honorary trustee shall not be deemed to be an officer or member of the board of trustees of such corporation, shall not receive compensation or be required to attend meetings or be authorized or required to perform any duties.

The office of any trustee who takes the benefit of any law of bankruptcy or insolvency, or who, on examination in a supplementary process proceeding, has been found unable to pay a judgment, shall thereby be vacated.

The commissioner may recommend the removal of any trustee, officer or employee who in his opinion has abused his trust, or has been negligent in the performance of his duties, and upon such recommendation the trustees may remove or discharge such trustee, officer or employee. The trustees shall act upon such recommendation within thirty days after receiving the same and neither such trustees nor the commissioner shall be personally liable for any action taken by them in good faith in connection with any such recommendation or removal.

Section 11. A regular meeting of the board of trustees of such corporation shall be held at least once in three months, for the purposes set forth in this section and for the transaction of other business. Special meetings may be called by the president, or shall be called by the clerk if requested in writing by at least three trustees. Notices of meetings shall be given in the manner and to the extent provided in the by-laws. A quorum shall consist of not less than a majority of the trustees, and if there be less than a quorum then a majority of those present may adjourn the meeting until the next regular meeting or until another time or times prior thereto. At each regular meeting the following action shall be taken:-

1. Statement of Condition. - The treasurer shall submit a statement of assets and liabilities of the corporation showing its condition as appears from its books, as of the close of the last business day of the preceding month or as of the close of a business day not more than ten days prior to the date of the meeting; and a copy of such statement shall be posted in a conspicuous place in its main office and in each office where it may be easily read by the public, and shall there remain until the next regular meeting of said board.

2. Report of Board of Investment. - The board of investment

shall submit a report consisting of a detailed written statement containing the following information:- (a) for the period since the last regular meeting of the trustees, lists showing all loans made by the corporation; all changes in security pledged for loans and in the rates of interest charged thereon; all purchases and sales of stocks, bonds and notes; all securities acquired; all payments of taxes and insurance made by the corporation for the accounts of mortgagors and not repaid; all real estate acquired by foreclosure or of which possession shall have been taken; all contributions, donations and payments for memberships and services made pursuant to paragraph 29 of section two or section nine of chapter one hundred and sixty-seven F and the total of all commissions paid for making or acquiring real estate loans; and (b) as of the date of the statement of condition referred to in paragraph 1 of this section, all real estate mortgage loans on which interest or required principal payments or both shall be more than six months overdue; all real estate mortgage loans concerning which taxes on the mortgaged property are unpaid for more than twelve months; all time loans, other than real estate mortgage loans, any payments upon which are more than ninety days overdue; and all bonds and other interest-bearing obligations on which principal and interest are overdue and unpaid for more than thirty days.

Said report shall be presented to the trustees present at the meeting or a copy thereof shall be furnished to each such trustee. A summary of said report containing a recapitulation of the several items, and such other portion of the contents thereof as may be determined at the meeting, shall be read or presented to the trustees present thereat.

3. Report of Payments. - The treasurer shall report at each regular meeting, in detail, all amounts paid by the corporation since the last regular meeting for services, fees or otherwise, to any member of the board of trustees or to any attorney of the corporation and all increases in salaries of officers granted since the last regular meeting; and shall report annually, at the first regular meeting of the trustees, following the annual meeting, the salaries, including bonuses if any, of all officers.

4. Records. - A record shall be made by the clerk at each meeting of the transactions of the trustees and of the names of those present, and a copy of the aforesaid report of the board of investment shall be filed and preserved with the records of the corporation.

Section 12. Such corporation shall have a board of investment of not less than five members, who shall be trustees of such corporation. Only one of the persons holding the offices or performing the duties of president, executive vice president,

treasurer or clerk, shall, at the same time, be a member of the board of investment. Said board shall elect a clerk who may but need not be a member of the board.

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

Meetings of the board of investment shall be held at least once in each month. A record shall be made at each meeting of the transactions of the board and of the names of those present; provided, however, that lists of loans or securities submitted to and considered or acted upon at such meeting may be incorporated by reference in said record if such lists are filed with the records of such meeting and are identified by the signatures of the clerk of said board and one or more members thereof. The approval of changes in security for loans made may be evidenced either by vote of the board of investment or by a statement signed by at least two of its members.

Section 13. In addition to the trustees and members of the board of investment, the officers of such corporation shall be a president, one or more vice presidents, a treasurer, a clerk and, subject to applicable provisions of the by-laws, such other officers as from time to time may be determined by the trustees to be necessary for the management of the affairs of such corporation, provided that the duties of any such other officer shall not be in conflict with those of the president or treasurer. As used in this section and in sections sixteen, eighteen, nineteen and twenty-three, the term "operating officers" shall mean and include the president, vice presidents, any assistant vice presidents, the treasurer, any vice treasurer, assistant treasurers, any branch managers, any person performing the duties of auditor, and such other officers as may be designated as operating officers by vote of the board of trustees.

The president and at least one vice president shall be trustees. A vice president may perform the duties of the president to the extent authorized in the by-laws. The treasurer may, at the same time, be a vice president. A vice treasurer or an assistant treasurer may perform all the duties of the treasurer.

The clerk shall be the clerk of the corporation and of the trustees, but no operating officer shall be the clerk. No operating officer of such corporation shall hold the office or perform the duties of president, vice president, cashier or treasurer of a national banking association or a trust company, and such operating officer shall be governed by the provisions of section ten with respect to holding office in another savings bank or in a co-operative bank or federal savings and loan association.

Section 14. The president, vice presidents, clerk of the corporation and such members of the board of trustees as may be required to be elected under the provisions of section ten shall be elected at the annual meeting. If any such office becomes vacant during the year the trustees may, except as otherwise provided in this chapter, fill the vacancy until the next annual meeting.

The members of the board of investment, the treasurer, vice treasurer, assistant treasurers and such other officers as may be determined to be necessary as provided in section thirteen, shall be elected by the trustees and shall hold office during their pleasure, and the trustees may fill vacancies in such offices at any time.

All trustees and other officers shall be sworn, and shall hold their several offices until others are elected and qualified in their stead; and a record of such qualification shall be made and preserved with the records of such corporation. If a person elected as trustee or other officer of such corporation does not, within forty-five days thereafter, take the oath of office, his office thereupon shall become vacant; provided, that such oath may be taken in person at any office of such corporation or may be taken in writing before a notary public or justice of the peace and transmitted to such corporation within said period.

Section 15. Each person elected to office at the annual meeting or at any other meeting of the corporators or trustees who is not present at the meeting at which he was elected shall be notified, in writing, of such election by the clerk of the corporation. Such notice shall be sent within ten days after such meeting to the last known address of such person.

Within sixty days after the annual meeting, the clerk shall cause to be published in a newspaper, as provided in section nine A, a list containing the following information: (a) the names of the corporators indicating those who are trustees; and (b) the names of the president, vice presidents, treasurer, members of the board of investment, and members of the auditing committee referred to in section sixteen.

Said list of names so published shall be filed and preserved with the records of the corporation. A copy of said list shall be

furnished to the commissioner within ten days after such publication, and shall be open to public inspection for such reasonable time as the commissioner may determine.

A clerk who knowingly neglects to give such notice of election or to cause said list to be published, or who knowingly causes a false list to be published, and a person who, subsequent to the period prescribed by section fourteen for taking the oath of office, knowingly publishes or circulates or knowingly causes to be published or circulated a printed notice containing the name of a person as an officer of such corporation who has not taken the oath of office, shall be liable to a penalty of fifty dollars.

Section 16. At the first meeting of the trustees following the annual meeting they shall elect an auditing committee of not less than three trustees who shall not be operating officers or members of the board of investment. The members of such committee shall take an oath of office in the manner and within the period prescribed by section fourteen, and a record thereof shall be made and preserved as provided in said section. The trustees may elect or authorize to be appointed such other committees as the by-laws may provide or as the trustees from time to time may determine. The trustees shall authorize the compensation, if any, to be paid to the members of the committees.

Section 17. The by-laws of such corporation may be amended by the corporators at any regular or special meeting. The clerk shall attest and transmit to the commissioner a copy of all by-laws adopted and, within fourteen days after the adoption of any amendment, a copy of such amendment.

Section 18. All operating officers and employees of such corporation, and all other officers having access to its cash or negotiable securities, shall give bond to such corporation at its expense in such amounts and with such surety or sureties and conditions as the commissioner may prescribe. The trustees may require bonds of such other officers or agents as they deem advisable. The persons required to give bond may be included in one or more blanket or schedule bonds; provided, however, that such bonds are approved by the commissioner as to the amounts and conditions thereof and as to the sureties thereon. The commissioner may prescribe the manner of custody and safekeeping of such bonds by the corporation.

Section 19. No such corporation shall, except as hereinafter provided, make any loan or extend credit in any other manner to any of its operating officers or to any member of its board of investment, and no such operating officer or member shall, except as hereinafter provided, borrow from or otherwise become indebted to such corporation or be surety for loans by it to others or, directly or indirectly, whether acting individually or

as trustee holding property in trust for another person, be an obligor for money borrowed of the corporation; provided, however, that with the prior approval of a majority of the entire board of investment, such corporation may make a loan or extend credit to an operating officer, who is not a trustee of such corporation, whether acting individually or as trustee holding property in trust for another person, in an 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 operating officers; and provided, further, that such corporation shall not give a preferential rate of interest, or other preferential terms on any such loan or extension of credit to such operating officer.

If any operating officer or member, either individually or as such trustee, becomes the owner of real estate upon which a mortgage is held by the corporation, his office shall become vacant at the expiration of sixty days thereafter unless prior thereto he has ceased to be the owner of the real estate or the mortgagee shall have been discharged or assigned; provided, however, that this prohibition shall not apply to any operating officer, who is not a trustee of such corporation and becomes the owner of real estate upon which a mortgage is held by the corporation, securing a loan in an amount not exceeding sixty thousand dollars on real estate improved with a single family dwelling which is occupied or which is to be occupied by such operating officer. The provisions of this section shall not apply to loans made to any operating officer or member of the board of investment on deposit books, or to loans as are guaranteed or insured in whole or in part as authorized by chapter forty-six of the acts of nineteen hundred and forty-five or by any regulation thereunder.

Section 20. Every such corporation shall be required to make an annual report to the commissioner of any loan or extension of credit in any manner to any officer, trustee, or corporator of the corporation. Said corporation shall also be required to make an annual report to the commissioner of any loan or extension of credit in any manner to a fraternal organization, voluntary association, partnership or corporation, the majority interest of which is owned or controlled by an officer, trustee or corporator of said corporation.

Said report to the commissioner shall consist of, but not be limited to, the following (a) the original amount of the loan, (b) the date of the loan, (c) the type of loan, (d) if the loan is secured in any manner, the type of secured asset and its valua-

tion, (e) the terms of the payment, (f) the current balance, and (g) the amount of any principal or interest payments in default, if any, and the length of such default.

Section 21. In addition to the duties imposed by law upon the treasurer of a bank, or the officer or employee thereof charged with the duties and functions usually performed by the treasurer, he shall also be responsible for the performance of all acts and duties required of such corporation by the provisions of chapters one hundred and sixty-seven to one hundred and sixty-eight, inclusive, except in so far as such performance has been expressly imposed on some other officer or employee of such bank by its regulations or by-laws or by provision of law.

Section 22. Any officer, director, trustee or employee of any bank, who knowingly and wilfully does any act forbidden to him or to such bank by any provision of chapters one hundred and sixty-seven to one hundred and sixty-eight, inclusive, or who knowingly and wilfully aids or abets the doing of any act so forbidden to such bank or to any other officer, director, trustee, agent or employee thereof, or who knowingly and wilfully fails to do any act required of him by any such provision, or who knowingly and wilfully fails to do any act which is required of such bank by any such provision the performance of which is placed upon him by section twenty-one, shall, if no other penalty against him in his aforesaid capacity is specifically provided, be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.

Section 23. Such corporation shall not negotiate, take or receive a fee, brokerage, commission, gift or other consideration, for or on account of a loan made by or on behalf of such corporation, other than appears on the face of the note or contract by which such loan purports to be or is made; but this section shall not prohibit a reasonable charge for services in the examination of property and titles and for the preparation and recording of conveyances and other instruments pertaining to its loans, nor charges by such corporation for any services which by law it is authorized to render, nor premiums or charges in connection with its construction loans or the sale or purchase, or commitments therefor, of real estate mortgages for its own account.

No trustee, officer or employee of such corporation shall ask for, take or receive, directly or indirectly, a fee, brokerage, commission, gift or other consideration for or on account of a loan made or acquired by or on behalf of such corporation; except that with the prior approval of the board of investment evidenced by a unanimous vote of its members present and entitled to vote at the meeting at which the vote is passed such

corporation may pay to any trustee who is not an operating officer or member of the board of investment, or to any partnership, association or corporation with which he is connected, a reasonable commission for obtaining real estate mortgage loans made or acquired for the account of such bank, provided, however, that such trustee and such partnership, association or corporation, if any, is or are engaged in the business of purchasing, selling, procuring or placing real estate mortgage loans.

Whoever violates any provision of this section shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.

Section 24. Any officer, agent, clerk or servant of a savings bank who pays or authorizes the payment of any dividend or interest in violation of the provisions of section twenty-nine shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than six months.

Section 25. At least once during each twelve months following their elections and oftener if required by the commissioner, the auditing committee, referred to in this section sixteen, shall cause an examination and audit to be made of the books, securities, cash, assets, liabilities, income and expenditures of such corporation, including a trial balance of the deposit accounts. Such examination and audit shall be made in such form and manner and at such time within said twelve months as the commissioner may prescribe, by a certified public accountant not connected with the corporation. Within thirty days after their election, the auditing committee shall appoint such accountant and written notice thereof shall be given forthwith to the commissioner, and such appointment shall be subject to his approval. Such examination and audit shall be made for the period elapsed since the preceding examination and audit or for such other period as may be prescribed by the commissioner.

Such accountant shall direct and supervise the making of said examination and audit and shall report to the auditing committee the result thereof. At the next meeting of the trustees thereafter, the committee shall render a report which shall be read, stating in detail the nature, extent and result of the examination and audit. The committee shall file with the commissioner a copy of the report of the accountant within ten days after its receipt by the committee. Said accountant and the auditing committee shall certify and make oath that the reports made by them under this section are correct according to their best knowledge and belief and such reports shall be filed and preserved with the records of such corporation. If the committee fails to cause to be made an examination and audit as herein provided, the commissioner shall cause such examination and audit to be made by a

certified public accountant in such form and manner as the commissioner may prescribe, and the expense thereof shall be paid by such corporation.

Section 26. Every such corporation shall, annually, within fifteen days after the last business day of October, make a report to the commissioner in such form as he may prescribe, showing accurately its condition at the close of business on that day, and containing such other information as the commissioner may require. The president or in his absence or disability a vice president, the treasurer or in his absence or disability the vice treasurer or any assistant treasurer, and a majority of the auditing committee shall sign the report and certify on oath that it is correct according to their best knowledge and belief.

Every such corporation shall post in a prominent place and in a conspicuous manner in the lobby of each of its banking offices, a balance sheet which presents fairly, in accordance with generally accepted accounting principles, including required footnote disclosure, its conditions as of the last business day of its fiscal year, with comparative figures as of the end of the previous fiscal year. Said balance sheet shall be posted not later than fifteen days after the end of the corporation's fiscal year and shall remain posted until replaced by the following year's posting. Said balance sheet shall be printed at the expense of the corporation and copies shall be made available to its depositors upon request. Each such corporation which fails to post or print any such balance sheet in accordance with this section shall pay to the state treasurer ten dollars for each day that it fails to so post or print such balance sheet, unless excused by the commissioner for cause.

Section 27. Such corporation shall establish and maintain such surplus accounts as may be determined by the trustees of such corporation to be reasonable and prudent to transact the business for which the corporation is organized. Such surplus accounts may be used to meet losses, contingencies and adjustments arising out of or incidental to the operation of its business and for such other purposes as the trustees from time to time may determine. As used in this chapter, the term "surplus" shall mean and include profit and loss, undivided profits and surplus accounts.

The trustees shall, as of the close of its fiscal year, transfer from profit and loss or undivided profits to a specially designated surplus account, a sum equal to one-quarter of one per cent of the whole amount of deposits. Such surplus account shall be determined by the trustees upon depletion of the other surplus accounts. The amount required to be transferred to such specially designated surplus account shall constitute and be considered a

required minimum addition to surplus for purposes of section eleven of chapter sixty-three.

Such corporation shall notify the commissioner by written notice in the event that the net income listed in the annual report required under section twenty-six indicates a deficit. Such notification shall be transmitted as soon as possible after the annual report is completed, describing in summary form the circumstances surrounding any such deficit.

Section 27A. Such corporation shall maintain the reserve balances required by the Federal Reserve Act (12 U.S.C. 461 (b)), and in the event such reserves are less than required by said act, such corporation shall not make any new loans or investments until the required reserves shall be restored. The commissioner may notify such corporation to make good such reserve and if it fails to do so within thirty days thereafter, he may certify to the Mutual Savings Central Fund, Inc., pursuant to section four of chapter forty-three of the acts of nineteen hundred and thirty-four, that such corporation is in an unsound or unsafe condition to transact the business for which it is organized and thereafter such fund shall have and may exercise all of the powers and privileges granted to it by said chapter forty-three.

Section 28. Before the declaration of any dividends as provided in sections twenty-nine, thirty and thirty-one, the auditing committee, referred to in section sixteen, shall report to the trustees the actual or estimated surplus at the beginning of the accounting period, the estimated income, expenses, gains, losses, and taxes for such period, the estimated dividends to be paid and the estimated surplus remaining at the end of such period. A copy of such report shall be filed and preserved with the records of the corporation. All dividends must be authorized and declared by the trustees.

Section 29. The payment of ordinary dividends shall be subject to the conditions, limitations and requirements of this section.

1. Dividend Period. - An ordinary dividend shall be authorized and declared by the trustees at least every six months, for such periods as shall be provided by the by-laws. In the event that such corporation at any time changes its dividend periods, an ordinary dividend may be authorized and declared for such time as may be necessary to effect an adjustment in dividends to the new periods. Ordinary dividends shall be declared, not more than four months before the date payable as shown by the report required by section twenty-eight, after making such provisions as the trustees shall determine, to credit to systematic savings account deposits or to reserve, subject to the approval of

the commissioner, the bonus dividends on such deposits.

2. Rate and Computation. - Ordinary dividends shall be at such rate as the trustees shall determine and, if not withdrawn, shall be treated as deposits in computing any dividends thereafter paid. If the by-laws or regulations so provide, such dividends may be declared (a) upon deposits of one, two, three, four or five months standing at the end of each dividend period; provided, however, that in such case, if the by-laws or regulations of the corporation so provide, a deposit made on or before the ninth day after the day on which deposits begin to draw dividends or interest, or if such ninth day be a Saturday, Sunday or legal holiday, on or before the next business day succeeding such ninth day, and remaining on deposit through the balance of the monthly period may be construed as having been on deposit one full month within the meaning of this section, or (b) from the date of deposit to the end of the dividend period on sums which are on deposit at the end of the dividend period or (c) from the date of deposit to the date of withdrawal on sums withdrawn before the end of the dividend period, so long as the account in which such sums were on deposit shall remain open until the end of the dividend period with a balance of at least ten dollars, and from the date of deposit to the end of the dividend period on all sums remaining on deposit at the end of each dividend period. If the by-laws and regulations so provide, and if ordinary dividends are declared on deposits as provided in either of clauses (a) and (b) of this paragraph, and of the deposits authorized by chapter one hundred and sixty-seven D may be received in a separate class of account on which dividends shall be declared at the time when and for the same dividend period as that for which any ordinary dividend. Dividends on any such class of account shall be payable at the end of the dividend period on deposits as provided in clause (c) of this paragraph. Such dividends shall be treated as ordinary dividends for all other purposes of this chapter. If the by-laws and regulations so provide, dividends declared as provided in this section and in section thirty may be computed as if such dividends had been declared and paid at uniform intervals, daily or otherwise, within the dividend period and the amount so paid for each such interval had been added to deposits for the succeeding interval.

3. Minimum Deposits. - Such corporation, by its by-laws, may provide that fractional parts of a dollar shall not be included in principal in computing dividends, and may provide that a dividend shall not be declared or paid on deposits of less than ten dollars; but dividends for each full dollar shall be paid on school savings deposit accounts having balances of three dollars or more.

4. Limitations. - If the net income available for an ordinary dividend, as shown by said report of the auditing committee, does not amount to one per cent of the deposits if said period is six months, or a proportional percentage thereof if the period is less than six months, no dividend shall be declared or paid except such as shall be approved in writing by the commissioner. The aggregate amount of ordinary dividends declared with respect to any twelve-month period, other than in the case of a change in dividend periods referred to in paragraph 1 of this section, shall not exceed the estimated net income of the corporation for such twelve-month period except with the written approval of the commissioner.

Section 30. The payment of additional dividends on special notice account deposits and the crediting and payment of bonus dividends on systematic savings account deposits shall be subject to the conditions, limitations and requirements of this section.

1. Dividend Period. - An additional dividend on special notice account deposits shall be authorized and declared by the trustees at the same time and for the same periods as and for which ordinary dividends are declared. Additional dividends on special notice account deposits shall be declared as shown by the report required by section twenty-eight, after making such provisions as the trustees shall determine, to credit to systematic savings account deposits or to reserve, subject to the approval of the commissioner, for the payment of bonus dividends on such deposits. Bonus dividends on systematic savings account deposits shall, in accordance with such election, be credited thereto either on each of the dates fixed for ordinary dividend payments or when such bonus dividends become payable under the provisions of the applicable systematic savings account agreements and shall be paid from the sum or sums so credited or from the reserve therefor.

2. Rate and Computation. - Additional dividends on special notice account deposits shall be at such rate, not less than one-eighth of one per cent per annum nor more than the maximum established by the appropriate federal supervisory agency, as the trustees shall determine. Bonus dividends on systematic savings account deposits shall be at the rate specified in the applicable systematic savings account agreement. If not withdrawn, additional dividends on special notice account deposits shall be treated as deposits added to the account upon which declared and, in computing the dividend next following, shall be considered as having been on deposit for the preceding dividend period. Bonus dividends on systematic savings account deposits, to the extent that they become payable and subject to withdrawal, shall be treated as deposits added to the account upon which paid

and, in computing the dividend next following, shall be considered as having been on deposit since the date upon which such bonus dividends become payable. By-laws and regulations to provide additional dividends may be declared on special notice account deposits as provided with respect to ordinary dividends in any of clauses (a), (b) and (c) of paragraph 2 of section twenty-nine. Bonus dividends on systematic savings account deposits shall be computed as specified in the applicable systematic savings account agreement.

Section 31. Dividends on term deposits shall be paid at such rates, at such times, and in such manner, as may be provided in the plan or plans pursuant to which such term deposits were received.

Section 32. The treasurer of such corporation, at least once in each year, shall send notice by mail to each depositor who for the six months last preceding has not been entitled to a dividend on the whole amount standing to his credit because the same exceeds the amount on which a dividend is allowed, specifying the amount not entitled to dividend.

Section 33. Such corporation may, if authorized by vote of at least two-thirds of its corporators at a meeting specially called to consider the subject, liquidate its affairs and be dissolved subject to the conditions, limitations and requirements of this section.

1. Commissioner's Approval. - Before such a liquidation and dissolution may be effected, the commissioner shall be satisfied that such corporation has given at least thirty days' notice to each other savings bank having its main office in the same county, of its willingness to enter into negotiations with a view to consolidation or merger and that no consolidation or merger with any such other savings bank can be arranged upon terms satisfactory to the commissioner. Prior to the vote authorizing such liquidation and dissolution the commissioner shall have approved in writing the proposed liquidation and dissolution of such corporation as being in the best interests of its depositors.

2. Liquidating Committee. - If such liquidation and dissolution are so approved and voted, a committee of three shall thereupon be elected by and from the trustees and, under such regulations as may be prescribed by the commissioner, shall liquidate the assets. After satisfying all debts of the liquidating corporation, said committee shall distribute the remaining proceeds among the depositors as of the date of the vote of liquidation, and other persons entitled thereto, according to their several interests.

3. Termination of Charter. - Upon such a vote to liquidate and dissolve by such corporation, its charter shall become void except for the purpose of discharging its existing obligations and

liabilities.

4. Unclaimed Dividends. - Funds representing unclaimed dividends in liquidation and remaining in the hands of the liquidating committee for six months after the date of the final payment in liquidation shall be deposited by them, together with all books and papers of the liquidating corporation, with the commissioner. Such funds shall be deposited in one or more trust companies or national banks to the credit of the commissioner in his official capacity, in trust for the depositors of the liquidating corporation and other persons entitled thereto, according to their several interests. Upon receipt of evidence satisfactory to him, the commissioner may pay over the moneys so held by him to the persons respectively entitled thereto. In case of doubt or of conflicting claims, he may require an order of the supreme judicial court authorizing and directing the payment thereof. He may apply the interest earned by the money so held to the defraying of expenses incurred in the payment of such unclaimed dividends. At the expiration of twelve months from the date of receipt of such funds by the commissioner, such portion thereof as still remains in his possession shall be disposed of as provided in section thirty-five of chapter one hundred and sixty-seven, and such portion shall not be subject to the provisions of chapter two hundred A.

Section 34. Any two or more such corporations may merge or consolidate into a single corporation upon such terms as shall have been approved by vote of at least two-thirds of the board of trustees of each corporation and as shall have been approved in writing by the commissioner. A request for such approval by the commissioner shall be accompanied by an investigation fee, the amount of which shall be determined annually by the commissioner of administration. If the commissioner is satisfied that a merger or consolidation of a savings bank proposing liquidation, as provided in section thirty-three, can be effected, upon terms approved by him, with another savings bank and if he finds that such merger or consolidation is in the interests of depositors of the savings banks concerned, such merger or consolidation may be effected on such terms and subject to the direction of the commissioner. If the consolidating corporations have main offices in different counties, the main office of the continuing corporation shall be the main office of that consolidating corporation which has the greater total assets on the date on which the merger or consolidation is approved by the board of the last consolidating corporation so to approve; provided, however, that upon a determination by the commissioner that such consolidation is not for the purpose of circumventing any geographic restrictions on the establishment of branch offices, he may allow the main

office of the consolidating corporation which has the lesser total assets on such date to be the main office of the continuing corporation. Before becoming effective, any merger or consolidation authorized by this section, hereinafter sometimes referred to as a "consolidation", shall have been approved by a vote of at least two-thirds of the corporators of each of the consolidating corporations at meetings specially called to consider the subject. Notice of each such meeting shall be given by the clerk in accordance with the provisions of section nine A. A certificate under the hands of the presidents and clerks or other duly authorized officers of the consolidating corporation, respectively, has complied with all the requirements of this section, shall be submitted to the commissioner, who, if he shall approve such consolidation, shall endorse his approval upon such certificate, and thereupon such consolidation shall become effective. Upon consolidation of any such corporations, as herein provided:-

1. The corporate existence of all but one of the consolidating corporations shall be discontinued and consolidated into that of the remaining corporation, which shall continue. All and singular the rights, privileges and franchises of each discontinuing corporation and its right, title and interest to all property of whatever kind, whether real, personal or mixed, and things in action, and every right, privilege, interest or asset of conceivable value or benefit then existing which would inure to it under an unconsolidated existence, shall be deemed fully and finally, and without any right of reversion, transferred to or vested in the continuing corporation, without further act or deed, and such continuing corporation shall have and hold the same in its own right as fully as if the same was possessed and held by the discontinuing corporation from which it was, by operation of the provisions hereof, transferred, and other provisions of law relative to limitations on the number of corporators or trustees and on the investment of funds of such corporations, and shall not apply.

2. A discontinuing corporation's rights, obligations and relations to any depositor, creditor, trustee or beneficiary of any trust, or other person, as of the effective date of the consolidation, shall remain unimpaired, and the continuing corporation shall, by the consolidation, succeed to all such relations, obligations and liabilities, as though it had itself assumed the relation or incurred the obligation or liability; and its liabilities and obligations to creditors existing for any cause whatsoever shall not be impaired by the consolidation; nor shall any obligation or liability of any depositor in any such corporation, continuing or discontinuing, which is party to the consolidation, be affected by any such consolidation, but such obligations and liabilities

shall continue as fully and to the same extent as the same existed before the consolidation, and the provisions of section three of chapter one hundred and sixty-seven C relative to the limitations on deposits shall not apply.

3. A pending action or other judicial proceeding to which any of the consolidating corporations is a party shall not be deemed to have abated or to have discontinued by reason of the consolidation, but may be prosecuted to final judgment, order or decree in the same manner as if the consolidation had not been made; or the continuing corporation may be substituted as a party to any such action or proceeding to which the discontinuing corporation was a party, and any judgment, order or decree may be rendered for or against the continuing corporation that might have been rendered for or against such discontinuing corporation if consolidation had not occurred.

4. After such consolidation, a foreclosure of a mortgage begun by any of the discontinuing corporations may be completed by the continuing corporation, and publication begun by the discontinuing corporation may be continued in the name of the discontinuing corporation. Any certificate of possession, affidavit of sale or foreclosure deed relative to such foreclosure shall be executed by the proper officers in behalf of whichever of such corporation actually took possession or made the sale, but any such instrument executed in behalf of the continuing corporation shall recite that it is the successor of the discontinuing corporation which commenced the foreclosure.

A new name, or the name of any of the consolidating corporations may be adopted as the name of the continuing corporation at the special meetings called as herein provided, and it shall become the name of the continuing corporation upon the approval of the consolidation, without further action under the laws of the commonwealth as to change or adoption of a new name on the part of the continuing corporation.

Any merger or consolidation may be approved and effected pursuant to this section, notwithstanding that the percentage which the aggregate value of the surplus accounts as defined in section twenty-seven, and other surplus accounts, of any of the consolidating corporations, bears to its liabilities, exceeds such percentage of any of the other consolidating corporations, and any consolidating corporation having such an excess of percentage shall not be required to pay an extra dividend or make any other distribution to its depositors.

Section 34A. Any one or more such corporations and any one or more co-operative banks, as defined in section one of chapter one hundred and seventy, may merge or consolidate into a single savings bank or into a single co-operative bank, upon such terms

as shall have been approved by a vote of at least two-thirds of the board of trustees of each corporation and of the board of directors of each co-operative bank, and as shall have been approved in writing by the commissioner. The terms of any such merger or consolidation shall be approved by the corporators of each corporation and shareholders of each co-operative bank in the manner prescribed herein. A request for such approval by the commissioner shall be accompanied by an investigation fee, the amount of which shall be determined annually by the commissioner of administration, a copy of the terms of any agreement reached by the respective boards of trustees and directors, and certified copies of the vote of such boards. If the commissioner, after such notice and hearing as he may require, is satisfied that a merger or consolidation can be effected on terms approved by him and he finds that such a merger or consolidation is in the interests of the depositors and shareholders of the institutions concerned, such merger or consolidation may be approved by him subject to his direction. Before becoming effective, any merger or consolidation authorized by this section, hereinafter sometimes referred to as a "consolidation", shall have been approved by a vote of at least two-thirds of the corporators of each corporation at meetings specially called to consider the subject, and approved by a vote of at least two-thirds of the shareholders of each co-operative bank present, qualified to vote, and voting at meetings of each co-operative bank specially called for that purpose. Notice for such meetings shall be given in accordance with the relevant provisions of section nine A and section forty-seven of chapter one hundred and seventy. A certificate under the hands of the presidents and clerks, or other duly authorized officers of all merging or consolidating corporations and co-operative banks setting forth that each institution, respectively, has complied with the requirements of this section, shall be submitted to the commissioner, who, if he shall approve such consolidation, shall endorse his approval upon such certificate, and thereupon such consolidation shall become effective. The commissioner shall not endorse his approval thereupon until he has received notice from the Mutual Savings Central Fund, Inc. and from the insurer for such other bank that arrangements satisfactory to each such insurer have been made for such consolidation. Upon consolidation of any such institutions, as herein provided for:

1. The corporate existence of all but one of the consolidating institutions shall be discontinued and consolidated into that of the remaining institution, which shall continue. All and singular the rights, privileges and franchises of each discontinuing institution and its right, title and interest to all property of whatever kind, whether real, personal or mixed, and things in ac-

tion, and every right, privilege, interest or asset of conceivable value or benefit then existing which would inure to it under an unconsolidated existence, shall be deemed fully and finally, and without any right of reversion, transferred to or vested in the continuing institution, without further act or deed, and such continuing institution shall have and hold the same in its own right as fully as if the same was possessed and held by the discontinuing institution from which it was, by operation of the provisions hereof, transferred, and other provisions of law relative to limitations on the number of directors, corporators or trustees and on the investment of funds of such institutions shall not apply.

2. A discontinuing institution's rights, obligations and relations to any shareholder, or depositor, creditor, trustee or beneficiary of any trust, or other person, as of the effective date of the consolidation, shall remain unimpaired, and the continuing institution shall, by the consolidation, succeed to all such relations, obligations and liabilities, as though it had itself assumed the relation or incurred the obligation or liability; and its liabilities and obligations to creditors existing for any cause whatsoever shall not be impaired by the consolidation; nor shall any obligation or liability of any shareholder or depositor in any such institution, continuing or discontinuing, which is party to the consolidation, be affected by any consolidation, but such obligations and liabilities shall continue as fully and to the same extent as the same existed before the consolidation, and the provisions relative to the limitations on shares and deposits, shall not apply.

3. A pending action or other judicial proceeding to which any of the consolidating institutions is a party shall not be deemed to have abated or to have discontinued by reason of the consolidation, but may be prosecuted to final judgment, order or decree in the same manner as if the consolidation has not been made; or the continuing institution may be substituted as a party to any such action or proceeding to which the discontinuing institution was a party, and any judgment, order or decree may be rendered for or against the continuing institution that might have been rendered for or against such discontinuing institution if such consolidation had not occurred.

4. After such consolidation, a foreclosure of a mortgage begun by any discontinuing institution may be completed by the continuing institution, and publication begun by the discontinuing institution may be continued in the name of the discontinuing institution. Any certificate of possession, affidavit of sale or foreclosure deed relative to such foreclosure shall be executed by the proper officers in behalf of whichever of such institutions

actually took possession or made the sale, but any such instrument executed in behalf of the continuing institution shall recite that it is the successor of the discontinuing institution which commenced the foreclosure.

5. A new name may be adopted as the name of the continuing institution at the special meetings called as herein provided, and it shall become the name of the continuing institution upon the approval of the consolidation, without further action under the laws of the commonwealth as to change or adoption of a new name on the part of the continuing institution.

6. Any consolidation may be approved and effected pursuant to this section, notwithstanding that the percentage which the aggregate value of the surplus and other reserves, of any of the consolidating institutions, bears to its liabilities including share liabilities, exceeding such percentage of any other consolidating institution, and any consolidating institution having such an excess of percentage shall not be required to pay an extra dividend or make any other distribution to its shareholders or depositors.

The offices and depots of any savings bank and the offices of any co-operative bank merged or consolidated under this section, may be maintained as branch offices or depots, respectively, of the continuing institution with the written permission of, and under such conditions, if any, as may be approved by the commissioner.

If the consolidating corporations have main offices in different counties, the main office of the continuing corporation shall be the main office of that consolidating corporation which has the greater total assets on the date on which the merger or consolidation is approved by the board of the last consolidating corporation so to approve; provided, however, that upon a determination by the commissioner that such consolidation is not for the purpose of circumventing any geographic restrictions on the establishment of branch offices, he may allow the main office of the consolidating corporation which has the lesser total assets on such date to be the main office of the continuing corporation.

Section 34B. Any one or more such corporations and any one or more federal thrift institutions may merge or consolidate into a single savings bank or into a single federal thrift institution, upon such terms as shall have been approved by a vote of at least two-thirds of the board of trustees of each corporation and by the board of each federal thrift institution, and as shall have been approved in writing by the commissioner. The terms of any such merger or consolidation shall be approved by the corporators of each corporation and by each federal thrift institution in the manner prescribed herein. A request for such approval by

the commissioner shall be accompanied by an investigation fee, the amount of which shall be determined annually by the commissioner of administration, a copy of the terms of any agreement reached by the respective boards of trustees and directors, and certified copies of the votes of such boards. If the commissioner, after such notice and hearings as he may require, is satisfied that a merger or consolidation can be effected on terms approved by him and he finds that such a merger or consolidation is in the interests of the depositors and shareholders of the institutions concerned, such merger or consolidation may be approved by him subject to his direction. Before becoming effective, any merger or consolidation authorized by this section, hereinafter sometimes referred to as a "consolidation", shall have been approved by a vote of at least two-thirds of the corporators of each corporation at meetings specially called to consider the subject, and approved by a vote of each such federal thrift institution as required by any applicable law or regulation governing such institution.

Notice for such meetings shall be given in accordance with the relevant provisions of section nine A and any applicable provision governing a federal thrift institution. A certificate under the hands of the presidents and clerks, or other duly authorized officers of all merging or consolidating corporations and federal thrift institutions setting forth that each institution, respectively, has complied with the requirements of this section, shall be submitted to the commissioner, who, if he shall approve such consolidation, shall endorse his approval upon such certificate, and thereupon such consolidation shall become effective. The commissioner shall not endorse his approval thereupon until he has received notice from the Mutual Savings Central Fund, Inc. or the Federal Savings and Loan Insurance Corporation, that arrangements satisfactory to each insurer have been made for such consolidation. Upon consolidation of any such institutions as herein provided:

1. The corporate existence of all but one of the consolidating institutions shall be discontinued and consolidated into that of the remaining institution, which shall continue. All and singular the rights, privileges and franchises of each discontinuing institution and its right, title and interest to all property of whatever kind, whether real, personal or mixed, and things in action, and every right, privilege, interest or asset of conceivable value or benefit then existing which would inure to it under an unconsolidated existence, shall be deemed fully and finally, and without any right of reversion, transferred to or vested in the continuing institution, without further act or deed, and such continuing institution shall have and hold the same in its own right

as fully as if the same was possessed and held by the discontinuing institution from which it was, by operation of the provisions hereof, transferred, and other provisions of law relative to limitations on the number of directors, corporators or trustees and on the investment of funds of such institutions shall not apply.

2. A discontinuing institution's rights, obligations and relations to any shareholder, or depositor, creditor, trustee or beneficiary of any trust, or other person, as of the effective date of the consolidation, shall remain unimpaired, and the continuing institution shall, by the consolidation, succeed to all such relations, obligations and liabilities, as though it had itself assumed the relation or incurred the obligation or liability; and its liabilities and obligations to creditors existing for any cause whatsoever shall not be impaired by the consolidation; nor shall any obligation or liability of any shareholder or depositor in any such institution, continuing or discontinuing, which is party to the consolidation, be affected by any consolidation, but such obligations and liabilities shall continue as fully and to the same extent as the same existed before the consolidation, and the provisions relative to the limitations on shares and deposits, shall not apply.

3. A pending action or other judicial proceeding to which any of the consolidating institutions is a party shall not be deemed to have abated or to have discontinued by reason of the consolidation, but may be prosecuted to final judgment, order or decree in the same manner as if the consolidation has not been made; or the continuing institution may be substituted as a party to any such action or proceeding to which the discontinuing institution was a party, and any judgment, order or decree may be rendered for or against the continuing institution that might have been rendered for or against such discontinuing institution if such consolidation had not occurred.

4. After such consolidation, a foreclosure of a mortgage begun by any discontinuing institution may be completed by the continuing institution, and publication begun by the discontinuing institution may be continued in the name of the discontinuing institution. Any certificate of possession, affidavit of sale or foreclosure deed relative to such foreclosure shall be executed by the proper officers in behalf of whichever of such institution actually took possession or made the sale, but any such instrument executed in behalf of the continuing institution shall recite that it is the successor of the discontinuing institution which commenced the foreclosure.

5. A new name may be adopted as the name of the continuing institution at the special meetings called as herein provided, and it shall become the name of the continuing institution upon the

approval of the consolidation, without further action under the laws of the commonwealth as to change or adoption of a new name on the part of the continuing institution.

6. Any consolidation may be approved and effected pursuant to this section, notwithstanding that the percentage which the aggregate value of the guaranty fund, surplus and other reserves, of any of the consolidating institutions, bears to its liabilities including share liabilities, exceeds such percentage of any of the other consolidating institutions, and any consolidating institution having such an excess of percentage shall not be required to pay an extra dividend or make any other distribution to its shareholders or depositors.

The offices and depots of any savings bank and the offices of any federal thrift institution merged or consolidated under this section, may be maintained as branch offices or depots, respectively, of the continuing institution with the written permission of, and under such conditions, if any, as may be approved by the commissioner.

If the consolidating corporations have main offices in different counties, the main office of the continuing corporation shall be the main office of that consolidating corporation which has the greater total assets on the date on which the merger or consolidation is approved by the board of the last consolidating corporation so to approve; provided, however, that upon a determination by the commissioner that such consolidation is not for the purpose of circumventing any geographic restrictions on the establishment of branch offices, he may allow the main office of the consolidating corporation which has the lesser total assets on such date to be the main office of the continuing corporation.

For the purposes of this section, a federal thrift institution shall mean a federal savings and loan association or a federal mutual savings bank which has its main office located in, and is authorized to do business in the commonwealth.

Section 34C. Notwithstanding any general or special law to the contrary, a savings bank, subject to approval of the commissioner, may convert to a stockholder owned form of corporation.

Any savings bank which converts to a stockholder owned form of corporation shall have all the powers and privileges of a savings bank.

The commissioner shall prescribe from time to time such rules and regulations as may be necessary or proper in carrying out the provisions of this section. Such regulation shall be similar to regulations promulgated under Title 12 USC 1725 or Title 12 USC 1464, provided, however, that the commissioner may make such adjustments and exceptions as in his judgment are neces-

sary to carry out the purposes of this section or to facilitate compliance therewith.

Any regulation, or any amendment or repeal of any such regulation issued under the provisions of this section after compliance with all applicable provisions of chapter thirty A shall be submitted to the general court for approval. The 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 have been complied with. Any regulations filed with the general court under the provisions of this section shall be accompanied by a summary of the regulations in layman's terms. The clerk shall refer such regulation to the joint committee on banks and banking within five days of the filing thereof. The committee shall consider the proposed regulation, amendment or repeal and shall report to the general court within forty-five days whether the same should be adopted in the manner submitted. The clerk of the senate and the clerk of the house of representatives shall recommend to the general court the form and procedure which shall be followed in considering the approval of a proposed regulation, amendment or repeal, provided, however, that approval or disapproval shall be by joint resolution.

The clerk of the senate shall cause any regulation, amendment or repeal, approved by both branches of the general court within seventy-five days from the time of filing of the same with the clerk of the house of representatives, to be forwarded to the governor for his approval; provided, however, that any such regulation, amendment or repeal which is not approved by the general court and the governor within thirty days of such filing shall be deemed to have been disapproved.

If the governor approves any regulation, amendment or repeal submitted to him, as hereinbefore provided, he shall forward the same to the state secretary who shall publish the same in accordance with section five of said chapter thirty A.

Emergency regulations may be adopted during the prorogation of the general court in the manner provided by section five of chapter thirty A; provided, however, that such regulation shall be filed with the clerk of the house of representatives for submission of the next session of the general court for approval as hereinbefore provided; and provided, further, that such regulation shall not remain in force for more than ninety days after the general court has convened for such session.

Section 34D. Any one or more such stock corporations may, upon compliance with the provisions of section seventy-eight of chapter one hundred and fifty-six B, which are hereby made applicable in all such cases and subject as to any such corporation

to the provisions of section eighty-five of chapter one hundred and fifty-six B as modified for the purposes of this section by the provisions hereof, consolidate or merge into any single state or federally-chartered stock corporation. A request for approval by the commissioner of such a consolidation or merger shall be accompanied by an investigation fee, the amount of which shall be determined annually by the commissioner of administration. A certificate under the hands of the presidents and clerks or other duly authorized officers of all merging or consolidating corporations setting forth that each corporation, respectively, has complied with the requirements of this section shall be submitted to the commissioner. The commissioner shall not endorse his approval thereupon until he has received notice from the insurer for each corporation that arrangements satisfactory to each such insurer have been made for such consolidation. The offices and depots in the commonwealth of any such corporation merged or consolidated under this section may be maintained as branch offices or depots, respectively, of the continuing institution with the written permission of and under such conditions, if any, as may be approved by the commissioner.

If the consolidating corporations have main offices in different counties, the main office of the continuing corporation shall be the main office of that consolidating corporation which has the greater total assets on the date on which the merger or consolidation is approved by the board of the last consolidating corporation so to approve; provided, however, that upon a determination by the commissioner that such consolidation is not for the purpose of circumventing any geographic restrictions on the establishment of branch offices, he may allow the main office of the consolidating corporation which has the lesser total assets on such date to be the main office of the continuing corporation.

For the purposes of this section, the value of the stock of stockholders of a state-chartered stock corporation who have, as provided in section seventy-six or section eighty-five of chapter one hundred and fifty-six B, voted against any action authorized herein shall be ascertained in the manner provided in sections eighty-six to ninety-eight, inclusive, of said chapter one hundred and fifty-six B.

The provisions of section eighty of chapter one hundred and fifty-six B shall apply to consolidations and mergers of state-chartered stock corporations authorized under this section provided that, for this purpose, references in said section eighty to said chapter one hundred and fifty-six B shall be deemed to be the chapter of the General Laws governing such stock corporation, and references in said section eighty to articles of organization, including any special act of incorporation, as from time

to time amended.

For the purposes of this section, a state-chartered stock corporation shall mean a trust company or a savings bank or cooperative bank which has converted under applicable provisions of law. A federally-chartered stock corporation shall mean a national banking association or a federal savings and loan association or a federal savings bank which has converted to a stock corporation, which has its main office located in, and is authorized to do business in the commonwealth.

Section 35. With the approval of the commissioner, any such corporation may advance or loan upon or purchase the whole or any part of the assets or stock of any state-chartered bank or of any federally-chartered bank, including any state-chartered bank in possession of the commissioner under sections twenty-two to thirty-six, inclusive, of chapter one hundred and sixty-seven and any state-chartered bank assisted by or in possession of its insurer and may participate in such an advance, loan or purchase with one or more banks so located. The request for such approval shall be accompanied by an investigation fee, the amount of which shall be determined annually by the commissioner of administration under the provision of section three B of chapter seven. Such advance, loan or purchase may be made upon such terms and conditions as shall have been approved by vote of at least two-thirds of the trustees of the corporation and the applicable board of such other bank.

Such corporation or corporations making or participating in such an advance, loan or purchase for the purpose of effecting the same, may assume and agree to pay the whole or any part of the deposit and other liabilities of any other state-chartered bank or federally-chartered bank upon such terms and conditions and subject to such adjustments as may be approved by the commissioner. In the event of such approval by the commissioner, other provisions of law applicable to the investment of funds of savings banks and to the limitations upon deposits therein shall not apply.

The commissioner shall not endorse his approval thereupon until he has received notice from the Mutual Savings Central Fund, Inc. and the insurer for each such other bank that arrangements satisfactory to each affected insurer have been made for such action.

The commissioner may impose such conditions and restrictions as he may deem necessary or advisable in respect to the deposit or other liabilities as hereinbefore provided. In the case of any new savings bank formed for the purpose of purchasing any or all the assets and assuming any or all the liabilities of any state-chartered bank in possession or assisted as aforesaid, the com-

missioner may impose such other and further conditions and restrictions concerning the business, investments and operations of such new savings bank as he may deem necessary or advisable. So much of sections ten and thirteen as provide that no person shall hold an office in two savings banks at the same time shall not prevent an officer or trustee of any other savings bank from serving as an officer or trustee of such new bank, or of a state-chartered bank or federally-chartered bank or the assets and liabilities or stock of which shall have been purchased and assumed by a savings bank hereunder.

Before all or substantially all of the assets or stock of any such corporation shall be sold to a corporation other than one chartered under chapter one hundred and sixty-eight, such action shall be approved by a vote of at least two-thirds of those corporators present and voting at a special meeting called for that purpose, of the corporation proposing to sell its assets or stock. Notice of such special meeting shall be given by the clerk in accordance with the provisions of section nine A.

For the purposes of this section, a federally-chartered bank shall mean a federal savings bank, a federal savings and loan association, a national bank association which has its main office located in and is authorized to do business in the commonwealth.

Section 36. Any such corporation may upon a majority vote of its board of investment, petition the board of bank incorporation for authority to surrender its charter in order to accept a savings bank charter from the federal government. If the board of bank incorporation determines that public convenience and advantage will be promoted thereby, it shall grant such authority, which grant shall be valid for one year from the date thereof. Upon the receipt of such petition, said board shall assign a date and place for public hearing thereon and shall furnish such corporation a form of notice relative thereto. Such corporation shall publish the notice at least once a week for three successive weeks in one or more newspapers designated by said board and published in the town wherein the main office of such corporation is located or, if there is no newspaper in said town, in the town wherein a newspaper is published and which is nearest to the location of the main office of such corporation. If the board refuses to approve such petition, no further proceeding therein, except as authorized by chapter thirty A, shall be had, but the petition may be renewed after one year from the date of the refusal, in which case notice of a public hearing thereon shall be published as hereinbefore provided. If the board grants approval of said petition, the state charter of said bank shall become void provided: (1) the action of said board of investment in filing such petition has been approved by an affirmative vote

of two-thirds of the corporators at the annual meeting, or at a meeting specially called for the purpose and by an affirmative vote of two-thirds of the trustees at a regular meeting or at a meeting specially called for the purpose, and (2) the commissioner has been notified in writing by the federal supervisory authority that such corporation has been granted a federal charter.

Upon the acceptance by such corporation of a federal charter, it shall cease to be a member bank in the Mutual Savings Central Fund, Inc., and shall be entitled to receive from the Mutual Savings Central Fund, Inc., an amount not to exceed the actual deposits made by it pursuant to the provisions of section four of chapter forty-four of the acts of nineteen hundred and thirty-two, as amended, less its indebtedness, if any, to said Mutual Savings Central Fund, Inc. All amounts required to be paid by the corporation pursuant to the provisions of section one of chapter forty-three of the acts of nineteen hundred and thirty-four, as amended, shall be retained by the Mutual Savings Central Fund, Inc., as a charge for the insurance of the deposits of such corporation while it was a member bank. Such corporation shall, however, participate in any distribution made under the provisions of section ten of said chapter forty-three, but such distribution shall be limited to an amount equal to the amount the corporation would have received had the Deposit Insurance Fund been liquidated at the time such corporation accepted its federal charter.

Section 37. Any such corporation involved in the business of home financing may convert to a federal savings and loan association in accordance with the provisions of section 5 of the Federal Home Owners' Loan Act of 1933 upon a vote of fifty-one per cent of the votes of the corporators present and voting at an annual meeting or at a special meeting called to consider such action. Notice of such meeting to vote on conversion shall be mailed at least twenty, and not more than thirty, days prior to the date of the meeting to each corporator of record at his last known address as shown on the books of such corporation. A copy of the minutes of the proceedings of such meeting of the members, verified by the affidavit of the secretary or an assistant secretary, shall be filed in the office of the commissioner within ten days after the date of such meeting. Such certified copy of the proceedings of such meeting, when so filed, shall be presumptive evidence of the holding and action of such meeting. Within three months after the date of such meeting, the corporation shall take such action in the manner prescribed and authorized by the laws of the United States as shall make it a federal savings and loan association.

There shall be filed with the commissioner a copy of the charter issued to such federal savings and loan association by the federal home loan bank board or a certificate showing the organization of such association as a federal savings and loan association, certified by the secretary or assistant secretary of the federal home loan bank board. A copy of the charter, or of such certificate, shall be filed by the association with the state secretary and with the office of the clerk of the city or town in which the association conducts its business. Any failure to file any such instruments as aforesaid shall not affect the validity of such conversion. Upon the grant to any association of a charter by the federal home loan bank board, the savings bank receiving such charter shall cease to be a savings bank incorporated under this chapter and shall no longer be subject to the supervision and control of the commissioner.

After compliance with this section and approval of such conversion by the shareholders and upon the approval of the conversion by the appropriate federal supervising authority to the extent required by applicable provisions of federal law and regulations thereunder, and the issuance by such authority of a federal savings and loan association charter, such corporation shall cease to be a member bank of the Mutual Savings Central Fund, Inc., and shall cease to be a participating bank in the Savings Bank Employees Retirement Association.

Upon the conversion of any such corporation into a federal savings and loan association, the corporate existence of such bank shall not terminate, but such federal association shall be deemed to be a continuation of the entity of the association so converted and all property of the converted savings bank, including its rights, titles, and interests in and to all property of whatsoever kind, whether real, personal or mixed, and things in action, and every right, privilege, interest and asset of any conceivable value or benefit then existing, or pertaining to it or which would inure to it, shall immediately, by act of law and without any conveyance or transfer and without any further act or deed, remain and be vested in and continue and be the property of such federal association into which the savings bank has converted itself, and such federal association shall have, hold and enjoy the same in its own right as fully and to the same extent as the same was possessed, held and enjoyed by the converting savings bank, and such federal association as of the time of the taking effect of such conversion shall continue to have and succeed to all the rights, obligations, and relations of the converting savings bank. All pending actions and other judicial proceedings to which the converting savings bank is a party shall not be deemed to have been abated or to have been discontinued

by reason of such conversion, but may be prosecuted to final judgment, order, or decree in the same manner as if such conversion into such federal association had not been made and such federal association resulting from such conversion may continue such action in its corporate name as a federal association, and any judgment, order or decree may be rendered for or against it, which might have been rendered for or against the converting savings bank theretofore involved in such judicial proceedings.

After receipt by the Mutual Savings Central Fund, Inc., hereinafter called the Fund, of notice from the commissioner that he had been notified in writing by such federal supervising authority that the conversion of such corporation has been completed and that such federal savings and loan association, and that he has received from the state secretary a certificate that such corporation, hereinafter called the predecessor corporation, has been duly recorded for dissolution, the following further provisions shall apply.

The Fund shall pay to said succeeding association from the fund representing deposits of member banks, hereinafter called the liquidity fund, an amount equal to not more than the aggregate of all deposits made by the predecessor corporation held in said liquidity fund on the effective date of the conversion, less all indebtedness of such corporation to the Fund; provided, that no part of the surplus, undivided profits or other reserves held by the central fund in said liquidity fund shall be so paid.

An amount equal to the annual assessments paid and which have become due and payable by the predecessor corporation while a member bank to the deposit insurance fund of the Fund shall be retained by the Fund as a charge for insurance of the shares of such corporation while a member bank of said deposit insurance fund. All other assessments paid by the predecessor corporation to said deposit insurance fund shall continue to be held by the central fund until all losses and estimated losses and expenses of all corporations being assisted by the Fund from said deposit insurance fund shall and being liquidated at the time that such corporation ceased to be a member bank shall have been paid or provided for. Thereafter the succeeding association shall be entitled to receive from the Fund the portions, if any, of such other assessments not so paid or required as shall be determined by the Fund with the approval of the commissioner and such determination shall be final and conclusive upon the Fund, the predecessor corporation and the succeeding association and all other persons then or thereafter interested; provided, however, that the supreme judicial court shall have jurisdiction to receive and to confirm or modify such determination upon the petition of

the predecessor corporation or the succeeding association filed within ten days after receipt thereby of notice of such determination. The Fund, in its discretion and subject to the approval of the commissioner, may make disposition of such other assessments, at any time after such conversion is completed, by adjustment pursuant to an agreement with the predecessor corporation or the succeeding association and may pay thereto such amount as may be so agreed upon.

The predecessor corporation or the succeeding association shall pay to said deposit insurance fund or make provision for payment thereto of a sum equal to three annual assessments, at the percentage rate in effect at the time the predecessor corporation ceased to be a member bank and computed on the basis of its deposits as shown by its last annual report to the commissioner preceding such conversion or, at its option or at the option of the succeeding association, as shown by the records of the predecessor corporation on the effective date of conversion. Until such sum shall have been paid in full, payments on account thereof shall be made annually or oftener by the predecessor corporation or the succeeding association; provided, that not less than one-third of such sum shall be paid annually. If any such one-third shall not be so paid or if, at the end of three years from the time the predecessor corporation ceased to be a member bank such sum shall not have been paid in full, the entire balance thereof may be recovered by the Fund, together with interest thereon, in any manner provided by law for the collection of debts. The predecessor corporation or the succeeding association may authorize the deduction of such sum in whole or in part, from the amount, if any, of the portions of said other assessments to which the succeeding association may be entitled as hereinbefore provided. If, however, by federal law or regulation a federal savings and loan association converting therefrom to a savings bank, is required to pay to the federal savings and loan insurance corporation a sum equal to annual premiums or assessments for other than a period of three years, then the number of annual assessments payable to said share insurance fund under this section shall be for the same number of years as is so required.

Section 38. Any federal savings and loan association may convert a savings bank under the provisions of this chapter upon a vote of fifty-one per cent or more votes of members of such federal savings and loan association present and voting at an annual meeting or at any special meeting called to consider such action. Notice of such meeting to vote on such conversion shall be mailed at least twenty, and not more than thirty, days prior to the date of the meeting to each member of record at his last

known address as shown on the books of the associations.

Copies of the minutes of the proceedings of such meeting or members, verified by the affidavit of the secretary or an assistant secretary, shall be filed in the office of the commissioner and mailed to the Federal Home Loan Bank Board, Washington, D.C., within ten days after such meeting. Such verified copies of the proceedings of the meeting when so filed shall be presumptive evidence of the holding and action of such meeting. At the meeting at which conversion is voted upon, the members shall also vote upon the persons who shall be the corporators and trustees of the state-chartered savings bank after conversion takes effect.

The commissioner may provide, by regulation, for the procedure to be followed by any such federal savings and loan association converting into a savings bank.

Upon the conversion of a federal savings and loan association into a savings bank authorized to conduct business in the commonwealth the corporate existence of such association shall not terminate, but such savings bank shall be deemed to be a continuation of the entity of the association so converted and all property of whatsoever kind, whether real, personal or mixed, and things in action, and every right, privilege, interest, and asset of any conceivable value or benefit then existing, or pertaining to it, or which would inure to it, shall immediately by act of law and without any conveyance or transfer and without any further act or deed remain and be vested in and continue and be the property of such savings bank into which the federal association has converted itself, and such savings bank shall have, hold and enjoy the same in its own right as fully and to the same extent as the same was possessed, held and enjoyed by the converting association and such savings bank as of the time of the taking effect of such conversion shall continue to have and succeed to all the rights, obligations, and relations of the converting association. All pending actions and other judicial proceedings to which the converting federal association is a party shall not be deemed to have been abated or to have been discontinued by reasons of such conversion, but may be prosecuted to final judgment, order or decree in the same manner as if such conversion into such savings bank had not been made and such savings bank resulting from such conversion may continue such action in its corporate name as a savings bank, and any judgment, order or decree may be rendered for or against it, which might have been rendered for or against the converting federal association theretofore involved in such judicial proceedings.

Upon the completion of the conversion of a federal savings and

loan association into a savings bank under the provisions of this chapter, said savings bank shall become a member of the Mutual Savings Central Fund, Inc., hereinafter called the Fund, and of the deposit insurance fund thereof. Before such succeeding corporation shall commence business as a savings bank, it shall pay into the liquidity fund of the Fund, an amount equal to the deposit required of a member bank thereof a similar size, as of the date of said certificate, plus such additional amount based upon the surplus of said reserve fund, as the directors of the Fund, with the approval of the commissioner, shall determine to be equitable. In addition to the payment to said reserve fund, the succeeding corporation shall pay to said deposit insurance fund or make provisions for payment thereto of a sum based upon the relation which the total amount of all assessments paid into said deposit insurance fund by all member banks, exclusive of annual assessments, plus the amount of the earned surplus account of said fund, less all losses and expenses incurred by said fund with respect to savings banks which it has assisted or liquidated, bears to the insured liabilities of all member banks; provided, that such payment shall be not less than the sum of six times the average applicable annual assessments paid by member banks during the preceding five years; and provided, further, that the succeeding corporation shall pay to said deposit insurance fund such proportion of the current annual assessments as shall have accrued to the date of said certificate.

After compliance with the foregoing requirements, the succeeding corporation shall thereafter be entitled to exercise all of the rights and privileges, and shall be subject to all of the duties and obligations of a savings bank and shall conduct its business subject to the provisions of this chapter and of other applicable laws, provided that, with the approval of the commissioner, the succeeding corporation shall have reasonable time after the effective date of the conversion within which to comply with any particular provisions of such laws not hereinbefore specifically provided for and which it shall be unable to comply with on or before said date.

The commissioner may require the succeeding corporation to divest itself, within a reasonable time after the effective date of the conversion, of any branch office not in conformity with law, if he shall determine that the public interest so requires.

Section 39. Fifteen or more savings banks may form the Savings Banks Employees Retirement Association, in this section and in sections forty and forty-one called the association, for the purpose of providing pensions for eligible employees of the participating banks who retire on account of age or disability. The association, in its name and by or through its authorized officers

may (a) make agreements and investments subject to such limitations as from time to time may be prescribed by law or the by-laws of the association, (b) sue and be sued, plead and be impleaded, (c) enforce liens and other obligations and foreclose mortgages held by the association on or with respect to real or personal property situated in the commonwealth or in any state or territory of the United States, (d) adopt an official seal and alter the same at pleasure, and (e) do such other acts and things as may be necessary to carry out the powers conferred upon it by law and its by-laws.

All savings banks established under the laws of the commonwealth, the Savings Banks Association of Massachusetts, the Savings Banks Employees Retirement Association, the Mutual Savings Central Fund, Inc., the Savings Bank Life Insurance Council, and such other Massachusetts savings bank organizations as from time to time may be provided for in the by-laws of the association, and such of the respective employees of each of the foregoing as may be provided by such by-laws, shall be eligible for membership in the association. For the purposes of this section and sections forty and forty-one reference to "bank" or "banks" shall, unless the context otherwise requires, mean and include any or all of the organizations named or referred to in this paragraph, and a reference to "trustees" of a bank shall also, unless the context otherwise requires, mean and include the governing body of each of such organizations.

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 current services, as defined in the by-laws, on account of any employee shall not exceed fifteen per cent of his compensation.

A participating bank may also contribute for 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 sixty per cent of the highest average salary for any three successive years within the five years preceding retirement.

In the event that any employee who has been continuously in the employ of such a bank for ten years or more becomes incapacitated for further service by reason of physical or mental disability before age sixty-five, the employing bank may pay him a pension in an amount not to exceed two per cent of his average salary for the three years preceding the date of retirement for each year, not exceeding thirty years of continuous service with

any and all banks as defined in the second paragraph of this section. Any pension paid on account of disability may be discontinued at any time by trustees of the employing bank, and shall be discontinued when any such pensioner substantially recovers his earning capacity or attains age sixty-five or the date the employee elects to have his pension or annuity commence.

The funds contributed by participating banks and member employees shall be held or used by the trustees of the association for the purchase of annuities or payment of pensions to eligible employees upon their retirement from service, for the payments to beneficiaries or representatives of any member employee of the participating bank dying before reaching the age of retirement, and for the payment to any such employee retiring from service before becoming entitled to a pension or annuity. Expenses necessary for the administration of the association shall be paid by participating banks, on a proportionate basis as provided in the by-laws.

In any calendar year, the association or a bank, by vote of its board of trustees, may directly supplement the retirement benefits being paid to the former employees or their beneficiaries on account of bank service provided, no supplement of a retirement benefit shall exceed the retirement benefit multiplied by the increase in the cost of living since the retirement began. The increase in the cost of living is the percentage by which the national monthly consumer price index for all urban consumers issued by the bureau of labor statistics of the United States Department of Labor for the last November before the year in which payment is made is greater than the beginning index figure. The beginning index figure is the average of such monthly consumer price index figures for the year in which a retirement benefit was first paid to or with respect to a former employee. No bank may become obligated to pay in future years any supplement authorized by this paragraph.

Section 40. The by-laws of the association shall be submitted to the commissioner and shall prescribe the manner in which, and the officers and agents by whom, the association may be conducted and the manner in which its funds may be invested and paid out. Such association shall be formed when its by-laws have been approved and agreed to by a majority of the trustees of each of fifteen or more savings banks, and have been approved by the commissioner. Such association shall annually, on or before December first, report to the commissioner such statements of its membership and financial transactions for the year ending on the preceding October thirty-first as the commissioner may consider necessary to show its business and standing. The commissioner may verify such statement by an examination of the

books and papers of the association.

The association shall not be subject to chapter thirty-two or chapter one hundred and seventy-five or to such other provisions of law as relate to insurance companies or other retirement associations.

Section 41. The property of the association, the portion of the wages or salary of any employee deducted or to be deducted under sections thirty-nine and forty, the right of an employee to an annuity or pension, and all his rights in the funds of the association, shall be exempt from taxation and from the operation of any law relating to insolvency, and shall not be attached or taken on execution or other process to satisfy any debt or liability of the association, a participating bank, or any employee member of the association. No assignment of any right in or to said funds or of any pension or annuity payable under section thirty-nine shall be valid, except that deferred annuity contracts purchased by a participating bank on account of past service of eligible employees may be assigned to such bank prior to actual retirement.

Nothing in this section shall prevent an employee's annuity or pension from being attached, taken on execution, assigned, or subject to other process to satisfy a support order under chapter two hundred and eight, two hundred and nine, or two hundred and seventy-three.

SECTION 30. Section 12 of chapter 170 of the General Laws is hereby amended by striking out the first paragraph, as most recently amended by section 367 of chapter 572 of the acts of 1980, and inserting in place thereof the following paragraph:-

Such corporation shall carry on its principal business at its main banking office, which shall not be changed except with the approval of the commissioner. The corporation, after such notice and hearing as the commissioner may require and with his written permission and under such regulations as he may approve, may establish and maintain one or more depots where moneys due the bank may be collected by the treasurer or other persons duly empowered by the directors upon such days as may be designated by vote of the board of directors; or may establish and maintain one or more branch offices (a) in the town wherein its main office is located, or (b) in other towns within the same county 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 in the commonwealth within forty 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. Every application to establish and maintain one or more depots or branch offices shall be accompanied by payment of an investigation fee, the amount of which shall be determined annually by the commissioner of administration under the provision of section three B of chapter seven, for each depot or branch office applied for. Not more than three applications by a co-operative bank to establish a branch office under this paragraph outside of the county wherein its principal office is located shall be approved in any calendar year. Such corporation, upon the vote of two-thirds of the members present at a meeting called for that purpose and with the approval of the board of bank incorporation, may change the location of its main office to another town within the commonwealth by appropriate amendment of its agreement of association, a copy of which shall be filed forthwith with the state secretary. With the written consent of the commissioner, a branch office or depot may be closed, or the location thereof may be changed subject to the requirements and restrictions contained in this paragraph for the establishment of such branch or depot.

SECTION 31. Said section 12 of said chapter 170 is hereby amended by striking out the second paragraph, as most recently amended by section 3 of chapter 293 of the acts of 1979, and inserting in place thereof the following paragraph:-

The offices in the commonwealth of any bank consolidated or merged under sections forty-eight, forty-eight A, forty-eight B, forty-eight C or forty-eight E or all or substantially all of the assets and liabilities or stock which have been acquired under section forty-seven may be maintained as branch offices of such co-operative bank, with the written permission of and under such conditions, if any, as may be approved by the commissioner. No co-operative bank shall be given permission pursuant to this section more than three times in any one calendar year, either to acquire and maintain offices of any other bank whose main office is located outside of the county wherein the main office of such co-operative bank is located, or to establish a branch office outside of the county wherein its main office is located.

SECTION 32. Section 13 of said chapter 170 is hereby amended by striking out subsection 3B, as most recently amended by section 2 of chapter 343 of the acts of 1981, and inserting in place thereof the following subsection:-

3B. Any of the deposits in savings share accounts referred to in subsection 3 may, if the board of directors of such corporation so determine, be received as term deposits subject to regulations

promulgated by the commissioner and to any other applicable law or regulation. Term deposits shall be evidenced by a certificate or other written instrument issued to the depositor to acknowledge receipt of such deposits and which sets forth the terms of the deposit.

For any such deposit with a maturity in excess of thirty days, any such corporation shall be required to mail to the depositor a written notification of maturity at least thirty days prior to the date of maturity of said deposit but in no event more than forty-five days prior to said date of maturity of said deposit.

SECTION 33. Section 16 of said chapter 170 is hereby further amended by striking out the first paragraph, as most recently amended by chapter 116 of the acts of 1981, and inserting in place thereof the following paragraph:-

Except as otherwise provided in this chapter and in other applicable provisions of law, no person individually and no two or more persons, as provided in section fifteen, shall hold more than six hundred serial shares and more than the combined total of six thousand paid-up and savings shares in the denomination of one hundred dollars nor more than three hundred serial shares and more than the combined total of three thousand paid-up and savings shares in the denomination of two hundred dollars. Each person so holding shares with one or more other persons also may hold shares individually, but the total amount of shares in such corporation held at the same time by such person both individually and with one or more other persons shall not exceed in the denomination of one hundred dollars six hundred serial shares and the combined total of six thousand paid-up and savings shares, or in the denomination of two hundred dollars three hundred serial shares and the combined total of three thousand paid-up and savings shares. Of the shares which are permitted to be held as aforesaid, other than serial shares, no person individually shall hold in one corporation, at the same time, more than a combined total of eighteen hundred paid-up and saving shares in the denomination of one hundred dollars other than term deposit account savings shares issued pursuant to a term deposit account plan approved by the commissioner pursuant to subsection three B of section thirteen, nor more than the combined total of nine hundred paid-up and savings shares in the denomination of two hundred dollars other than term deposit account savings shares. No two or more persons, as provided in section fifteen, shall hold more than the combined total of three thousand six hundred paid-up and savings shares in the denomination of one hundred dollars other than term deposit account savings shares, nor more than the combined total of eighteen

hundred paid-up and savings shares in the denomination of two hundred dollars other than term deposit account savings shares. Each person so holding shares with one or more other persons also may hold shares individually, but the total amount of shares in such corporation held at the same time by such person both individually and with one or more other persons shall not exceed in the denomination of one hundred dollars the combined total of three thousand six hundred paid-up and savings shares other than term deposit account savings shares, or in the denomination of two hundred dollars the combined total of eighteen hundred paid-up and savings shares other than term deposit account savings shares. Said limitations upon individual holdings shall apply to shares held by more than one fiduciary in the same estate and to shares held for each estate where the same person is fiduciary in two or more distinct estates. Deposits in a trust or fiduciary account subject to the provisions of this paragraph shall not be deemed unlawful under the provisions of the second paragraph as the result of the trust or fiduciary estate becoming subject to the jurisdiction of the probate or any other court.

SECTION 34. Subsection 3A of section 24 of said chapter 170 is hereby amended by striking out clause (a), as most recently amended by section 4 of chapter 204 of the acts of 1980, and inserting in place thereof the following clause:-

(a) a loan under this subsection shall not be in excess of an amount to be determined by regulation of the commissioner.

SECTION 35. Subsection 3B of said section 24 of said chapter 170 is hereby amended by striking out clause (a), as most recently amended by section 5 of said chapter 204, and inserting in place thereof the following clause:-

(a) a loan under this subsection shall not be in excess of an amount to be determined by regulation of the commissioner.

SECTION 36. Subsection 3D of said section 24 of said chapter 170, as most recently amended by section 9 of chapter 795 of the acts of 1981, is hereby further amended by striking out the fourth sentence and inserting in place thereof the following sentence:- The maximum sum for a loan of this class to be made or acquired shall be determined by regulation of the commissioner.

SECTION 37. Said chapter 170 is hereby further amended by striking out section 24B, as amended by chapter 549 of the acts of 1979, and inserting in place thereof the following section:-

Section 24B. Such corporation may make or acquire loans upon real estate for any purpose secured by a mortgage other than a

first lien of the several classes specified in subsections 3, 3A, 3B and 4 of section twenty-four, subject, in each instance, to the provisions and limitations applicable to the particular class except that, any provision of sections twenty-three and twenty-four notwithstanding, the note or mortgage need not require payment of a proportionate part of the estimated real estate taxes and betterment assessments on the mortgaged real estate, such loan may be made or acquired without regard to the location of the real estate loaned upon, and such loan may be made or acquired for an amount less than or equal to the greater of twenty-five thousand dollars or the amount by which the loan limitation applicable to the particular class under said section twenty-four exceeds the principal balance outstanding on any first mortgage loan secured by a mortgage on the property loaned upon. In any case in which loans of the particular class are subject by said section twenty-four to a limitation upon the aggregate balance of principal outstanding on loans of that class, such aggregate balance shall be determined by adding the aggregate balance of principal outstanding on loans of that class authorized by said section twenty-four to the aggregate balance of principal outstanding on loans of the same class authorized by this section. In any case in which loans of the particular class are subject by said section twenty-four to a condition that the security committee has certified in writing that the mortgagor does not require junior financing, such condition shall be deemed satisfied by a certification which states that the mortgagor requires no further junior financing.

SECTION 38. Section 26 of said chapter 170 is hereby amended by striking out subsection 2, as most recently amended by section 3 of chapter 507 of the acts of 1980, and inserting in place thereof the following subsection:-

2. In the case of any such corporation having assets totalling more than five million dollars, in any of the securities named in sections forty-four to forty-eight, inclusive, of said chapter one hundred and sixty-eight, provided, however, to the provisions of said sections and in the following limitations:- not more than an amount equal to five per cent of the assets of any such corporation shall be invested in railroad bonds or other obligations referred to in said section forty-four, and not more than an amount equal to one and one-half per cent of such assets shall be invested in the bonds or other obligations of any one railroad corporation; not more than an amount equal to ten per cent of the assets of any such corporation shall be invested in bonds or other obligations of telephone companies referred to in said section forty-five, and not more than an amount equal to two per

cent of such assets shall be invested in the bonds or other obligations of any one telephone company; not more than an amount equal to five per cent of the assets of any such corporation shall be invested in the bonds of gas, electric light or water companies referred to in subdivision A of said section forty-six, and not more than an amount equal to one and one-half per cent of such assets shall be invested in the bonds or other obligations of any one such company; not more than an amount equal to ten per cent of the assets of any such corporation shall be invested in bonds or other obligations of the other companies referred to in subdivision B of said section forty-six, and not more than an amount equal to two per cent of such assets shall be invested in the bonds or other obligations of any one such other company; not more than an amount equal to one-half of the total of the surplus accounts of any such corporation shall, in the aggregate, be invested and fire insurance stocks referred to in section forty-eight, and not more than an amount equal to five per cent of said aggregate amount shall be invested in any one such stock. The aggregate amount held by such corporation under this subsection in all of the aforesaid securities shall not at any one time exceed twenty per cent of its assets.

SECTION 39. Subsection 8 of said section 26 of said chapter 170 is hereby amended by striking out the fourth sentence, as amended by section 3 of chapter 248 of the acts of 1980, and inserting in place thereof the following sentence:- The total obligation of any one person to any such corporation outstanding at any one time in this class of investment shall not exceed thirty thousand dollars, exclusive of interest or discount.

SECTION 39A. Said subsection 8 of said section 26 of said chapter 170 is hereby further amended by striking out the fourth sentence, as most recently amended by section 39 of this act, and inserting in place thereof the following sentence:- The total obligation of any one person to any such corporation outstanding at any one time in this class of investment shall not exceed forty thousand dollars, exclusive of interest or discount.

SECTION 40. Said chapter 170 is hereby further amended by striking out section 26B, inserted by section 2 of chapter 289 of the acts of 1981, and inserting in place thereof the following section:-

Section 26B. Such corporation may make such other commercial, corporate and business loans not otherwise authorized under any other provision of this chapter or any other provision of law; provided, however, that not more than ten per cent of the assets

of such corporation shall be invested at any one time in loans made under this section; and provided, further, that such loans may only be made within the commonwealth or within seventy-five miles of the main office of such corporation.

SECTION 41. Said chapter 170 is hereby further amended by striking out section 26B, as most recently amended by section 40 of this act, and inserting in place thereof the following section:-

Section 26B. Such corporation may make such other commercial, corporate, and business loans not otherwise authorized under any other provision of this chapter or any other provision of law; provided, however, that not more than twelve per cent of the assets of such corporation shall be invested at any one time in loans made under this section; and provided, further, that such loans may only be made within the commonwealth or within seventy-five miles of the main office of such corporation.

SECTION 42. Said chapter 170 is hereby further amended by striking out section 47, as most recently amended by section 1 of chapter 71 of the acts of 1982, and inserting in place thereof the following section:-

Section 47. With the approval of the commissioner, any such corporation may advance or loan upon, or purchase, the whole or any part of the assets or stock of any state-chartered bank or any federally-chartered bank and may participate in such an advance, loan or purchase with one or more banks at such valuations and upon such terms and conditions as shall have been agreed upon by vote of two-thirds of the directors and by a two-thirds vote of the applicable board of a state-chartered bank or by a vote of a federally-chartered bank as required by any applicable law or regulation governing such bank; and the corporation or corporations making or participating in such an advance, loan or purchase, for the purpose of effecting the same, may assume and agree to pay the whole or any part of the share liabilities or deposits, and other liabilities of any other state-chartered bank or federally-chartered bank upon such terms and conditions and subject to such adjustments as may be approved by the commissioner. The request for such approval shall be accompanied by an investigation fee the amount of which shall be determined by the commissioner of administration under the provision of section three B of chapter seven. In the event of approval by the commissioner, other provisions of law applicable to the number of directors, the investment of funds of co-operative banks and to the limitation upon share and accounts referred to in section sixteen, shall not apply. The commissioner may impose such conditions and restrictions as he may deem necessary

or advisable in respect to the share liabilities or deposits, and other liabilities assumed as hereinbefore provided. The commissioner shall not endorse his approval thereupon until he has received notice from the Co-operative Central Bank or the insurer for each such other bank, that arrangements satisfactory to each such insurer have been made for such an advance, loan or purchase.

So much of section eight A as provides that no person shall hold an office in two co-operative banks at the same time shall not prevent an officer or director of any co-operative bank from serving as an officer or director of a state-chartered bank or a federally-chartered bank the assets and liabilities or stock of which shall have been purchased and assumed by a co-operative bank hereunder.

Before all or substantially all of the assets of any such corporation shall be sold, such action shall be approved by a vote of at least two-thirds of those shareholders present, qualified to vote and voting, at a special meeting called for the purpose, of the shareholders of the corporation proposing so to sell its assets. Notice of such special meeting, containing a statement of the time, place and purpose of the meeting, and setting forth the terms of sale tentatively agreed upon, shall be advertised three times in one or more newspapers published in the town in which the main office and any branch office of said corporation is situated or if there be no such newspaper, then in one or more newspapers published in the county where said town is situated, the last publication to be at least one day before the meeting. In addition, such notice shall be conspicuously posted in the main office and branch offices for a period of no less than thirty days immediately before said meeting unless this requirement of posting such notice is waived in writing by the commissioner.

For the purposes of this section, a federally-chartered bank shall mean a federal savings bank, a federal savings and loan association, a national banking association which has its main office located in and is authorized to do business in the commonwealth.

SECTION 43. The introductory paragraph of section 48 of said chapter 170, as amended by section 2 of chapter 71 of the acts of 1982, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- If the consolidating corporations have main offices in different counties, the main office of the continuing corporation shall be the main office of that consolidating corporation which has the greater total assets on the date on which the merger or consolidation is approved by the board of the last consolidating corpor-

ation so to approve; provided, however, that upon a determination by the commissioner that such consolidation is not for the purpose of circumventing any geographic restrictions on the establishment of branch offices, he may allow the main office of the consolidating corporation which has the lesser total assets on such date to be the main office of the continuing corporation.

SECTION 44. Said chapter 170 is hereby further amended by inserting after section 48A the following four sections:-

Section 48B. Any one or more such corporations and any one or more savings banks, as defined in section one of chapter one hundred and sixty-eight may merge or consolidate into a single co-operative bank or into a single savings bank upon such terms as shall have been approved by a vote of at least two-thirds of the board of directors of each corporation and of the board of trustees of each savings bank, and as shall have been approved in writing by the commissioner. The terms of any such merger or consolidation shall be approved by the shareholders of each corporation and corporators of each savings bank in the manner prescribed herein. A request for such approval by the commissioner shall be accompanied by an investigation fee the amount of which shall be determined annually by the commissioner of administration under the provisions of section three B of chapter seven, a copy of the terms of any agreement reached by the respective boards of directors and trustees, and certified copies of the votes of such boards. If the commissioner, after such notice and hearing as he may require, is satisfied that a merger or consolidation can be effected on terms approved by him and he finds that such merger or consolidation is in the interests of the shareholders and depositors of the institutions concerned, such merger or consolidation may be approved by him subject to his direction. Before becoming effective, any merger or consolidation authorized by this section, hereinafter sometimes referred to as a "consolidation", shall have been approved by a vote of at least two-thirds of the shareholders of each corporation present, qualified to vote and voting at meetings specially called to consider the subject, and approved by a vote of at least two-thirds of the corporators of each savings bank present, qualified to vote, and voting at meetings of each savings bank specially called for that purpose. Notice for such meetings shall be given in accordance with the relevant provisions of section forty-seven of this chapter and section nine of chapter one hundred and sixty-eight.

A certificate under the hands of the presidents and clerks, or other duly authorized officers of all merging or consolidating corporations and savings bank setting forth that each institution,

respectively, has complied with the requirements of this section, shall be submitted to the commissioner, who, if he shall approve such consolidation, shall endorse his approval upon such certificate, and thereupon such consolidation shall become effective. The commissioner shall not endorse his approval thereupon until he has received notice from the Co-operative Central Bank or the insurer for each such other bank that arrangements satisfactory to each insurer have been made for such consolidation. Upon consolidation of any such institutions, as herein provided:

1. The corporate existence of all but one of the consolidating institutions shall be discontinued and consolidated into that of the remaining institution, which shall continue. All and singular the rights, privileges and franchises of each discontinuing institution and its right, title and interest to all property of whatever kind, whether real, personal or mixed, and things in action, and every right, privilege, interest or asset of conceivable value or benefit then existing which would inure to it under the unconsolidated existence, shall be deemed fully and finally, and without any right of reversion, transferred to or vested in the continuing institution, without further act or deed, and such continuing institution shall have and hold the same in its own right as fully as if the same was possessed and held by the discontinuing institution from which it was, by operation of the provisions hereof, transferred, and other provisions of law relative to limitations on the number of directors, corporators or trustees and on the investment of funds of such institutions shall not apply.

2. A discontinuing institution's rights, obligations and relations to any shareholder, depositor, creditor, trustee or beneficiary of any trust, or other person, as of the effective date of the consolidation, shall remain unimpaired, and the continuing institution shall, by such consolidation, succeed to all such relations, obligations and liabilities, as though it had itself assumed the relation or incurred the obligation or liability; and its liabilities and obligations to creditors existing for any cause whatsoever shall not be impaired by the consolidation; nor shall any obligation or liability of any shareholder or depositor in any such institution, continuing or discontinuing, which is party to the consolidation, be affected by any consolidation, but such obligations and liabilities shall continue as fully and to the same extent as the same existed before the consolidation and the provisions relative to the limitations on shares and deposits, shall not apply.

3. A pending action or other judicial proceeding to which any of the consolidating institutions is a party shall not be deemed to have abated or to have discontinued by reason of the consolidation, but may be prosecuted to final judgment, order or decree

in the same manner as if the consolidation has not been made; or the continuing institution may be substituted as a party to any such action or proceeding to which the discontinuing institution was a party, and any judgment, order or decree may be rendered for or against the continuing institution that might have been rendered for or against such discontinuing institution if such consolidation had not occurred.

4. After such consolidation, a foreclosure of a mortgage begun by any discontinuing institution may be completed by the continuing institution, and publication begun by the discontinuing institution may be continued in the name of the discontinuing institution. Any certificate of possession, affidavit of sale or foreclosure deed relative to such foreclosure shall be executed by the proper officers in behalf of whichever of such institutions actually took possession or made the sale, but any such instrument executed in behalf of the continuing institution shall recite that it is the successor of the discontinuing institution which commenced the foreclosure.

5. A new name may be adopted as the name of the continuing institution at the special meetings called as herein provided, and it shall become the name of the continuing institution upon the approval of the consolidation, without further action under the laws of the commonwealth as to change or adoption of a new name on the part of the continuing institution.

6. Any consolidation may be approved and effected pursuant to this section, notwithstanding that the percentage which the aggregate value of the surplus and other reserves, of any of the consolidating institutions, bears to its liabilities including share liabilities, exceeds such percentage of any of the other consolidating institutions, and any consolidating institution having such an excess of percentage shall not be required to pay an extra dividend or make any other distribution to its shareholders or depositors.

The offices and depots of any co-operative bank and the offices of any savings bank merged or consolidated under this section, may be maintained as branch offices or depots, respectively, of the continuing institution with the written permission of, and under such conditions, if any, as may be approved by the commissioner.

If the consolidating corporations have main offices in different counties, the main office of the continuing corporation shall be the main office of that consolidating corporation which has the greater total assets on the date on which the merger or consolidation is approved by the board of the last consolidating corporation so to approve; provided, however, that upon a determination by the commissioner that such consolidation is not for the

purpose of circumventing any geographic restrictions on the establishment of branch offices, he may allow the main office of the consolidating corporation which has the lesser total assets on such date to be the main office of the continuing corporation.

Section 48C. Any one or more such corporations and any one or more federal thrift institutions may merge or consolidate into a single co-operative bank or into a single federal thrift institution, upon such terms as shall have been approved by a vote of at least two-thirds of the board of directors of each corporation and of the board of directors of each federal thrift institution, and as shall have been approved in writing by the commissioner. The terms of any such merger or consolidation shall be approved by the shareholders of each corporation and by each federal thrift institution in the manner prescribed herein. A request for such approval by the commissioner shall be accompanied by an investigation fee the amount of which shall be determined annually by the commissioner of administration under the provision of section three B of chapter seven, a copy of the terms of any agreement reached by the respective boards of directors, and certified copies of the votes of such boards. If the commissioner, after such notice and hearings as he may require, is satisfied that a merger or consolidation can be effected on terms approved by him and he finds that such a merger or consolidation is in the interests of the shareholders and depositors of the institutions concerned, such merger or consolidation may be approved by him subject to his direction. Before becoming effective, any merger or consolidation authorized by this section, hereinafter sometimes referred to as a "consolidation", shall have been approved by a vote of at least two-thirds of the shareholders of each corporation present, qualified to vote and voting at meetings specially called to consider the subject, and approved by a vote of each federal thrift institution as required by any applicable law or organization governing such institution.

Notice for such meetings shall be given in accordance with the relevant provisions of section forty-seven and any applicable provision governing a federal thrift institution. A certificate under the hands of the presidents and clerks, or other duly authorized officers of all merging or consolidating corporations and federal thrift institutions setting forth that each institution, respectively, has complied with the requirements of this section, shall be submitted to the commissioner, who, if he shall approve such consolidation, shall endorse his approval upon such certificate, and thereupon such consolidation shall become effective. The commissioner shall not endorse his approval thereupon until he has received notice from the co-operative central bank and the insurer for any such federal thrift institution, that arrange-

ments satisfactory to each insurer have been made for such consolidation. Upon consolidation of any such institutions, as herein provided:-

1. The corporate existence of all but one of the consolidating institutions shall be discontinued and consolidated into that of the remaining institution, which shall continue. All and singular the rights, privileges and franchises of each discontinuing institution and its right, title and interest to all property of whatever kind, whether real, personal or mixed, and things in action, and every right, privilege, interest or asset of conceivable value or benefit then existing which would inure to it under an unconsolidated existence, shall be deemed fully and finally, and without any right of reversion, transferred to or vested in the continuing institution, without further act or deed, and such continuing institution shall have and hold the same in its own right as fully as if the same was possessed and held by the discontinuing institution from which it was, by operation of the provisions hereof, transferred, and other provisions of law relative to limitations on the number of directors, corporators or trustees and on the investment of funds of such institutions shall not apply.

2. A discontinuing institution's rights, obligations and relations to any shareholder, depositor, creditor, trustee or beneficiary of any trust, or other person, as of the effective date of the consolidation, shall remain unimpaired, and the continuing institution shall, by the consolidation, succeed to all such relations, obligations and liabilities, as though it had itself assumed the relation or incurred the obligation or liability; and its liabilities and obligations to creditors existing for any cause whatsoever shall not be impaired by the consolidation; nor shall any obligation or liability of any shareholder or depositor in any such institution, continuing or discontinuing, which is party to the consolidation, be affected by any consolidation, but such obligations and liabilities shall continue as fully and to the same extent as the same existed before the consolidation, and the provisions relative to the limitations on shares and deposits, shall not apply.

3. A pending action or other judicial proceeding to which any of the consolidating institutions is a party shall not be deemed to have abated or to have discontinued by reason of the consolidation, but may be prosecuted to final judgment, order or decree in the same manner as if the consolidation has not been made; or the continuing institution may be substituted as a party to any such action or proceeding to which the discontinuing institution was a party, and any judgment, order or decree may be rendered for or against the continuing institution that might have been rendered for or against such discontinuing institution if such

consolidation had not occurred.

4. After such consolidation, a foreclosure of a mortgage begun by any discontinuing institution may be completed by the continuing institution, and publication begun by the discontinuing institution may be continued in the name of the discontinuing institution. Any certificate of possession, affidavit of sale or foreclosure deed relative to such foreclosure shall be executed by the proper officers in behalf of whichever of such institutions actually took possession or made the sale, but any such instrument executed in behalf of the continuing institution shall recite that it is successor of the discontinuing institution which commenced the foreclosure.

5. A new name may be adopted as the name of the continuing institution at the special meetings as herein provided, and it shall become the name of the continuing institution upon the approval of the consolidation, without further action under the laws of the commonwealth as to change or adoption of a new name on the part of the continuing institution.

6. Any consolidation may be approved and effected pursuant to this section, notwithstanding that the percentage which the aggregate value of the guaranty fund, surplus and other reserves, of any of the consolidating institutions, bears to its liabilities including share liabilities, exceeds such percentage of any of the other consolidating institutions, and any consolidating institution having such an excess of percentage shall not be required to pay an extra dividend or make any other distribution to its shareholders or depositors.

The offices and depots of any co-operative bank and the offices of any federal thrift institution merged or consolidated under this section, may be maintained as branch offices or depots, respectively, of the continuing institution with the written permission of, and under such conditions, if any, as may be approved by the commissioner.

If the consolidating corporations have main offices in different counties, the main office of the continuing corporation shall be the main office of that consolidating corporation which has the greater total assets on the date on which the merger or consolidation is approved by the board of the last consolidating corporation so to approve; provided, however, that upon a determination by the commissioner that such consolidation is not for the purpose of circumventing any geographic restrictions on the establishment of branch offices, he may allow the main office of the consolidating corporation which has the lesser total assets on such date to be the main office of the continuing corporation.

For the purposes of this section, a federal thrift institution shall mean a federal savings and loan association, or a federal

mutual savings bank which has its main office located in, and is authorized to do business in, the commonwealth.

Section 48D. Notwithstanding any general or special law to the contrary a co-operative bank subject to approval of the commissioner, may convert to a stockholder owned form of corporation.

Any co-operative bank which converts to a stockholder owned form of corporation shall have all the powers and privileges of a co-operative bank.

The commissioner shall prescribe from time to time such rules and regulations as may be necessary or proper in carrying out the provisions of this section. Such regulation shall be similar to regulations promulgated under Title 12 USC section 1725 or Title 12 USC section 1464 provided that the commissioner may make such adjustments and exceptions as in his judgment are necessary to carry out the purposes of this section or to facilitate compliance therewith.

Any regulation, or any amendment or repeal of any such regulation issued under the provisions of this section after compliance with all applicable provisions of chapter thirty A shall be submitted to the general court for approval. The 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 have been complied with. Any regulations filed with the general court under the provisions of this section shall be accompanied by a summary of the regulations in layman's terms. The clerk shall refer such regulations to the joint committee on banks and banking within five days of the filing thereof. The committee shall consider the proposed regulation, amendment or repeal and shall report to the general court within forty-five days whether the same should be adopted in the manner submitted. The clerk of the senate and the clerk of the house of representatives shall recommend to the general court the form and procedure which shall be followed in considering the approval of a proposed regulation, amendment or repeal, provided that approval or disapproval shall be by joint resolution.

The clerk of the senate shall cause any regulation, amendment or repeal, approved by both branches of the general court within seventy-five days from the time of filing of the same with the clerk of the house of representatives, to be forwarded to the governor for his approval; provided, that any such regulation, amendment or repeal which is not approved by the general court and the governor within thirty days of such filing shall be deemed to have been disapproved.

If the governor approves any regulation, amendment or repeal

submitted to him, as hereinbefore provided, he shall forward the same to the state secretary who shall publish the same in accordance with section five of said chapter thirty A.

Emergency regulations may be adopted during the prorogation of the general court in the manner provided by section five of chapter thirty A; provided, that such regulation shall be filed with the clerk of the house of representatives for submission the next session of the general court for approval as hereinbefore provided; and provided, further, that such regulation shall not remain in force for more than ninety days after the general court has convened for such session.

Section 48E. Any one or more such stock corporations may, upon compliance with the provisions of section seventy-eight of chapter one hundred and fifty-six B, which are hereby made applicable in all such cases and subject as to any such corporation to the provisions of section eighty-five of chapter one hundred and fifty-six B as modified for the purposes of this section by the provisions hereof, consolidate or merge into any single state or federally-chartered stock corporation. A request for approval by the commissioner of such a consolidation or merger shall be accompanied by an investigation fee, the amount of which shall be determined annually by the commissioner of administration under the provision of section three B of chapter seven. A certificate under the hands of the presidents and clerks or other duly authorized officers of all merging or consolidating corporations setting forth that each corporation, respectively, has complied with the requirements of this section shall be submitted to the commissioner. The commissioner shall not endorse his approval thereupon until he has received notice from the insurer for each corporation that arrangements satisfactory to each such insurer have been made for such consolidation. The offices and depots in the commonwealth of any such corporation merged or consolidated under this section may be maintained as branch offices or depots, respectively, of the continuing institution with the written permission of and under such conditions, if any, as may be approved by the commissioner.

If the consolidating corporations have main offices in different counties, the main office of the continuing corporation shall be the main office of that consolidating corporation which has the greater total assets on the date on which the merger or consolidation is approved by the board of the last consolidating corporation so to approve; provided, however, that upon a determination by the commissioner that such consolidation is not for the purpose of circumventing any geographic restrictions on the establishment of branch offices, he may allow the main office of the consolidating corporation which has the lesser total assets on such

date to be the main office of the continuing corporation.

For the purposes of this section, the value of the stock of stockholders of a state-chartered stock corporation who have, as provided in section seventy-six or section eighty-five of chapter one hundred and fifty-six B, voted against any action authorized herein shall be ascertained in the manner provided in sections eighty-six to ninety-eight, inclusive, of said chapter one hundred and fifty-six B.

The provisions of section eighty of chapter one hundred and fifty-six B shall apply to consolidations and mergers of state-chartered stock corporations authorized under this section provided that, for this purpose, references in said section eighty to said chapter one hundred and fifty-six B shall be deemed to be to the chapter of the General Laws governing such stock corporation, and references in said section eighty to articles of organization, including any special act of incorporation, as from time to time amended.

For the purposes of this section, a state-chartered stock corporation shall mean a trust company or a savings bank or co-operative bank which has converted under applicable provisions of law. A federally-chartered stock corporation shall mean a national banking association or a federal savings and loan association or a federal savings bank which has converted to a stock corporation, which has its main office located in, and is authorized to do business in the commonwealth.

SECTION 45. Said chapter 170 is hereby further amended by striking out section 49, as most recently amended by section 3 of chapter 430 of the acts of 1965, and inserting in place thereof the following section:-

Section 49. Any such corporation may convert itself into a federal savings and loan association, or other federal agency of a like nature, if authorized by a vote of a majority of all the shareholders of such corporation, entitled to vote, voting in person or by proxy, at a meeting especially called to consider the subject. Notice of such special meeting, containing a statement of the time, place and the purpose of the meeting shall be sent by the clerk of the corporation to each shareholder at his last address appearing upon the records of the corporation, by mail, postage prepaid, at least thirty days before the date of the meeting. Notice of the meeting also shall be advertised three times in one or more newspapers published in the city or town in which the main office of the corporation is situated or if there be no such newspaper, then in one or more newspapers published in the county wherein the town is situated, the last publication to be at least one day before the meeting.

There also shall be mailed with the notice of such special meeting such form of letter concerning the proposed conversion as the commissioner may approve; provided, however, that if the commissioner shall fail to approve the form of such a letter within thirty days after receipt by him of a written request therefor, such corporation may mail with said notice such form of letter as the board of directors may approve.

A proxy used at such meeting shall not be valid unless it is in writing, signed by the shareholder and is in such form as clearly will enable such shareholder to select and indicate his choice as to whether he favors or opposes the proposed conversion.

After compliance with the first paragraph of this section and approval of such conversion by the shareholders as required thereby, and upon the approval of the conversion by the appropriate federal supervising authority to the extent required by applicable provisions of federal law and regulations thereunder, and the issuance by such authority of a federal savings and loan association charter, such corporation shall cease to be a member bank of the Co-operative Central Bank, referred to in section one of chapter forty-five of the acts of nineteen hundred and thirty-two and in section one of chapter seventy-three of the acts of nineteen hundred and thirty-four hereinafter called the central bank, and shall cease to be a participating bank in the Co-operative Banks Employees Retirement Association referred to in sections fifty-one to fifty-three, inclusive.

After receipt by the central bank of notice from the commissioner that he has been notified, in writing, by such federal supervising authority that the conversion of such corporation has been completed and that such federal charter has been issued to the succeeding federal savings and loan association, and that he has received from the state secretary a certificate that such corporation, hereinafter called the predecessor corporation, has been duly recorded for dissolution, the following further provisions shall apply:

1. The central bank shall pay to said succeeding association from the fund representing deposits of member banks made pursuant to said chapter forty-five, hereinafter called the reserve fund, an amount equal to not more than the aggregate of all deposits made by the predecessor corporation held in said reserve fund on the effective date of the conversion, less all indebtedness of such corporation to the central bank; provided, that no part of the surplus, undivided profits or other reserves held by the central bank in said reserve fund shall be so paid.

2. An amount equal to the annual assessments paid and which shall have become due and payable by the predecessor corporation while a member bank, to the share insurance fund of the

central bank, pursuant to section one of said chapter seventy-three shall be retained by the central bank as a charge for insurance of the shares of such corporation while a member of said share insurance fund. All other assessments paid by the predecessor corporation to said share insurance fund pursuant to said chapter seventy-three shall continue to be held by the central bank until all losses and estimated losses and expenses of all corporations being assisted by the central bank from said share insurance fund and being liquidated at the time that such corporation ceased to be a member bank shall have been paid or provided for. Thereafter, the succeeding association shall be entitled to receive from the central bank the portions, if any, of such other assessments not so paid or required as shall be determined by the central bank with the approval of the commissioner, and such determination shall be final and conclusive upon the central bank, the predecessor corporation and the succeeding association and all other persons then or thereafter interested; provided, however, that the supreme judicial court shall have jurisdiction to review and to confirm or modify such determination upon the petition of the predecessor corporation or the succeeding association filed within ten days after receipt thereby of notice of such determination. The central bank, in its discretion and subject to the approval of the commissioner, may make disposition of such other assessments, at any time after such conversion is completed, by adjustment pursuant to an agreement with the predecessor corporation or the succeeding association and may pay thereto such amount as may be so agreed upon.

3. The predecessor corporation or the succeeding association shall, subject to the last sentence of this paragraph, pay to said share insurance fund or make provision for payment thereto of a sum equal to three annual assessments, refered to in section one, at the percentage rate in effect at the time the predecessor corporation ceased to be a member bank and computed on the basis of its share liabilities and notes payable as shown by its last annual report to the commissioner preceding such conversion or, at its option or at the option of the succeeding association, as shown by the records of the predecessor corporation on the effective date of conversion. Until such sum shall have been paid in full, payments on account thereof shall be made annually or oftener by the predecessor corporation or the succeeding association; provided, however, that not less than one-third of such sum shall be paid annually. If any such one-third shall not be so paid or if, at the end of three years from the time the predecessor corporation ceased to be a member bank such sum shall not have been paid in full, the entire balance thereof may be recovered by the central bank, together with interest there-

on, in any manner provided by law for the collection of debts. The predecessor corporation or the succeeding association may authorize the deduction of such sum in whole or in part, from the amount, if any, of the portions of said other assessments to which the succeeding association may be entitled as hereinbefore provided. If, however, by federal law or regulation, a federal savings and loan association converting therefrom to a co-operative bank, is required to pay to the federal savings and loan insurance corporation a sum equal to annual premiums or assessments for other than a period of three years, then the number of annual assessments payable to said share insurance fund under this section shall be for the same number of years as is so required.

SECTION 46. The General Laws are hereby further amended by striking out chapter 170 and inserting in place thereof the following chapter:-

CHAPTER 170.
CO-OPERATIVE BANKS.

Section 1. The following words as used in this chapter, unless the context otherwise requires, shall have the following meanings:-

"Bank day", the day in each month on which payments upon serial shares shall be due.

"Commissioner", the commissioner of banks.

"Corporation" or "bank", a co-operative bank incorporated as such in this commonwealth.

"Co-operative bank mortgage", a loan represented by a note secured by a mortgage upon real estate and a pledge of a share of the corporation for each two hundred dollars loaned.

"Net profits", the profits appearing before payment or provision for payment of federal taxes based on income, and before making the transfers and distributions provided by section twenty and subsection (2) of section twenty-one.

"Share capital" or "share liability", the total sum due at any given time upon all shares and accounts referred to in chapter one hundred and sixty-seven D which shares and accounts shall be deemed to be deposits.

"Shareholder" or "member", a depositor or holder of any shares or accounts referred to in chapter one hundred and sixty-seven D.

"Shareholders' meeting" or "meeting of shareholders", any annual or special meeting of members of the corporation entitled to vote.

Section 1A. A co-operative bank shall have all the powers expressly granted by law and whatever further incidental powers may fairly be implied from those expressly conferred and such as are reasonably necessary to enable it to exercise fully those powers according to common or accepted banking customs and usages.

Section 2. Twenty or more persons who associate themselves by a written agreement, signed by each of them, to form a co-operative bank for the purpose of accumulating, loaning and investing the savings of its members may, upon compliance with this section and sections four, five and six, become a corporation with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws relating to such corporations. Said agreement shall set forth that the subscribers thereto associate themselves with the intention of forming a corporation to transact business within the commonwealth, and shall specify:

First. - The name by which the corporation shall be known, the words "co-operative bank" to form a part thereof.

Second. - The purpose for which it is to be formed.

Third. - The town where its main office is to be located.

Fourth. - The residence and post office address of each associate.

Fifth. - The number of shares of each class subscribed for by each associate.

Each associate shall subscribe for at least one paid-up share; provided, however, that an aggregate of not less than fifty paid-up shares shall be subscribed for by the associates. Such shares shall be paid for in cash to the corporation before it commences business and, except with the written approval of the commissioner, none of such shares shall be assigned, pledged or redeemed prior to the expiration of two years from the date of their issue.

Section 3. A corporation formed pursuant to section two may authorize, at a meeting duly called for the purpose, by vote of two-thirds of the shareholders present and voting a change of its corporate name. Within sixty days after any meeting at which such change has been authorized, articles of amendment, signed under the penalties of perjury by the executive officer and by the clerk, setting forth such change and the due adoption thereof, shall be submitted to the state secretary and the commissioner. If such amendment is approved by the commissioner, it shall take effect upon the filing of such approval with the state secretary.

Section 4. The subscribers to said agreement shall give notice to the board of bank incorporation of their intention to form a

co-operative bank, and shall apply to said board for a certificate that public convenience and advantage will be promoted by the establishment thereof. Said application shall be accompanied by an investigation fee, the amount of which shall be determined annually by the commissioner of administration under the provision of section three B of chapter seven. Said board may grant such certificate, which shall be deemed revoked if the applicants therefor do not become incorporated and begin business within six months after its date of issue. Upon receipt of such application, said board shall furnish the subscribers a form of notice, specifying the names of the proposed incorporators and the name and location of the proposed co-operative bank and assigning a date and place for a public hearing on the application. The subscribers shall publish the notice at least once a week for three successive weeks, in one or more newspapers designated by said board and published in the town wherein it is desired to establish the bank or, if there is no newspaper in such town, in the town wherein a newspaper is published which is nearest to the proposed location of the bank; and at least fourteen days before the date fixed for said public hearing the subscribers shall mail a copy of said notice by registered mail, postage prepaid, to The Co-operative Central Bank, organized under chapter forty-five of the acts of nineteen hundred and thirty-two. If said board refuses to issue such certificate, no further proceedings shall be had, but the application may be renewed after one year from the date of the refusal, in which case notice of a public hearing thereon shall be published and mailed as hereinbefore provided.

Said board may require the subscribers to establish or provide for the establishment of a special surplus fund in an amount determined by the board, which shall be represented by cash, deposits or securities eligible for the liquidity reserve referred to in section twenty-two and which shall be paid in, in full, to the corporation before it commences business. Said board shall issue regulations governing the maintenance of and withdrawals from any such fund.

Section 5. The first meeting of the subscribers to the agreement of association shall be called by a notice signed either by that subscriber to the agreement who is designated therein for the purpose, or by a majority of the subscribers. Such notice shall state the time, place and purpose of the meeting. Seven days at least before the day appointed for the meeting, a copy of the notice shall be given to each subscriber, or left at his residence or usual place of business, or deposited in the post office, postage prepaid, and addressed to him at his residence or usual place of business. Another copy of said notice and an affidavit by one of the signers that the notice has been duly

served shall be recorded with the records of the proposed corporation. If, however, all the incorporators shall, in writing, endorsed upon the agreement of association waive such notice and fix the time and place of the meeting, no notice shall be required. The subscribers to the agreement of association shall hold the franchise until the organization has been completed. At the first meeting, or at any adjournment thereof, the incorporators shall organize by the election by ballot of a temporary clerk, by the adoption of by-laws and by the election, in such manner as the by-laws may determine of a president, a clerk of the corporation, a treasurer, a board of not less than five nor more than fifteen directors, and such other officers as the by-laws may prescribe. All the officers so elected shall be sworn to the faithful performance of their duties. The temporary clerk shall make and attest a record of the proceedings until the clerk has been elected and sworn, including a record of the election and qualification of the clerk.

Section 6. The president and a majority of the directors who are elected at the first meeting shall make, sign and make oath to articles in duplicate setting forth:

(a) A true copy of the agreement of association, the names of the subscribers thereto, and the name, residence and post office address of each of the officers of the corporation; and

(b) The date of the first meeting and the successive adjournments thereof, if any.

One duplicate original of the articles so signed and sworn to shall be submitted to the board of bank incorporation and the other, together with the records of the proposed corporation, to the state secretary, who shall examine the same and may require such amendment thereof or such additional information as he considers necessary. If he finds that the articles conform to sections two, four and five and that sections four and seven have been complied with, he shall so certify and endorse his approval thereof. Thereupon the articles shall be filed in the office of the state secretary, who upon receipt of a fee, the amount of which shall be determined annually by the commissioner of administration under the provision of section three B of chapter seven, the state secretary shall issue a certificate of incorporation in the following form:

COMMONWEALTH OF MASSACHUSETTS

Be it known that whereas (the names of the subscribers to the agreement of association) have associated themselves with the intention of forming a corporation under the name of (the name of the corporation), for the purpose (the purpose declared in the

agreement of association), and have complied with the provisions of the statutes of this commonwealth in such case made and provided, as appears from the articles of organization of said corporation, duly approved by the commissioner of revenue and recorded in this office: Now, therefore, I (the name of the state secretary) secretary of the commonwealth of Massachusetts, do hereby certify that said (the names of the subscribers to the agreement of association), their associates and successors, are legally organized and established as, and are hereby made, an existing corporation under the name of (name of the corporation), with the powers, rights and privileges, and subject to the limitations, duties and restrictions, which by law appertain thereto.

Witness my official signature hereunto subscribed, and the great seal of the commonwealth of Massachusetts hereunto affixed, this day of in the year (the date of the filing of the articles of organization).

The state secretary shall sign the certificate of incorporation and cause the great seal of the commonwealth to be affixed thereto, and such certificate shall have the force and effect of a special charter. The existence of every such corporation which is not created by special law shall begin upon the filing of the articles of organization in the office of the state secretary, who shall also cause a record of the certificate of incorporation to be made, and such certificate or such record, or a certified copy thereof, shall be conclusive evidence of the existence of the corporation.

Section 7. The shareholders of every such corporation shall make and adopt the necessary by-laws consistent with law for the government of its affairs. Copies of all by-laws and changes therein or additions thereto or other amendments thereof shall be filed with the commissioner immediately upon their adoption. All such by-laws, changes, additions and other amendments shall be effective on the date they are filed with the commissioner.

The by-laws shall provide for and determine as follows:

(a) The time and place for holding the annual meeting of the shareholders and the monthly meeting of the board of directors;

(b) The manner of calling meetings of the shareholders and of the board of directors, including special meetings;

(c) The number necessary to constitute a quorum at meetings of the shareholders and of the board of directors, respectively;

(d) The voting qualifications of members at shareholders' meetings;

(e) The monthly bank day;

(f) The number, title, eligibility, powers and duties of directors, other officers and committees, their terms of office, and

the manner of their election or appointment and of their removal;

(g) The manner in which the by-laws may be amended; and

(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.

The by-laws also may provide for such other matters relative to the business and affairs of the corporation as may be deemed necessary or desirable.

Section 8. Each person who is recorded on the books of the corporation as the holder of one or more shares or accounts referred to in chapter one hundred and sixty-seven D shall be deemed a member and shareholder of and depositor in the corporation.

Each member shall be entitled to one vote at all shareholders' meetings, subject to the limitations contained in this section and such limitations, if any, as may be contained in the by-laws.

At any meeting, no person who votes in one capacity shall be entitled to vote in any other capacity. A co-owner of any shares or accounts who does not vote in any other capacity may vote as the representative of the co-owners. A corporate fiduciary or other corporation or a partnership or association may vote by a person duly authorized, if such person does not otherwise vote, but a fiduciary, whether individual, corporate or otherwise, may vote on behalf of one trust or estate only. No person shall be entitled to vote either as a member or in any representative capacity unless such person shall have attained the age of eighteen years. No person shall vote by proxy except as otherwise may be expressly authorized by law.

Section 9. The business and affairs of every such corporation shall be managed by a board of not less than five and, except as otherwise provided by law, not more than fifteen directors. The shareholders shall elect the directors, each of whom shall be a citizen of the United States, a resident of the commonwealth and under the age of seventy-two at the time of election. Directors shall be divided into three classes as nearly equal in

number as possible, and one of such classes shall be elected annually for a term of three years; provided, that during the minimum time necessary to accomplish the foregoing, one of said classes may be elected for a term of one year and one for a term of two years. All vacancies in the board or in any office may be filled by the board of directors for the unexpired term. The directors may employ such additional assistance and appoint or constitute such committees and advisory directors as they may deem necessary and determine the reasonable compensation therefor. The directors may authorize the continuance as honorary directors of those persons who shall have served as directors for ten years or more and such honorary directors may be designated by the directors for an indefinite term and shall not be included in determining the minimum number of directors or the number of directors to be elected annually as provided herein. 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 or required to perform any duties. Except as otherwise provided in the by-laws, the directors may delegate to any officers, assistants and employees such functions, powers and authority as the directors deem advisable.

The clerk of the corporation shall be chosen by the shareholders, and the president, vice president, treasurer, assistant treasurers, if any, and other officers whose election is not otherwise herein expressly provided for, shall be chosen by the board of directors.

All directors and other officers shall be elected by ballot and shall be shareholders when nominated and elected. Each officer when appointed or elected shall take an oath that he will faithfully and impartially discharge the duties devolving upon him, and the fact that the oath has been taken shall be entered in the records of the corporation; and if a person appointed or elected does not, within thirty days thereafter, take the oath, his office shall thereupon become vacant. All officers shall continue to hold their offices until their successors shall have been chosen and qualified.

If an officer ceases to be a shareholder, his office may be declared vacant by the board of directors. If a director fails both to attend the regular meetings of the board and to perform any of the duties devolving upon him as such director for six consecutive months, his office may be declared to be vacant by the board at the next regular meeting and if he so fails for twelve consecutive months, his office shall be declared to be vacant by the board at the next regular meeting. A record of any vacancy shall be entered upon the books of the corporation, and a tran-

script shall be sent by mail to the person whose office has been made vacant.

The records of all meetings of the corporation shall be read at such meetings by a shareholder other than the clerk and the records of all meetings of the board of directors shall be read at such meetings by a director.

Section 10. No person shall be a director or other officer of two co-operative banks at the same time, except in the case of the purchase of assets and the assumption of liabilities pursuant to the provisions of section twenty-four. After January first, nineteen hundred and seventy-five, a director or other officer of a co-operative bank may, at the same time, serve as a trustee, director or other officer of a savings bank, credit union, state or federally chartered savings and loan association, trust company, a bank holding company or any affiliate, or national banking association if, in such case, there is in force a permit therefor issued by the commissioner, in writing, with the reasons thereon stating why the public interest warrants its issuance, after reasonable notice and an opportunity to be heard, who is hereby authorized to issue such permit if, in his judgment, it is not incompatible with the public interest, and to revoke any such permit whenever he finds, after reasonable notice and opportunity to be heard, that the public interest warrants its revocation except that the provisions of this section shall not apply to any director or officer who held such position at the time of incorporation of said co-operative bank. Any person serving as a director or other officer of a co-operative bank may at the same time serve as a director or other officer of a trust company that does not make real estate mortgage loans and does not accept savings deposits from natural persons.

Section 11. At the first meeting of the board of directors, after the annual meeting of shareholders, the board shall elect from its own members a security committee of at least three members, at least two of whom shall report upon all real estate offered as security for loans made by the corporation, after having examined such real estate or after it shall have been examined by one or more appraisers considered to be qualified by the directors and appointed by them for that purpose. In no case, however, shall any member of the security committee or any appraiser make an official report upon property offered as security for a loan if he has a personal interest in the property or in the proposed loan.

The security committee shall perform such other duties as may be requested of them by law, and shall exercise such other powers as may be delegated to them by the board of directors. Whenever loans are made and completed pursuant to power dele-

gated by the board of directors, a report including a list of all such loans shall be submitted by the president or treasurer to the directors at their next monthly meeting in such form as the directors may require and such report and any action taken by the board thereon, shall be made part of the records of such meeting.

At said first meeting the board shall elect a finance committee of not less than three directors who shall not be operating officers or members of the security committee. The members of the finance committee shall take an oath of office in the manner and within the period prescribed by section nine and a record thereof shall be made and preserved as provided in said section. The directors shall determine the compensation, if any, to be paid to the members of the security committee and the finance committee.

Section 12. The treasurer shall keep the financial accounts and have charge of all books and papers necessary therefor, and dispose of and secure the safekeeping of all money, securities and property of the corporation, in the manner and subject to the limitations from time to time designated by the board of directors, subject to applicable provisions of law.

Such corporation may provide in its by-laws for assistant treasurers. An assistant treasurer may perform all the duties of the treasurer.

Section 13. In addition to the duties imposed by law upon the treasurer of a bank, or the officer or employee thereof charged with the duties and functions usually performed by the treasurer, he shall also be responsible for the performance of all acts and duties required of such corporation by the provisions of chapters one hundred and sixty-seven or one hundred and seventy except in so far as such performance has been expressly imposed on some other officer or employee of such bank by its regulations or by-laws or by provision of law.

Section 14. The commissioner shall have the same powers and duties in respect to co-operative banks which he has in respect to savings banks. At least once during each calendar year, and oftener if required by the commissioner, the finance committee, referred to in section eleven, shall cause an examination and audit to be made of the books, securities, cash, assets, liabilities, income and expenditures of such corporation, including a trial balance of the deposit and share accountants. Such examination and audit shall be made in such form and manner and at such time as the commissioner may prescribe, except that in any such bank having assets of over ten million dollars such examination and audit shall be made by a certified public accountant not connected with the corporation. Within thirty days after

their election, the finance committee shall appoint such accountant and written notice thereof shall be given forthwith to the commissioner, and such appointment shall be subject to his approval. Such examination and audit shall be made for the period elapsed since the preceding examination and audit or for such other period as may be prescribed by the commissioner.

Such accountant shall direct and supervise the making of said examination and audit and shall report to the finance committee and the commissioner, if he so requests, the result thereof. At the next meeting of the directors thereafter, the committee shall render a report, which shall be read, stating in detail the nature, extent and result of said examination and audit. The committee shall file with the commissioner a copy of the report of the accountant within ten days after its receipt by the committee. Said accountant and the finance committee shall certify and make oath that the reports made by them under this section are correct according to their best knowledge and belief, and such reports shall be filed and preserved with the records of such corporation. If the committee fails to cause to be made an examination and audit as herein provided, the commissioner shall cause such examination and audit to be made by a certified public accountant in such form and manner as the commissioner may prescribe, and the expense thereof shall be paid by such corporation.

Section 15. The treasurer and all other permanent employees and officers having access to the cash or negotiable securities of the corporation shall give to it bonds in such amounts and with such surety or sureties and conditions as the directors may require, subject to such regulations as the commissioner may prescribe. The commissioner may prescribe the manner of custody and safekeeping of such bonds. The directors may require bonds of such other officers or employees as they deem advisable. Blanket or schedule bonds may be used with the approval of the commissioner. The commissioner shall keep a record of all bonds filed with him hereunder, and of any changes therein of which he is so notified, and when in his judgment it is necessay for the security of the shareholders he may require new or further bonds or sureties.

Section 16. Any officer, director, agent or employee of any bank, who knowingly and wilfully does any act forbidden to him or to such bank by any provision of chapters one hundred and sixty-seven or one hundred and seventy, or who knowingly and wilfully aids or abets the doing of any act so forbidden to such bank or to any other officer, director, agent or employee thereof, or who knowingly and wilfully fails to do any act required of him by any such provision, or who knowingly and wilfully fails to do any act which is required of such bank by any such pro-

vision the performance of which is imposed on him by the by-laws or regulations of the bank or by law or the responsibility for the non-performance of which is placed upon him by section thirteen shall, if no other penalty against him in his aforesaid capacity is specifically provided, be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.

Section 17. No such corporation, and no officer or employee thereof, shall ask for, take or receive a fee, brokerage, commission, gift or other consideration for or on account of a loan made by or on behalf of such corporation, other than appears on the face of a note or contract by which the loan purports to be made; but this section shall not apply to a reasonable charge for services in the examination of property and title and for the preparation and recording of conveyances and other instruments pertaining to its loans, nor to charges by the corporation for any services which by law it is authorized to render. Whoever violates any provision of this section shall be punished by a fine of not more than one thousand dollars.

Section 18. Every such corporation shall annually, within thirty days after its April bank day, make a report to the commissioner in such form as he may prescribe, showing accurately its condition at the close of business on such bank day. The president, treasurer or other executive officer shall sign the report and certify on oath that it is correct according to his best knowledge and belief.

Every such corporation shall post in a prominent place and in a conspicuous manner in the lobby of each of its banking offices, a balance sheet which presents fairly, in accordance with generally accepted accounting principles, including required footnote disclosures, its condition as of the last business day of its fiscal year, with comparative figures as of the end of the previous fiscal year. Said balance sheet shall be posted not later than fifteen days after the end of the corporation's fiscal year and shall remain posted until replaced by the following year's posting. Said balance sheet shall be printed at the expense of the corporation and copies shall be made available to its depositors upon request. Each such corporation which fails to post or print any such balance sheet in accordance with this section shall pay to the state treasurer ten dollars for each day that it fails to so post or print such balance sheet, unless excused by the commissioner for cause.

Section 19. No officer of a bank shall, except as hereinafter provided, borrow from or otherwise become indebted to the bank of which he is an officer, and no bank 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 bank may loan or extend credit to any such officer and such officer may become indebted to such bank, 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 bank shall not give a preferential rate of interest, or other preferential terms, on any loan to such officer.

Every such corporation shall be required to make an annual report to the commissioner of any loan or extension of credit in any manner to any officer or director of the corporation. Said corporation shall also be required to make an annual report to the commissioner of any loan or extension of credit in any manner to a fraternal organization, voluntary association, partnership or corporation, the majority interest of which is owned or controlled by an officer or director of said corporation.

Said report to the commissioner shall consist of, but not be limited to, the following: (a) the original amount of the loan, (b) the date of the loan, (c) the type of loan, (d) the type of secured asset and its valuation, if the loan is secured in any manner, (e) the terms of the payment, (f) the current balance, (g) the amount of any principal or interest payments in default, if any, and the length of time of such default.

Section 20. The board of directors, at each distribution date which shall be monthly, quarterly, semiannually or annually on a bank day, shall distribute the net profits in the following manner:

(a) Dividends and interest shall be distributed to the various classes of shares and accounts referred to in chapter one hundred and sixty-seven D then existing, at such dividend and interest rates respectively applicable to each class as shall be determined by the directors. Such distributions to each class of shares shall be made on the basis of their value at that time and shall be computed on the basis of a single share fully paid to the date of distribution. Distributions to paid-up shares, as to each holder thereof, shall be credited or reserved for credit to a savings account or a dividend savings account in his name, or shall be paid to him if he or the corporation so elects. Section twenty A shall apply to distributions to savings accounts and to dividend savings accounts. Distributions to club accounts shall be in accordance with the terms thereof. Any distributions which are to be credited to savings accounts, dividend savings accounts and club accounts may, at the option of the directors, be re-

served for credit at a later date which shall be within three months as to savings accounts and dividend savings accounts, and within one year as to club accounts. Nothing contained in this section shall be construed as preventing any such corporation from making, within its taxable year as determined for federal income tax purposes, at least four distributions if on a quarterly basis, or at least two distributions if on a semiannual basis, or at least one distribution if on an annual basis.

(b) After such distribution or provision therefor, any balance of net profits then remaining shall be transferred to one or more of the following accounts to the surplus account referred to in section twenty-one to a reserve for bad debts, to other reserve accounts, to a profit and loss account, or to an undistributed earnings account; provided, however, to such appropriate adjustments of amounts so transferred during the taxable year of such corporation as may be made for federal income tax purposes prior to or as of the end of such taxable year. No supplementary or extra distribution of dividends or interest shall be made from any amounts so transferred unless, at the time of such distribution, the combined surplus account, reserve for bad debts and unallocated reserves, in the judgment of the board of directors, shall equal at least eight per cent of the share liability of such corporation, nor shall any supplementary or extra distribution of dividends or interest be made which will reduce said reserves to an amount less than eight per cent of the share liability of said corporations; unless the required transfer to reserves shall have first been made from current earnings. Upon written approval of the commissioner a supplementary or extra distribution of dividends may be made in part or in full from the surplus account.

Section 20A. Dividends and interest shall be at such rate as the directors determine and, if the directors so determine, may be computed as if such dividends had been declared and paid at uniform intervals, daily or otherwise, within the dividend period and the amount so paid for each such interval had been added to deposits for the succeeding interval.

There shall be credited to each savings account of ten dollars or more at every distribution date applicable to savings interest on such rate basis as the directors from time to time may determine, computed without regard to fractions of a dollar; provided, however, that interest shall not be credited on amounts withdrawn between distribution dates. Interest shall be credited upon amounts deposited from and after the bank day next following, and may be credited upon amounts deposited within ten days subsequent to the preceding bank day, or with the approval of the commissioner may be credited from the date of

deposit. Additional interest may be credited on deposits in savings accounts designated as special notice accounts. Interest or dividends on term deposits shall be paid at such rates, at such times, and in such manner as may be provided for in the agreement under which such term deposits were received.

Any savings deposits may be received in a separate class of account on which interest shall be credited at the time when, and for the same distribution 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 21. (1) Every such corporation shall establish and maintain a surplus account to which all undivided profits and earnings of the corporation shall be transferred. The surplus account shall be used to meet losses, contingencies, and adjustments arising out of or incidental to the operation of the corporation's business. The directors may authorize payments from the surplus account of amounts sufficient to enable the corporation to distribute dividends and interest to shares and accounts. The aggregate amount of the surplus account required by this section shall not exceed at any time twenty per cent of the deposits of the corporation.

(2) Every such corporation shall establish and maintain as part of surplus a restricted surplus account to provide for specific liabilities or for depreciation, to effect reductions in book values of specific assets or, upon depletion of the surplus account authorized by subection (1) and with written notice to the commissioner, to provide funds for general use by the corporation in the conduct of its business. Immediately prior to the April bank day of such corporation, there shall be transferred from surplus to restricted surplus an amount equal to five per cent of the net profits of the corporation for the twelve months ending with said bank day. Additions or transfers shall continue to be made to restricted surplus until such time as it is at least equal to five per cent of deposits.

Section 22. Every such corporation shall establish and at all times maintain as a minimum reserve to meet withdrawals of shares and accounts and applications for loans on shares and accounts and payments of taxes received from mortgagors an amount equal to not less than six and one-half per cent of its share liability, plus amounts equal to its liabilities upon club accounts and upon payments received by it from mortgagors for

the purpose of payment of taxes of mortgaged real estate. Such reserve shall consist of any or all of the following:- (a) cash on hand, (b) balances payable on demand or certificates of deposit due from any trust company, national banking association or banking company, (c) bonds and other direct obligations of the United States or such obligations as are unconditionally guaranteed as to the payment of principal and interest by the United States, (d) bonds and notes of this commonwealth or any political subdivision thereof, (e) any federal agency obligations which have unexpired terms of five years or less, (f) deposits in and stocks of the Federal Home Loan Bank, and (g) federal funds, defined to include a transaction involving the transfer of deposits of co-operative banks among member banks of the Federal Reserve System, which are immediately available funds. If at any time the reserve of any such corporation falls below the minimum amount herein required, such corporation shall not, except to the extent approved by the commissioner, make any real estate loans, other than additional loans and reloans upon property already mortgaged to such corporation, until such minimum reserve shall have been fully restored.

Section 23. Such corporation shall maintain the reserve balances required by the Federal Reserve Act, 12 U.S.C. 461 (b), and in the event such reserves are less than required by said act, such corporation shall not make any new loans or investments until the required reserves shall be restored. The commissioner may notify such corporation to make good such reserve and if it fails to do so within thirty days thereafter, he may certify to the Co-operative Central Bank, pursuant to section four of chapter seventy-three of the acts of nineteen hundred and thirty-four, that such corporation is in an unsound or unsafe condition to transact the business for which it is organized and thereafter said central bank shall have, and may exercise all of, the powers and privileges granted to it by said chapter seventy-three.

Section 24. With the approval of the commissioner, any such corporation may advance or loan upon, or purchase, the whole or any part of the assets or stock of any state-chartered bank or any federally-chartered bank and may participate in such an advance, loan or purchase with one or more banks at such valuations and upon such terms and conditions as shall have been agreed upon by vote of two-thirds of the directors and by a two-thirds vote of the applicable board of a state-chartered bank or by a vote of a federally-chartered bank as required by any applicable law or regulation governing such bank; and the corporation or corporations making or participating in such an advance, loan or purchase, for the purpose of effecting the same,

may assume and agree to pay the whole or any part of the share liabilities of any other state-chartered bank or any federally-chartered bank upon such terms and conditions and subject to such adjustments as may be approved by the commissioner. The request for such approval shall be accompanied by an investigation fee, the amount of which shall be determined annually by the commissioner of administration. In the event of approval by the commissioner, other provisions of law applicable to the number of directors, the investment of funds of co-operative banks and to the limitation upon shares and accounts referred to in chapter one hundred and sixty-seven D, shall not apply. The commissioner may impose such conditions and restrictions as he may deem necessary or advisable in respect to the share liabilities or deposits, and other liabilities assumed as herein before provided. The commissioner shall not endorse his approval thereon until he has received notice from the Co-operative Central Bank or the insurer for each such other bank that arrangements satisfactory to each such insurer have been made for such an advance, loan or purchase.

So much of section ten as provides that no person shall hold an office in two co-operative banks at the same time shall not prevent an officer or director of any co-operative bank from serving as an officer or director of a state-chartered bank or a federally-chartered bank, the assets and liabilities or stock of which shall have been purchased and assumed by a co-operative bank hereunder.

Before all, or substantially all, of the assets of any such corporation shall be sold, such action shall be approved by a vote of at least two-thirds of those shareholders present, qualified to vote and voting at a special meeting called for the purpose, of the shareholders of the corporation proposing so to sell its assets. Notice of such special meeting, containing a statement of the time, place and purpose of the meeting, and setting forth the terms of sale tentatively agreed upon, shall be advertised three times in one or more newspapers published in the town in which the main office and any branch office of said corporation is situated or if there be no such newspaper, then in one or more newspapers published in the county where said town is situated, the last publication to be at least one day before the meeting. In addition such notice shall be conspicuously posted in the main office and branch offices for a period of no less than thirty days before said meeting unless this requirement of posting such notice is waived in writing by the commissioner.

For the purposes of this section, a federally-chartered bank shall mean a federal savings bank, a federal savings and loan association or a national banking association which has its main

office located in and is authorized to do business in the commonwealth.

Section 25. Any two or more such corporations may consolidate into a single corporation, upon such terms as shall have been agreed upon by vote of two-thirds of the board of directors of each corporation and as shall have been approved, in writing, by the commissioner; provided, however, that such action shall have been approved by the shareholders of each corporation at a special meeting thereof called for that purpose, by a vote of at least two-thirds of those shareholders present, qualified to vote, and voting at each such meeting. 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; provided, however, that upon a determination by the commissioner that such consolidation is not for the purpose of circumventing any geographic restrictions on the establishment of branch offices, he may allow the main office of the consolidating corporation which has the lesser total assets on such date to be the main office of the continuing corporation. The request for approval of the commissioner shall be accompanied by an investigation fee, the amount of which shall be determined annually by the commissioner of administration. Notice of such special meeting, setting forth the terms tentatively agreed upon, shall be posted and published in the manner and to the extent provided for the notices referred to in section twenty-four. A certificate under the hands of the presidents and clerks or other duly authorized officers of all such corporations, setting forth that each said corporation, respectively, has complied with all the requirements of this section, shall be submitted to the commissioner, who, if he shall approve such consolidation, shall endorse his approval upon such certificate, and thereupon such consolidation shall become effective. Upon consolidation of any such corporation with another, as herein provided:-

(1) The corporate existence of all but one of the consolidating corporations shall be discontinued and consolidated into that of the remaining corporation, which shall continue. All and singular the rights, privileges and franchises of each discontinuing corporation and its right, title and interest to all property of whatever kind, whether real, personal or mixed, and things in action, and every right, privilege, interest or asset of conceivable value or benefit, then existing which would inure to it under an unconsolidated existence, shall be deemed fully and finally, and without any right of reversion, transferred to or vested in the

continuing corporation, without further act or deed, and such continuing corporation shall have and hold the same in its own right as fully as if the same was possessed and held by the discontinuing corporation from which it was, by operation of the provisions hereof, transferred, and other provisions of law relative to limitations on the number of directors and on the investment of funds of such corporations, shall not apply.

(2) A discontinuing corporation's rights, obligations and relations to any member, creditor, trustee or beneficiary of any trust, or other person, as of the effective date of the consolidation, shall remain unimpaired, and the continuing corporation shall, by the consolidation, succeed to all such relations, obligations and liabilities, as though it had itself assumed the relation or incurred the obligation or liability; and its liabilities and obligations to creditors existing for any cause whatsoever shall not be impaired by the consolidation; nor shall any obligation or liability of any member in any such corporation, continuing or discontinuing, which is party to the consolidation, be affected by any such consolidation, but such obligations and liabilities shall continue as fully and to the same extent as the same existed before the consolidation, and the provisions of chapter one hundred and sixty-seven D relative to the limitations on shares and accounts, shall not apply.

(3) A pending action or other judicial proceeding to which any of the consolidating corporations is a party shall not be deemed to have abated or to have discontinued by reason of the consolidation, but may be prosecuted to final judgment, order or decree in the same manner as if the consolidation had not been made; or the continuing corporation may be substituted as a party to any such action or proceeding to which the discontinuing corporation was a party, and any judgment, order or decree may be rendered for or against the continuing corporation that might have been rendered for or against such discontinuing corporation if consolidation had not occurred.

(4) After such consolidation, a foreclosure of a mortgage begun by any of the discontinuing corporations may be completed by the continuing corporation, and publication begun by the discontinuing corporation may be continued in the name of the discontinuing corporation. Any certificate of possession, affidavit of sale or foreclosure deed relative to such foreclosure shall be executed by the proper officers in behalf of whichever of such corporations actually took possession or made the sale, but any such instrument executed in behalf of the continuing corporation shall recite that it is the successor of the discontinuing corporation which commenced the foreclosure.

A new name, or the name of any of the consolidating cor-

porations may be adopted as the name of the continuing corporation at the special meetings called as herein provided, and it shall become the name of the continuing corporation upon the approval of the consolidation, without further action under the laws of the commonwealth as to change or adoption of a new name on the part of the continuing corporation.

Any merger or consolidation may be approved and effected pursuant to this section, notwithstanding that the percentage which the aggregate value of the surplus and other reserves, of any of the consolidating corporations, bears to its liabilities including share liabilities, exceeds such percentage of any of the other consolidating corporations, and any consolidating corporation having such an excess of percentage shall not be required to pay an extra dividend or make any other distribution to its shareholders.

Section 26. If the commissioner has certified to the Co-operative Central Bank that it is unsafe or inexpedient for a corporation to continue to transact business, as provided in section four of chapter seventy-three of the acts of nineteen hundred and thirty-four, such corporation may be consolidated with or sell its assets to another co-operative bank on an expedited basis, notwithstanding any inconsistent provisions contained in sections twenty-four and twenty-five provided that the following conditions are satisfied:

(1) The terms and conditions of the proposed consolidation or purchase and sale of assets are set forth in a written plan or agreement between the continuing corporation and the Co-operative Central Bank on behalf of the certified corporation.

(2) The consolidation or purchase and sale of assets and the written plan or agreement setting forth such arrangement be approved by a vote of at least two-thirds of the board of directors of the continuing corporation at a meeting duly called for such purpose and by a vote of at least two-thirds of the board of directors of the Co-operative Central Bank at a meeting duly called for such purpose.

(3) The commissioner determines that (a) failure to take immediate action to effect a consolidation or sale of assets of the certified corporation with or to another co-operative bank is likely to undermine public confidence in banks, (b) the best interests of the shareholders of the certified corporation, the shareholders of the continuing corporation and the Co-operative Central Bank will be served by an expedited consolidation or sale of assets, and (c) the public convenience and advantage will be served by the proposed consolidation or sale of assets.

(4) The commissioner approves in writing the proposed consolidation or purchase and sale of assets, subject to such terms

and conditions as may be deemed appropriate by him.

Upon the effective date of any consolidation pursuant to this section, the rights and obligations of the certified corporation, the continuing corporation and their respective shareholders, debtors and creditors shall be governed by paragraphs (1) to (4), inclusive, of the first paragraph and the second and third paragraphs of section twenty-five.

A certificate endorsed by the president and clerk, or two other duly authorized officers of the continuing corporation and the Co-operative Central Bank on behalf of the certified corporation stating that each corporation, respectively, has complied with the requirements of this section, shall be submitted to the commissioner who, if he approves such consolidation or sale of assets, shall endorse said approval upon such certificate and thereupon such consolidation or sale of assets shall become effective at the close of business on such date.

At any time, and from time to time after the consolidation has become effective, copies of the certificate may be certified and issued by the commissioner and may be filed in the several registries of deeds and land court registry districts of the commonwealth and in any filing offices established under chapter one hundred and six. Such certification shall be conclusive evidence for all purposes of the succession by the continuing corporation to all rights and interests of the certified corporation.

In the event the Share Insurance Fund of the Co-operative Central Bank ceases to insure the deposits or shares of a corporation and the commissioner determines that grounds exist to require his immediate assumption of possession and control of its assets under section twenty-two of chapter one hundred and sixty-seven, he shall, upon assumption of possession and control of such corporation's assets, have all powers granted in this section to the Co-operative Central Bank to effect a consolidation or sale of assets on behalf of such corporation.

Section 26A. Any one or more such corporations and any one or more savings banks, as defined in section one of chapter one hundred and sixty-eight may merge or consolidate into a single co-operative bank or into a single savings bank upon such terms as shall have been approved by a vote of at least two-thirds of the board of directors of each corporation and of the board of trustees of each savings bank, and as shall have been approved in writing by the commissioner. The terms of any such merger or consolidation shall be approved by the shareholders of each corporation and corporators of each savings bank in the manner prescribed herein. A request for such approval by the commissioner shall be accompanied by an investigation fee the amount of which shall be determined annually by the commissioner of admin-

istration, a copy of the terms of any agreement reached by the respective boards of directors and trustees, and certified copies of the votes of such boards. If the commissioner, after such notice and hearing as he may require, is satisfied that a merger or consolidation can be effected on terms approved by him and he finds that such merger or consolidation is in the interests of the shareholders and depositors of the institutions concerned, such merger or consolidation may be approved by him subject to his direction. Before becoming effective, any merger or consolidation authorized by this section, hereinafter sometimes referred to as a "consolidation", shall have been approved by a vote of at least two-thirds of the shareholders of each corporation present, qualified to vote and voting at meetings specially called to consider the subject, and approved by a vote of at least two-thirds of the corporators of each savings bank present, qualified to vote, and voting at meetings of each savings bank specially called for that purpose. Notice for such meetings shall be given in accordance with the relevant provisions of section twenty-four of this chapter and section nine A of chapter one hundred and sixty-eight.

A certificate under the hands of the presidents and clerks, or other duly authorized officers of all merging or consolidating corporations and savings banks setting forth that each institution, respectively, has complied with the requirements of this section, shall be submitted to the commissioner, who, if he shall approve such consolidation, shall endorse his approval upon such certificate, and thereupon such consolidation shall become effective. The commissioner shall not endorse his approval thereupon until he has received notice from the Co-operative Central Bank or the insurer for each such other bank that arrangements satisfactory to each insurer have been made for such consolidation. Upon consolidation of any such institutions, as herein provided:

1. The corporate existence of all but one of the consolidating institutions shall be discontinued and consolidated into that of the remaining institution, which shall continue. All and singular the rights, privileges and franchises of each discontinuing institution and its right, title and interest to all property of whatever kind, whether real, personal or mixed, and things in action, and every right, privilege, interest or asset of conceivable value or benefit then existing which would inure to it under the unconsolidated existence, shall be deemed fully and finally, and without any right of reversion, transferred to or vested in the continuing institution, without further act or deed, and such continuing institution shall have and hold the same in its own right as fully as if the same was possessed and held by the discontinuing institution from which it was, by operation of the provisions hereof,

transferred, and other provisions of law relative to limitations on the number of directors, corporators or trustees and on the investment of funds of such institutions shall not apply.

2. A discontinuing institution's rights, obligations and relations to any shareholder, or depositor, creditor, trustee or beneficiary of any trust, or other person, as of the effective date of the consolidation, shall remain umimpaired, and the continuing institution shall, by the consolidation, succeed to all such relations, obligations and liabilities, as though it had itself assumed the relation or incurred the obligation or liability; and its liabilities and obligations to creditors existing for any cause whatsoever shall not be impaired by the consolidation; nor shall any obligation or liability of any shareholder or depositor in any such institution, continuing or discontinuing, which is party to the consolidation, be affected by any consolidation, but such obligations and liabilities shall continue as fully and to the same extent as the same existed before the consolidation and the provisions relative to the limitations on shares and deposits, shall not apply.

3. A pending action or other judicial proceeding to which any of the consolidating institutions is a party shall not be deemed to have abated or to have discontinued by reason of the consolidation, but may be prosecuted to final judgment, order or decree in the same manner as if the consolidation has not been made; or the continuing institution may be substituted as a party to any such action or proceeding to which the discontinuing institution was a party, and any judgment, order or decree may be rendered for or against the continuing institution that might have been rendered for or against such discontinuing institution if such consolidation had not occurred.

4. After such consolidation, a foreclosure of a mortgage begun by any discontinuing institution may be completed by the continuing institution, and publication begun by the discontinuing institution may be continued in the name of the discontinuing institution. Any certificate of possession, affidavit of sale or foreclosure deed relative to such foreclosure shall be executed by the proper officers in behalf of whichever of such institutions actually took possession or made the sale, but any such instrument executed in behalf of the continuing institution shall recite that it is the successor of the discontinuing institution which commenced the foreclosure.

5. A new name may be adopted as the name of the continuing institution at the special meetings called as herein provided, and it shall become the name of the continuing institution upon the approval of the consolidation, without further action under the laws of the commonwealth as to change or adoption of a new name on the part of the continuing institution.

6. Any consolidation may be approved and effected pursuant to this section, notwithstanding that the percentage which the aggregate value of the surplus and other reserves, of any of the consolidating institutions, bears to its liabilities including share liabilities, exceeds such percentage of any of the other consolidating institutions, and any consolidating institution having such an excess of percentage shall not be required to pay an extra dividend or make any other distribution to its shareholders or depositors.

The offices and depots of any co-operative bank and the offices of any savings bank merged or consolidated under this section, may be maintained as branch offices or depots, respectively, of the continuing institution with the written permission of, and under such conditions, if any, as may be approved by the commissioner.

If the consolidating corporations have main offices in different counties, the main office of the continuing corporation shall be the main office of that consolidating corporation which has the greater total assets on the date on which the merger or consolidation is approved by the board of the last consolidating corporation so to approve; provided, however, that upon a determination by the commissioner that such consolidation is not for the purpose of circumventing any geographic restrictions on the establishment of branch offices, he may allow the main office of the consolidating corporation which has the lesser total assets on such date to be the main office of the continuing corporation.

Section 26B. Any one or more such corporations and any one or more federal thrift institutions may merge or consolidate into a single co-operative bank or into a single federal thrift institution, upon such terms as shall have been approved by a vote of at least two-thirds of the board of directors of each corporation and of the board of directors of each federal thrift institution, and as shall have been approved in writing by the commissioner. The terms of any such merger or consolidation shall be approved by the shareholders of each corporation and by each federal thrift institution in the manner prescribed herein. A request for such approval by the commissioner shall be accompanied by an investigation fee the amount of which shall be determined annually by the commissioner of administration, a copy of the terms of any agreement reached by the respective boards of directors, and certified copies of the votes of such boards. If the commissioner, after such notice and hearings as he may require, is satisfied that a merger or consolidation can be effected on terms approved by him and he finds that such a merger or consolidation is in the interests of the shareholders and depositors of the institutions concerned, such merger or consolidation may

be approved by him subject to his direction. Before becoming effective, any merger or consolidation authorized by this section, hereinafter sometimes referred to as a "consolidation", shall have been approved by a vote of at least two-thirds of the shareholders of each corporation present, qualified to vote and voting at meetings specially called to consider the subject, and approved by a vote of each federal thrift institution as required by any applicable law or organization governing such institution.

Notice for such meetings shall be given in accordance with the relevant provisions of section twenty-four and any applicable provision governing a federal thrift institution. A certificate under the hands of the presidents and clerks, or other duly authorized officers of all merging or consolidating corporations and federal thrift institutions setting forth that each institution, respectively, has complied with the requirements of this section, shall be submitted to the commissioner, who, if he shall approve such consolidation, shall endorse his approval upon such certificate, and thereupon such consolidation shall become effective. The commissioner shall not endorse his approval thereupon until he has received notice from the Co-operative Central Bank and the insurer for any such federal thrift institution, that arrangements satisfactory to each insurer have been made for such consolidation. Upon consolidation of any such institutions, as herein provided:

1. The corporate existence of all but one of the consolidating institutions shall be discontinued and consolidated into that of the remaining institution, which shall continue. All and singular the rights, privileges and franchises of each discontinuing institution and its right, title and interest to all property of whatever kind, whether real, personal or mixed, and things in action, and every right, privilege, interest or asset of conceivable value or benefit then existing which would inure to it under an unconsolidated existence, shall be deemed fully and finally, and without any right of reversion, transferred to or vested in the continuing institution, without further act or deed, and such continuing institution shall have and hold the same in its own right as fully as if the same was possessed and held by the discontinuing institution from which it was, by operation of the provisions hereof, transferred, and other provisions of law relative to limitations on the number of directors, corporators or trustees and on the investment of funds of such institutions shall not apply.

2. A discontinuing institution's rights, obligations and relations to any shareholder, or depositor, creditor, trustee or beneficiary of any trust, or other person, as of the effective date of the consolidation, shall remain umimpaired, and the continuing

institution shall, by the consolidation, succeed to all such relations, obligations and liabilities, as though it had itself assumed the relation or incurred the obligation or liability; and its liabilities and obligations to creditors existing for any cause whatsoever shall not be impaired by the consolidation; nor shall any obligation or liability of any shareholder or depositor in any such institution, continuing or discontinuing, which is party to the consolidation, be affected by any consolidation, but such obligations and liabilities shall continue as fully, and to the same extent, as the same existed before the consolidation, and the provisions relative to the limitations on shares and deposits, shall not apply.

3. A pending action or other judicial proceeding to which any of the consolidating institutions is a party shall not be deemed to have abated or to have discontinued by reason of the consolidation, but may be prosecuted to final judgment, order or decree in the same manner as if the consolidation has not been made; or the continuing institution may be substituted as a party to any such action or proceeding to which the discontinuing institution was a party, and any judgment, order or decree may be rendered for or against the continuing institution that might have been rendered for or against such discontinuing institution if such consolidation had not occurred.

4. After such consolidation, a foreclosure of a mortgage begun by any discontinuing institution may be completed by the continuing institution, and publication begun by the discontinuing institution may be continued in the name of the discontinuing institution. Any certificate of possession, affidavit of sale or foreclosure deed relative to such foreclosure shall be executed by the proper officers in behalf of whichever of such institutions actually took possession or made the sale, but any such instrument executed in behalf of the continuing institution shall recite that it is successor of the discontinuing institution which commenced the foreclosure.

5. A new name may be adopted as the name of the continuing institution at the special meetings as herein provided, and it shall become the name of the continuing institution upon the approval of the consolidation, without further action under the laws of the commonwealth as to change or adoption of a new name on the part of the continuing institution.

6. Any consolidation may be approved and effected pursuant to this section, notwithstanding that the percentage which the aggregate value of the guaranty fund, surplus and other reserves, of any of the consolidating institutions, bears to its liabilities including share liabilities, exceeds such percentage of any of the other consolidating institutions, and any consolidating in-

stitution having such an excess of percentage shall not be required to pay an extra dividend or make any other distribution to its shareholders or depositors.

The offices and depots of any co-operative bank and the offices of any federal thrift institution merged or consolidated under this section, may be maintained as branch offices or depots, respectively, of the continuing institution with the written permission of, and under such conditions, if any, as may be approved by the commissioner.

If the consolidating corporations have main offices in different counties, the main office of the continuing corporation shall be the main office of that consolidating corporation which has the greater total assets on the date on which the merger or consolidation is approved by the board of the last consolidating corporation so to approve; provided, however, that upon a determination by the commissioner that such consolidation is not for the purpose of circumventing any geographic restrictions on the establishment of branch offices, he may allow the main office of the consolidating corporation which has the lesser total assets on such date to be the main office of the continuing corporation.

For the purposes of this section, a federal thrift institution shall mean a federal savings and loan association or a federal mutual savings bank which has its main office located in, and is authorized to do business in, the commonwealth.

Section 26C. Notwithstanding any general or special law to the contrary a co-operative bank subject to approval of the commissioner, may convert to a stockholder owned form of corporation.

Any co-operative bank which converts to a stockholder owned form of corporation shall have all the powers and privileges of a co-operative bank.

The commissioner shall prescribe from time to time such rules and regulations as may be necessary or proper in carrying out the provisions of this section. Such regulations shall be similar to regulations promulgated under Title 12 USC 1725 or Title 12 USC 1464; provided, that the commissioner may make such adjustments and exceptions as in his judgment are necessary to carry out the purposes of this section or to facilitate compliance therewith.

Any regulation, or any amendment or repeal of any such regulation issued under the provisions of this section after compliance with all applicable provisions of chapter thirty A shall be submitted to the general court for approval. The 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 have been

complied with. Any regulations filed with the general court under the provisions of this section shall be accompanied by a summary of the regulations in layman's terms. The clerk shall refer such regulations to the joint committee on banks and banking within five days of the filing thereof. The committee shall consider the proposed regulation, amendment or repeal and shall report to the general court within forty-five days whether the same should be adopted in the manner submitted. The clerk of the senate and the clerk of the house of representatives shall recommend to the general court the form and procedure which shall be followed in considering the approval of a proposed regulation, amendment or repeal, provided that approval or disapproval shall be by joint resolution.

The clerk of the senate shall cause any regulation, amendment or repeal, approved by both branches of the general court within seventy-five days from the time of filing of the same with the clerk of the house of representatives, to be forwarded to the governor for his approval; provided, however, that any such regulation, amendment or repeal which is not approved by the general court and the governor within thirty days of such filing shall be deemed to have been disapproved.

If the governor approves any regulation, amendment or repeal submitted to him, as hereinbefore provided, he shall forward the same to the state secretary who shall publish the same in accordance with section five of said chapter thirty A.

Emergency regulations may be adopted during the prorogation of the general court in the manner provided by section five of chapter thirty A; provided, that such regulation shall be filed with the clerk of the house of representatives for submission to the next session of the general court for approval as hereinbefore provided; and provided, further that such regulation shall not remain in force for more than ninety days after the general court has convened for such session.

Section 26D. Any one or more of such stock corporations may, upon compliance with the provisions of section seventy-eight of chapter one hundred and fifty-six B, which are hereby made applicable in all such cases and subject as to any such corporation to the provisions of section eighty-five of chapter one hundred and fifty-six B as modified for the purposes of this section by the provisions hereof, consolidate or merge into any single state or federally-chartered stock corporation. A request for approval by the commissioner of such a consolidation or merger shall be accompanied by an investigation fee, the amount of which shall be determined annually by the commissioner of administration. A certificate under the hands of the presidents and clerks or other duly authorized officers of all merging or

consolidating corporations setting forth that each corporation, respectively, has complied with the requirements of this section shall be submitted to the commissioner. The commissioner shall not endorse his approval thereupon until he has received notice from the insurer for each corporation that arrangements satisfactory to each such insurer have been made for such consolidation. The offices and depots in the commonwealth of any such corporation merged or consolidated under this section may be maintained as branch offices or depots, respectively, of the continuing institution with the written permission of and under such conditions, if any, as may be approved by the commissioner.

If the consolidating corporations have main offices in different counties, the main office of the continuing corporation shall be the main office of that consolidating corporation which has the greater total assets on the date on which the merger or consolidation is approved by the board of the last consolidating corporation so to approve; provided, however, that upon a determination by the commissioner that such consolidation is not for the purpose of circumventing any geographic restrictions on the establishment of branch offices, he may allow the main office of the consolidating corporation which has the lesser total assets on such date to be the main office of the continuing corporation.

For the purposes of this section, the value of the stock of stockholders of a state-chartered stock corporation who have, as provided in section seventy-six or section eighty-five of chapter one hundred and fifty-six B, voted against any action authorized herein shall be ascertained in the manner provided in sections eighty-six to ninety-eight, inclusive, of said chapter one hundred and fifty-six B.

The provisions of section eighty of chapter one hundred and fifty-six B shall apply to consolidations and mergers of state-chartered stock corporations authorized under this section provided that, for this purpose, references in said section eighty to said chapter one hundred and fifty-six B shall be deemed to be the chapter of the General Laws governing such stock corporation, and references in said section eighty to articles of organization, including any special act of incorporation, as from time to time amended.

For the purposes of this section, a state-chartered stock corporation shall mean a trust company or a savings bank or co-operative bank which has converted under applicable provisions of law. A federally-chartered stock corporation shall mean a national banking association or a federal savings and loan association or a federal savings bank which has converted to a stock corporation, which has its main office located in, and is authorized to do business in the commonwealth.

Section 27. Subject to the written approval of the commissioner, any co-operative bank may be dissolved and liquidate its affairs if authorized by a vote passed, at a meeting specially called to consider the subject, by at least two-thirds of the shareholders in a co-operative bank. A committee of three shareholders shall thereupon be elected, and, under such regulations as may be prescribed by the commissioner, shall liquidate the assets, and after satisfying all debts of the corporation shall distribute the remaining proceeds among those entitled thereto in proportion to their respective interests therein.

Section 28. Any such corporation may convert itself into a federal savings and loan association, or other federal agency of a like nature, if authorized by a vote of a majority of all the shareholders of such corporation, entitled to vote, voting in person or by proxy, at a meeting especially called to consider the subject. Notice of such special meeting, containing a statement of the time, place and the purpose of the meeting shall be sent by the clerk of the corporation to each shareholder at his last address appearing upon the records of the corporation, by mail, postage prepaid, at least thirty days before the date of the meeting. Notice of the meeting also shall be advertised three times in one or more newspapers published in the city or town in which the main office of the corporation is situated or if there be no such newspaper, then in one or more newspapers published in the county wherein the town is situated, the last publication to be at least one day before the meeting.

There also shall be mailed with the notice of such special meeting such form of letter concerning the proposed conversion as the commissioner may approve; provided, however, that if the commissioner shall fail to approve the form of such a letter within thirty days after receipt by him of a written request therefor, such corporation may mail with said notice such form of letter as the board of directors may approve.

A proxy used at such meeting shall not be valid unless it is in writing, signed by the shareholder, and is in such form as clearly will enable such shareholder to select and indicate his choice as to whether he favors or opposes the proposed conversion.

After compliance with the first paragraph of this section and approval of such conversion by the shareholders as required thereby and upon the approval of the conversion by the appropriate federal supervising authority to the extent required by applicable provisions of federal law and regulations thereunder, and the issuance by such authority of a federal savings and loan association charter, such corporation shall cease to be a member bank of The Co-operative Central Bank, referred to in section

one of chapter forty-five of the acts of nineteen hundred and thirty-two, as amended, and in section one of chapter seventy-three of the acts of nineteen hundred and thirty-four, as amended, hereinafter called the central bank, and shall cease to be a participating bank in the Co-operative Banks Employees Retirement Association referred to in sections thirty to thirty-two, inclusive.

After receipt by the central bank of notice from the commissioner that he has been notified in writing by such federal supervising authority that the conversion of such corporation has been completed and that such federal charter has been issued to the succeeding federal savings and loan association, and that he has received from the state secretary a certifcate that such corporation, hereinafter called the predecessor corporation, has been duly recorded for dissolution, the following further provisions shall apply:

1. The central bank shall pay to said succeeding association from the fund representing deposits of member banks made pursuant to said chapter forty-five, hereinafter called the reserve fund, an amount equal to not more than the aggregate of all deposits made by the predecessor corporation held in said reserve fund on the effective date of the conversion, less all indebtedness of such corporation to the central bank; provided, that no part of the surplus, undivided profits or other reserves held by the central bank in said reserve fund shall be so paid.

2. An amount equal to the annual assessments paid and which shall have become due and payable by the predecessor corporation while a member bank, to the share insurance fund of the central bank, pursuant to section one of said chapter seventy-three, as amended, shall be retained by the central bank as a charge for insurance of the shares of such corporation while a member of said share insurance fund. All other assessments paid by the predecessor corporation to said share insurance fund pursuant to said chapter seventy-three, as amended, shall continue to be held by the central bank until all losses and estimated losses and expenses of all corporations being assisted by the central bank from said share insurance fund and being liquidated at the time that such corporation ceased to be a member bank shall have been paid or provided for. Thereafter the succeeding association shall be entitled to receive from the central bank the portions, if any, of such other assessments not so paid or required as shall be determined by the central bank with the approval of the commissioner, and such determination shall be final and conclusive upon the central bank, the predecessor corporation and the succeeding association and all other persons then or thereafter interested; provided, that the supreme judicial court

shall have jurisdiction to review and to confirm or modify such determination upon the petition of the predecessor corporation or the succeeding association filed within ten days after receipt thereby of notice of such determination. The central bank, in its discretion and subject to the approval of the commissioner, may make disposition of such other assessments, at any time after such conversion is completed, by adjustment pursuant to an agreement with the predecessor corporation or the succeeding association and may pay thereto such amount as may be so agreed upon.

3. The predecessor corporation or the succeeding association shall, subject to the last sentence of this paragraph, pay to said share insurance fund or make provision for payment thereto of a sum equal to three annual assessments, referred to in said section one of chapter seventy-three at the percentage rate in effect at the time the predecessor corporation ceased to be a member bank and computed on the basis of its share liabilities and notes payable as shown by its last annual report to the commissioner preceding such conversion or, at its option or at the option of the succeeding associations, as shown by the records of the predecessor corporation on the effective date of conversion. Until such sum shall have been paid in full, payments on account thereof shall be made annually or oftener by the predecessor corporation or the succeeding association; provided, however, that not less than one-third of such sum shall be paid annually. If any such one-third shall not be so paid or if, at the end of three years from the time the predecessor corporation ceased to be a member bank such sum shall not have been paid in full, the entire balance thereof may be incurred by the central bank, together with interest thereon, in any manner provided by law for the collection of debts. The predecessor corporation or the succeeding association may authorize the deduction of such sum in whole or in part, from the amount, if any, of the portions of said other assessments to which the succeeding association may be entitled as hereinbefore provided. If, however, by federal law or regulation a federal savings and loan association converting therefrom to a co-operative bank, is required to pay to the federal savings and loan insurance corporation a sum equal to annual premiums or assessments for other than a period of three years, then the number of annual assessments payable to said share insurance fund under this section shall be for the same number of years as is so required.

Section 29. Any federal savings and loan association may convert itself into a co-operative bank upon the same terms and conditions that from time to time shall apply under federal law and regulations to the conversion of a co-operative bank to such

an association; provided, however, that where authority is conferred upon the federal home loan bank board or the federal home loan bank, in the case of a conversion from a co-operative bank to such an association, similar authority, in the case of a conversion from such an association to a co-operative bank, unless otherwise expressly provided in this section, is hereby conferred upon the board of bank incorporation.

Any such association shall first give notice in writing to the board of bank incorporation of its intention to convert to a co-operative bank and shall submit such preliminary financial statements and other information concerning its assets, liabilities and affairs as said board may request, together with a plan for proposed conversion showing the intended treatment of the various classes of its assets and liabilities before and after conversion. The commissioner, at the expense of such association, shall make such examination of its assets, liabilities and affairs as said board may deem advisable in order to determine the qualifications of such association for doing the business of a co-operative bank.

If, after such examination, said board finds that the percentage that the total reserves of such association bears to its total assets is at least equal to the average percentage that the total reserves of all co-operative banks established under this chapter, including surplus accounts, bears to their total assets, said board may approve such application, but if said percentage of reserves of such association is below such average it shall reject such application, provided, however, that if such association shall comply with such conditions as said board determines, within such time as it specifies, it may thereafter approve such application and plan for conversion, as amended. In its approval, said board also may make provision for such association to carry, for a sufficient period to permit their orderly liquidation or transfer into qualified assets and liabilities, assets and liabilities that are not legally proper for co-operative banks under this chapter. It may also approve the retention by such association of its interest, if any, in any employees' retirement associations or funds.

If such application is approved by said board as above provided, such association shall cause to be filed with the state secretary the name, residence and post-office address of each of the officers and directors of such association, a copy of its proposed by-laws amended to conform with the requirements of section seven and such other information as said secretary may require.

After approval of such conversion by said board, and receipt by it of satisfactory evidence that all provisions of federal laws and regulations relative to such conversion have been or will be duly complied with, the said board shall cause to be filed with

the state secretary a certificate of its approval. After receipt of such certificate by said state secretary, if he finds that the requirements of this section have been satisfactorily complied with, he shall so certify and upon receipt of a fee, the amount of which shall be determined annually by the commissioner of administration under the provision of section three B of chapter seven, said secretary shall issue to said officers and directors in such form as he may prescribe, a certificate of incorporation as a co-operative bank.

Simultaneously with the receipt of such certificate such bank, hereinafter referred to as the succeeding corporation, shall become a member of The Co-operative Central Bank, hereinafter called the central bank, and of the share insurance fund thereof, referred to in section twenty-eight. Before such succeeding corporation shall commence business as a co-operative bank, it shall pay into the reserve fund, referred to in said section twenty-eight of the central bank, an amount equal to the deposit required of a member bank thereof of similar size, as of the date of said certificate, plus such additional amount based upon the surplus of said reserve fund, as the directors of the central bank, with the approval of the commissioner, shall determine to be equitable.

In addition to the payment to said reserve fund, the succeeding corporation shall pay to said share insurance fund or make provision for payment thereto of a sum based upon the relation which the total amount of all assessments, referred to in section one of chapter seventy-three, paid into said share insurance fund by all member banks, exclusive of annual assessments, plus the amount of the earned surplus account of said fund, less all losses and expenses incurred by said fund with respect to co-operative banks which it has assisted or liquidated, bears to the insured liabilities of all member banks; provided, that such payment shall be not less than the sum of six times the average applicable annual assessments paid by member banks during the preceding five years; and provided, further, that the succeeding corporation shall pay to said share insurance fund such proportion of the current annual assessment as shall have accrued to the date of said certificate.

After compliance with the foregoing requirements, the succeeding corporation shall thereafter be entitled to exercise all of the rights and privileges, and shall be subject to all of the duties and obligations of a co-operative bank and shall conduct its business subject to the provisions of this chapter and of other applicable laws; provided that, with the approval of the commissioner, the succeeding corporation shall have reasonable time after the effective date of the conversion within which to comply

with any particular provisions of such laws not hereinbefore specifically provided for and which it shall be unable to comply with on or before said date.

Section 30. Fifteen or more co-operative banks may form the Co-operative Banks Employees Retirement Association, in this section and in sections thirty-one and thirty-two called the association, for the purpose of providing pensions for eligible employees of the participating banks who retire on account of age or disability. The association, in its name and by or through its authorized officers, may (a) make agreements and investments subject to such limitations as from time to time may be prescribed by law or the by-laws of the association, (b) sue and be sued, plead and be pleaded, (c) enforce liens and other obligations and foreclose mortgages held by the association on or with respect to real or personal property situated in the commonwealth or in any state or territory of the United States, (d) adopt an official seal and alter the same at pleasure, and (e) do such other acts and things as may be necessary to carry out the powers conferred upon it by law and its by-laws.

All co-operative banks established under the laws of the commonwealth, the Co-operative Bank League of Massachusetts, the Co-operative Banks Employees Retirement Association, The Co-operative Central Bank, and such other Massachusetts co-operative bank organizations as from time to time may be provided for in the by-laws of the association, and such of the respective employees of each of the foregoing as may be provided by such by-laws, shall be eligible for membership in the association. For the purposes of this section and sections thirty-one and thirty-two a reference to "bank" or "banks" shall, unless the context otherwise requires, mean and include any or all of the organizations named or referred to in this paragraph, and a reference to "board of directors" of a bank shall also, unless the context otherwise requires, mean and include the governing body of each of such organizations.

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 board of directors, but its contributions for current service, as defined in the by-laws, on account of any employee shall not exceed fifteen per cent of his compensation. A participating bank may also contribute for 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 sixty per cent of the highest average salary for any three successive years of an employee's participation.

In the event that any employee who has been continuously in the employ of such a bank for ten years or more becomes incapacitated for further service by reason of physical or mental disability before age sixty-five, the employing bank may pay him a pension in an amount not to exceed two per cent of his average salary for the three years preceding the date of retirement for each year, not exceeding thirty years, of continuous service with any and all banks as defined in the second paragraph of this section. Any pension paid on account of disability may be discontinued when such pensioner substantially recovers his earning capacity or attains age sixty-five or the date the employee elects to have his pension annuity commence.

The funds contributed by participating banks and member employees shall be held or used by the trustees of the association for the purchase of annuities or payment of pensions to eligible employees upon their retirement from service, for the payments to beneficiaries or representatives of any member employee of the participating bank dying before reaching the age of retirement, and for the payment to any such employee retiring from service before becoming entitled to a pension or annuity. Expenses necessary for the administration of the association shall be paid by participating banks, on a proportionate basis as provided in the by-laws.

A bank, by vote of its board of directors, may directly or indirectly by means of a contribution to one or more of the trust funds held by the trustees of the association supplement the retirement benefits being paid to its former employees or their beneficiaries on account of bank service, provided that no supplement of a retirement benefit shall exceed the retirement benefit multiplied by the increase in the cost of living since the retirement benefit began. The increase in the cost of living is the percentage by which the national monthly consumer price index figure for all urban consumers issued by the bureau of labor statistics of the United States Department of Labor for the last November before the year in which payment is made is greater than the beginning index figure. The beginning index figure is the average of such monthly consumer price index figures for the year in which a retirement benefit was first paid to or with respect to a former employee. Except with respect to supplements first voted by the bank's board of directors on or after January first, nineteen hundred and eighty-one and which are paid through one or more of the trust funds held by the trustees of the association, no bank may become obligated to pay in future years any supplement authorized by this paragraph.

Section 31. The by-laws of the association shall be submitted to the commissioner and shall prescribe the manner in which, and

the officers and agents by whom, the association may be conducted and the manner in which its funds may be invested and paid out. Such association shall be formed when its by-laws have been approved and agreed to by a majority of the directors of each of fifteen or more co-operative banks, and have been approved by the commissioner. Such association shall annually, on or before December first, report to the commissioner such statements of its membership and financial transactions for the year ending on the preceding October thirty-first as the commissioner may consider necessary to show its business and standing. The commissioner may verify such statement by an examination of the books and papers of the association.

The association shall not be subject to chapter thirty-two or chapter one hundred and seventy-five or to such other provisions of law as relate to insurance companies or other retirement associations.

Section 32. The property of the association, the portion of the wages or salary of any employee deducted or to be deducted under, or under authority of, sections thirty and thirty-one the right of an employee to an annuity or pension, and all his rights in the funds of the association, shall be exempt from taxation and from the operation of any law relating to insolvency, and shall not be attached or taken on execution or other process to satisfy any debt or liability of the association, a participating bank, or any employee member or of the association. No assignment of any right in or to said funds or of any pension or annuity payable under said section thirty shall be valid, except that deferred annuity contracts purchased by a participating bank on account of past service of eligible employees may be assigned to such bank prior to actual retirement.

Nothing in this section shall prevent an employee's annuity or pension from being attached, taken on execution, assigned or subject to other process to satisfy a support order under chapters two hundred and eight, two hundred and nine, or two hundred and seventy-three.

SECTION 47. Section twenty-six of chapter one hundred and seventy-one of the General Laws is hereby repealed.

SECTION 48. Said chapter 171 is hereby further amended by adding the following section:-

Section 37. Section six of chapter one hundred and sixty-seven C; sections nine, ten, thirteen, fourteen, fifteen, eighteen, nineteen, twenty-three, twenty-six, twenty-seven, twenty-eight and thirty-one of chapter one hundred and sixty-seven D; paragraph 10 of subsection B of section two, section three and

paragraphs 10, 11 and 14 of section six of chapter one hundred and sixty-seven E; paragraphs 10, 16, 17, 18, 19 and 20 of section two of chapter one hundred and sixty-seven F and section four of said chapter one hundred and sixty-seven F shall apply to credit unions.

SECTION 49. Section 11 of chapter 172 of the General Laws is hereby amended by striking out paragraph (a), as most recently amended by section 373 of chapter 572 of the acts of 1980, and inserting in place thereof the following paragraph:-

(a) After such notice and hearing as the board may prescribe, a trust company may, with the approval of the board, establish and operate one or more branch offices in the city or town where its principal office is located, in any other city or town in the same county having no commercial banking facilities or having banking facilities which, in the opinion of the board, are inadequate for the public convenience, or on a site in the commonwealth within forty miles from the premises of the principal office in any city or town in another county having no commercial banking facilities or having facilities which, in the opinion of the board, are inadequate for the public convenience. All petitions for the establishment of a branch office shall state therein the specific area, location or street address, if available where such proposed branch is to be located. All such petitions shall be accompanied by payment of an investigation fee for each branch office applied for, the amount of which shall be determined annually by the commissioner of administration under the provision of section three B of chapter seven. A branch office so authorized shall be established within one year of the board's approval thereof, except that the board may extend the time in which such branch may be established, without further notice or hearing unless the board shall order it. If the board refuses to grant a petition for the establishment of a branch office, no further action may be taken by the petitioner in relation to such branch office during the year following the date of such refusal except with the approval of the board, but the petitioner may as of right renew his petition to establish such branch office after the expiration of one year from the date of such refusal; provided, however, that not more than three applications by a trust company to establish a branch office under this paragraph outside of the county wherein its principal office is located shall be approved in any calendar year.

SECTION 50. Section 11 of said chapter 172 is hereby amended by striking out paragraph (b), as most recently amended by section 5 of chapter 80 of the acts of 1981, and inserting in place

thereof the following paragraph:-

(b) With the approval of the commissioner under such conditions as he may prescribe, such corporation may maintain as a branch office or offices any office in the commonwealth of any state-chartered bank or any federally-chartered bank the business of which has been taken over under section thirty-two or thirty-eight or under section seventy-three of chapter one hundred and sixty-seven. No trust company shall be given permission pursuant to this section more than three times in any one calendar year either to take over a bank under section thirty-two or thirty-eight whose main office is located outside 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 51. Said chapter 172 is hereby amended by striking out section 32, as appearing in section 1 of chapter 493 of the acts of 1961, and inserting in place thereof the following section:-

Section 32. With the approval of the commissioner, a trust company may advance or loan upon, or purchase the whole or any part of the assets or stock of any state-chartered bank or of any federally-chartered bank including trust companies in possession of the commissioner under sections twenty-two to thirty-six, inclusive, of chapter one hundred and sixty-seven, and may participate in such an advance, loan or purchase with one or more other such banks. Such advance, loan or purchase may be made upon such terms and conditions as shall have been approved by vote of at least two-thirds of the directors of the trust company and the applicable board of such other bank. A trust company making or participating in such advance, loan or purchase for the purpose of effecting the same, may assume and agree to pay the whole or any part of the deposit and other liabilities of any such bank upon such terms and conditions and subject to such adjustments as may be approved by the commissioner. In the event of such approval by the commissioner, other provisions of law applicable to the investment of funds of trust companies and to the limitations upon deposits therein shall not apply. In the case of any new trust company formed for the purpose of purchasing any or all of the assets and assuming any or all of the liabilities of any trust company in his possession under said sections, he may impose such other and further conditions and restrictions concerning the business, investments and operation of such new trust company as he may deem necessary or advisable.

The commissioner shall not endorse his approval thereupon un-

til he has received notice that arrangements satisfactory to each affected insurer have been made for such action.

So much of section sixteen as provides that no person shall hold an office in two trust companies at the same time shall not prevent an officer or director of any other trust company from serving as an officer or director of such new trust company or of any other bank the assets and liabilities or stock of which shall have been purchased and assumed by a trust company hereunder.

For the purpose of this section, a federally-chartered bank shall mean a federal savings bank, a federal savings and loan association and a national banking association which has its main office located in, and is authorized to do business in, the commonwealth.

SECTION 52. Subsection A of section 38 of said chapter 172, as most recently amended by section 375 of chapter 572 of the acts of 1980, is hereby further amended by adding the following clause:-

(4) Any one or more such stock corporations may, upon compliance with the provisions of section seventy-eight of chapter one hundred and fifty-six B, which are hereby made applicable in all such cases and subject as to any such corporation to the provisions of section eighty-five of chapter one hundred and fifty-six B as modified for the purposes of this section by the provisions hereof, consolidate or merge into any single state or federally-chartered stock corporation. A request for approval by the commissioner of such a consolidation or merger shall be accompanied by an investigation fee, the amount of which shall be determined annually by the commissioner of administration under the provision of section three B of chapter seven. A certificate under the hands of the presidents and clerks or other duly authorized officers of all merging or consolidating corporations setting forth that each corporation, respectively, has complied with the requirements of this section shall be submitted to the commissioner. The commissioner shall not endorse his approval thereupon until he has received notice from the insurer for each corporation that arrangements satisfactory to each such insurer have been made for such consolidation. The offices and depots in the commonwealth of any such corporation merged or consolidated under this section may be maintained as branch offices or depots, respectively, of the continuing institution with the written permission of and under such conditions, if any, as may be approved by the commissioner.

If the consolidating corporations have main offices in different counties, the main office of the continuing corporation shall be

the main office of that consolidating corporation which has the greater total assets on the date on which the merger or consolidation is approved by the board of the last consolidating corporation so to approve; provided, however, that upon a determination by the commissioner that such consolidation is not for the purpose of circumventing any geographic restrictions on the establishment of branch offices, he may allow the main office of the consolidating corporation which has the lesser total assets on such date to be the main office of the continuing corporation.

For the purposes of this section, the value of the stock of stockholders of a state-chartered stock corporation who have, as provided in section seventy-six or section eighty-five of chapter one hundred and fifty-six B, voted against any action authorized herein shall be ascertained in the manner provided in sections eighty-six to ninety-eight, inclusive, of said chapter one hundred and fifty-six B.

The provisions of section eighty of chapter one hundred and fifty-six B shall apply to consolidations and mergers of state-chartered stock corporations authorized under this section provided that, for this purpose, references in said section eighty to said chapter one hundred and fifty-six B shall be deemed to be the chapter of the General Laws governing such stock corporation, and references in said section eighty to articles of organization, including any special act of incorporation, as from time to time amended.

For the purposes of this section, a state-chartered stock corporation shall mean a trust company or a savings bank or cooperative bank which has converted under applicable provisions of law. A federally-chartered stock corporation shall mean a national banking association or a federal savings and loan association or a federal savings bank which has converted to a stock corporation, which has its main office located in, and is authorized to do business in, the commonwealth.

The provisions of this clause shall not apply to a consolidation or merger authorized by clause (a).

SECTION 53. Said section 38 of said chapter 172 is hereby further amended by striking out subsection D, as amended by section 8 of chapter 293 of the acts of 1979, 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, however, 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; provided, further, that upon a determination by the commissioner that such consolidation is not for the purpose of circumventing any geographic restrictions on the establishment of branch offices, he may allow the main office of the consolidating corporation which has the lesser total assets on such date to be the main office of the continuing corporation.

SECTION 54. Section 48 of said chapter 172 is hereby amended by striking out clause 7, as appearing in section 1 of chapter 493 of the acts of 1961, and inserting in place thereof the following clause:-

7. To invest in (a) the capital stock of any other trust company or a national banking association incorporated or doing business in the commonwealth and (b) the stock of a savings bank, co-operative bank, federal savings and loan association or federal savings bank; provided that a bank or association, the stock of which is invested in under subclause (b) meets the criteria established by the commissioner.

SECTION 55. Section 48A of said chapter 172 is hereby amended by striking out clause (a), as amended by chapter 42 of the acts of 1979, and inserting in place thereof the following clause:-

(a) Such corporation may make or acquire loans upon real estate for any purpose secured by a mortgage other than a first lien, of the several classes specified in paragraphs 1, 2, 3, 4, 5, 6 and 6A of subsection B of section fifty-five subject in each instance to the provisions and limitations applicable to the particular class except that, any provision of said section fifty-five notwithstanding, the note or mortgage need not require payment of a proportionate part of the estimated real estate taxes and betterment assessments on the mortgaged real estate, such loan may be made or acquired without regard to the location of the real estate loaned upon, and such loan may be made or acquired for an amount less than or equal to the greater of twenty-five thousand dollars or the amount by which the loan limitation applicable to the particular class under said section fifty-five exceeds the principal balance outstanding on any first mortgage loan secured by a mortgage on the property loaned upon. In any case in which loans of the particular class are subject by

said section fifty-five to a limitation upon the aggregate balance of principal outstanding on loans of that class, such aggregate balance shall be determined by adding the aggregate balance of principal outstanding on loans of that class authorized by said section fifty-five to the aggregate balance of principal outstanding on loans of the same class authorized by this section. In any case in which loans of the particular class are subject by said section fifty-five to a condition that the mortgagor furnish to the committee an affidavit that the mortgagor does not require junior financing, such condition shall be deemed satisfied by an affidavit which states that the mortgagor requires no further junior financing.

SECTION 56. Paragraph 5 of subsection B of section 55 of said chapter 172, as appearing in chapter 407 of the acts of 1980, is hereby amended by striking out the fifth sentence and inserting in place thereof the following sentence:- The maximum sum for a loan of this class to be made or acquired shall be determined by regulation of the commissioner.

SECTION 57. Paragraph 6 of said subsection B of said section 55 of said chapter 172, as so appearing, is hereby amended by striking out the fifth sentence and inserting in place thereof the following sentence:- The maximum sum for a loan of this class to be made or acquired shall be determined by regulation of the commissioner.

SECTION 58. Paragraph 6A of said subsection B of said section 55 of said chapter 172, as so appearing, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:- The maximum sum for a loan of this class to be made or acquired shall be determined by regulation of the commissioner.

SECTION 59. The first paragraph of paragraph 6B of said subsection B of said section 55 of said chapter 172, as appearing in section 4 of chapter 267 of the acts of 1981, is hereby further amended by striking out the fourth sentence and inserting in place thereof the following sentence:- The maximum sum for a loan of this class to be made or acquired shall be determined by regulation of the commissioner.

SECTION 60. The General Laws are hereby further amended by striking out chapter 172 and inserting in place thereof the following chapter:-

CHAPTER 172
TRUST COMPANIES.

Section 1. Wherever used in this chapter, unless the context

otherwise requires, the following words shall have the following meanings:-

"Board" or "board of bank incorporation", a board consisting of the commissioner of banks, the commissioner of revenue, and the state treasurer.

"Capital stock", the sum of the par value of the preferred and common shares of capital stock, issued and outstanding.

"Commissioner", the commissioner of banks.

"Common stock", the shares of capital stock of a trust company, other than preferred stock, issued under the provisions of this chapter.

"Deposit book" or "pass book", the book or other instrument issued to a depositor as evidence of his savings account.

"Incorporators", subscribers to the agreement of association for the purpose of forming a trust company under the provisions of this chapter.

"Officer", any individual designated as such in accordance with the by-laws including, whether or not so designated, the president, vice-president, treasurer, and the clerk or secretary, or any individual who performs the duties appropriate to those offices.

"Stockholder", a registered owner of shares of capital stock of a trust company.

"Surplus account", an account so designated on the books of a trust company and consisting of such amounts as shall be required by law or shall be transferred thereto by vote of the board of directors, which may not be reduced except by vote of the board of directors, and with the written approval of the commissioner.

"Trust company" or "such corporation", a trust company incorporated as such in the commonwealth.

Section 1A. A trust company shall have all the powers expressly granted by law and whatever further incidental powers may fairly be implied from those expressly conferred and such as are reasonably necessary to enable it to exercise fully those powers according to common or accepted banking customs and usages.

Section 2. (a) Except as herein otherwise specifically provided, this chapter shall apply to all trust companies.

(b) A trust company doing business under a charter issued prior to May twenty-eighth, eighteen hundred and eighty-eight, shall not be subject to any provision of this chapter which is inconsistent with its charter or any provision of its by-laws adopted pursuant to its charter. Such trust company may adopt as part of its charter this chapter, or any provision thereof, by vote of a majority of its stockholders at its annual meeting or at

a meeting called for the purpose and by filing within ten days from the date of such meeting, with the state secretary and with the commissioner, a certificate of such adoption sworn to by the clerk of such trust company.

Section 3. No person, other than a trust company, shall use the words "trust company", even though said words may be separated by one or more other words, as part of his or its name or in any representation describing his or its business, powers, services or functions. Any person who violates this section shall be punished by a fine of one hundred dollars for each day during which such violation continues.

Section 4. A trust company shall upon its incorporation have such capital structure as the board of bank incorporation shall deem adequate but not less than the following:

(a) Capital stock as follows:

Located in a city or town having a population of	Minimum Capital Stock
Less than 50,000	$100,000.00
50,000 or more	200,000.00

(b) A surplus account amounting to fifty per cent of its capital stock.

(c) An undivided profits account amounting to fifty per cent of its capital stock.

Section 5. Fifteen or more individuals who associate themselves by a written agreement for the purpose of forming a trust company may, upon compliance with sections four to nine, inclusive, become a corporation, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws relating to such corporations. The agreement of association shall specifically state:

(a) That the subscribers thereto associate themselves with the intention of forming a corporation;

(b) The name by which the corporation shall be known;

(c) The location of the principal office of the corporation, which shall be within the commonwealth;

(d) The purposes for which the corporation is formed and the nature of the business to be transacted;

(e) The amount and classes of its capital stock, and the number of shares into which any class is to be divided;

(f) The amount of the surplus account;

(g) The amount of the undivided profits account; and

(h) The name of each incorporator and his residence, post office address, and the number of shares of capital stock, if any, which he agrees to take and the class or classes of such shares.

Each incorporator shall subscribe his name to the agreement of association.

Section 6. A notice of the intention of the subscribers to form such a trust company shall be given to the board of bank incorporation.

A notice in such form as said board shall approve, shall be published at least once a week, for three successive weeks, in one or more newspapers designated by the board, and published in the city or town in which it is proposed to establish the trust company, or if there is no newspaper in such city or town, in a newspaper published in the city or town which is nearest to the proposed location. Such notice shall specify the names of the proposed incorporators, the name of the corporation and the location of the same, as set forth in the agreement of association. Within thirty days after the first publication of said notice the subscribers to said agreement shall apply to the board for a certificate that public convenience and advantage will be promoted by the establishment of such trust company. Such an application for a proposed trust company or proposed credit union shall be accompanied by an investigation fee, the amount of which shall be determined by the commissioner of administration under the provision of section three B of chapter seven. In determining whether the public convenience and advantage will be promoted by the establishment of such trust company, the board shall consider the adequacy of its capital structure, the general character of its management, the adequacy of banking facilities in the area, and the convenience and needs of the community to be served. The board may grant such certificate, which shall be deemed to be revoked if the applicants therefor do not become incorporated and begin business within one year after its date of issue. If the board refuses to issue such certificate, no further proceeding may be taken by the applicant during the year next following the date of such refusal except with the approval of the board, but the applicant may renew his application as of right after one year from the date of such refusal, and he may dispense with further notice or publication unless the board orders such notice or publication.

Section 7. The first meeting of the incorporators shall be called by a notice signed either by that incorporator who is designated in the agreement for the purpose, or by a majority of the incorporators, and such notice shall state the time, place and purposes of the meeting. A copy of the notice shall, at least seven days before the day appointed for the meeting, be given to each incorporator or left at his residence or usual place of business, or deposited in the post office, postage prepaid, and addressed to him at his residence or usual place of business, and another copy thereof and an affidavit of one of the signers that the notice has been duly served shall be recorded with the re-

cords of the corporation. If all the incorporators shall, in writing endorsed upon the agreement of association, waive such notice and fix the time and place of the meeting, no notice shall be required. At such first meeting, or at any adjournment thereof, the incorporators shall organize by the choice by ballot of a temporary clerk who shall be sworn, by the adoption of by-laws and by the election in such manner as the by-laws may determine, of directors, a clerk or secretary, and such other officers as the by-laws may prescribe. The temporary clerk shall make and attest a record of the proceedings until the clerk or secretary has been chosen and sworn, including a record of such choice and qualification.

Section 8. The clerk or secretary and a majority of the directors elected at such first meeting shall make and sign under penalties of perjury articles of organization in duplicate, setting forth-

(a) A true copy of the agreement of association, the names of the subscribers thereto, and the name, residence and post office address of each of the officers and directors of the company;

(b) The date of the first meeting and the successive adjournments thereof, if any.

One duplicate original of the articles so signed shall be submitted to the commissioner, and the other, together with the records of the proposed corporation, to the state secretary, who shall examine the same, and who may require such amendment thereof or such additional information as he may consider necessections relative to the organization of the corporation and that section six has been complied with, he shall so certify and endorse his approval thereon. The articles shall be filed within thirty days thereafter in the office of the state secretary, who, upon receipt of a fee, the amount of which shall be determined annually by the commissioner of administration under the provision of section three B of chapter seven, said state secretary shall issue a certificate of incorporation in the following form:

COMMONWEALTH OF MASSACHUSETTS

Be it known that whereas (the names of the subscribers to the agreement of association) have associated themselves with the intention of forming a corporation under the name of (the name of the corporation), for the purpose (the purpose declared in the agreement of association), with a capital stock of (the amount fixed in the agreement of association), and have complied with the statutes of the commonwealth in such case made and provided, as appears from the articles of organization of said corporation, duly approved by the state secretary and recorded in this of-

fice: Now, therefore, I (the name of the state secretary), secretary of the commonwealth of Massachusetts, do hereby certify that said (the names of the subscribers to the agreement of association), their associates and successors, are legally organized and established as, and are hereby made, an existing corporation under the name of (name of the corporation), with the powers, rights and privileges, and subject to the limitations, duties and restrictions, which by law appertain thereto.

Witness my official signature hereunto subscribed and the great seal of the commonwealth of Massachusetts hereunto affixed, this day of in the year (the date of the filing of the articles of organization).

The state secretary shall sign the certificate of incorporation and cause the great seal of the commonwealth to be thereto affixed, and such certificate shall have the force and effect of a special charter. The existence of every such corporation shall begin upon the filing of the articles of organization in the office of the state secretary. He shall also cause a record of the certificate of incorporation to be made, and such certificate, or such record, or a certified copy thereof, shall be conclusive evidence of the existence of such corporation.

Section 9. When all the capital stock has been issued, a list of the stockholders, with the name, residence and post office address of each, and the number of shares in each class held by each stockholder, shall be filed with the board of bank incorporation, which list shall be verified by the clerk of the corporation. Upon receipt of such list the board shall cause an examination to be made of the method of payment of the capital stock, of the personnel of the corporation, including the officers and directors thereof, and if, after such examination, it appears that the whole capital stock, surplus account and undivided profits account have been paid in cash, that all requirements of law have been complied with, that the bank is a member of the Federal Deposit Insurance Corporation, and that the qualifications of the personnel are satisfactory, the board shall, if satisfied that the public convenience and advantage will be promoted thereby, issue a certificate authorizing such corporation to begin the transaction of business. No such corporation shall begin the transaction of business until such a certificate has been granted.

Section 10. Notwithstanding any other provision of law, the board of bank incorporation may grant a certificate, if satisfied that the public convenience and advantage will be promoted, to establish a trust company, owned as provided in section eight-one hundred and two of chapter one hundred and six, for the sole purpose of holding, receiving, and delivering securities and

making book entries with respect to the transfer and pledge or the transfer and pledge thereof as a clearing corporation and as a custodian bank for other clearing corporations as contemplated by sections eight-one hundred and two and eight-three hundred and twenty of said chapter one hundred and six; provided, however, that said trust company shall not receive deposits, loan moneys, act in any other fiduciary capacity or as transfer agent or registrar of stocks, or otherwise carry on a banking business under the laws of the commonwealth.

Section 11. Such corporation may adopt by-laws for the proper management of its affairs and may establish regulations controlling the assignment and transfer of its shares. A majority in interest of the stockholders entitled to vote shall constitute a quorum at any meeting unless the by-laws require more than a majority. A copy of the by-laws and a copy of any regulations established hereunder shall be transmitted to the commissioner. A copy of any change in or amendment to any by-law or regulation shall be transmitted to the commissioner immediately after adoption. To all copies there shall be appended a written statement, signed by the clerk or secretary and the president, declaring that the copies are true and correct. The statement shall contain a declaration that it is made under the penalties of perjury. Said copies shall be kept in a suitable place by the commissioner and shall be competent evidence in all cases, equally with the originals thereof.

Section 12. Stockholders entitled to vote may vote in person or by proxy. No proxy dated more than six months before the date of the meeting named therein shall be valid, and no proxy shall be valid after the final adjournment of such meeting. A proxy with respect to stock held in the name of two or more persons shall be valid if executed by any one of them unless at or prior to the exercise of the proxy such corporation receives a specific written notice to the contrary from any one of them. A proxy purporting to be executed by or on behalf of a stockholder shall be deemed valid unless challenged at or prior to its exercise, and the burden of proving invalidity shall rest on the challenger.

Section 13. The business of such corporation shall be managed by a board of not less than seven nor more than twenty-five directors. Three-fourths of the directors shall be citizens of the commonwealth and resident therein. The directors shall be elected, in such manner as is provided in the by-laws, by the stockholders at their annual meeting or at a special meeting called for the purpose; provided, however, that if the by-laws so prescribe, a number of directors, not exceeding two, may be elected by vote of a majority of the directors then in office.

The directors shall hold office for such term, not exceeding three years, as is provided in the by-laws and until their successors are selected and have qualified. A director shall be eligible for reelection. Any vacancy in the board may be filled by appointment by the remaining directors and any director so appointed shall hold his office until the next election.

Each director shall own, in his own right and free of any lien or encumbrance, common stock, either of such corporation or of a company owning seventy-five per cent of the stock of such corporation, having a par value of not less than one thousand dollars. Any director who ceases to be the owner of the required number of shares of stock, or who becomes in any other manner disqualified, shall vacate his office forthwith. Each director, when appointed or elected, shall take an oath that he will faithfully perform the duties of his office and that he is the owner, in his own right and free of any lien or encumbrance, of the amount of stock required by this section. The oath shall be taken before a notary public or justice of the peace, who is not an officer of such corporation, and a record of the oath shall be made a part of the records of such corporation.

Each such corporation shall have an executive committee of not less than three members, who shall be elected by and from the directors and shall hold office during their pleasure.

Section 14. The clerk or secretary shall be elected by the stockholders at their annual meeting or at a special meeting duly called for the purpose.

The president shall be elected by and from the board of directors and shall be chairman thereof unless the board designates a director in lieu of the president to be chairman. The directors shall elect the treasurer and such other officers as may be required or permitted by law or by-law. The officers elected by the board shall hold their respective offices during the pleasure of the directors. The directors may fill a vacancy in the office of clerk or secretary until the next meeting of the stockholders.

Section 15. The officers of such corporation shall be a president, a clerk or secretary, a treasurer and such other officers as may be prescribed in accordance with its by-laws, and they shall be sworn to the faithful performance of their duties, and shall give to the corporation bond in such amounts and with such surety or sureties and conditions as the commissioner may prescribe. Any officer and employees required to give bond may be included in one or more blanket or schedule bonds; provided, that such bonds are approved by the commissioner as to the amounts and conditions thereof, and as to the sureties thereon.

Section 16. The board of directors shall meet at least once in

each calendar month. At intervals of not more than two months each, the treasurer or any other officer designated by the board of directors shall submit to a meeting of the board of directors a written report, over his signature, for the period running from the closing date of the last report to a date not more than eighteen days prior to the date of the meeting at which the report is submitted. Such report shall be filed with the records of the meeting and shall be retained for a period of six years from the date of the meeting; such report shall cover the following transactions:

1. All changes in investments, including a list of the securities purchased or sold.

2. All changes in any reserve or contingency account, however designated, and an itemized list of the credits and debits to profit and loss and reserve accounts.

3. Lists of the following loans, the date thereof, and the date to which interest has been paid, setting forth the total liabilities of the borrower to the corporation, both secured and unsecured:

(a) All loans payable on demand in excess of five thousand dollars each, other than real estate mortgage loans;

(b) All time loans in excess of five thousand dollars each, overdue for more than thirty days, other than real estate mortgage loans;

(c) All real estate mortgage loans on which interest is more than six months in arrears;

(d) All real estate mortgage loans concerning which any tax upon the underlying security is more than twelve months overdue; and

(e) All real estate mortgage loans concerning which any tax upon the underlying security has been paid by and not repaid to such corporations, specifying the amounts of taxes so paid and the years for which they were paid.

4. A statement setting forth the number and aggregate amount of all real estate mortgage loans exceeding legal limitations based on valuation, together with the aggregate of the excess, and indicating the number, aggregate amount and aggregate excess of such loans concerning which no principal payment program is in operation; and

5. A list of all loans, secured or unsecured, and discounts of any borrower including both direct and indirect liabilities made during such period which brings the aggregate of the liabilities of such borrower to an amount in excess of five thousand dollars, with a notation of any line of credit possessed by such borrower.

Upon application in writing by any such corporation the commissioner in his discretion may waive or modify the list of transactions to be included in such report.

Section 17. In addition to the duties imposed by law upon the treasurer of a bank, or the officer or employee thereof charged with the duties and functions usually performed by the treasurer, he shall also be responsible for the performance of all acts and duties required of such corporation by the provisions of chapters one hundred and sixty-seven or one hundred and seventy-two except in so far as much performance has been expressly imposed on some other officer or employee of such bank by its regulations or by-laws or by provision of law.

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.

Such trust company shall be required to make an annual report to the commissioner of any loan or extension of credit in any manner to any officer, director or majority shareholder of said trust company. Said trust company shall also be required to make an annual report to the commissioner of any loan or extension of credit in any manner to a fraternal organization, voluntary association, partnership or corporation, the majority interest of which is owned or controlled by an officer, director or majority shareholder of said trust company.

Said report to the commission shall consist of, but not be limited to, the following: (a) the original amount of the loan, (b) the date of the loan, (c) the type of loan, (d) if the loan is secured in any manner, the type of secured asset and its valuation, (e) the terms of the payment, (f) the current balance, and (g) the amount of any principal or interest payments in default, if any, and the length of time of such default.

Section 19. No person shall serve as a director, officer or employee of a trust company if he is, at the same time, engaged, individually or as a partner, in the business of making loans secured by stock or bond collateral or is a director, officer or employee of any person engaged in such business if such business

is not subject to the supervision of the commissioner. After January first, nineteen hundred and seventy-five, a director or other officer of a trust company may at the same time be a director, trustee or other officer of a savings bank, co-operative bank or credit union, state or federally chartered savings and loan association, trust company, or national banking association if, in such case, there is in force a permit therefor issued by the commissioner in writing with the reasons thereon stating why the public interest warrants its issuance, after reasonable notice and an opportunity to be heard, who is hereby authorized to issue such permit if, in his judgment, it is not incompatible with the public interest, and to revoke any such permit whenever he finds, after reasonable notice and opportunity to be heard, that the public interest warrants its revocation except that the provisions of this section shall not apply to any director or other officer who held such position at the incorporation of said trust company. Any person serving as a director or other officer of a trust company that does not make real estate mortgage loans and does not accept savings deposits from natural persons, may at the same time serve as a director, corporator, trustee or other officer of a savings bank, co-operative bank, state or federally chartered savings and loan association, or national banking association.

Section 20. No officer, director, employee or attorney of a trust company shall be a beneficiary of or receive, directly or indirectly, any fee, commission, gift or other consideration for or in connection with any business of such corporation. This section shall not prohibit any such officer, director, employee or attorney from receiving interest on a deposit made by him or his usual salary or director's fee or a reasonable fee for services rendered to such corporation or from borrowing from such corporation in accordance with law, or from sharing in commissions, profits or other benefits derived by any firm, association or corporation, in which he is interested, arising out of any transaction with said trust company if such transaction is made in the regular course of business upon terms as favorable to the trust company as those offered to other persons. The commissioner may require a full disclosure to be made on such forms as he may prescribe by regulations or otherwise, of all commissions, profits and other benefits realized in any such transaction.

Section 21. Any officer, director, agent or employee of any bank, who knowingly and wilfully does any act forbidden to him or to such bank by any provision of chapter one hundred and sixty-seven or one hundred and seventy-two, or who knowingly and wilfully aids or abets the doing of any act so forbidden to such bank or to any other officer, director, agent or employee

thereof, or who knowingly and wilfully fails to do any act required of him by any such provision, or who knowingly and wilfully fails to do any act which is required of such bank by any such provision the performance of which is imposed on him by the by-laws or regulations of the bank or by law or the responsibility for the non-performance of which is placed upon him by section seventeen shall, if no other penalty against him in his aforesaid capacity is specifically provided, be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.

Section 22. Each trust company shall prepare an annual report which shall contain, in such form as the commissioner may approve, a statement of condition and of profit and loss. Each annual report and the general books of each trust company shall be available for examination for reasonable purposes by stockholders or their authorized agents at the principal office during business hours.

Each trust company shall post in a prominent place and in a conspicuous manner in the lobby of each of its banking offices a balance sheet which presents fairly, in accordance with generally accepted accounting principles, including required footnote disclosures, its condition as of the last business day of its fiscal year with comparative figures as of the end of the previous fiscal year. Said balance sheet shall be posted not later than fifteen days after the end of the trust company's fiscal year and shall remain posted until replaced by the following year's posting. Said balance sheet shall be printed at the expense of the trust company and copies shall be made available to its depositors upon request. Each such trust company which fails to post or print any such balance sheet in accordance with this section shall pay to the state treasurer ten dollars for each day that it fails to so post or print such balance sheet, unless excused by the commissioner for cause.

Section 22A. Every trust company shall at such times as the commissioner orders, but not exceeding five times in any calendar year and within thirty days after the day designated in the order, make a return in the form of a trial balance to the commissioner.

The return shall be signed and sworn to by an officer designated by the board of directors and by at least three directors, and shall show the condition of the trust company at the close of business on the day designated. It shall be made on a form furnished by the commissioner and shall specify the different kinds of assets and liabilities.

The return shall be published by and at the expense of the trust company, at such times and in such manner as the com-

missioner may require, in a newspaper published in the city or town where the principal office of the trust company is located, or, if there is no such newspaper, in a newspaper published in the city or town nearest to such principal office.

Section 23. Whoever violates any provision of section eighteen or twenty shall be punished by a fine not exceeding five thousand dollars or by imprisonment for not more than one year, or both.

Section 24. The capital stock of a trust company shall be subject to the following provisions:

A. Classes. - The capital stock of such corporation may consist of common stock and one or more classes of preferred stock. The issuance of any such capital stock shall require the prior approval of the commissioner, and shall be subject to such conditions as the commissioner may impose.

B. Preferred Stock. - The preferred stock may contain such provisions relative to preferences, voting powers, retirement, dividend and conversion rights and participation in control and management as the by-laws and articles of organization may, with the approval of the commissioner, provide; but the holders thereof shall not be held individually responsible as such holders for any debts, contracts or engagements of such corporation and shall not be liable for assessments to restore impairments in its capital. In case dividends on the preferred stock are to be cumulative, no dividends shall be declared or paid on common stock until all such cumulative dividends shall have been paid in full and all requirements of any retirement fund shall have been met; and if such corporation is placed in voluntary liquidation, or a conservator is appointed therefor, or possession of its property and business has been taken by the commissioner, no payments shall be made to the holders of the common stock until the holders of the preferred stock shall have been paid in full such amounts as may, with the approval of the commissioner, be provided in the articles of organization or amendments thereof, not in excess of the purchase price or other consideration received by the corporation for such preferred stock, plus all accumulated unpaid dividends.

C. Issue. - No stock specified in the agreement of association shall be issued until the par value and pro rata portion of surplus account and undivided profits account shall be paid in full in cash. No additional stock shall be issued until the par value thereof is paid in full in cash or such other consideration as shall be approved by the commissioner or is in its possession as surplus account; provided, that no stock shall be issued against the surplus account unless, after such issue, the surplus account shall amount to at least fifty per cent of the total capital

stock.

D. Increase or Reduction. - Any such corporation may, subject to the approval of the commissioner, increase or reduce its capital stock in the manner provided by sections seventy and seventy-two of chapter one hundred and fifty-six B; provided, however, that the capital stock shall not be reduced to less than the minimum amounts set forth in section four; and provided, further, that, in the case of reorganization of any such corporation in possession of the commissioner under section twenty-two of chapter one hundred and sixty-seven or in possession of a conservator under section forty of this chapter, the capital stock outstanding at the time of possession taken by the commissioner or conservator may be cancelled in whole or in part or other disposition thereof made in accordance with any plan of reorganization approved by the commissioner and the supreme judicial court.

E. Change of Par Value. - Any such corporation may change the par value of its shares in the manner provided by sections seventy and seventy-two of chapter one hundred and fifty-six B.

Section 25. Such corporation may grant options to purchase, issue and sell shares of its capital stock to its employees, or to a trustee on their behalf, without first offering the same to its shareholders, for such consideration, not less than par value, and upon such terms and conditions as shall be approved by its board of directors, by the holders of two-thirds of the stock entitled to vote with respect thereto and by the commissioner. In the absence of fraud, the sufficiency of consideration as so approved shall be conclusively presumed.

Section 26. The registrar, transfer agent or other officer or agent of any such corporation having charge of its stockholders' records or ledger shall, within ten days after recording thereon any transfer of stock of the corporation which makes the transferee the owner of record of ten per cent or more of the outstanding stock with voting power, report such transfer to the commissioner. Any agent or broker holding ten per cent or more of such stock for the benefit of one or more persons shall, upon written request of the commissioner, report to him the names of such persons. Whoever violates this section shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or both.

Section 27. The directors may fix in advance a time, which, unless a shorter period is provided in the by-laws, shall be not more than sixty days before the date of any meeting of the stockholders or the date for the payment of any dividend or the making of any distribution to stockholders or the last day on

which the consent or dissent of stockholders may be effectively expressed for any purpose, as the record date for determining the stockholders having the right to notice of and to vote at such meeting and any adjournment thereof or the right to receive such dividend or distribution or the right to give such consent or dissent, and in such case only stockholders of record on such record date shall have such right, notwithstanding any transfer of stock on the books of the corporation after the record date; or without fixing such record date the directors may for any of such purposes close the transfer books for all or any part of such period.

Section 28. A. The board of directors may, subject to the restrictions contained in this section, declare and pay dividends on capital stock, out of net profits, from time to time and to such extent as they deem advisable.

B. No cash dividend shall be paid unless, following the payment of each such dividend, the capital stock and the surplus account will be unimpaired.

C. No dividends on common stock shall be paid unless prior thereto:

(1) dividends on any preferred stock have been paid; and

(2) the requirements of any preferred stock retirement fund have been complied with.

D. If at the date on which any dividend on common stock is declared the capital stock and surplus account of such corporation do not amount in the aggregate to at least ten per cent of its deposit liability, there shall be transferred from net profits to the surplus account prior to the payment of said dividend.

(1) the amount required to increase the surplus account so that it, together with the capital stock, will amount to at least ten per cent of deposit liability; or

(2) the amount required to increase the surplus account so that it shall amount to fifty per cent of the common stock, and thereafter, the amount, not exceeding fifty per cent of net profits, required to increase the surplus account so that it shall amount to one hundred per cent of capital stock.

E. Dividends on common stock may be declared and paid only out of that portion of the net profits on hand that is not required by this section to be transferred to the surplus account after deducting from such net profits losses and bad debts in excess of reserves specifically established therefor. All debts on which interest is in default for a period of six months shall be considered bad debts, except to the extent that such debts and the accrued interest thereon are well secured or in the process of collection and reasonably certain of payment in full.

F. Nothing in this section shall be construed to prevent the

reduction of capital stock as provided in section twenty-four.

Section 29. Any such corporation whose capital stock has, in the opinion of the commissioner, become impaired by losses or otherwise, shall within three months after receiving notice from the commissioner, pay the deficiency in the capital stock by assessment upon the common stockholders pro rata to the shares held by each. If such corporation shall fail to pay such deficiency in its capital stock for three months after receiving such notice, the commissioner may apply to the supreme judicial court for an injunction; and if a common stockholder of such corporation neglects or refuses, after three months' notice, to pay the assessment as provided in this section, the board of directors shall cause an amount of his stock sufficient to make good his assessment to be sold by public auction, after thirty days' notice given by posting such notice in the office of the corporation and by publishing it in a newspaper of the city or town where the corporation is located or in a newspaper published nearest thereto; and the balance, if any, shall be returned to such delinquent stockholder.

Section 30. A trust company may, subject to the approval of the commissioner and upon vote of the holders of at least two-thirds of each class of its capital stock at an annual meeting or a special meeting duly called for the purpose, preceded in either case by a notice in writing sent to each stockholder of record by registered mail at least ten days before said meeting, issue and sell its capital notes or debentures of any maturity. The indebtedness evidenced by any such capital notes or debentures, including the principal thereof and premium, if any, and interest thereon, shall be subordinate to the claims of depositors and other creditors of such corporation, except claims in respect of other capital notes or debentures of such corporation at least equally subordinated, in accordance with such provisions for subordination as shall be approved by the commissioner, and such subordination shall be specifically enforceable by any interested person, including the commissioner or any conservator appointed by the commissioner whenever possession of the property and business of such corporation shall have been taken by the commissioner or such conservator. Any such issue of capital notes or debentures may contain such other provisions as the commissioner may approve, including provision for conversion rights. The commissioner in his discretion may by regulation provide that any such capital notes or debentures shall to the extent set forth in such regulation be treated as part of the capital funds of the issuing trust company for purposes of any of the provisions of this chapter.

B. Nothing in subsection A shall be construed as limiting the

power of any such corporation to borrow money otherwise than through the issuance and sale of such capital notes or debentures, provided that no such corporation shall engage in the business of issuing and selling to depositors, customers or others its unsecured promissory notes except in accordance with such regulations as the commissioner in his discretion may adopt as to the conduct of such business or, in the absence of such regulations, with the prior approval of the commissioner. Any regulations adopted by the commissioner in accordance with the foregoing provisions of this subsection B may impose limitations on the aggregate amount of such promissory notes at any time outstanding, and the interest cost thereof, and may further require that reserves shall be maintained against the indebtedness evidenced thereby, all by classes of trust companies or otherwise.

Section 31. A. 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.

No reserve shall be required for savings deposits and time deposits not withdrawable within thirty days.

B. The composition of the reserve shall be as follows:

1. Lawful currency of the United States, silver certificates or notes and bills issued by a federal reserve bank. Not less than fifteen per cent.

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

3. Balance payable on demand due from any member of the federal reserve system located in this commonwealth or in any reserve city, as designated by or under authority of an act of Congress, or from any trust company insured by the Federal Deposit Insurance Corporation and located in the commonwealth; or from any trust company located in the commonwealth having capital stock and surplus accounts aggregating at least ten million dollars. Not more than eighty per cent.

C. The commissioner may, from time to time and in his discretion, increase or decrease the percentage required by subsection A hereof.

D. The treasurer or other officer or employee charged with the functions or duties usually performed by the treasurer shall report in writing to the commissioner, once in each week, the amount and composition of the reserve for each business day of

the preceding week. Whoever violates this subsection shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.

Section 32. A trust company which is a member of the federal reserve system shall maintain the reserve balances required by or pursuant to the Federal Reserve Act, as amended or supplemented from time to time and shall be exempt from the requirements of section thirty-one.

Section 33. If the reserve of any trust company is at any time less than the amount which it is required to keep on hand, it shall not make any new loans or investments until the required percentages shall be restored. The commissioner may notify such corporation to make good such reserve, and if it fails so to do for thirty days thereafter, he may appoint a conservator in the manner provided in section forty, or he may proceed to take possession of its property and business and liquidate its affairs in the manner provided in sections twenty-two to thirty-six, inclusive, of chapter one hundred and sixty-seven.

Section 34. Every trust company shall within thirty days of the close of the calendar year transfer from net profits to its surplus account a sum equal to one-quarter of one per cent of the total amount of such company's savings deposits as of such year end; provided, however, that such transfer shall not be required of any trust company whose surplus account at that time equals or exceeds the amount of its capital stock.

Section 35. Any such corporation may pay interest on regular savings accounts at such rate as its board of directors may determine and may pay variable rates of interest on other types of savings accounts; provided, however, that the rates so paid shall be consistent with the maximum rates from time to time established by the appropriate federal supervisory agencies. In the event that such federal supervisory agencies cease to establish such maximum rates, then any such corporation may pay interest on regular savings accounts at such rate as its board of directors may determine, and may, with the approval of the commissioner, pay variable rates of interest on other types of savings accounts; provided, however, that no such rate shall exceed seven per cent per annum.

Interest may be paid on savings deposits from the date of deposit to the date of withdrawal and if its by-laws or regulations so provide such corporation may also pay interest on a savings deposit received during the first ten calendar days of the month calculated from the first day of such month until such deposit is withdrawn.

Interest not withdrawn shall be treated as deposits and, in computing the dividend next following, shall be considered as

having been on deposit for the preceding dividend period.

Section 36. A. With the written approval of the commissioner:

(1) any trust company, any banking company, or any national banking association engaged in the business of banking in the commonwealth may, upon compliance with the provisions of section seventy-eight of chapter one hundred and fifty-six B, which are hereby made applicable in all such cases, and subject, as to any such trust company or banking company, to the provisions of section eighty-five of chapter one hundred and fifty-six B as modified for the purposes of this section by the provisions hereof, consolidate or merge into any trust company. A request for approval by the commissioner of such a consolidation or merger shall be accompanied by an investigation fee, the amount of which shall be determined annually by the commissioner of administration under the provision of section three B of chapter seven.

(2) any trust company or banking company may, subject to the provisions of sections seventy-five and seventy-six of chapter one hundred and fifty-six B as modified for the purpose of this section by the provisions hereof, or any such national banking association may sell or exchange all or substantially all of its property and assets to or with any trust company, and any trust company may purchase all or substantially all of the assets of any trust company or any banking company of any such national banking association. A request for approval by the commissioner pursuant to this clause shall be accompanied by an investigation fee, the amount of which shall be determined annually by the commissioner of administration under the provision of section three B of chapter seven.

(3) by vote, at a meeting duly called for the purpose, of two-thirds of each class of its stock outstanding and entitled to vote and upon execution by a majority of its directors in form satisfactory to the commissioner of an agreement of association, an organization certificate and such other instruments as the commissioner shall prescribe, any such national banking association having an unimpaired capital stock sufficient in value or amount to satisfy the provisions of section five may, upon approval by the board of bank incorporation, be converted into a trust company and shall not, in connection with or upon such conversion, be subject to the requirements of this chapter with respect to the organization and commencement of business of trust companies; provided, however, that such conversion shall not be in contravention of the laws of the United States.

(4) any one or more such stock corporations may, upon compliance with the provisions of section seventy-eight of chapter

one hundred and fifty-six B, which are hereby made applicable in all such cases and subject as to any such corporation to the provisions of section eighty-five of chapter one hundred and fifty-six B as modified for the purposes of this section by the provisions hereof, consolidate or merge into any single state or federally-chartered stock corporation. A request for approval by the commissioner of such a consolidation or merger shall be accompanied by an investigation fee, the amount of which shall be determined annually by the commissioner of administration. A certificate under the hands of the presidents and clerks or other duly authorized officers of all merging or consolidating corporations setting forth that each corporation, respectively, has complied with the requirements of this section shall be submitted to the commissioner. The commissioner shall not endorse his approval thereupon until he has received notice from the insurer for each corporation that arrangements satisfactory to each such insurer have been made for such consolidation. The offices and depots in the commonwealth of any such corporation merged or consolidated under this section may be maintained as branch offices or depots, respectively, of the continuing institution with the written permission of and under such conditions, if any, as may be approved by the commissioner.

If the consolidating corporations have main offices in different counties, the main office of the continuing corporation shall be the main office of that consolidating corporation which has the greater total assets on the date on which the merger or consolidation is approved by the board of the last consolidating corporation so to approve; provided, however, that upon a determination by the commissioner that such consolidation is not for the purpose of circumventing any geographic restrictions on the establishment of branch offices, he may allow the main office of the consolidating corporation which has the lesser total assets on such date to be the main office of the continuing corporation.

For the purposes of this section, the value of the stock of stockholders of a state-chartered stock corporation who have, as provided in section seventy-six or section eighty-five of chapter one hundred and fifty-six B, voted against any action authorized herein shall be ascertained in the manner provided in sections eighty-six to ninety-eight, inclusive, of said chapter one hundred and fifty-six B.

The provisions of section eighty of chapter one hundred and fifty-six B shall apply to consolidations and mergers of state-chartered stock corporations authorized under this section provided, however, that, for this purpose, references in said section eighty to said chapter one hundred and fifty-six B shall be deemed to be the chapter of the General Laws governing such

stock corporation, and references in said section eighty to articles of organization, including any special act of incorporation, as from time to time amended.

For the purposes of this section, a state-chartered stock corporation shall mean a trust company or a savings bank or cooperative bank which has converted under applicable provisions of law. A federally-chartered stock corporation shall mean a national banking association or a federal savings and loan association or a federal savings bank which has converted to a stock corporation, which has its main office located in, and is authorized to do business in, the commonwealth.

The provisions of this clause shall not apply to a consolidation or merger authorized by clause (1).

B. A trust company or banking company by vote of the holders of at least two-thirds of each class of capital stock at a meeting duly called for the purpose, preceded by a notice in writing sent to each stockholder of record and to the commissioner by registered mail at least sixty days before said meeting, may consolidate or merge into or convert into a national banking association in accordance with the laws of the United States and without the approval of any authority of the commonwealth.

C. For the purposes of either clause (1) or clause (2) of subsection A hereof, the value of the stock of stockholders of a trust company or banking company who have, as provided in section seventy-six or section eighty-five of chapter one hundred and fifty-six B, voted against any action authorized by either of such clauses shall be ascertained in the manner provided in sections eighty-six to ninety-eight, inclusive, of said chapter one hundred and fifty-six B.

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; provided, further, that upon a determination by the commissioner that such consolidation is not for the purpose of circumventing any geographic restrictions on the establishment of branch offices, he may allow the main office of the consolidating

corporation which has the lesser total assets on such date to be the main office of the continuing corporation.

E. The charter of any trust company or banking company which shall have been converted into a national banking association, or consolidated or merged into, or the business and substantially all of the property and assets of which shall have been purchased or absorbed by a trust company or national banking association, or the affairs of which shall have been liquidated, shall be void except for the purpose of discharging existing obligations and liabilities.

F. The provisions of section eighty of chapter one hundred and fifty-six B shall apply to consolidations and mergers of trust companies authorized under this section provided that, for this purpose, references in said section eighty to said chapter one hundred and fifty-six B shall be deemed to be to this chapter, and references in said section eighty to articles of organization shall be deemed to be to the articles of organization, including any special act of incorporation, as from time to time amended.

Section 37. A trust company which succeeds or has succeeded to the business of a national bank may continue to hold the real estate owned and used by such national bank in the transaction of its business.

Section 38. With the approval of the commissioner, a trust company may advance or loan upon, or purchase the whole or any part of the assets or stock of any state-chartered bank or of any federally-chartered bank including trust companies in possession of the commissioner under sections twenty-two to thirty-six, inclusive, of chapter one hundred and sixty-seven, and may participate in such an advance, loan or purchase with one or more other such banks. Such advance, loan or purchase may be made upon such terms and conditions as shall have been approved by vote of at least two-thirds of the directors of the trust company and the applicable board of such other bank. A trust company making or participating in such advance, loan or purchase for the purpose of effecting the same, may assume and agree to pay the whole or any part of the deposit and other liabilities of any such bank upon such terms and conditions and subject to such adjustments as may be approved by the commissioner. In the event of such approval by the commissioner, other provisions of law applicable to the investment of funds of trust companies and to the limitations upon deposits therein shall not apply. In the case of any new trust company formed for the purpose of purchasing any or all of the assets and assuming any or all of the liabilities of any trust company in his possession under said sections, he may impose such other and further conditions and restrictions concerning the business, investments and

operation of such new trust company as he may deem necessary or advisable.

The commissioner shall not endorse his approval thereupon until he has received notice that arrangements satisfactory to each affected insurer have been made for such action.

So much of section sixteen as provides that no person shall hold an office in two trust companies at the same time shall not prevent an officer or director of any other trust company from serving as an officer or director of such new trust company or of any other bank or credit union the assets and liabilities or stock of which shall have been purchased and assumed by a trust company hereunder.

For the purpose of this section, a federally-chartered bank shall mean a federal savings bank, a federal savings and loan association and a national banking association which has its main office located in and is authorized to do business in the commonwealth.

Section 39. Subject to the written approval of the commissioner, any trust company may be dissolved and liquidate its affairs if authorized by a vote passed, at a meeting specially called to consider the subject, by at least two-thirds of the stockholders of a trust company representing at least two-thirds of its outstanding capital stock. A committee of three stockholders shall thereupon be elected, and, under such regulations as may be prescribed by the commissioner, shall liquidate the assets, and after satisfying all debts of the corporation shall distribute the remaining proceeds among those entitled thereto in proportion to their respective interests therein.

Section 40. In addition to all other powers conferred upon him by law, the commissioner, whenever he shall deem it necessary in order to conserve the assets of any trust company for the benefit of the depositors and creditors thereof, may, under his hand and official seal, appoint a conservator for such trust company, and require of such conservator such bond and security as the commissioner may deem proper.

A certificate of the appointment of such conservator shall forthwith be filed in the office of the commissioner. The conservator, with the approval of the commissioner, may procure such expert assistance and advice as he considers necessary in the administration of the affairs of such trust company and with like approval may retain such of the officers and employees of such trust company as he deems necessary.

The conservator, under the direction and subject to the control of the commissioner, shall take possession forthwith of the property and business of such trust company and take such action as may be necessary to carry on its business and to con-

serve its assets, pending further disposition thereof, as provided by law.

Upon taking possession of the property and business of a trust company, the conservator shall forthwith give notice thereof to all persons holding or having possession of any assets of such trust company. No bank, trust company, association, firm or individual, knowing that a conservator has taken such possession, or having been notified thereof as aforesaid, shall have a lien or charge for any payment advance or clearance thereafter made, or liability thereafter incurred, against any of the assets of the trust company of whose property and business the conservator shall have taken possession as aforesaid, except as otherwise provided in this section and sections forty-one to forty-six, inclusive.

During the time that such conservator remains in possession of such trust company, the rights of all parties with respect thereto shall, subject to the other provisions of this section and sections forty-one to forty-six, inclusive, be the same as if the commissioner had taken possession of such trust company.

Section 41. Such conservator, subject to such orders, rules and regulations as may be prescribed from time to time by the commissioner, may collect moneys due to the trust company, and do all acts necessary to continue its business or to conserve its assets. He shall collect all debts due and claims belonging to it, and with the approval of the commissioner, may sell or compound all bad or doubtful debts, and on like approval may sell all, or any part of, the real and personal property of the trust company on such terms as the commissioner shall approve; and, in the name of such trust company, may take a mortgage on such real property from a bona fide purchaser to secure the whole or a part of the purchase price, upon such terms and for such periods as the commissioner may approve.

To execute and perform the powers and duties conferred upon him, the conservator may, in the name of any such trust company prosecute and defend all suits and other legal proceedings and may, in the name of the trust company, execute, acknowledge and deliver all deeds, assignments, releases and other instruments necessary and proper to effectuate any sale of real or personal property or any compromise approved by the commissioner; and any deed or other instrument executed pursuant to the authority hereby given, shall be valid and effective for all purposes to the same extent as though executed by the officers of the trust company by authority of its board of directors or of its stockholders.

Such conservators, and their assistants, shall be subject to all the penalties, and except as provided in sections forty to forty-

six, inclusive, to all other provisions of law, to which agents appointed by the commissioner for the purpose of liquidating the affairs of a bank are subject.

Section 42. While a trust company is in the hands of a conservator, the commissioner may require the conservator to set aside and make available for withdrawal by depositors and for payment to other creditors such amounts or proportions of their deposits or claims in any department thereof as the commissioner may deem necessary or expedient and may authorize the conservator to receive new deposits, as provided in section three of chapter fifty-nine of the acts of nineteen hundred and thirty-three.

Section 43. Whenever any trust company shall have resumed business with or without a reorganization, or whenever the commissioner shall have taken possession of its property or business as provided in section twenty-two of chapter one hundred and sixty-seven, the provisions of section three of chapter fifty-nine of the acts of nineteen hundred and thirty-three with respect to the segregation of new deposits received under section forty-two shall no longer apply and the deposits received thereunder shall be disposed of in such manner as the commissioner shall direct, unless the owner of any such deposit, within fifteen days after notice given by the conservator or the commissioner in such manner as the commissioner shall prescribe, shall have withdrawn the same.

Section 44. The compensation of the conservator and of counsel, employees and assistants and all other expenses of such conservatorship, including costs and expenses incurred by the commissioner in relation to such trust company, shall be fixed by the commissioner and approved by the governor and council and paid out of the funds of such trust company; provided, however, that the compensation paid the conservator shall in no event be at a higher rate than the highest salary established in said trust company, and that the total payroll of the trust company at the time of the appointment of the conservator shall not be increased by reason of such compensation; 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.

Section 45. If the commissioner shall be satisfied that it may be safely done and that it would be in the public interest, he may terminate the conservatorship and permit such trust company to resume business subject to such terms, conditions, re-

strictions or limitations as he may prescribe.

Section 46. Nothing contained in sections forty to forty-five, inclusive, shall, unless otherwise expressly provided therein, be deemed to abridge any power or authority to take possession of a trust company conferred upon the commissioner by chapter one hundred and sixty-seven or any power or authority conferred by any other provision of law.

Section 47. The supreme judicial court, or any justice thereof, shall have jurisdiction in equity to enforce the provisions of sections forty to forty-six, inclusive, and to act upon all applications and in all proceedings thereunder.

SECTION 61. Section 60 of chapter 183 of the General Laws is hereby amended by adding the following paragraph:-

Notwithstanding any provision of law to the contrary, the commissioner may, by further conditions and restrictions, provide that the rate of amortization may be varied, including utilizing a period of negative amortization, in order to adjust the rate of interest.

SECTION 62. Chapter 43 of the acts of 1934 is hereby amended by striking out section 7, as most recently amended by section 22 of chapter 432 of the acts of 1955, and inserting in place thereof the following section:-

Section 7. For the purpose of carrying out the provisions of this act, the corporation may exercise all the powers, rights and franchises of any bank the control, possession and operation of which has been taken over by it under this act, and may exercise all the powers and rights of the corporators of such bank relative to a merger or consolidation conferred upon them by sections seventy-two, seventy-two A, seventy-two B, and seventy-two D of chapter one hundred and sixty-eight.

SECTION 63. Section 7 of chapter 73 of the acts of 1934 is hereby amended by striking out the first sentence, as most recently amended by section 3 of chapter 72 of the acts of 1981, and inserting in place thereof the following sentence:- For the purpose of carrying out the provisions of this act, the corporation may exercise all the powers, rights and franchises of any bank the control, possession and operation of which has been taken over by it under this act, and may exercise all powers and rights of the shareholders of such bank relative to a sale of assets or consolidation conferred upon them by section seventy-three of chapter one hundred and sixty-seven and sections forty-seven, forty-eight, forty-eight A, forty-eight B, forty-eight C and forty-eight E of chapter one hundred and seventy of the

General Laws.

SECTION 64. Nothing in this act shall be construed to affect or alter the validity of any investment or any amount loaned or invested under the provisions of any applicable chapters of the General Laws in effect immediately prior to the effective date of this act.

SECTION 65. Sections twenty, twenty-three, thirty-nine A and forty-one shall take effect on July first, nineteen hundred and eighty-four.

Sections five, nine, twenty-nine, forty-six, forty-seven, forty-eight, sixty and sixty-four shall take effect whenever, pursuant to P.L. 94-200 Title I Sec. 102, the federal law controlling the deposit interest rate differential as set forth in clause (a) of said Sec. 102 is eliminated or repealed, or April first, nineteen hundred and eighty-six, whichever occurs first.

Approved June 15, 1982.

EMERGENCY LETTER - June 16, 1982 @ 9:45 A.M.

Chap. 156. AN ACT DIRECTING THE DEPARTMENT OF PUBLIC WORKS TO INCLUDE THE WORDS "NEW BEDFORD" ON CERTAIN STATE HIGHWAY ROUTE SIGNS.

Be it enacted, etc., as follows:

The department of public works is hereby authorized and directed to include on signs for state highway route 24 located both northbound and southbound on state highway route 128 immediately preceding the intersection of said route 128 and said route 24 the words "New Bedford".

Approved June 15, 1982.

Chap. 157. AN ACT PROVIDING SUPPLEMENTAL APPROPRIATIONS FOR BRISTOL COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the current appropriation act for Bristol county, the following

sums are hereby appropriated, subject to the provision of law regulating the disbursement of county funds and the approval thereof, for the fiscal year nineteen hundred and eighty-two.

BRISTOL COUNTY.

Item		Subtotal	Total
8.	For registry of deeds (Southern District)		$5,200 00
	3. Supplies and materials	$4,000 00	
	4. Current charges	1,200 00	
16.	For jail and house of correction		270,100 00
	2. Contractual services	220,200 00	
	3. Supplies and materials	48,700 00	
	5. Equipment	1,200 00	
18.	For courthouse and registry building		8,575 00
	2. Contractual services	7,725 00	
	5. Equipment	850 00	
	Total		$283,875 00

SECTION 2. Notwithstanding any general or special law to the contrary, the treasurer of Bristol county is hereby authorized with the approval of the county commissioners, to expend the total amount appropriated in section one from any available funds, including federal revenue sharing funds, in the treasury of said county.

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

Approved June 22, 1982.

Chap. 158. AN ACT EXEMPTING THE OFFICE OF CHIEF OF POLICE IN THE TOWN OF FRANKLIN 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 Franklin shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person holding the office of chief of police in the town of Franklin.

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

Approved June 22, 1982.

Chap. 159. AN ACT FURTHER REGULATING THE TERMINATION OF CERTAIN PERSONAL SERVICE CONTRACTS.

Be it enacted, etc., as follows:

Chapter 255 of the General Laws is hereby amended by striking out section 13K, as amended by section 1 of chapter 533 of the acts of 1978, and inserting in place thereof the following section:-

Section 13K. Every written contract between a trade school, business school, vocational school, technical school, correspondence school, dance studio, professional or proprietary school, except a proprietary school which has the authority to grant degrees, and any person who is to receive physical, mental or emotional benefit therefrom shall contain the following notice on the front of said contract above the place for the student's signature in a type size at least as large as the largest type size appearing in any other part of the said contract:

1. You may terminate this agreement at any time.

2. If you terminate this agreement within five days you will receive a refund of all monies paid, provided that you have not commenced the program.

3. If you subsequently terminate this agreement prior to the commencement of the program, you will receive a refund of all monies paid, less the actual reasonable administrative costs described in paragraph 7.

4. If you terminate this agreement during the first quarter of the program, you will receive a refund of at least seventy-five per cent of the tuition, less the actual reasonable administrative costs described in paragraph 7.

5. If you terminate this agreement during the second quarter of the program, you will receive a refund of at least fifty per cent of the tuition, less the actual reasonable administrative costs described in paragraph 7.

6. If you terminate this agreement during the third quarter of the program, you will receive a refund of at least twenty-five per cent of the tuition, less the actual reasonable administrative costs described in paragraph 7.

7. If you terminate this agreement after the initial five day period, you will be responsible for actual reasonable administrative costs incurred by the school to enroll you and to process your application, which administrative costs shall not exceed fifty dollars or five per cent of the contract price, whichever is less. A list of such administrative costs is attached hereto and made a part of this agreement.

8. If you wish to terminate this agreement, you must inform the school in writing of your termination, which will become effective on the day such writing is mailed.

9. The school is not obligated to provide any refund if you terminate this agreement during the fourth quarter of the program.

This section shall not apply to public and nonprofit schools and shall not affect the provisions of section forty-eight of chapter ninety-three or section fourteen of chapter two hundred and fifty-five D, which provides a right of cancellation for certain contracts.

Whoever fails to comply with this section shall be deemed to have committed an unfair and deceptive practice under section two of chapter ninety-three A.

Whoever violates the provisions of this section shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than six months, or both.

Approved June 22, 1982.

EMERGENCY LETTER - June 22, 1982 @ 1:14 P.M.

Chap. 160. AN ACT DESIGNATING A PUBLIC SQUARE IN THE TOWN OF AVON AS VETERANS OF FOREIGN WARS SQUARE.

Be it enacted, etc., as follows:

The public square bounded by East Main street and Memorial drive, also known as state highway route 28, in the town of Avon, shall be designated and known as the Veterans of Foreign Wars 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 June 22, 1982.

Chap. 161. AN ACT ESTABLISHING A WATER AND SEWER DEPARTMENT IN THE TOWN OF MONSON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Monson is hereby au-

thorized to establish a water and sewer department. Said town shall elect a board of three water and sewer commissioners. Such commissioners shall, in the first instance, be elected by ballot to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year, and at the annual town meeting held on the day on which the shortest of such terms expires, and at each annual town meeting thereafter, one such commissioner shall be elected by ballot for the term of three years. A majority of said commissioners shall constitute a quorum for the transaction of business. After the election of a board of water and sewer commissioners under authority of this act, any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose. Any such vacancy may be filled temporarily in the manner provided by section eleven of chapter forty-one of the General Laws, and the person so appointed shall perform the duties of the office until the next annual meeting of said town or until another person is qualified. Such board shall have all the powers and duties of both water commissioners and sewer commissioners under the provisions of sections sixty-five and sixty-nine B of chapter forty-one of the General Laws.

SECTION 2. This act shall be submitted for acceptance to the voters of the town of Monson at the next annual town meeting in the form of a 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 eighty-two, entitled 'An Act establishing a water and sewer department in the town of Monson' 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 June 22, 1982.

Chap. 162. AN ACT AUTHORIZING THE TOWN OF STONEHAM TO PAY CERTAIN LEGAL FEES.

Be it enacted, etc., as follows:

The town of Stoneham is hereby authorized to appropriate and after such appropriation the treasurer of said town is hereby authorized to pay attorney's fees, not in excess of twelve thousand dollars, for the criminal defense services rendered for Paul Agostino of the police department of said town.

Approved June 22, 1982.

Chap. 163. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF SUTTON.

Be it enacted, etc., as follows:

SECTION 1. Any holder of an elective town office may be recalled therefrom by the registered voters of the town of Sutton as herein provided by this act.

SECTION 2. (a) A recall affidavit shall contain the grounds for recall and shall contain the signatures of registered voters with at least fifty signatures from each of the three precincts. The town clerk of said town, within five working days from the day that such affidavit is returned, shall issue the recall petitions. The petitions shall be numbered and shall be issued by said town clerk with his signature and official seal attached thereto. The petitions shall be dated, shall be addressed to the selectmen of said town, and shall contain the names of all 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 the town clerk.

(b) Such petitions shall contain the signatures of qualified voters equal in number to at least fifty per cent of those who voted in the last annual town election.

(c) Such petitions shall be returned to the town clerk within fourteen calendar days.

(d) Upon receipt of such petitions, the town clerk shall have twenty-four hours, excluding Saturdays, Sundays, and holidays, to submit such petitions to the registrars of voters.

(e) The registrars shall certify the signatures within five working days.

If such petition shall be found and certified by the town clerk to be sufficient, he shall submit the same to the selectmen of said town with his certificate without delay. Said selectmen shall give written notice to the officer sought to be recalled and shall, if the officer does not resign within five days thereafter, order an election to be held on a date not less than twenty-five nor more than thirty-five days after the date of the town clerk's certificate that a sufficient petition has been filed; however, if an annual town election is to occur within sixty days after the date of the certificate, said selectmen 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 proceed as provided. If, within the

five days, the officer resigns, said selectmen shall follow the town by-law and fill the office with an appointment.

SECTION 3. Any officer sought to be removed may be a candidate to succeed himself unless he requests otherwise in writing and the town clerk shall place the officer's name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the removal election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections.

SECTION 4. The incumbent shall continue to hold office until the recall election. If then re-elected, he shall continue in office until the term expires, subject to recall except as provided in section six. 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 failed to qualify within five days after receiving notification of his election, the incumbent shall be removed and the office declared vacant.

SECTION 5. Ballots used in a removal election shall submit the following propositions in the order indicated:

For the removal of (name of officer).

Against the removal 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 hereinbefore provided.

A majority vote of the voters to recall such elective officer shall not be effective unless a total of at least fifty per cent of the electors entitled to vote on the question shall have voted.

If a majority of votes on the question is in the negative, the ballots for candidates need not be counted. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected.

SECTION 6. No recall petition shall be circulated against an officer within three months after he takes office, nor, in the case of an officer subjected to recall and not recalled, until at least three months after the election at which his recall was submitted to the voters has elapsed.

SECTION 7. 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 town office within two years after such recall or resignation.

SECTION 8. This act shall be submitted for acceptance to the voters of the town of Sutton at the next annual town election, 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 election:- "Shall an act passed by the general court in the year nineteen hundred and eighty-two, entitled 'An Act providing for recall elections in the town of Sutton', be accepted?" If a majority of the votes cast in answer to said question is in the affirmative, then this act shall take full effect, but not otherwise.

SECTION 9. The town of Sutton may revoke its acceptance of this act by a majority vote at an annual town election.

Approved June 22, 1982.

Chap. 164. AN ACT DESIGNATING THE MENTAL HEALTH CENTER IN THE CITY OF SPRINGFIELD AS THE JOSE N. GANDARA MENTAL HEALTH CENTER.

Be it enacted, etc., as follows:

The mental health center in the city of Springfield, shall be designated and known as the Jose N. Gandara Mental Health Center, in honor of Jose N. Gandara, a Puerto Rican born physician who devoted his life to the humanitarian concerns of the Puerto Rican community. A suitable marker bearing said designation shall be attached thereto by the department of mental health.

Approved June 22, 1982.

Chap. 165. AN ACT EXEMPTING SANDRA SANFACON FROM CERTAIN PROVISIONS RELATIVE TO THE LICENSING OF SOCIAL WORKERS.

Be it enacted, etc., as follows:

Notwithstanding any general or special law or rule or regula-

tion to the contrary, the time limit established by section three of chapter eight hundred and eighteen of the acts of nineteen hundred and seventy-seven for the issuance of a license as a certified social worker to persons possessing certain qualifications without examination shall be extended to December thirty-first, nineteen hundred and eighty-two for the purpose of issuing a license without examination to Sandra Sanfacon of the town of Amesbury.

Approved June 22, 1982.

Chap. 166. AN ACT FURTHER REGULATING THE BAY COLONY RAILROAD CORPORATION.

Be it enacted, etc., as follows:

Chapter 84 of the acts of 1977 is hereby amended by striking out sections 2 and 3 and inserting in place thereof the following two sections:-

Section 2. Said Bay Colony Railroad Corporation is hereby authorized, subject to the approval as may be required of the department of public utilities, hereinafter referred to as the department, and federal regulatory agencies to operate and to own, lease or otherwise occupy property, rail lines, rail and road beds new or existing, located in Plymouth, Bristol, Barnstable, Norfolk and Suffolk counties, and that portion of Middlesex county South of state highway route 20.

Section 3. Subject to the approval of the department, if required, said corporation may own and operate an extension of the railroad as permitted by applicable state and federal laws and regulations for the purposes of operating industrial sidings and spur lines.

Approved June 22, 1982.

Chap. 167. AN ACT INCREASING THE AMOUNT OF MONEY THE PLUM ISLAND WATER DISTRICT MAY BORROW.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 73 of the acts of 1980 is hereby amended by striking out, in line 40, the word "town" and inserting in place thereof the word:- district.

SECTION 2. Section 4 of said chapter 73 is hereby amended by striking out the words "one million", in line 5, and inserting in place thereof the following words:- five million.

Approved June 22, 1982.

Chap. 168. AN ACT AUTHORIZING THE TOWNS OF BELLINGHAM AND BLACKSTONE TO REFUND CERTAIN REAL ESTATE TAXES.

Be it enacted, etc., as follows:

SECTION 1. The town of Bellingham is hereby authorized to reimburse to certain residents and the town of Blackstone certain sums of money paid to the town of Bellingham as real estate taxes for the years nineteen hundred and seventy-seven, nineteen hundred and seventy-eight and nineteen hundred and seventy-nine, said sums totalling four thousand two hundred and seventy-four dollars and two cents and accrued interest, if any.

SECTION 2. The town of Blackstone is hereby authorized to reimburse to certain residents and the town of Bellingham, certain sums of money paid to the town of Blackstone as real estate taxes for the years nineteen hundred and seventy-eight, nineteen hundred and seventy-nine, nineteen hundred and eighty and nineteen hundred and eighty-one, said sums totalling two thousand two hundred seventy-three dollars and twenty-two cents.

Approved June 22, 1982.

Chap. 169. AN ACT INCREASING THE PENALTIES FOR CEMETERY VANDALISM.

Be it enacted, etc., as follows:

SECTION 1. Chapter 272 of the General Laws is hereby amended by striking out section 71, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 71. Whoever, not being lawfully authorized by the proper authorities, wilfully digs up, disinters, removes or conveys away a human body, or the remains thereof, or knowingly aids in such disinterment, removal or conveying away, and

whoever is accessory thereto either before or after the fact, shall be punished by imprisonment in the state prison for not more than three years or in jail for not more than two and one-half years or by a fine of not more than four thousand dollars.

SECTION 2. Said chapter 272 is hereby further amended by striking out section 73, as most recently amended by chapter 220 of the acts of 1979, 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 removes, 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 five thousand dollars.

SECTION 3. Said chapter 272 is hereby further amended by striking out section 75, as amended by chapter 407 of the acts of 1971, and inserting in place thereof the following section:-

Section 75. Whoever, without authority, removes flowers, flags or memorial tokens from any grave, tomb, monument or burial lot in any cemetery or other place of burial shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than six months.

Approved June 22, 1982.

Chap. 170. AN ACT INCREASING THE PENALTY FOR PERSONS WHO ENGAGE IN THE PRACTICE OF NURSING WITHOUT A LICENSE.

Be it enacted, etc., as follows:

Chapter 112 of the General Laws is hereby amended by striking out sections 80 and 80A and inserting in place thereof the following two sections:-

Section 80. Whoever, not being lawfully authorized to practice as a registered nurse within the commonwealth, practices or attempts to practice professional nursing or uses the abbreviation R.N., or any other words, letters or figures to indicate that the person using the same is such a registered nurse, shall, except as provided in section sixty-five, be punished by a fine of not more than five hundred dollars; provided, however, that a nonresident, licensed to practice professional nursing in another jurisdiction, may attend upon a nonresident of the commonwealth temporarily abiding here. Whoever becomes or attempts to become registered as a registered nurse or practices or attempts to practice professional nursing under a false or assumed name shall be punished by a fine of not less than five hundred nor more than one thousand dollars or imprisonment for one year, or both.

Section 80A. Whoever, not being lawfully authorized to practice as a licensed practical nurse within the commonwealth, practices or attempts to practice practical nursing or uses the abbreviation L.P.N., or any other words, letters or figures to indicate that the person using the same is such a licensed practical nurse shall, except as provided in section sixty-five, be punished by a fine of not more than five hundred dollars; provided, however, that a nonresident, licensed to practice practical nursing in another jurisdiction, may so practice in the commonwealth for a period or periods which, in the aggregate, exclusive of any period of time during which such person is in attendance upon a nonresident of the commonwealth temporarily abiding here, does not exceed six months. Whoever becomes or attempts to become licensed as a licensed practical nurse, or practices or attempts to practice practical nursing under a false or assumed name shall be punished by a fine of not less than five hundred nor more than one thousand dollars or imprisonment for one year, or both.

Approved June 22, 1982.

Chap. 171. AN ACT DIRECTING THE COMMONWEALTH AND AUTHORIZING THE CITY OF FALL RIVER TO GRANT EASEMENTS IN LAND IN THE TOWN OF FREETOWN AND THE CITY OF FALL RIVER TO EG&G, INC., FOR A TRANSPORTATION AND ACCESS CORRIDOR TO THE NEW ENGLAND ENERGY PARK.

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 and directed to grant to EG&G, Inc., by grant instrument, approved by the division of capital planning and operations and approved as to form by the attorney general, easements in seven parcels of land in the town of Freetown and the city of Fall River for a transportation and access corridor containing a tunnel or underpass under state highway route 24, railroad tracks, access and maintenance roads, pipes, wires, and associated structures. Said parcels, consisting of approximately 146.3 acres, are located within the right of way of said state highway route 24 and the confines of the Freetown-Fall River state forest. The parcels of land within said Freetown-Fall River state forest are being used by the public for open space and recreation as part of said state forest and are to be used as a transportation and access corridor in connection with the construction and operation of the New England Energy Park. Said parcels, which are shown on sheets 1 of 10, 2 of 10, 3 of 10, 4 of 10, 7 of 10, and 10 of 10 of a plan entitled "New England Energy Park, Fall River, Massachusetts, Transportation Corridor Study, Layout Defined By: Charles L. Rowley & Associates, Civil Engineers and Surveyors, West Wareham, Massachusetts, dated November 20, 1981, as revised March 16, 1982, Scale 1"-200'", are bounded and described as follows:

Parcel 1

The land in the town of Freetown, containing 7.7 acres more or less on the southeasterly side of the Consolidated Rail Corporation line running from South Braintree to Newport and on the northwesterly side of State Highway Route 24; being more particularly described as follows:

Beginning at a point in the southeasterly sideline of said railroad land, approximately opposite station 1901 + 20.6 of the monumented baseline as shown on Right of Way and Track Map of the former Old Colony Railroad Company, Sheet 37, dated June 30, 1915, Revised January 18, 1940; thence N 62°-10'-30" E, 50 feet more or less to a corner of said railroad land; thence southeasterly 114' to a monument 118.5 feet left of said baseline; thence northerly in line of said railroad land 77' as shown on the said Right of Way and Track Map to a point 40' distant from said baseline; thence in line of said railroad land N 62°-10'-30" E, a distance of 490 feet more or less; thence southeasterly by a stone wall, 620 feet more or less to the northwesterly sideline of State Highway Route 24 as laid out in 1951 at a point bearing S 44°-16'-08" W of and 190 feet more or less distant from the point of curve opposite station 57 + 38.52 of the Route 24 base-

line; thence S 44°-16'-08" W, in said sideline a distance of 510 feet more or less; thence northwesterly, partly in line of remaining land of the commonwealth of Massachusetts, department of environmental management and partly in line of land of John Brightman, Jr., and Mary A. Brightman, 880 feet more or less to the point of beginning.

Parcel 2

The land in the town of Freetown containing 3.6 acres more or less and being more particularly described as follows:

Beginning at the most northerly corner of the land to be described at a point in the northwesterly sideline of the Route 24, 1951 layout; said point lying S 44°-16'-08" W of and 190 feet more or less distant from a point of curve situated 150.00 feet northwesterly of and opposite station 57 + 38.52 of said layout; thence southeasterly on a projection of the line running by the stone wall as described in Parcel 1 and crossing said layout, 350 feet more or less to the southeasterly sideline of said Route 24 layout; thence S 44°-16'-08" W, in said sideline, 510 feet more or less; thence northwesterly, crossing said layout, 350 feet more or less to the most southerly corner of Parcel 1; thence in line of Parcel 1, N 44°-16'-08" E, a distance of 510 feet more or less to the point of beginning.

Parcel 3

The land partly in the town of Freetown and partly in the city of Fall River containing 61.8 acres more or less and being more particularly described as follows:

Beginning at the most easterly corner of Parcel 2 at a point in the southeasterly sideline of Route 24; thence southeasterly on a projection of the line running by the stone wall as described in Parcel 1, a distance of 805 feet more or less; thence N 2°-43'-32" E, a distance of 1150 feet more or less to a point in the southeasterly sideline of Route 24; thence northeasterly in said southeasterly sideline by a curve to the left having a radius of 10,150.00 feet, a distance of 420 feet more or less to a point bearing S 55°-06'-30" E of and 150.00 feet distant from station 73 + 75.17 of the Route 24 baseline; thence in the southeasterly sideline of the right of way of Consolidated Rail Corporation as described in Parcel 1 above, N 62°-10'-33" E, 105.64 feet to a monument 40 feet southeasterly of the railroad baseline approximately opposite station 1870 + 81.8 as shown on the Right of Way Track Map of the former Old Colony Railroad Company, Sheet 36, dated June 30, 1915, Revised January 18, 1940, thence northwesterly 15.4 feet to a monument approximately opposite station 1870 + 81.8 of said baseline; thence N 62°-10'-33" E, 155

feet more or less; thence southeasterly, 229.68 feet as shown on said Right of Way and Track Map, Sheet 36; thence northeasterly in the southeasterly sideline of said railroad right of way 759 feet; thence northeasterly in the southeasterly sideline of said railroad right of way 190 feet more or less to the westerly sideline of Copicut Road; thence southerly in the westerly sideline of Copicut Road, a distance of 30 feet more or less; thence southwesterly, crossing the Algonquin Gas Company easement and in the southeasterly sideline thereof, a distance of 1090 feet more or less to a point of curve; thence southerly by a curve to the left having a radius of 1100.00 feet, a distance of 760' more or less as measured along the arc to a point of tangent; thence S 2°-43'-32" W, a distance of 60 feet more or less; thence S 87°-16'-28" E, a distance of 50 feet; thence S 2°-43'-32" W, in a line parallel to and 315 feet distant easterly from the second above described line of this parcel, a distance of 1000 feet more or less; thence N 87°-16'-28" W, a distance of 95 feet; thence S 2°-43'-32" W, a distance of 970 feet more or less; thence N 87°-16'-28" W, a distance of 40.0 feet; thence S 2°-43'-32" W, a distance of 1050 feet more or less to a point of curve; thence southerly by a curve to the left having a radius of 895.37 feet, a distance of 702.34 feet as measured along the arc to a point of tangent; thence S 42°-13'-04" E, a distance of 300 feet more or less to a point of curve; thence southerly by a curve to the right having a radius of 1015.37 feet, a distance of 775.18 feet, as measured along the arc, to a point of tangent; thence S 1°-31'-27" W, a distance of 1150 feet more or less; thence S 88°-28'-33" E, a distance of 15.0 feet; thence S 1°-31'-27" W, a distance of 610 feet more or less; thence N 88°-28'-33" W, a distance of 20.0 feet; thence S 1°-31'-27" W, a distance of 835 feet more or less to a point of curve; thence southeasterly by a curve to the left having a radius of 1850.08 feet, a distance of 839.54 feet as measured along the arc to a point of tangent; thence N 65°-31'-27" E, a distance of 20.0 feet; thence S 24°-28'-33" E, a distance of 300 feet more or less to land of the city of Fall River Watuppa Reservation, shown as Parcel 114A on a 1926 map of North Watuppa Pond; thence westerly in line of said city of Fall River land, a distance of 200 feet more or less to a point lying 160.0 feet southwesterly of the line described above as S 24°-28'-33" E, 300 feet more or less; thence N 24°-28'-33" W, a distance of 180 feet more or less to a point of curve; thence northerly by a curve to the right having a radius of 1990.08 feet, a distance of 695 feet more or less; thence N 88°-28'-33" W, a distance of 25 feet more or less; thence N 1°-31'-27" E, a distance of 1630 feet more or less; thence S 88°-28'-33" E, a distance of 15.0 feet; thence N 1°-31'-27" E, a distance

of 1150 feet more or less to a point of curve; thence northwesterly by a curve to the left having a radius of 865.37 feet, a distance of 660.66 feet as measured along the arc to a point of tangent; thence N 42°-13'-04" W, a distance of 300 feet more or less to a point of curve; thence northerly by a curve to the right having a radius of 1045.37 feet, a distance of 820.00 feet as measured along the arc to a point of tangent; thence N 87°-16'-28" W, a distance of 30.0 feet; thence N 2°-43'-32" E, a distance of 1350 feet more or less; thence northwesterly 380 feet more or less to the southeast corner of land of Margaret A. Eaton; thence northerly in line of said Eaton land, 450 feet more or less; thence westerly in line of said Eaton land, 1010 feet more or less to the southeasterly sideline of Route 24; thence N 44°-16'-08" E, in said sideline, a distance of 510 feet more or less to the point of beginning.

Parcel 4

The land in the city of Fall River containing 9.8 acres more or less situated within the Freetown-Fall River State Forest, westerly of and near the southerly end of Parcel 3 as described above and being more particularly described as follows:

Beginning at the point in the line dividing land of the commonwealth of Massachusetts department of environmental management from land of the City of Fall River Watuppa Reservation; said point also lying 30 feet more or less easterly of the easterly sideline of Riggenback Road as shown on a plan entitled "Master Plan, Fall River Industrial Park, 1979 prepared for Greater Fall River Development Corp., Essex Survey Service, Inc., 47 Federal Street, Salem, MA 01970, Scale 1 inch = 200 feet"; thence westerly in line of land of the city of Fall River Watuppa Reservation, Riggenback Road and land of the city of Fall River Industrial Park, a distance of 150 feet more or less; thence N 27°-10'-52" E, a distance of 30 feet more or less to a point of curve; thence by a curve to the right having a radius of 870 feet, a distance of 1385 feet more or less as measured along the arc to a point of tangent; thence S 26°-03'-36" W, a distance of 20.0 feet; thence S 63°-56'-24" E, a distance of 1270 feet more or less; thence N 26°-03'-36" E, a distance of 10.0 feet; thence S 63°-56'-24" E, a distance of 770 feet more or less; thence S 26°-03'-36" W, a distance of 10.0 feet to a point of tangent; thence southeasterly by a curve to the right having a radius of 1450.00 feet, a distance of 370 feet more or less as measured along the arc to a point in the northerly line of land of the city of Fall River Watuppa Reservation; thence westerly in line of land of the city of Fall River Watuppa Reservation, a distance of 270 feet more or less; thence northwesterly by a curve to the left having a

radius of 1340.00 feet, a distance of 105 feet more or less as measured along the arc to a point of tangent; said point lying 120.00 feet southwesterly and distant from the above line described as S 63°-56'-24" E, 770 feet more or less; thence N 63°-56'-24" W, a distance of 770 feet more or less; thence N 26°-03'-36" E, a distance of 10.0 feet; thence N 63°-56'-24" W, a distance of 1270 feet more or less to a point of tangent; thence S 26°-03'-36" W, a distance of 20.0 feet; thence northwesterly, westerly, and southwesterly by a curve to the left having a radius of 730.00 feet, a distance of 1150 feet more or less to the point of beginning.

Parcel 5

The land in the city of Fall River containing 17.6 acres more or less situated in the Freetown-Fall River State Forest on the westerly side of Bell Rock Road and being more particularly described as follows:

Beginning at a point in the southerly boundary of the Freetown-Fall River State Forest at its intersection with the westerly sideline of Bell Rock Road as laid out in 1892; thence westerly in said Forest boundary line 930 feet more or less; thence N 13°-28'-33" W, a distance of 2810 feet more or less; thence N 76°-31'-27" E, a distance of 15.0 feet; thence northerly by a curve to the left having a radius of 1340.00 feet, a distance of 30 feet more or less to a point in the southerly line of land of the city of Fall River Watuppa Reservation as described in Parcel 3 above; thence southeasterly in line of said city of Fall River land, a distance of 190 feet more or less to a point 185.00 feet northeasterly of the line above described as N 13°-28'-33" W, 2810 feet; thence S 13°-28'-33" E, a distance of 1925 feet more or less to a point; thence S 76°-31'-27" W, a distance of 20.0 feet to a point of curve; thence southeasterly by a curve to the left having a radius of 1096.28 feet, a distance of 1109.40 feet, as measured along the arc to a point of tangent; thence S 78°-28'-33" E, a distance of 400 feet more or less to a point in the westerly sideline of Bell Rock Road; thence southwesterly in the westerly sideline of Bell Rock Road, a distance of 300 feet more or less to a point in the southerly boundary of the Freetown-Fall River State Forest and point of beginning.

Parcel 6

The land in the city of Fall River containing 43.4 acres more or less situated in the Freetown-Fall River State Forest easterly of Bell Rock Road and westerly of Copicut Road and being more particularly described as follows:

Beginning at a point in the easterly sideline of Bell Rock Road

as laid out in 1892; said point also being the intersection of the easterly sideline of Bell Rock Road with the southerly boundary line of the Freetown-Fall River State Forest; thence northeasterly in said easterly sideline of Bell Rock Road, 300 feet more or less; thence S 78°-28'-33" E, a distance of 390 feet more or less, thence N 11°-31'-27" E, a distance of 20.0 feet; thence S 78°-28'-33" E, a distance of 1010 feet more or less to a point; thence S 69°-38'-51" E, a distance of 420 feet more or less to a point of curve; thence easterly by a curve to the left having a radius of 1076.28 feet, a distance of 659.27 feet as measured along the arc to a point of tangent; thence N 68°-15'-30" E, a distance of 490 feet more or less to a point of curve; thence easterly by a curve to the right having a radius of 1216.28 feet, a distance of 1124.73 feet as measured along the arc to a point of tangent; thence S 51°-44'-30" E, a distance of 840 feet more or less to a point of curve; thence by a curve to the left having a radius of 1840.08 feet, a distance of 709.67 feet as measured along the arc to a point of tangent; thence S 77°-44'-30" E, a distance of 370 feet more or less to a point; thence S 12°-15'-30" W, a distance of 10.0 feet to a point of curve; thence northeasterly by a curve to the left having a radius of 895.37 feet, a distance of 896.59 feet, as measured along the arc, to a point of tangent; thence N 38°-15'-30" E, a distance of 820 feet more or less to a point in the southwesterly sideline of Copicut Road as laid out in 1899; thence southeasterly in said sideline, 190 feet more or less, to a point 190.00 feet distant southeasterly from the line described above as N 38°-15'-30" E, 820 feet more or less; thence S 38°-15'-30" W, 770 feet more or less to a point of curve; thence southwesterly by a curve to the right having a radius of 1085.37 feet, a distance of 1086.85 feet as measured along the arc to a point of tangent; thence N 77°-44'-30" W, a distance of 290 feet more or less; thence S 12°-15'-30" W, a distance of 45.0 feet; thence N 77°-44'-30" W, a distance of 80 feet more or less to a point of curve; thence northwesterly by a curve to the right having a radius of 2085.08 feet, a distance of 804.16 feet, as measured along the arc to a point of tangent; thence N 38°-15'-30" E, a distance of 45.0 feet; thence N 51°-44'-30" W, a distance of 690 feet more or less; thence S 38°-15'-30" W, a distance of 55.0 feet; thence N 51°-44'-30" W, a distance of 150 feet more or less to a point of curve; thence westerly by a curve to the left having a radius of 961.28 feet, a distance of 888.92 feet as measured along the arc to a point of tangent; thence S 68°-15'-30" W, a distance of 950 feet more or less to the southerly boundary of the Freetown-Fall River State Forest; thence westerly in line of said Forest boundary, 2540 feet more or less to a point in the easterly sideline of Bell Rock Road and

point of beginning.

Parcel 7

The land in the city of Fall River in the Freetown-Fall River State Forest, containing 2.4 acres more or less situated on the northeasterly side of Copicut Road and being more particularly described as follows:

Beginning at a point in the northeasterly sideline of Copicut Road as laid out in 1899; said point being at the northeasterly extension of the line noted as S 38°-15'-30" W, 770 feet more or less in Parcel 6 above described, situated 130 feet more or less northwesterly of the intersection of said Copicut Road sideline with the boundary line of the Freetown-Fall River State Forest; thence northwesterly in the northeasterly sideline of Copicut Road, 190 feet more or less; thence N 38°-15'-30" E, a distance of 180 feet more or less to a point of curve; thence northeasterly by a curve to the right having a radius of 1492.69 feet, a distance of 540 feet more or less as measured along the arc to the boundary line of the Freetown-Fall River State Forest; thence in said line S 22°-36'-42" W, a distance of 520 feet more or less; thence N 67°-23'-18" W, a distance of 50 feet more or less; thence S 38°-15'-30" W, a distance of 230 feet more or less to the northeasterly sideline of Copicut Road and point of beginning.

SECTION 2. The city of Fall River is hereby authorized to grant to EG&G, Inc., by grant instrument, approved as to form by the corporation counsel of said city, an easement in a parcel of land in the city of Fall River for a transportation and access corridor containing railroad tracks, access and maintenance roads, pipes, wires, and associated structures. Said parcel, consisting of approximately 4.2 acres located within the confines of Parcel 114A of a 1926 map of North Watuppa Pond and shown as Parcel 8 on sheet 3 of 10 of a plan entitled "New England Energy Park, Fall River, Massachusetts, Transportation Corridor Study, Layout Defined By: Charles L. Rowley & Associates, Civil Engineers and Surveyors, West Wareham, Massachusetts, dated November 20, 1981, as revised March 16, 1982, Scale 1"-200'" is bounded and described as follows:

Parcel 8

The land in the city of Fall River consisting of 4.2 acres more or less and being bounded and described as follows:

Beginning at a northerly corner of the parcel to be described at the most southeasterly corner of Parcel 3 above described at a point in line of land of the commonwealth of Massachusetts de-

partment of environmental management; thence S 24°-28'-33" E, a distance of 390 feet more or less to an angle point; thence S 13°-28'-33" E, a distance of 400 feet more or less to a point in line of land of the commonwealth of Massachusetts and a corner of Parcel 5 as described above; thence in line of said commonwealth land and said Parcel 5, westerly, a distance of 190 feet more or less; thence by a curve to the left having a radius of 1340.00 feet, a distance of 1045 feet more or less as measured along the arc to a point in line of land of said commonwealth; thence easterly in line of said commonwealth land, a distance of 560 feet more or less to the point of beginning.

SECTION 3. Said conveyances shall be subject to such conditions and restrictions, including restoration, as may be deemed advisable by the commissioner of the department of public works with respect to the parcel within the right of way for state highway route 24, the commissioner of the department of environmental management with respect to the parcels within the Freetown-Fall River state forest, and the mayor and council of the city of Fall River with respect to the parcel owned by the city. The conveyances shall also be conditioned upon the preparation of a final environmental impact report which is found by the secretary of the executive office of environmental affairs to adequately and properly comply with sections sixty-two to sixty-two H of chapter thirty of the General Laws.

The consideration for said conveyances shall be the average of the full and fair market value of the easements as determined by three independent appraisers; provided that, in lieu of said consideration the commissioner of the department of environmental management is authorized to accept on behalf of the commonwealth, and the mayor and council of the city of Fall River is authorized to accept on behalf of said city, all right, title and interest of EG&G, Inc. in one or more parcels of land or other appropriate consideration which shall be acceptable to the respective grantor and which shall be determined to be at least equal in market value to the easements granted.

SECTION 4. All rights in the aforesaid easements shall revert to the commonwealth and the city of Fall River if work to develop a transportation and access corridor along such easements is not commenced within five years of the date of recording the instruments of grant creating the easements, and if such rights revert, the consideration shall be reimbursed to said corporation.

SECTION 5. All rights in the aforesaid easements shall revert to the commonwealth and to the city of Fall River when the

easements are no longer used as a transportation and access corridor.

Approved June 23, 1982.

Chap. 172. AN ACT EXEMPTING THE POSITION OF AGENT OF THE BOARD OF HEALTH OF THE CITY OF GLOUCESTER FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of agent of the board of health in the city of Gloucester shall be exempt from the provisions of chapter thirty-one of the General Laws.

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

Approved June 28, 1982.

Chap. 173. AN ACT RELATIVE TO THE MANAGEMENT AND CONTROL OF CERTAIN SCHOOL ACTIVITIES BY SCHOOL COMMITTEES.

Be it enacted, etc., as follows:

Section 47 of chapter 71 of the General Laws is hereby amended by striking out the fifth sentence, as appearing in chapter 271 of the acts of 1954, and inserting in place thereof the following sentence:- All receipts by the committee in connection with the conduct of activities provided for under this section or any other activity not expressly provided for in this chapter but sponsored by the school committee in which participation is contingent upon the payment of a fee by the participant, shall be deposited with the treasurer of such town or, in cases where the town is a member of a regional school district, with the treasurer of such district and held as a separate account and expended by said school committee without further appropriation, notwithstanding the provisions of section fifty-three of chapter forty-four.

Approved June 28, 1982.

Chap. 174. AN ACT RELATIVE TO RATE MANUALS FOR MOTOR VEHICLE INSURANCE.

Be it enacted, etc., as follows:

Section 7 of chapter 175E of the General Laws is hereby amended by adding the following paragraph:-

Every insurer or rating organization authorized to file on behalf of such insurer, shall make available to the public copies of such manual at a cost not to exceed thirty per cent above the actual costs of printing said manual.

Approved June 28, 1982.

Chap. 175. AN ACT GRANTING THE DISTRICT COURT DEPARTMENT JURISDICTION OVER THE OFFENSE OF MALICIOUS DESTRUCTION OF PERSONAL PROPERTY.

Be it enacted, etc., as follows:

Chapter 218 of the General Laws is hereby amended by striking out section 26, as most recently amended by chapter 470 of the acts of 1981, and inserting in place thereof the following section:-

Section 26. The district courts and the municipal court of the city of Boston shall have original jurisdiction, concurrent with the superior court, of the following offenses, complaint of which shall be brought in the division of the district court department, or in the Boston municipal court department, as the case may be, within which judicial district the offense was allegedly committed or is otherwise made punishable: all violations of by-laws, orders, ordinances, rules and regulations, made by cities, towns and public officers, all misdemeanors, except libels, all felonies punishable by imprisonment in the state prison for not more than five years, the crimes listed in section fifteen A of chapter two hundred and sixty-five and sections sixteen, seventeen, eighteen, nineteen, twenty-eight and forty-nine of chapter two hundred and sixty-six, and the crimes of malicious destruction of personal property under section one hundred and twenty-seven of chapter two hundred and sixty-six, indecent assault and battery on a child under fourteen years of age, escape or attempt to escape from any penal institution, forgery of a promissory note, or of an order for money or other property, and of uttering as true such a forged note or order, knowing the same to be forged. They shall have jurisdiction of proceedings referred to them under the provisions of section four A of chapter two hundred and eleven.

Approved June 28, 1982.

Chap. 176. AN ACT PROVIDING FOR THE UNIFORM APPLICATION OF CERTAIN INDEMNIFICATION PROVISIONS IN BOTH CITIES AND TOWNS.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 13 of chapter 258 of the General Laws, as appearing in section 1 of chapter 396 of the acts of 1979, is hereby amended by inserting after the word "city", in line 1, the words:- or town.

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

Approved June 28, 1982.

Chap. 177. AN ACT RELATIVE TO CERTAIN ACTIONS REQUIRING A TWO-THIRDS MAJORITY VOTE AND AUTHORITY TO ACCEPT AND TREAT SEPTAGE OF MATERIAL PUMPED FROM ON-SITE DOMESTIC SANITARY SEWAGE DISPOSAL SYSTEMS BY THE UPPER BLACKSTONE WATER POLLUTION ABATEMENT DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 752 of the acts of 1968 is hereby amended by striking out the third paragraph, inserted by section 2 of chapter 99 of the acts of 1977, and inserting in place thereof the following paragraph:-

The Board may act by a majority vote on all matters; provided, however, that a two-thirds majority vote shall be required of the representatives on the Board for the undertaking of any capital outlay project costing more than one hundred thousand dollars; the incurrence of debt; the removal of the engineer-director; and the exercise of the power of eminent domain.

SECTION 2. Said chapter 752 is hereby further amended by striking out section 14A, as amended by section 3 of said chapter 99, and inserting in place thereof the following section:-

Section 14A. The district may enter into an agreement with a political subdivision of the commonwealth for the collection, treatment and disposal of sewage from a portion of any city or town named in section one, or from a portion of any political subdivision of the commonwealth whose land area lies within the

geographic limits of the district. Such agreements shall provide for the apportionment of the cost of original construction, interest on bonds or notes, and the costs of maintenance and operation of any facility necessary for said purposes.

The district may enter into an agreement with any political subdivision of the commonwealth to accept and treat septage or material pumped from on-site domestic sanitary sewage disposal systems at a cost to be provided for in such agreements.

Approved June 28, 1982.

Chap. 178. AN ACT RELATIVE TO THE DISTRIBUTION OF LIMITED FUNDS OF ESTATES TO THE PARENTS OF MINORS.

Be it enacted, etc., as follows:

Section 41A of chapter 215 of the General Laws, inserted by chapter 232 of the acts of 1974, is hereby amended by striking out, in lines 5 and 6, the words, two hundred and inserting in place thereof the words:- one thousand.

Approved June 28, 1982.

Chap. 179. AN ACT APPLYING THE AMOUNT OF A DISTRICT COURT BAIL TO BAIL IN THE SUPERIOR COURT UNDER CERTAIN CONDITIONS.

Be it enacted, etc., as follows:

Section 58 of chapter 276 of the General Laws is hereby amended by striking out the fourth paragraph, as amended by section 3 of chapter 802 of the acts of 1981, and inserting in place thereof the following two paragraphs:-

The superior court shall in accordance with the standards set forth in the first paragraph of this section, hear the petition for review as speedily as practicable and except for unusual circumstances, on the same day the petition is filed, provided, however, that the court may continue the hearing to the next business day if the required records and other necessary information are not available. The justice of the superior court may, after a hearing on the petition for review, order that the petitioner be released on bail on his personal recognizance without surety, or, in his discretion, to reasonably assure the effective administra-

tion of justice, make any other order of bail or recognizance or remand the petitioner in accordance with the terms of the process by which he was ordered committed by the district court.

If a defendant has posted bail in the district court and has subsequently been arraigned in the superior court for the same offense, the superior court clerk shall notify the district court clerk holding the defendant's bail of such arraignment. Upon such notification, the amount of any bail bond posted by a defendant in the district court shall be carried over to a bail bond required by the superior court. The superior court justices' discretion in setting the amount of bail shall not be affected by the provisions of this paragraph.

Approved June 28, 1982.

Chap. 180. AN ACT MAKING A CORRECTIVE CHANGE IN A CERTAIN GENERAL LAW.

Be it enacted, etc., as follows:

The first paragraph of section 113H of chapter 175 of the General Laws is hereby amended by striking out the fourth sentence, inserted by chapter 129 of the acts of 1982, and inserting in place thereof the following sentence:- Effective July first, nineteen hundred and eighty-two such governing committee shall consist of three members from insurance companies participating in the plan and two members from associations of insurance producers appointed for terms of six years, two members from insurance companies participating in the plan and two members from associations of insurance producers appointed for terms of four years, and two members from insurance companies participating in the plan and two members from associations of insurance producers appointed for terms of two years.

Approved June 28, 1982.

EMERGENCY LETTER, July 22, 1982 @ 1:09 P.M.

Chap. 181. AN ACT INCREASING THE AMOUNT OF SHARES THAT MAY BE HELD BY MEMBERS OF CREDIT UNIONS.

Be it enacted, etc., as follows:

Section 10 of chapter 171 of the General Laws, as most recently amended by chapter 279 of the acts of 1981, is hereby further amended by striking out the fourth, fifth and sixth sentences and inserting in place thereof the following three sentences:- Every member of a credit union shall hold one share and may hold shares or make deposits, or both therein, in his own name to an amount not exceeding, in the aggregate, twenty thousand dollars, and he may jointly, with one or more persons, hold shares or make deposits, or both, to an amount not exceeding, in the aggregate, forty thousand dollars, exclusive of club deposits. A member of a credit union having assets of five hundred thousand dollars or more may hold shares or make deposits, or both therein, in his own name to an amount not exceeding, in the aggregate, thirty thousand dollars and may jointly, with one or more persons, hold shares or make deposits, or both, to an amount not exceeding, in the aggregate, sixty thousand dollars, exclusive of club deposits. A member of a credit union having assets of four million dollars or more may hold shares or make deposits, or both therein, in his own name to an amount not exceeding, in the aggregate, fifty thousand dollars, provided that he has no other accounts, and he may jointly, with one or more persons, hold shares or make deposits, or both, to an amount not exceeding, in the aggregate, one hundred thousand dollars, exclusive of club deposits.

Approved June 28, 1982.

Chap. 182. AN ACT PROVIDING FOR THE ANNUAL OBSERVANCE OF AUNT'S AND UNCLE'S DAY.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by striking out section 12T, as most recently amended by section 1 of chapter 102 of the acts of 1981, and inserting in place thereof the following section:-

Section 12T. The governor shall annually issue a proclamation setting apart the third Monday of February as Washington's Day, the first Sunday in April as Veterans of World War I Hospital Day, the second Sunday in April as Aunt's and Uncle's Day, the fourth day of May as Horace Mann Day, the second Sunday in May as Mother's Day, the third Sunday in June as Father's Day, the seventh day of August as Purple Heart Day, the first Sunday in October as Senior Citizens' Day, the first Sunday in December as Disabled American Veteran's Hospital Day and the

second Saturday in December as Army and Navy Union Day; and recommending that said days be observed by the people in an appropriate manner.

Approved June 28, 1982.

Chap. 183. AN ACT INCREASING THE AMOUNT OF INTEREST TO BE PAID IN CERTAIN CIVIL ACTIONS.

Be it enacted, etc., as follows:

SECTION 1. Section 50 of chapter 152 of the General Laws, as most recently amended by section 1 of chapter 322 of the acts of 1980, is hereby further amended by striking out, in line 6, the word "ten" and inserting in place thereof the word:- twelve.

SECTION 2. Section 6B of chapter 231 of the General Laws, as most recently amended by section 2 of said chapter 322, is hereby further amended by striking out, in line 6, the word "ten" and inserting in place thereof the word:- twelve.

SECTION 3. Said chapter 231 is hereby further amended by striking out section 6C, as most recently amended by said section 2 of said chapter 322, and inserting in place thereof the following section:-

Section 6C. In all actions based on contractual obligations, upon a verdict, finding or order for judgment for pecuniary damages, interest shall be added by the clerk of the court to the amount of damages, at the contract rate, if established, or at the rate of twelve per cent per annum from the date of the breach or demand. If the date of the breach or demand is not established, interest shall be added by the clerk of the court, at such contractual rate, or at the rate of twelve per cent per annum from the date of the commencement of the action.

SECTION 4. Section one of this act shall apply to injuries for which notice of claim is filed on or after the effective date of this act. Sections two and three shall apply to all actions in which damages are assessed on or after the effective date of this act.

Approved June 28, 1982.

EMERGENCY LETTER, July 1, 1982 @ 11:25 A.M.

Chap. 184. AN ACT MAKING A CORRECTIVE CHANGE IN THE LAW ESTABLISHING CIVIL AND CRIMINAL REMEDIES FOR CERTAIN FRAUDULENT ACTS AFFECTING THE COMMONWEALTH AND COMMERCIAL BRIBERY.

Be it enacted, etc., as follows:

Section 67A of chapter 266 of the General Laws, inserted by section 2 of chapter 531 of the acts of 1980, is hereby amended by striking out, in line 2, the word "six" and inserting in place thereof the word:- one.

Approved June 28, 1982.

Chap. 185. AN ACT RELATIVE TO PLANS SUBMITTED FOR APPROVAL UNDER THE SUBDIVISION CONTROL LAW.

Be it enacted, etc., as follows:

The fifth 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 striking out, in line 11, the word "five" and inserting in place thereof the word:- eight.

Approved June 28, 1982.

EMERGENCY LETTER - June 28, 1982 @ 11:37 A.M.

Chap. 186. AN ACT RELATIVE TO LOANS FOR THE IMPROVEMENT OF IMPROVED REAL ESTATE MADE BY CREDIT UNIONS.

Be it enacted, etc., as follows:

Subdivision (D) of section 24 of chapter 171 of the General Laws is hereby amended by striking out the second and third sentences, as appearing in section 3 of chapter 78 of the acts of 1980, and inserting in place thereof the following two sentences:- Such loan shall not exceed fifteen thousand dollars, exclusive of interest or discount from the date of the note, with respect to any one parcel of such real estate. The loan shall be

payable within fifteen years from the date of the note.

Approved June 28, 1982.

Chap. 187. AN ACT AUTHORIZING CITIES AND TOWNS TO LEASE BUILDING SPACE FOR THE UNITED AMERICAN VETERANS OF THE U.S.A., INC.

Be it enacted, etc., as follows:

Chapter 40 of the General Laws is hereby amended by striking out section 9, as most recently amended by chapter 6 of the acts of 1974, and inserting in place thereof the following section:-

Section 9. A city or town may, for the purpose of providing suitable headquarters for such post or posts of any veterans' organization incorporated or chartered by the congress of the United States, as have been in operation for at least three years, or for the purpose of providing suitable headquarters for a camp of the United Spanish War Veterans, or for a post of the Polish-American Veterans, Inc., of the Lithuanian War Veterans Organization, Inc., of the Unity War Veterans Association, Inc., Post No. 1, of the 3.54 American Veterans of World War II, AMVETS, of the Italian American War Veterans of the United States, Incorporated, of the Armenian American Veterans Association, Inc., of the War Veterans Civic Association of Massachusetts, Inc., for the Yankee Division Veterans Association or any chapter thereof, or for a barracks of the Veterans of World War I of the U.S.A., for the United American Veterans of the U.S.A., Inc. or any chapter thereof, lease for a period not exceeding five years building or parts of buildings which shall be under the direction and control of such post, camp or barracks subject to regulations made in cities by the mayor with the approval of the council and in towns by vote of the town, and for said purposes a town with a valuation of less than five million dollars may annually appropriate not more than two thousand dollars; a town with a valuation of five million dollars but not more than twenty-five million dollars may annually appropriate not more than three thousand dollars; a town with a valuation of more than twenty-five million dollars but not more than fifty million dollars may annually appropriate not more than four thousand dollars; a town with a valuation of more than fifty million dollars but not more than seventy-five million dollars may annually appropriate not more than five thousand dollars; a town with a valuation of more than seventy-five million dollars but not more than one hundred million dollars may annually appropriate

not more than six thousand dollars; a town with a valuation of more than one hundred million dollars but not more than one hundred and twenty-five million dollars may annually appropriate not more than seven thousand dollars; a town with a valuation of more than one hundred and twenty-five million dollars but not more than one hundred and fifty million dollars may annually appropriate not more than ten thousand dollars; and a town with a valuation of more than one hundred and fifty million dollars may annually appropriate ten thousand dollars, and in addition three thousand dollars for each additional one hundred and fifty million dollars of valuation, or major fraction thereof. In addition to sums hereinbefore authorized by this section, a city or town with a valuation of more than one hundred and fifty million dollars may, for the purpose of providing suitable headquarters for a camp of the United Spanish War Veterans, lease for a period not exceeding five years a building or part of a building, which shall be under the direction and control of such camp, subject to regulations made in cities by the mayor, with the approval of the council, or by the city manager where the charter so provides, and in towns by vote of the town, and for such purpose may annually appropriate a sum not exceeding, in any one year, thirty-five hundred dollars. The city council of a city may, by a two-thirds vote, appropriate money for armories for the use of the state militia, for the celebration of holidays, or the purpose of providing or defraying the expenses of suitable quarters for posts of the Grand Army of the Republic, including the heating and lighting of such quarters, and for other like public purposes to an amount not exceeding in any one year one-fiftieth of one per cent of its equalized valuation as defined in section one of chapter forty-four.

Approved June 28, 1982.

Chap. 188. AN ACT RELATIVE TO THE RECORDS OF VETERANS.

Be it enacted, etc., as follows:

The fifth paragraph of subsection (b) of section 15 of chapter 33 of the General Laws, as appearing in section 1 of chapter 590 of the acts of 1954, is hereby amended by adding the following sentence:- He shall keep a roster of all Massachusetts veterans in alphabetical order by cities and towns.

Approved June 28, 1982.

Chap. 189. AN ACT RELATIVE TO THE DISCLOSURE OF INFORMATION CONTAINED IN CERTAIN RECORDS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to prevent the disclosure of certain information which would endanger the public safety, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

Be it enacted, etc., as follows:

SECTION 1. Section 10 of chapter 66 of the General Laws is hereby amended by adding the following paragraph:-

The commissioner of public safety and his agents, servants, and attorneys including the keeper of the records of the firearms records bureau of said department, or any licensing authority, as defined by chapter one hundred and forty shall not disclose any records divulging or tending to divulge the names and addresses of persons who own or possess firearms, rifles, shotguns, machine guns and ammunition therefor, as defined in said chapter one hundred and forty and names and addresses of persons licensed to carry and/or possess the same to any person, firm, corporation, entity or agency except criminal justice agencies as defined in chapter six and except to the extent such information relates solely to the person making the request and is necessary to the official interests of the entity making the request.

SECTION 2. Clause twenty-sixth, of section 7 of chapter 4 of the General Laws, as appearing in section 1 of chapter 1050 of the acts of 1973, is hereby amended by adding after clause (i) the following clause:-

(j) The names and addresses of any persons contained in, or referred to in, any applications for any licenses to carry or possess firearms issued pursuant to chapter one hundred and forty or any firearms identification cards issued pursuant to said chapter one hundred and forty and the names and addresses on sales or transfers of any firearms, rifles, shotguns, or machine guns or ammunition therefor, as defined in said chapter one hundred and forty and the names and addresses on said licenses or cards.

Approved June 29, 1982.

Chap. 190. AN ACT ESTABLISHING THE CITY OF BOSTON FUNDING LOAN ACT OF NINETEEN HUNDRED AND EIGHTY-TWO AND THE MASSACHUSETTS CONVENTION CENTER AUTHORITY.

Be it enacted, etc., as follows:

SECTION 1. The city of Boston, for the purposes specified in section four, may borrow, at one time or from time to time prior to June thirtieth, nineteen hundred and eighty-three, a sum in the aggregate not exceeding forty-five million dollars, and may issue and sell bonds, notes and other evidences of indebtedness of said city therefor as provided herein. Bonds, notes and other evidences of indebtedness may be issued hereunder by the collector-treasurer of said city with the approval of the mayor, and, notwithstanding sections sixteen and nineteen of chapter forty-four of the General Laws, may be issued as serial bonds or term bonds or any combination thereof, shall mature on such date or dates and in such amounts, may be redeemable prior to their maturity at the option of the city with or without premium, and may be sold in such manner, either at public or private sale, and for such price as the collector-treasurer may, with the approval of the mayor, determine to be reasonable and proper.

SECTION 2. Subject to section sixteen of chapter forty-four of the General Laws, bonds and notes issued under this act shall bear on their face the words, City of Boston Funding Loan, Act of 1982. Each issue shall constitute a separate loan and such loans shall be payable in not more than ten years from their dates. Debt incurred under authority of this act shall not be included in determining the limit of indebtedness of the city as established by law, but shall, except as herein provided, be subject to the provisions of chapter forty-four of the General Laws, including the provisions of section seventeen of said chapter forty-four relative to temporary loans in anticipation of the issue of bonds and notes.

SECTION 3. In addition to the authority provided by section seventeen of chapter forty-four of the General Laws to issue notes in anticipation of the issue of bonds and notes, the city, acting by its collector-treasurer with the approval of the mayor, may enter into agreements with banks or trust companies, within or without the commonwealth, whether in the form of lines of credit or other banking arrangements, for the making by the city from time to time of temporary loans in anticipation of the money to be derived from the sale of bonds and notes under

section one in such aggregate principal amounts outstanding from time to time, not exceeding the amount authorized by section one, as the collector-treasurer may determine with the approval of the mayor. Any temporary loans incurred under authority of this section, and notes if any issued to evidence such loans, may be renewed from time to time, provided all such loans and renewals thereof shall be payable not later than June thirtieth, nineteen hundred and eighty-three. Any agreement entered into by the city under this section, and notes of the city if any issued thereunder, whether in coupon or registered form or payable to order, shall be signed by the collector-treasurer and the auditor of the city and countersigned by the mayor. Temporary loans incurred under this section may, in the discretion of the collector-treasurer and the mayor, provide for prepayment at any time with or without premium at the option of the city, and may bear interest at such rate or rates as the collector-treasurer may, with the approval of the mayor, deem proper, including rates variable from time to time as determined by such index, banker's loan rate or other method specified in such agreement. Any such agreement may also include such other covenants and provisions for protecting and enforcing the rights, security and remedies of the lenders as may, in the discretion of the collector-treasurer and mayor, be reasonable and proper and not in violation of law.

SECTION 3A. Bonds and notes issued under this act, whether original or refunding are hereby made securities in which all insurance companies, trust companies, banking associations, savings banks, cooperative banks, investment companies, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or notes or other obligations of a similar nature may properly and legally invest funds, including capital, deposits or other funds in their control or belonging to them. Such bonds and notes are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivison of the commonwealth for any purpose for which the deposit of bonds or other obligations of the commonwealth now or may hereafter be authorized by law.

SECTION 3B. Notwithstanding the provision of any law to the contrary, prior to the issuance of bonds and notes pursuant to sections one and three the commonwealth acting by and through the secretary of administration may enter a contract with the city of Boston providing that the commonwealth will advance

during the life of such bonds and notes to the city amounts sufficient to pay interest and maturing principal on said bonds and notes. Such advances shall occur provided the collector-treasurer of the city of Boston certifies to the secretary of administration the city has insufficient funds to pay debt service on the bonds or notes. The secretary of administration shall notify the state treasurer of the amount needed by the city of Boston to pay the debt service. Upon receipt of such notification the state treasurer shall advance the city of Boston the amount needed to pay the debt service on the bonds. In the year following any advance the state treasurer shall deduct the amount so advanced plus a reasonable interest charge from the distribution of local aid made to the city of Boston pursuant to section eighteen A or eighteen C of chapter fifty-eight of the General Laws.

SECTION 4. All proceeds of any borrowing authorized by section one and section three of this act, after payment, unless otherwise provided for, of all expenses of the borrowing, shall be deposited in a separate fund which shall be set up on the books of the city or otherwise established pursuant to the trust agreement, if any, securing such borrowing, and maintained separate and apart from all other funds and accounts of the city. Such fund shall be called the city of Boston Disproportionate Assessment Fund. Amounts deposited in such fund shall, upon written direction of the collector-treasurer, and approval by the disproportionate assessment board as provided in section five of this act, but without further authority, be used for no purpose other than to meet refunds and other recoveries of real property taxes after payment, including interest accrued thereon, and to reimburse the treasury of the city for such refunds and recoveries, paid by the city after June thirtieth, nineteen hundred and eighty-one and on or before June thirtieth, nineteen hundred and eighty-three on account of abatements of taxes assessed by the assessors of the city for the fiscal year ending June thirtieth, nineteen hundred and eighty-one and all years prior thereto. Notwithstanding the foregoing, amounts deposited in said Disproportionate Assessment Fund shall be applied only to refunds and other recoveries of taxes arising from abatements granted after January first, nineteen hundred and seventy-nine and on or before June thirtieth, nineteen hundred and eighty-three pursuant to applications for abatements or the filing or settlement of appeals before the appellate tax board on account of a claimed disproportionate assessment of property; provided a certificate to such effect, signed by the commissioner of assessing of the city and filed with said disproportionate assessment

board pursuant to section five of this act shall be conclusive evidence of the proper application of such amounts. Prior to application of any amounts on deposit in said Disproportionate Assessment Fund to the payment of or reimbursement for payment of any refund or other recovery of tax, the collector-treasurer shall also file with said disproportionate assessment board as provided in said section five, a description of the refund to be granted, the address of the property, the owner of record, the amount to be refunded or reimbursed, the date the abatement was granted and the date or proposed date of payment of such refund or reimbursement. No more than twenty days after the date of payment of any refund hereunder, a record of each such refund, including the address of the property, the owner of record, the amount refunded, the date the abatement was granted, the date of payment of such refund and the date of approval of such payment by said disproportionate assessment board shall be filed with the city council and published in the city record.

When assessing taxes for the fiscal year ending June thirtieth, nineteen hundred and eighty-three and any subsequent year, the assessors of the city shall exclude from the calculation of the amount required to be assessed under section twenty-three of chapter fifty-nine of the General Laws all abatements met or reimbursed from amounts borrowed under this act.

The expenses of any borrowing made under authority of section one or section three of this act shall be paid from the proceeds of such borrowing or from the general funds of the city to the extent not otherwise provided for. Income earned on investment of any proceeds of such borrowing shall be credited to said Disproportionate Assessment Fund or with the approval of the city council transferred to the general fund of the city to be used solely to meet payments of principal or interest on debt issued under authority of section one and section three of this act. If on June thirtieth, nineteen hundred and eighty-three any amount borrowed under authority of section one of this act remains unexpended for the purposes provided herein, such amount shall be applied without further appropriation to the payment of principal and interest coming due in the next fiscal year on debt incurred under said section. Any amount in excess of such principal and interest shall be transferred to the general fund of the city as of such date, and shall be applied, without further appropriation, to the payment of principal and interest coming due in the next fiscal year on any debt of the city.

The auditor of the city, in accordance with section sixteen of chapter forty-four of the General Laws, shall annually notify the assessors of the city of the amount of debt and interest charges

matured and maturing during the next fiscal year on all debt of the city incurred under section one of this act and what provision if any has been made for the payment of such debt and interest, and said assessors shall include the amount of such debt and interest not otherwise provided for in the tax levy of that year notwithstanding any limit provided by law on the total taxes assessable by the city for such year; provided inclusion of any such amount in the levy of any year shall not operate to increase the amount otherwise available within any limits thereon to meet other appropriations of the city.

SECTION 5. Upon the issuance of any bonds, notes or other evidences of indebtedness of the city under authority of section one and section three of this act, a disproportionate assessment board shall be established consisting of the treasurer and receiver-general, the secretary of administration and the commissioner of revenue of the commonwealth. Said disproportionate assessment board shall be constituted and empowered to approve disbursements from the city of Boston Disproportionate Assessment Fund established by section four of this act solely as provided in this section. Upon presentation by the collector-treasurer of a request for approval of a proposed disbursement from said Disproportionate Assessment Fund, said board shall determine if all certificates and information required to be filed with said board under the provisions of section four of this act with respect to disbursement have been so filed. Within twenty-one days of the presentation of such request, said board shall notify the collector-treasurer either that such certificates and information have been so filed and that the proposed disbursement is therefore approved or that the required information and certificates have not been filed, specifically identifying the required information. The board shall act on any request of the collector-treasurer not so approved within five days after the collector-treasurer shall file with said board any information specified by said board to be lacking. If said board shall fail to act on a request of the collector-treasurer for disbursements from said Disproportionate Assessment Fund within twenty-one days of presentation of such request, or within five days of filing of any lacking information as aforesaid, the request of the collector-treasurer shall for all purposes of this act be deemed approved.

SECTION 6. Notwithstanding the provisions of any general or special law to the contrary or section four of chapter forty-four of the General Laws, the city of Boston, when authorized by vote of a two-thirds of all the city councillors passed after two

separate readings and by two separate votes taken not less than twenty-four hours apart, may incur debt in any fiscal year for temporary loans in anticipation of revenue, as defined in section one of said chapter forty-four, of such fiscal year in an amount not exceeding the total tax levy of such fiscal year or, if said levy has not yet been established by the assessors of the city, not exceeding eighty-five per cent of the total tax levy of the preceding fiscal year.

Notes issued under authority of this section may be sold in such manner, either at public or private sale, and for such price as the collector-treasurer may, with the approval of the mayor, determine to be reasonable and proper. Each note issued under authority of this section and any renewal thereof shall, notwithstanding the provisions of chapter seven hundred and seventeen of the acts of nineteen hundred and fifty-seven, be payable no later than June thirtieth of the year in which such note or renewal thereof is issued, provided that notes may be issued or renewed under authority of this section after May thirty-first in any year, payable not later than one year from their dates if the aggregate amount thereof does not exceed the aggregate amount remaining unpaid at such May thirty-first on real and personal property taxes assessed in such year and not included in a tax title account.

SECTION 7. Pursuant to the authority provided in section six of this act to issue notes in anticipation of the revenue of a fiscal year, the city, acting by its collector-treasurer with the approval of the mayor, may enter into agreements with banks or trust companies, within or without the commonwealth, whether in the form of lines of credit or other banking arrangements, for the making by the city from time to time of temporary loans in anticipation of the revenue of the fiscal year in which such loans are made in such principal amounts outstanding from time to time, not exceeding the amounts authorized by the city council pursuant to the provisions of said section six, as the collector-treasurer may determine with the approval of the mayor. Any temporary loans incurred under authority of this section, and notes, if any, issued to evidence such loans, may be renewed from time to time, provided all such loans shall be payable not later than the dates provided in said section six. Any agreement entered into by the city pursuant to this section, and notes of the city, if any, issued thereunder, whether in coupon or registered form or payable to order, shall be signed by the collector-treasurer and the auditor of the city and countersigned by the mayor. Temporary loans incurred under this section may, in the discretion of the collector-treasurer, provide for

prepayment at any time with or without premium at the option of the city and may bear interest at such rate or rates as the collector-treasurer may, with the approval of the mayor, deem proper, including rates variable from time to time as determined by such index, banker's loan rate or other method specified in such agreement. Any such agreement may also include such other covenants and provisions for protecting and enforcing the rights, security and remedies of the lenders as may, in the discretion of the collector-treasurer and mayor be reasonable and proper and not in violation of the law.

SECTION 8. Notwithstanding the provisions of chapter sixty-four G of the General Laws or chapter five hundred and forty-six of the acts of nineteen hundred and sixty-nine the net proceeds from the excise imposed upon the transfer of any room or rooms in a hotel or motel as defined in section one of said chapter sixty-four G, which is located in the city of Boston and which was first opened for patronage on or after August first, nineteen hundred and eighty-one, shall, on or before the last day of each calendar quarter, be distributed by the state treasurer upon certification of the commissioner of revenue without further appropriation to the city of Boston and credited to the Excise Fund established in section ten of this act.

The excise collected under this section shall be dedicated to the city of Boston on and after the first full calendar month following the effective date of this act. Said funds shall be used solely for the payment of interest and principal on any bonds issued pursuant to section one of this act.

Notwithstanding the second paragraph, the dedication of the excise provided in this section shall cease, and the obligation of the state treasurer to pay such excise to the city of Boston shall expire when all bonds, notes or other evidences of indebtedness authorized and issued to refund any such indebtedness, shall be paid or, if earlier, when such indebtedness shall be deemed to have been paid under any trust or other security agreement securing the same, or, if no such indebtedness shall then be outstanding, on June thirtieth, nineteen hundred and eighty-three, or if the balance in said fund shall be equal to or greater than the principal and interest on bonds issued pursuant to section one.

SECTION 8A. Notwithstanding the provisions of chapter sixty-four D of the General Laws and chapter five hundred and forty-six of the acts of nineteen hundred and sixty-nine the net proceeds from the excise imposed upon deeds, instruments, and writings in Suffolk county shall on or before the last day of

each calendar quarter, be distributed by the state treasurer upon the certification of the commissioner of revenue to the city of Boston and credited to the Excise Fund established in section ten of this act.

The excise collected under this section shall be dedicated to the city of Boston on and after the first full calendar month following the effective date of this act. Said funds shall be used solely for the repayment of interest and principal on any bonds issued pursuant to section one of this act.

Notwithstanding the second paragraph, the dedication of the excise provided in this section shall cease and the obligation of the state treasurer to pay such excise to the city of Boston shall expire when all bonds, notes or other evidences of indebtedness authorized and issued to refund any such indebtedness, shall be paid or; if earlier, when such indebtedness shall be deemed to have been paid under any trust or other security agreement securing the same, or, if no such indebtedness shall then be outstanding, on June thirtieth, nineteen hundred and eighty-three, or if the balance in said fund shall be equal to or greater than the principal and interest on bonds issued pursuant to section one.

SECTION 9. For purposes of this section, the following words shall, unless the context otherwise requires, have the following meanings:

"Applicant", any person, as defined in section one of chapter sixty-four H of the General Laws, who seeks to register a master deed or a subdivision plan in the registry of deeds or who seeks a building permit for the construction or alteration of a structure or other appurtenances thereto on one or more lots included in a consolidation.

"Condominium, master deed and unit", shall have the meanings given such words by chapter one hundred and eighty-three A of the General Laws.

"Consolidation", the consolidation of two or more lots, as shown on the records of the building department of the city, into one parcel of land for purposes of construction or alteration on one or more lots in such parcel or structures, or appurtenances thereto, for which a building permit is required to be granted by the commissioner of said department in accordance with the state building code or chapter one hundred and forty-three of the General Laws.

"Consolidation plan", a plan of a proposed consolidation, in such form as the building commissioner of the city shall prescribe, showing the boundaries of each lot in such consolidation and the names of each record owner and the applicant and such

other information as the building commissioner of the city may reasonably require or as is required by law and includes a site plan as provided in the state building code.

"Lot", an area of land in one ownership, with definite boundaries, used, or available for use, as the site of one or more structures as defined in chapter one hundred and forty-five of the General Laws.

"Subdivision", the division of a tract of land into two or more lots and includes re-subdivision.

"Subdivision plan", a plan of a proposed subdivision showing the boundaries of each lot to be established thereby, the record owner and the applicant and such other information as may be required by law.

"Registry of deeds", the registry of deeds of Suffolk county and, when appropriate, includes the land court.

Whether or not any loan authorized by section one of this act is outstanding, on and after the thirtieth day following the effective date of this act, an excise is hereby imposed upon the creation of any condominium or subdivision located in whole or in part in the city of Boston at the uniform rate of five hundred dollars for each unit, in excess of one unit, in the condominium, as shown by the master deed, and five hundred dollars for each lot in excess of two lots, in the subdivision as shown by the subdivision plan. Such excise shall be in addition to any other excise or fee payable under any other provision of law applicable to the creation of condominiums or subdivisions or the recording of a master deed or a subdivision plan or instrument conveying interests in units or lots. Payment of the excise imposed hereby shall be made by the applicant to the collector-treasurer of the city prior to recording any master deed or subdivision plan. No master deed or plan shall be accepted for recording in Suffolk county registry of deeds or in the land court, where applicable, unless the collector-treasurer certifies thereon that the excise imposed by this section has been paid. The collector-treasurer shall deposit all amounts so collected in the Excise Fund established in section ten of this act, or if such fund shall have been dissolved, in the general fund of the city. The excise imposed under this section, unless paid as provided herein, shall, with all incidental charges and fees, be a lien on each unit or lot from the date of filing of the master deed and shall be subject to the provisions of chapter sixty, section thirty-seven of the General Laws in the same manner as taxes assessed on land.

Whether or not any loan authorized by section one of this act is outstanding, on and after the thirtieth day following the effective date of this act, an excise is hereby imposed upon each consolidation located in whole or in part in the city of Boston at

the uniform rate of five hundred dollars for each lot, in excess of two lots, as shown on the consolidation plan. Such excise shall be in addition to any other excise or fee payable under any other provision of law applicable to such consolidation or the issuance of a building permit for the construction or alteration of any structure on any lot thereon. Payment of the excise shall be made by the applicant to the collector-treasurer of the city prior to the issuance by the building commissioner of any permit applicable to contruction or alteration of any structure in any lot in such consolidation and said commissioner shall not issue any such permit until a consolidation plan has been filed with the commissioner accompanied by a certificate of the collector-treasurer, on such form as he shall prescribe, attesting to the payment of the excise applicable thereto. The collector-treasurer shall deposit all amounts so collected in the Excise Fund established in section ten of this act, or if such fund shall have been dissolved, in the general fund of the city.

The administration of this section is hereby vested in the collector-treasurer of the city of Boston and all forms necessary and proper for the enforcement of this section shall be prescribed and furnished by the collector-treasurer. The collector-treasurer may prescribe regulations not inconsistent with law, to carry into effect the provisions of this section, which regulations when reasonably designed to carry out the intent and purpose of the provisions hereof shall be prima facie evidence of the proper interpretation of such provisions. The collector-treasurer shall furnish the city council and the commissioner of revenue of the commonwealth with a copy of any regulation proposed to be prescribed under this section and shall publish such proposed regulation in the city record. Such regulation shall be effective twenty days after the date of publication unless prior thereto the city council, by majority vote of all its members, shall vote to rescind such regulation. All remedies provided by sections thirty-five, thirty-six, and thirty-seven of chapter sixty of the General Laws or otherwise provided by law shall be available to and are hereby vested in the collector-treasurer for the proper administration and enforcement of this section.

SECTION 10. Not later than thirty days after the effective date of this act, the collector-treasurer of the city shall set up on the books of the city, or otherwise establish pursuant to the trust or other security agreement, if any, securing any indebtedness incurred under authority of sections one and three of this act, a separate fund entitled the City of Boston Excise Fund. Such fund shall be maintained as provided in this act by

the collector-treasurer or, with the approval of the mayor, by the corporate trustee under such trust or security agreement. All receipts from the excises established under sections eight, eight A and nine of this act shall be deposited in the Excise Fund. Except as otherwise provided in this section, all amounts so deposited shall be used solely to pay the cost of administration and collection of said excises, under such supplementary appropriation orders as the mayor may submit and the city council approve in accordance with the city charter, and to pay or provide for, without further appropriation, the principal of and premium and interest on all bonds, notes or other evidences of indebtedness issued under authority of section one of this act including the establishment and maintenance of such reserves therefor as may be provided for in any trust or other security agreement securing the same and the costs of administration of such trust or other security agreement.

The Excise Fund shall be dissolved on June thirtieth, nineteen hundred and eighty-three if no indebtedness issued under the authority of section one of this act shall then be outstanding or otherwise when all such indebtedness, including any indebtedness issued to refund any such indebtedness, shall be paid or, if earlier, shall be deemed to have been paid within the meaning of any trust or other security agreement securing the same. Any balance remaining in the Excise Fund on such date of dissolution shall be deposited in the general fund of the city and applied to the payment of debt and interest on any debt of the city.

SECTION 11. Notwithstanding anything in section five of chapter seven hundred and seventeen of the acts of nineteen hundred and fifty-seven as amended, for the fiscal year beginning July first, nineteen hundred and eighty-two, and each fiscal year thereafter, whether or not any loan issued under authority of section one and section three of this act is outstanding, deductions made by the assessors of the city under clause (a) of section twenty-three of chapter fifty-nine of the General Laws on account of estimated receipts from the special excise taxes authorized by sections eight and eight A and nine hereof may be made up to such amounts as the auditor of the city shall estimate, subject to approval of the commissioner of revenue.

SECTION 12. In the discretion of the collector-treasurer and mayor, when authorized by two-thirds vote of the city council, any debt or temporary loan incurred under authority of this act or under authority of any other general or special law heretofore

or hereafter enacted may be secured by one or more trust agreements or other security agreements between the city and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the commonwealth, or directly between the city and the lender of such debt or temporary loan. Any such trust or security agreement shall be in such form as determined by the collector-treasurer, with the approval of the mayor, and shall be executed by the collector-treasurer and city auditor and countersigned by the mayor.

Any trust or security agreement directly or indirectly securing debt or temporary loans incurred under authority of this act or under authority of any other general or special law heretofore or hereafter enacted may, in addition to other security provided by law, pledge or assign, and may create a security interest, in whole or in part, in the receipts and other monies held or to be received by the city in the then current or any future fiscal year from the special excise taxes authorized by sections eight, eight A and nine of this act in conformity with section ten of this act and from any other tax or fee heretofore or hereafter imposed by any general or special law the receipts from which are payable to or for the account of the city and the receipts, distributions and reimbursements held or to be received by the city in the fiscal years or parts thereof during which such debt or loans will be outstanding from the commonwealth under chapter fifty-eight of the General Laws and under any other local reimbursement or assistance program authorized by law, including, without limitation, reimbursement and assistance programs described in section twenty-five A of said chapter fifty-eight except such distributions and reimbursements as are required by law to be specifically used for statutorily defined purposes. Any such trust or security agreement may also pledge or assign, pending their use for the purposes for which borrowed, all or any part of the proceeds of such debt or temporary loans and may contain such provisions for protecting and enforcing the rights, security and remedies of the holders of such debt or temporary loans as the collector-treasurer may, with the approval of the mayor, deem reasonable and proper and not in violation of law, including, without limitation, provisions defining defaults and providing for remedies in the event thereof including the acceleration of maturities, provisions establishing reserves for the payment of such debt or loans and covenants setting forth the duties of, and limitations on, the city in relation to the custody, safeguarding, investment and application of the proceeds, receipts, distributions, reimbursements and other monies pledged thereunder.

In addition to other security provided herein or otherwise by law, in the discretion of the collector-treasurer and mayor, when authorized by two-thirds vote of the city council, debt and temporary loans incurred by the city under any provision of this act or under any other general or special law heretofore or hereafter may be secured, in whole or in part, by letters of credit, as defined in Article five of chapter one hundred and six of the General Laws, issued to the city by any bank, trust company or other financial institution, within or without the commonwealth, authorized to issue the same, and the city may pledge or assign, and may create security interests in, any of the proceeds, receipts, distributions, reimbursements or other monies described in this section as security for the reimbursement by the city to the issuers of such letters of credit of any payments made under the letters of credit.

It shall be lawful for any bank or trust company organized under the laws of the commonwealth to act as a depository or trustee of any proceeds, receipts, distributions, reimbursements or other monies pledged or held under any trust or security agreement authorized hereby including the City of Boston Disproportionate Assessment Fund, established by section four of this act, and the City of Boston Excise Fund, established by section ten of this act, and to furnish such indemnifying bonds or to pledge such securities and issue such letters of credit as may be requested or required by the city. All expenses incurred in carrying out the provisions of such trust or security agreement or in obtaining any such letters of credit may be treated as an expense of borrowing hereunder. Any pledge made in accordance with this act shall be valid and binding and shall be deemed continuously perfected from the time when the pledge is made, the proceeds, receipts, distributions, reimbursements and other monies so pledged and then held or thereafter received by the city shall immediately be subject to the lien of such pledge without any physical delivery or segregation thereof or further act; and the lien of such pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the city, irrespective of whether such parties have notice thereof. No trust or security agreement by which a pledge is created need be filed or recorded except in the records of the city kept by the city clerk, and no filing need be made under the provision of chapter one hundred and six of the General Laws.

SECTION 13. Section 2 of chapter 263 of the acts of 1929, as most recently amended by chapter 253 of the acts of 1973, is hereby further amended by striking out the second paragraph

and inserting in place thereof the following two paragraphs:-

The commission shall also have exclusive authority, except as otherwise herein provided, to adopt, amend, alter and repeal rules and regulations, not inconsistent with general law as modified by this act, relative to vehicular street traffic in 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 said control as a through way under and subject to the provisions of section nine of chapter eighty-nine of the General Laws. Such rules may provide for resident parking zones.

The commissioner of traffic and parking in the city of Boston shall, upon the written request of the fire commissioner of the city of Boston, designate certain public ways or parts thereof as fire lanes. Violation of said regulation promulgated by the commissioner, in accordance with law, shall contain a fine not to exceed the maximum fine specified in the second paragraph of section twenty-two A of chapter forty of the General Laws.

SECTION 13A. Said section 2 of said chapter 263 is hereby further amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

The commission may adopt, amend and repeal rules and regulations prescribing a penalty, set by ordinance with the approval of the mayor and city council, for any violation of a rule or regulation adopted under this section or promulgated under section two B; provided, that no penalty in excess of fifteen dollars shall be imposed except by ordinance; and provided, further, that no penalty shall be imposed upon any disabled veteran whose vehicle bears the distinctive number plate authorized by section two of chapter ninety of the General Laws, or upon any handicapped person whose vehicle displays the distinctive number plate authorized by said section two, for parking such vehicle on any way for a longer period of time than permitted by a rule or regulation adopted under this section or promulgated under section two B. A penalty imposed under this section may, if so provided in the regulation imposing the penalty, be increased by up to thirty-three and one-third per cent if it remains unpaid for at lease twenty-one days after issuance of a notice of a violation of a parking regulation as provided under section four A.

SECTION 13B. Said chapter 263 is hereby further amended by striking out section 4, as most recently amended by chapter 754

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

Section 4. In the city of Boston, the mayor, with the approval of the city council, shall designate or appoint a parking clerk. The parking clerk shall supervise and coordinate the processing of parking notices in the city of Boston. The parking clerk shall have the authority, subject to appropriation, to hire or designate such personnel as may be necessary, or contract for such services as may be necessary, to implement the provisions of this section; provided, however, that such positions shall be filled in the city of Boston by granting preferences to persons who had been employees of the city of Boston in the fire, police or traffic and crossing guard service, and all such positions in said city of Boston shall be subject to chapter thirty-one, and in no case in the city of Boston shall the amount appropriated for personnel costs exceed five per cent of the total amount of receipts collected by the parking clerk in the previous fiscal year.

Section 4A. It shall be the duty of every police officer, and every person or persons assigned such responsibility, who takes cognizance of a violation of any provision of any rule, regulation, order, ordinance or by-law regulating the parking of motor vehicles established for the city of Boston, forthwith, to give the offender a notice, which shall be in tag form as provided in this section, to appear before the parking clerk at any time during regular office hours, not later than twenty-one days after the date of such violation. All tags shall be prepared in triplicate and shall be prenumbered.

Said tag shall be affixed to the motor vehicle and shall contain, but shall not be limited to, the following information: The registration number of the motor vehicle involved, the date, time and place and specific offense charged and, if a meter violation, the number of said meter, the name and badge number of the officer or employee issuing the ticket and his division, a schedule of established fines, instructions for the return of the tag, and a notice which reads as follows: This notice may be returned by mail, personally or by an authorized person. A hearing may be obtained upon the written request of the registered owner. Failure to obey this notice within twenty-one days after the date of violation may result in the non-renewal of the license to drive and the registration of the registered owner.

At or before the completion of each tour of duty, the officer or employee shall give to his commanding officer those copies of each notice of such violation taken cognizance of during such tour. Said commanding officer shall retain and safely preserve one of such copies and shall at a time no later than the begin-

ning of the next business day of the city of Boston after receipt of such notice, deliver another of such copies to the parking clerk before whom the offender has been notified to appear. The parking clerk shall maintain a docket of all such notices to appear.

Any person notified to appear before the parking clerk, as provided herein, may appear before such parking clerk, or his designee, and confess the offense charged, either personally or through an agent duly authorized in writing or by mailing to such parking clerk the notice accompanied by the fine provided therein such payment to be made only by postal note, money order or check made out to the parking clerk. Payment of the fine established shall operate as a final disposition of the case. Notice affixed to a motor vehicle as provided in this section, shall be deemed a sufficient notice, and a certificate of the officer affixing such notice that it has been affixed thereto in accordance with this section, shall be deemed prima facie evidence thereof and shall be admissible in any judicial or administrative proceeding as to the facts contained therein.

Section 4B. Parking violations which remain unpaid after the exhaustion of the administrative procedures available to the violator, shall constitute accounts owed to the city and shall be collected by the collector-treasurer as such in accordance with applicable laws.

If a person charged with a violation of a parking regulation appears and requests a hearing before the expiration of the twenty-first day from the date of issuance of said parking violation notice, the parking clerk shall forthwith schedule the matter before a person referred to as a hearing officer, said hearing officer to be the parking clerk or such other person or persons as the parking clerk may designate. Written notice of the date, time and place of said hearing shall be sent by first class mail to the registered owner. Said hearing shall be informal, and the rules of evidence shall not apply. The hearing officer shall keep a record of the hearing and the decision of the hearing officer, which shall be in writing, shall be final subject to judicial review as provided by section fourteen of chapter thirty A of the General Laws.

Section 4C. Proceedings under sections four B, four C and four D of this act, shall not be deemed criminal. If any person fails to pay any parking violation notice within twenty-one days or fails to appear in accordance with said hearing notice the parking clerk shall notify the registrar of motor vehicles who shall place the matter on record and not renew the license to operate motor vehicle of the registered owner of the vehicle or the registration of said vehicle until after notice from the park-

ing clerk that the matter has been disposed of in accordance with law. Upon such notification to the registrar, an additional five dollar charge, payable to the registrar of motor vehicles, shall be assessed against the registered owner of said vehicle. It shall be the duty of the parking clerk to notify the registrar forthwith that such case has been so disposed of in accordance with law; provided, however, that a certified receipt of full and final payment from the parking clerk shall also serve as legal notice to the registrar that said violation has been disposed of.

The parking violation notice provided herein shall be printed in such form as the registrar of motor vehicles may approve. The parking clerk shall distribute such notices to the commissioner of the police department or his designee, or the commissioner of traffic and parking or his designee, upon request, and shall take a receipt therefor. The registrar shall approve such other forms as he deems appropriate to implement this section, and said forms shall be printed and used by the city of Boston.

Section 4D. If any person shall have failed to appear in accordance with five or more parking violation notices, notwithstanding any notification to the registrar, the parking clerk shall notify the registered owner of said motor vehicle and the commissioner of police or his designee or commissioner of traffic and parking or his designee that the vehicle involved in said multiple violations should be removed and stored, or otherwise immobilized by a mechanical device, at the expense of the registered owner of said vehicle until such time as the matter has been disposed of in accordance with law. No vehicle shall be removed, stored, or otherwise immobilized until and unless the registered owner of said vehicle shall have received ten days notification by mail of said person's failure to appear on five or more parking violation notices and that the registered vehicle may be removed, stored, or immobilized without further notice. It shall be sufficient for the purposes of such notice for the parking clerk to mail, postage prepaid, a notice to the last known address of the registered owner. If shall be sufficient for the parking clerk in the case of vehicles registered in other states to mail notice to the registrar of motor vehicles or like officer of said jurisdiction.

As used in this section, the words "motor vehicle" shall, so far as apt, include trailer, semi-trailer and semi-trailer unit.

The provisions of this section shall apply to violations of rules and regulations relative to use of parking areas subject to the control of the courthouse commission.

Section 4E. In the city of Boston, whenever there are outstanding against the registered owner of a motor vehicle more than five unpaid parking violations and the owner has appeared

before the parking clerk in accordance with law, said owner may apply to the clerk of the division of the district or municipal court having jurisdiction to have the matter of these alleged violations treated criminally, and the district or municipal court shall take jurisdiction of the matter. Said court having jurisdiction of the matter may conduct a hearing only upon written notification to the parking clerk ten days prior to said hearing. The matter shall thereafter be deemed criminal and the procedures established for criminal cases be followed, provided, however that the provisions of the second and third paragraphs of section thirty-five A of chapter two hundred and eighteen of the General Laws shall not apply to such cases. Any such fines imposed by the court shall not exceed double the maximum fine provided for in the city of Boston. Said fine imposed by the court shall be paid back to the city of Boston.

Section 4F. Notwithstanding the provisions of sections four B, four C and four D of this act, the city of Boston may by ordinance regulate the hearing notifications, hearing adjudication and enforcement monitoring of said section four B, four C and four D, except that requirements of compliance with general or other special law shall not be regulated in a manner to lessen any such requirement.

Section 4G. The parking clerk may contract with other municipalities and with the Massachusetts Port Authority, for the administration of parking violations, in which event the parking clerk shall have authority to do so, in like manner as those administered hereunder.

SECTION 13C. In the event of a conflict between the provisions of sections thirteen, thirteen A or thirteen B of this act with sections twenty A to twenty D, inclusive, of chapter ninety of the General Laws, inserted by section one hundred and fifteen of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one, or with the provisions of section four A of chapter ninety C of the General Laws, or section two of chapter two hundred and eighty of the General Laws, or section four of chapter forty of the General Laws, or clause (73) of section five of said chapter forty, said sections thirteen, thirteen A and thirteen B shall be deemed to be in effect; provided, however, that nothing contained in this act shall be deemed to alter, amend or repeal section twenty E of chapter ninety of the General Laws.

SECTION 14. There shall be appointed by the mayor subject to confirmation by the city council, an audit committee of five members, all residents of the city of Boston, whose members

shall serve for five years, except that of those first appointed, one shall be appointed for a term of five years, another for four years, another for three years, another for two years, and another for one year. Members shall serve without compensation but may be reimbursed for expenses necessarily incurred, and shall be deemed special municipal employees for the purposes of chapter two hundred and sixty-eight A of the General Laws.

The city shall retain the services of an independent, certified public accounting firm which shall annually audit the accounts of the city. The audit committee shall monitor the progress of such audit and shall meet with the accounting firm at least quarterly. The said committee shall review the recommendations of the firm and shall present to the mayor and city council such recommendations as it may have.

SECTION 15. Chapter 486 of the acts of 1909 is hereby amended by striking out section 3, as most recently amended by section 53 of chapter 276 of the acts of 1974, and inserting in place thereof the following section:-

Section 3. All appropriations, excepting those for school purposes, to be met from taxes, revenue or any source other than loans, shall originate with the mayor. The mayor, not later than the second Wednesday in April of each year, shall submit to the city council the annual budget of the current expenses of the city and county for the forthcoming fiscal year, and may submit thereafter such supplementary appropriation orders as he may deem necessary. The city council may reduce or reject any item but, except upon the recommendation of the mayor, shall not increase any item in, nor the total of, a budget, nor add any item thereto, nor shall it originate a budget. Not later than the second Wednesday in June, the city council shall take definite action on the annual budget by adopting, reducing or rejecting it, and in the event of their failure so to do, the items and the appropriation orders in the budget as recommended by the mayor shall be in effect as if formally adopted by the city council and approved by the mayor. The city council shall take definite action on any supplementary appropriation order and any order for a transfer of appropriations by adopting, reducing or rejecting it within thirty days after it is filed with the city clerk; and in the event of their failure so to do, such supplementary appropriation order or transfer as submitted by the mayor shall be in effect as if formally adopted by the city council and approved by the mayor. It shall be the duty of the city and county officials when requested by the mayor, to submit to the mayor forthwith in such detail as the mayor may require estimates for the next fiscal year of the expenditures of the department or office under

their charge, which estimates shall be transmitted to the city council; provided, however, that the mayor shall neither submit, nor thereafter reduce, the appropriations for the city council at or to a level below that which existed for the previous fiscal year, nor shall the city council reduce the appropriations for the mayor's office below that which existed for the previous fiscal year.

SECTION 16. Section 17F of chapter 452 of the acts of 1948, inserted by chapter 376 of the acts of 1951, is hereby amended by inserting after the second sentence the following sentence:- Specific information, as used in this section, shall include any and all records, other than those exempt from disclosure under clause Twenty-six of section seventy-seven of chapter four of the General Laws, within the control of any executive department or agency of the city, including the Boston water and sewer commission and the Boston Redevelopment Authority, whether the information is in printed or electronic form. For the purposes of enforcing this section, the city council shall have standing to request a justice of the superior court department of the trial court of the commonwealth to issue appropriate orders to compel compliance with this section.

SECTION 17. Section 16 of chapter 486 of the acts of 1909 is hereby amended by striking out the first sentence and inserting in place thereof the following three sentences:- No official of said city or county except in case of extreme emergency involving the health and safety of the people or their property, shall expend intentionally in any fiscal year any sum in excess of the appropriations duly made in accordance with law, nor involve the city in any contract for the future payment of money in excess of such appropriations, except as provided in section six of this act. Any official who violates the provisions of this section shall be personally liable to the city for any amounts expended intentionally in excess of an appropriation to the extent the city does not recover such amounts from the person to whom paid. The trial court of the commonwealth or a single justice of the supreme judicial court shall have jurisdiction to adjudicate claims brought by the city hereunder and to order such equitable relief as the court may find appropriate to prevent further violations of this section.

SECTION 18. On or before August first of each year, or within ten days after the approval of the city council and the mayor of the annual appropriation order for such fiscal year, whichever shall occur later, the city or county officials in charge

of departments or agencies, including the superintendent of schools for the school department, shall submit to the city auditor, with a copy to the city clerk, in such form as the city auditor may prescribe, an allotment schedule of the appropriations of all personnel categories included in said budget, indicating the amounts to be expended by the department or agency for such purposes during each of the fiscal quarters of said fiscal year.

The allotment specified by the school department for the first fiscal quarter in each fiscal year may not exceed twenty per cent of the total appropriations of all personnel categories for said fiscal year, and the allotment specified for any one of the remaining three quarters may not exceed in such quarter thirty per cent of the total appropriation.

The allotment specified for each of the departments and agencies, except for the school department, for either the first or second fiscal quarter in each fiscal year may not exceed thirty per cent of the total appropriations of all personnel categories in said fiscal year, and the allotment specified for each of the departments and agencies, except for the school department, for both the third and fourth fiscal quarter in each fiscal year may not be less than twenty-one per cent of the total appropriations of all personnel categories in said fiscal year.

Whenever the city auditor determines that any department or agency, including the school department, will exhaust or has exhausted its quarterly allotment and any amounts unexpended in previous quarters, he shall give notice in writing to such effect to the department head, the mayor and the city clerk, who shall transmit the same to city council.

The mayor, within seven days after receiving such notice, shall determine whether to waive or enforce such allotment. If the allotment for such quarter is waived or not enforced, as provided above, the department or agency head shall reduce the subsequent quarters' allotments appropriately. If the allotment for such quarter is enforced or not waived, thereafter the department shall terminate all personnel expenses for the remainder of such quarter. All actions, notices, and decisions provided for in this section shall be transmitted to the city council and the city clerk within seven days.

No personnel expenses earned or accrued, within any department, shall be charged to or paid from such department's or agency's allotment of a subsequent quarter without approval by the mayor, except for subsequently determined retroactive compensation adjustments. Approval of a payroll for payment of wages, or salaries or other personnel expenses which would result in an expenditure in excess of the allotment shall be a

violation by the department or agency head, including the superintendent of schools and the school committee of section sixteen of chapter four hundred and eighty-six of the acts of nineteen hundred and nine. If the continuation of operations is not approved in a quarter where a department has exhausted the quarterly allotment or allotments as specified above, or, in any event, if a department has exceeded its entire appropriation for a fiscal year, the city shall have no obligation to pay any personnel cost or expense arising after such allotment or appropriation has been exhausted. Notwithstanding the provisions of any general or special law to the contrary, every collective-bargaining agreement entered into by the city, the school department, or the county shall be subject to and shall expressly incorporate the provisions of this section.

To insure that the overall city and county spending program remains in balance, the mayor may reallocate no more than three million dollars of nonpersonnel appropriations other than school appropriations during a fiscal year to other departmental purposes provided that in no department from which appropriations have been reallocated in accordance with this section shall any transfers be made under section three B of chapter four hundred and eighty-six of the acts of nineteen hundred and nine from personal services to non-personal services, except with the approval of a two-thirds vote of the city council, if such transfer would require the layoff of departmental personnel, who have been permanently appointed to a position in the department under the provisions of chapter thirty-one of the General Laws. No reallocation may be made under this section after April fifteenth in any fiscal year.

SECTION 19. Except as provided by section thirty-eight of chapter seventy-one of the General Laws, all officers and employees of the school department of the city of Boston shall be subject to the residency ordinances of said city as the same are now in effect or from time to time may be amended.

SECTION 20. The first paragraph of section 1 of chapter 231 of the acts of 1906, as appearing in section 1 of chapter 333 of the acts of 1978, is hereby amended by striking out the fourth, fifth, sixth and seventh sentences and inserting in place thereof the following paragraph:-

The school committee may remove the superintendent for just cause by a vote of three-fifths of the members after proper notice and public hearing. The superintendent shall upon taking employment be, and during such employment remain, a resident of the city of Boston as the term resident may be defined by ordinance. Failure to maintain such residence shall be deemed a

voluntary termination of employment. Any vacancy in the office of the superintendent shall be filled by the school committee for the unexpired term with a person qualified in all respects for the office.

SECTION 20A. Said section 1 of said chapter 231 is hereby further amended by inserting after the first paragraph the following four paragraphs:-

No employee of the school department of the city of Boston shall be hired, fired, promoted, or demoted by the school committee without the expressed written approval of the superintendent of schools.

No contract, except for collective bargaining agreements, made by the school committee shall be binding on the city without having been approved in writing by the superintendent and otherwise conforms to the requirements of the city charter. The school committee may delegate to the superintendent the authority to make on behalf of the committee and without further approval of the committee, contracts or amendments to contracts, except for collective bargaining agreements, subject to requirements of special and general contract law for the purchase or rental of goods or supplies, leases of property and for professional or other services.

The school committee may delegate to the superintendent the authority to approve for the school department without further authority proposals for state and federal funding.

The superintendent shall submit to the committee for appropriation the annual budget of the school department for the forthcoming fiscal year no later than the second Wednesday in April prior to the beginning of each fiscal year. The school committee may adopt, reject or reduce or increase any item subject to chapter two hundred and twenty-four of the acts of nineteen hundred and thirty-six. After adoption of the annual budget by the school committee, the superintendent shall not approve the appointment of any person except to a budgeted position.

SECTION 20B. Section 1A of said chapter 231, as most recently amended by section 2 of chapter 333 of the acts of 1978, is hereby further amended by striking out the first three paragraphs thereof.

SECTION 21. Chapter 224 of the acts of 1936 is hereby amended by striking out section 2, as most recently amended by chapter 583 of the acts of 1970, and inserting in place thereof the following section:-

Section 2. (1) The school committee, by vote of at least two-thirds of all of its members, taken by yeas and nays, may make appropriations as follows:

(A) For the alteration and repair of school buildings and for furniture, fixtures, and means of escape in the case of fire, and for fire protection of existing buildings and for improving existing school yards: for the fiscal year beginning July first, nineteen hundred and eighty-two:- six million dollars.

(i) For subsequent fiscal years, the school committee, by a like vote, may appropriate up to the same amount as was appropriated by the school committee for the immediately preceding fiscal year for such purposes, plus an amount equal to amounts, if any, appropriated for the immediately preceding fiscal year by the city council with the approval of the mayor for such purposes, unless such appropriation is by its terms excluded from the calculation established herein.

(B) For all other school purposes: for the fiscal year beginning July first, nineteen hundred and eighty-two:- two hundred five million five hundred thousand dollars.

(i) For subsequent fiscal years, the school committee, by a like vote, may appropriate up to the same amount as was appropriated by the school committee for the immediately preceding fiscal year for such purposes, plus an amount equal to amounts, if any, appropriated for the immediately preceding fiscal year by the city council with the approval of the mayor for such purposes, unless such appropriation is by its terms excluded from the calculation established herein.

(2) On or before the first Monday in March of each year, the city auditor shall certify to the school committee the amount available for appropriation for the forthcoming fiscal year as calculated in subsection (1). The mayor, on request of the school committee, may recommend a supplementary appropriation for school purposes and the city council may pass the same in accordance with the charter, but any such appropriation, shall be excluded from the certification by the city auditor as to the subsequent year's appropriating authority if such appropriation by its terms requires such exclusion. By the same vote required to appropriate, the school committee may transfer appropriations from the purposes of paragraph (B) of subsection (1) to the purposes of paragraph (A) of said subsection (1), and the city council, after the request of the school committee in accordance with section three B of chapter four hundred and eighty-six of the acts of nineteen hundred and nine may transfer appropriations freely between the purposes of paragraphs (A) and (B) of said subsection (1), but no such transfer shall affect the calculations made by the city auditor hereunder. Any ap-

propriations, which are made after the city auditor's certification required herein, shall be deemed appropriated in the subsequent fiscal year for the purposes of this section. Unexpended appropriation balances may be reappropriated for their respective purposes. Nothing herein shall be construed as authorizing the school committee to appropriate sums distributed or distributable under chapter seventy of the General Laws, which sums constitute general revenues of the city.

SECTION 21A. Section two B of chapter two hundred and twenty-four of the acts of nineteen hundred and thirty-six is hereby repealed.

SECTION 21B. Chapter 224 of the acts of 1936 is hereby amended by striking out section 3, as amended by chapter 513 of the acts of 1945, and inserting in place thereof the following section:-

Section 3. The votes of the school committee of said city making appropriations as aforesaid shall have the same force and effect as orders or votes of the city council thereof appropriating money, and shall be subject to the same provisions of law in respect to approval by the mayor, except that a vote of four-fifths of all the school committee, taken by yeas and nays, shall be necessary to pass such appropriations over the veto of the mayor.

The school committee shall submit to the mayor estimates of the proposed expenditures for school purposes not later than the second Wednesday in April of each fiscal year. All appropriations for said school purposes shall be passed by said committee not later than the second Wednesday in June.

All appropriations to be raised by taxation made by the school committee of said city shall be certified by said committee to the board of assessors thereof not later than July first in each year and the assessors shall include the same in the levy of that year.

In any year in which the school committee fails to certify to the board of assessors its appropriations to be raised by taxation, as provided in this act, the mayor shall, on or before July tenth, certify to the board of assessors an appropriation in the form adopted by the school committee in the preceding year in the amount expended in that year, which amount shall be used by the assessors in the computation of the tax rate for the then current year; and the mayor shall transmit to the school committee on or before July tenth of that year a copy of such certification which shall thereby become the budget of the school committee for the then current year.

SECTION 22. Section 17D of chapter 452 of the acts of 1948 is hereby amended by adding the following paragraph:-

Every order of the city council approving a petition to the general court pursuant to Clause (1) of Section 8 of Article 2 of the Amendments to the Constitution of the Commonwealth shall be presented to the mayor who shall forthwith consider the same, and, within fifteen days of presentation, either approve it, or file with the city council a statement in detail of his reasons for not approving the same, including any objection based on form, on content, or both; provided, that no such order shall be deemed approved or in force unless the mayor affixes his signature thereto.

SECTION 23. Chapter 486 of the acts of 1909 is hereby amended by striking out section 3B, as amended by chapter 24 of the acts of 1954, and inserting in place thereof the following section:-

Section 3B. After an appropriation of money has been made by the city for any specific purpose, or for the needs and expenditures of any city department or county office, no transfer of any part of the money thus appropriated, between such department or office and another department or office, shall be made, except in accordance with and after the written recommendation of the mayor to the city council, approved by a yea and nay vote of two-thirds of all the members of the city council, provided that the city auditor, with the approval in each instance of the mayor, may make transfers, other than for personal service, from any item to any other item within the appropriations for a department, division of a department or county office. After the close of the fiscal year, the city auditor may, with the approval of the mayor in each instance, apply any income and taxes not disposed of and make transfers from any appropriation to any other appropriation for the purpose only of closing the accounts of such fiscal year.

SECTION 24. Said chapter 486 is hereby further amended by inserting after section 31B the following two sections:-

Section 31C. Notwithstanding the provisions of any general or special law to the contrary the proceeds from the disposition of any surplus property other than that acquired through tax title foreclosure shall be deposited in a separate fund which shall be set up on the books of the city and shall be known as the Surplus Property Disposition Fund, and shall be used only as follows:

(1) The amount equivalent to the debt incurred, and interest paid or payable thereon, as a result of the

acquisition or improvement from time to time of the property shall be used only for purposes for which the city is authorized to incur debt for a period of ten years or more;

(2) All proceeds in excess of such amount shall be credited to the general fund of the city to be used only to service the cost of debt as it becomes due.

Section 31D. Notwithstanding the provisions of chapter four hundred and seventy-four of the acts of nineteen hundred and forty-six or any other general or special law to the contrary, the public facilities commission of the city of Boston may dispose of any or all of the off-street parking structures, including the real estate related thereto, owned by the city of Boston, as surplus property in accordance with sections thirty-one B and thirty-one C of chapter four hundred and eighty-six of the acts of nineteen hundred and nine, only when transferred to the commission by a majority vote of the city council.

SECTION 25. Notwithstanding the provisions of any general or special law to the contrary, the appointing authority of the police department and the fire department of the city of Boston shall reinstate to active service as of the effective date of this act any uniformed officer of either department who was in service or on injured leave as of July first, nineteen hundred and eighty-one, or was temporarily suspended as of July first, nineteen hundred and eighty-one, which suspension has expired, except for disciplinary reasons consistent with chapter thirty-one of the General Laws or in pursuit of an involuntary retirement under section seven of chapter thirty-two of the General Laws and shall not thereafter terminate any such officer or take any other personnel action the effect of which would be to separate such officer from active service in the future for lack of funds. During the fiscal years ending June thirtieth, nineteen hundred and eighty-two and June thirtieth, nineteen hundred and eighty-three the city of Boston shall maintain in the police department and the fire department of the city of Boston, either in active service, training or recruitment, no fewer uniformed employees than the total of the number in service or on injured leave on March twenty-fourth, nineteen hundred and eighty-two plus the number of uniformed employees eligible for reinstatement pursuant to this section, without regard to the number of eligible uniformed employees who actually return to service in either department. Nothing herein shall prevent an employee of either department from being placed in injured leave under the provisions of section one hundred and eleven F of chapter forty-one of the General

Laws. The mayor shall annually request and the city council shall annually appropriate sufficient amounts to the respective departments to cover the costs imposed by this section, but nothing in this section shall be construed to permit the officers in charge of said departments to expend funds in excess of available appropriations in violation of the city charter.

SECTION 26. The provisions of this act shall be deemed to provide an additional, alternative and complete method for actions authorized hereby and shall be deemed and construed to be supplemental and additional to, and not in derogation of, powers conferred on the city by law, provided, however, that insofar as the provisions of this act are inconsistent with the provisions of any general or special law, ordinance or regulation, the provisions hereof shall be controlling.

SECTION 27. The assessed valuation of any parcel of real estate which is or has been reduced on account of the abatements of taxes assessed by the assessors of the city for the fiscal year ending June thirtieth, nineteen hundred and seventy-nine and June thirtieth, nineteen hundred and eighty or for the fiscal years ending on June thirtieth, nineteen hundred and eighty-one and on June thirtieth, nineteen hundred and eighty-two, pursuant to an order of the appellate tax board, shall not be increased by the assessors of the city for at least three consecutive years after the fiscal year for which the abatement was granted unless the parcel so assessed has been improved by construction or by substantial reconstruction or rehabilitation or has been converted to the condominium form of ownership pursuant to the provisions of chapter one hundred and eighty-three A of the General Laws as evidenced by the issuance of a certificate of occupancy by the city or the recording of a master deed, whichever is appropriate, or there has been an increase in the fair economic rent of the parcel so assessed, or is the result of and consistent with a general revaluation of all of the property within the city which conforms to the provisions of chapter seven hundred and ninety-seven of the acts of nineteen hundred and seventy-nine, as certified by the commissioner of revenue.

SECTION 28. The assessed valuation of any parcel of real estate that was not exempt from taxation under chapter fifty-nine of the General Laws on January first, nineteen hundred and eighty, shall not be increased by the assessors of the city for a period of two consecutive fiscal years following the fiscal year ending June thirtieth, nineteen hundred and eighty-one unless the parcel so assessed has been improved by construction or by

substantial reconstruction or rehabilitation or has been converted to the condominium form of ownership pursuant to the provisions of chapter one hundred and eighty-three A of the General Laws as evidenced by the issuance of a certificate of occupancy by the city or the recording of a master deed, whichever is appropriate or there has been an increase in the fair economic rent of the parcel so assessed, or unless the increase in the assessed valuation of the parcel so assessed is the result of and consistent with a general revaluation of all of the property within the city which conforms to the provisions of chapter seven hundred and ninety-seven of the acts of nineteen hundred and seventy-nine, as certified by the commissioner of revenue.

SECTION 29. After a general revaluation of all the property within the city conforming to requirements of chapter fifty-nine of the General Laws and certified thereunder by the commissioner of revenue, any assessment of a parcel with respect to a fiscal year beginning after such revaluation, which is thereafter reduced by the appellate tax board or by a court of competent jurisdiction, shall continue without change for at least two consecutive years after the fiscal year for which the abatement was granted unless the parcel so valued has been improved by construction, reconstruction or rehabilitation or has been converted to the condominium form of ownership, or if there has been an increase in the fair economic rent or in the event of any other occurrence which increases the value of the property; provided, however, that the foregoing shall not prevent changes in assessments resulting from a general program to maintain assessments at full and fair valuations under standards and guidelines established by the commissioner of revenue.

SECTION 30. The cost of providing the availability of fire protection to certain structures in the city of Boston is greater than the cost of providing the availability of fire protection to the majority of structures, by reason of their size, type of construction, use and other relevant factors. The provision of fire protection to such structures requires the city to employ additional firefighters, deploy additional equipment and purchase equipment different in kind from that required to provide fire protection for the majority of structures. The availability of such additional fire services is being provided to a small proportion of the buildings in the city. Therefore, the city of Boston is authorized to impose a fee for augmented fire services availability pursuant to the following or pursuant to an ordinance enacted by the city of Boston not inconsistent with the following.

(2) The purpose of this act is to assure the city's continued ability to provide the availability of fire fighting services in excess of the degree of such services provided to the general public by imposing the cost of making available such extra services on those to whom such extra services are made available.

(3) The following words and phrases shall have the meanings:-

(i) "Augmented fire services availability (AFSA)", the capacity to deliver a total fire flow in excess of three thousand five hundred gallons per minute.

(ii) "Total fire flow (TFF)", the total fire fighting capacity, expressed in gallons per minute, necessary to extinguish a fully involved fire in any given structure, taking into account fire suppression and detection equipment and life risk as provided herein. Total fire flow shall be determined by the fire commissioner according to the following formula: TFF = (NFF) x (1-S) x (LRF).

(iii)"Needed fire flow (NFF)", a factor, expressed in gallons per minute, to be determined by the fire commissioner, taking into account a construction type factor, an effective area factor, a use factor, an exposure factor, and a connecting passageways factor.

(iv) "Suppression Credit (S)", a credit to be used in determining total fire flow, taking into account the existence of fire suppression and detection equipment in a structure.

(v) "Life risk factor (LRF)", a factor, to be determined by the fire commissioner, taking into account density of occupancy, hours of occupancy, number of stories, and the existence of smoke removal equipment.

Prior to March first of each year the fire commissioner shall determine which structures in the city are being provided augmented fire services. Availability shall be assessed a fee by the fire commissioner, to be determined by said fire commissioner as provided in this act, for the provision of augmented fire services availability. Said fee shall be based on the cost of providing augmented fire services availability and shall be due and payable in two equal installments; the first installment due and payable no later than May first of the year in which the assessment is made, and the second installment due and payable no later than November first of the same year. The fire commissioner shall in his order of assessment designate as the owner of the parcel assessed the person or entity who was liable to assessment therefor on the preceding January first under the provisions of chapter fifty-nine of the General Laws. In the case of a condominium, as defined by section one of chapter one hundred and

eighty-three A of the General Laws, the fire commissioner shall in his order of assessment designate as the owner of the parcel assessed thereto pursuant to clause (i) of section eight of chapter one hundred and eighty-three A of the General Laws.

The fire commissioner may estimate the fee to be paid for a particular structure. In such cases, the assessment shall be labelled as an estimated fee, shall be assessed to the owner of a structure subject to such fee on or before March first, and shall be due and payable in two equal installments as hereinbefore provided and shall be paid to the collector-treasurer.

Following payment of the first installment of an estimated fee, or in cases in which the fee assessed on or before March first is appealed as provided herein, the fire commissioner shall determine the fee as provided for in this act. In cases where the estimated fee is less than the final fee, the fire commissioner shall assess to the owner of each structure subject to such fee the difference between the estimated fee and the final fee. Said fee shall be assessed no later than December thirty-first of the year in which the estimated fee was assessed, shall be due and payable no later than the following March first, and shall be paid to the collector-treasurer. In cases in which the first installment of the estimated fee has been paid by May first, and said estimated fee is greater than the final or corrected fee as determined by the fire commissioner, the fire commissioner shall so inform the collector-treasurer, who shall refund the difference between the final or corrected fee and the estimated fee to the person or entity so assessed, plus interest of eight per cent per annum, provided said estimated fee has been paid in full. If said determination that the estimated fee is greater than the final or corrected fee is made prior to payment of the full estimated fee, a notice shall be sent to the person or entity so assessed abating the difference between the estimated fee and said final or corrected fee.

Upon payment of the first installment of the fee or estimated fee as assessed on or before March first, the person or entity paying such fee may appeal the correctness of such fee by filing a notice of appeal with the fire commissioner on or before June first. Upon receiving a notice of appeal the fire commissioner shall schedule a hearing and shall notify the person or entity appealing of the date of said hearing. The person or entity who filed the appeal shall be entitled to appear at the hearing and present evidence challenging the correctness of the fee or estimated fee assessed. The fire commissioner or his designee shall preside at said hearing, shall render a decision affirming the correctness of the fee assessed or correcting said fee, and shall so notify the person or entity who filed the appeal. The

filing of an appeal and the pendency of any proceedings pursuant thereto shall not operate to stay the payment of any fee as otherwise provided in this act. The fire commissioner shall notify the collector-treasurer of the correction of any fee pursuant to an appeal.

The fire commissioner may promulgate rules and regulations for the administration of this act.

(4) Revenues. Revenues received hereunder shall be used to restore and maintain adequate public safety forces in the city of Boston which shall be defined as police and fire services.

SECTION 31. It is hereby found and declared that there is not presently within the commonwealth a structure of sufficient size and having adequate facilities to attract and accommodate large gatherings of governmental, civic, trade, industry, and other groups who wish to conduct conventions, conferences and other similar events within the commonwealth. Major conventions and conferences of such groups represent an important facet of the tourism industry for which there is an ever increasing market on both a national and an international scale. The lack of a convention facility within the commonwealth with the capacity to service major national and international conventions has seriously impaired the commonwealth's ability to compete within that market and to develop this important aspect of our tourism industry. There is, however, satisfactory evidence that a substantial number of national and international conventions could be induced to locate their activities within the commonwealth if a suitable convention center is made available to them.

There are substantial benefits to be derived by the citizens of the commonwealth from the development of a convention center capable of servicing major national and international conventions. Such major conventions would most often be attended by large numbers of nonresident visitors to the commonwealth who would wish to take advantage of the many, fine entertainment and recreational opportunities that the commonwealth has to offer.

The tourism industry is both one of the most valuable and one of the least developed resources in the commonwealth's economy, and it is in the public interest to develop and enhance this important asset. By attracting nonresident visitors to the commonwealth through the development of a suitable convention center, it is expected that substantial economic development will be stimulated in such tourism-related industries as transportation, hotels, restaurants, recreation, entertainment and retail sales establishments. Stimulation of these industries will in turn promote the overall economic development of the commonwealth and will provide new and enhanced employment opportunities for

our citizens. In addition, the development of a suitable convention center will further promote the economic health of the commonwealth by encouraging private investment and development within the immediate area of the convention center. Thus, the development of a convention center will increase the tax base, provide important, new employment opportunities and otherwise benefit the general welfare of the citizens of the commonwealth.

Moreover, development of a suitable convention center will generate substantial, new revenues for the commonwealth. Nonresident visitors to the convention center may be expected to take advantage of the many fine hotels, restaurants, entertainment establishments and stores within the commonwealth, which will in turn generate revenues to the commonwealth through existing room occupancy, meals and sales taxes. This substantial source of new revenue, which will be provided in large part by nonresident visitors to the commonwealth, is essential to the commonwealth's ability to continue to provide necessary services to our citizens.

In order to obtain full occupancy and utilization of a major convention center by national and international conventions, it is hereby found and determined that the most appropriate location for such a convention center is within the city of Boston. That location affords immediate access to the primary transportation facilities within the commonwealth which would be used by such national and international groups. The city of Boston and the communities within its immediate vicinity also have at present, and are expected to further develop in the immediate future, the necessary hotel and related service establishments with the capacity to accommodate major national and international conventions. Moreover, the greater Boston area is endowed with unique historical, recreational and entertainment attractions which should prove to be a valuable asset in attracting major national and international conventions to the commonwealth.

Most importantly, there is presently located within the city of Boston a facility, known as the John B. Hynes Veterans Memorial Auditorium, which, with appropriate reconstruction, expansion and remodeling, would be amply suited to accommodate major national and international conventions.

There is satisfactory evidence that expansion of that existing facility is the most cost effective means of developing a major convention center within the commonwealth. Moreover, the existing facility is located in an area which is both likely to attract and to be able to accommodate major national and international conventions.

In view of the limited financial resources available to the city of Boston, particularly in light of the limitations imposed on the

city's ability to generate revenues by recent legislation commonly known as proposition two and one-half, so-called, it is hereby found and determined that the city is unable to finance the establishment and operation of a major convention center. Moreover, the capital expenditures and initial operating deficits associated with the development of a major convention center have proven to be prohibitive for any private party which might otherwise undertake such a project. There is, however, satisfactory evidence that if the commonwealth were to initiate and undertake the development of a major convention center in the city of Boston, the city and businesses and industries within the commonwealth will cooperate and assist in the development and promotion of the center.

Although the development of a major convention center will significantly benefit economic development within the commonwealth, it is likely that the center itself will operate at a deficit, particularly during the initial stages of its operation. Such operating deficits have historically been associated with major convention centers located throughout the nation. In order to offset that projected deficit and to assure the continued financial integrity of the convention center, it will be necessary to provide the center with a source of revenue which is independent of the center itself. Moreover, it is in the public interest that the necessary revenues be generated in a manner which does not increase the tax burden to the citizens of the commonwealth.

It is hereby found and determined that revenues sufficient to defray the expected operating deficits of the proposed convention center may be most appropriately provided by combining within the Authority both the convention center and a separate revenue-producing facility located in the vicinity of the center. There presently exists within the city of Boston a facility, known as the Boston Common Parking Garage, which is most suited for this purpose. The consolidation under one Authority of the Boston Common Parking Garage with the convention center will assure the financial feasibility of both endeavors without increasing the tax burden to the citizens of the commonwealth.

Therefore, it is found that it is in the public interest of the commonwealth to benefit the prosperity and general welfare of its citizens, a public purpose for which public money may be expended, by creating the Massachusetts Convention Center Authority which is enabled, subject to the provisions of this chapter, to acquire and operate the facilities known as the John B. Hynes Veterans Memorial Auditorium and the Boston Common Parking Garage for the purpose of promoting the economic development of the commonwealth by developing and operating a convention center suitable for accommodating major national

and international conventions.

SECTION 32. The following words and phrases, as used in this act, shall unless the context otherwise requires, have the following meanings:-

"Authority", the Massachusetts Convention Center Authority created by section thirty-three of this act or, if said Authority shall be abolished, the board, body or commission succeeding to the principal functions thereof or to which the powers given by this act to the Authority shall be given by law.

"Boston Common Parking Garage", the facility, presently under control of the Massachusetts Parking Authority, used for the parking of motor vehicles and located under the Boston Common in the city of Boston.

"City", the city of Boston.

"Cost of a project" shall embrace the cost, whenever incurred, of carrying out a project pursuant to the provisions of this chapter and placing it in operation, the cost of architectural and engineering services, plans, specifications, surveys, estimates of cost and of revenues, other expenses necessary or incident to determining the feasibility or practicability of the project, administrative expenses, legal expenses and such other expenses as may be necessary or incident to the aforesaid.

"John B. Hynes Veterans Memorial Auditorium", the facility presently bearing that name located in, and presently under the control of, the city of Boston.

"Massachusetts Parking Authority", the Authority bearing that name and established pursuant to chapter six hundred and six of the acts of nineteen hundred and fifty-eight.

"Mayor", the mayor of the city of Boston.

"Project", the acquisition, construction, expansion or rehabilitation, or any combination of the foregoing, of a convention center, garage, or other facility authorized pursuant to the provisions of this chapter, the provision and installation therein or in respect thereof of furnishings, furniture, machinery, equipment, facilities, approaches, driveways, walkways, parking facilities, planting and landscaping, the acquisition of land or other property, or rights, easements and interests acquired for or in respect to any such land or property, the demolition or removal of any buildings or structures on land so acquired or in or with respect to which interest are so acquired and site preparation. Whenever appropriate the word shall also mean such land, buildings or structures and such appurtenances.

SECTION 33. There is hereby established and placed in the executive office for administration and finance a body politic and

corporate to be known as the Massachusetts Convention Center Authority, which shall not be subject to the supervision or control of the executive office for administration and finance or any department, commission, board, bureau or agency of the commonwealth except to the extent and in the manner provided in this act. The Authority is hereby constituted a public instrumentality and the exercise by the Authority of the powers conferred by this act shall be deemed and held to be the performance of an essential public function.

The Authority shall consist of seven members, who shall be appointed as provided hereunder. Four members shall be appointed by the governor and two members shall be appointed by the mayor. The remaining member shall be the treasurer and receiver-general of the commonwealth, who shall also serve as chairman. The members of the Authority first appointed by the governor shall continue in office for terms expiring on June thirtieth, nineteen hundred and eighty-three, June thirtieth, nineteen hundred and eighty-four, June thirtieth, nineteen hundred and eighty-five, and June thirtieth, nineteen hundred and eighty-seven, respectively, the term of each such member to be designated by the governor, and to continue until his successor shall be duly appointed and qualified. The members of the Authority first appointed by the mayor shall continue in office for terms expiring on June thirtieth, nineteen hundred and eighty-six, and June thirtieth, nineteen hundred and eighty-eight, respectively, the term of each such member to be designated by the mayor, and to continue until his successor shall be duly appointed and qualified. The successor of each such member shall be appointed for a term of six years and until his successor shall be duly appointed and qualified, except that any person appointed to fill a vacancy shall serve only for the unexpired term. Each member of the Authority shall be eligible for reappointment. Each member of the Authority may be removed by the governor, if appointed by the governor, or by the mayor, if appointed by the mayor, for misfeasance, malfeasance or willful neglect of duty but only after reasonable notice and a public hearing unless the same are in writing expressly waived. Each member of the Authority before entering upon his duties shall take an oath before the governor to administer the duties of his office faithfully and impartially, and a record of such oaths shall be filed in the office of the secretary of the commonwealth.

The members of the Authority shall serve without compensation but shall be reimbursed for all expenses reasonably incurred by them in the performance of their duties.

The Authority shall elect a secretary and a treasurer, who

may be the same person, and may elect an assistant secretary or assistant treasurer, or both, in which case they may be the same person, who need not be a member of the Authority. The secretary shall keep a record of the proceedings of the Authority and shall be the custodian of all books, documents and papers filed with the Authority and of the minute book or journal of the Authority and of its official seal. The secretary and the assistant secretary, if any, shall each have authority to cause copies to be made of all minutes and other records and documents of the Authority and to give certificates under the official seal of the Authority to the effect that such copies are true copies and all persons dealing with the Authority may rely upon such certificates.

The Authority shall provide for regular and special meetings. A majority of the Authority shall constitute a quorum and, unless a greater number is required by the by-laws of the Authority, the act of a majority of the full membership of the Authority shall be deemed an act of the Authority.

No member, agent or employee of the Authority shall, directly or indirectly, have any financial interest in any property to be included in, or any contract for property or materials to be furnished or used in connection with, a project. Whoever violates any provisions of the preceding sentence shall be punished by a fine of not less than one hundred nor more than one thousand dollars, or imprisonment for not more than one year, or both.

SECTION 34. The Authority shall appoint an executive director who shall be the chief executive officer of the Authority, who shall devote his full time during business hours to the duties of his office, and who shall receive such compensation as the Authority shall determine, but such compensation shall not be reduced without his consent during his tenure of office. The executive director shall employ such other officers and employees as are necessary to the functioning of the Authority. Officers and employees of the Authority shall not be subject to the provisions of chapter thirty-one or section nine A of chapter thirty of the General Laws. Salaries for officers and employees shall be set by the Authority. The Authority may remove the executive director for cause after public notice and hearing.

SECTION 35. In addition to all powers otherwise granted to the Authority by law, the Authority shall have the following powers:-

(a) To adopt by-laws for the regulation of its affairs and the conduct of its business and to issue rules, regulations and

policies in connection with the performance of its functions and duties;

(b) To adopt an official seal and alter the same at pleasure;

(c) To maintain an office in the city of Boston;

(d) To sue and be sued and plead and be impleaded in its own name;

(e) To make and execute all contracts and all other instruments necessary or convenient for the exercise of its power and functions;

(f) To acquire, lease, use, hold and mortgage real, personal or mixed property or any interest, easements or rights therein, as may be necessary or appropriate to carry out the provisions of this chapter;

(g) To enter into agreements or other transactions with the commonwealth or any political subdivision or public instrumentality thereof, the United States government or any federal, state or other governmental agency;

(h) To invest any funds held in reserve funds, or any funds not required for immediate disbursement, in such investments as may be lawful for fiduciaries in the commonwealth;

(i) To enter into a contract or contracts with any architect, engineer, consultant or contractor; provided, that in so doing the Authority shall comply with the provisions of chapter five hundred and seventy-nine of the acts of nineteen hundred and eighty which are applicable to public authorities;

(j) To employ architects, consulting engineers, attorneys, construction, financial and other experts, superintendents, managers and such other employees as may be necessary in its judgment and to fix their compensation;

(k) To receive funds, property, labor and other things of value from any source, public or private, by gift, grant, bequest, loan or otherwise, either absolutely or in trust, and to expand or utilize the same on behalf of the Authority for any of its purposes or to act as an agent or conduit in administering or disbursing funds or financial or other aid from any source;

(l) To appear in its own behalf before boards, commissions, departments or other agencies of government, municipal, state or federal;

(m) To procure insurance against any loss in connection with the property of the Authority, in such amounts and from such insurers as may be necessary or desirable;

(n) To formulate plans for the project involving the acquisition and operation of facilities pursuant to the provisions of this chapter, and to reconstruct, expand, remodel, maintain and manage such facilities; provided, that in so doing the Authority shall comply with the provisions of chapter five hundred and

seventy-nine of the acts of nineteen hundred and eighty, which are applicable to public authorities;

(o) To fix and revise from time to time, and to charge and collect rates, fees, rentals and other charges for the use of any building, structure, other property or portion thereof under its control;

(p) To receive funds from the commonwealth, including funds provided pursuant to chapter four hundred and eighty-six of the acts of nineteen hundred and eighty for the construction, rehabilitation or expansion of convention centers;

(q) To enter into one or more agreements with one or more private entities or parties that, in exchange for such consideration and upon such terms and conditions as the Authority may deem appropriate, any facility or facilities, or portion or portions thereof, of the Authority shall be known and referred to by a particular name, commercial or otherwise, designated by any such private party or parties or entity or entities;

(r) To do any and all things necessary or convenient to carry out its purposes and exercise the powers conferred by this act.

SECTION 36. Notwithstanding the provisions of any general or special law to the contrary, the income, assets and activities of the Authority shall be exempt from all taxes and assessments and the Authority shall not be subject to any of the provisions of chapter sixty-three of the General Laws or to any taxes based upon or measured by property or income which may be enacted hereafter by the commonwealth or by any subdivision thereof. The Authority is hereby authorized and empowered to enter into an agreement or agreements with the assessor of the city, with the approval of the mayor of the city, wherein the Authority will undertake to make to the city annual payments in lieu of taxes in connection with any real property acquired and owned by the Authority, the amounts of such payments to be reasonable sums stipulated in such agreement or agreements or determined in accordance with a reasonable formula so stipulated. Criteria to be employed by the parties to such agreement or agreements in agreeing upon the amount of such sums or upon any such formula shall include (i) the general level of property taxation in effect in the city, (ii) the effect of the facilities and activities of the Authority on the city and (iii) the needs of the Authority to maintain or improve its facilities. The Authority shall not be required under such agreement or agreements to make any such payments in lieu of taxes in any year in excess of the balance of the revenues of the Authority remaining after (a) payment of the cost of maintaining, repairing and operating the project, (b)

payment of the current operating and administrative expenses of the Authority and (c) creation and maintenance of replacement reserves for property of the Authority.

SECTION 37. The Authority is hereby authorized to establish and revise rules and regulations to insure the use and occupancy of, and to fix, revise and collect fees, rents, rates, and other charges for use of, projects undertaken pursuant to the provisions of this chapter.

Such rules and regulations shall provide that such projects shall be available to prospective users of the facilities in a nondiscriminatory manner. Such rules and regulations and fees, rents, rates and other charges shall be fixed and adjusted, with respect to the aggregate of the revenues from such project, so as to provide revenues sufficient, after taking into account all other available monies, (a) to pay the cost of maintaining, repairing and operating such project, (b) to pay the current operating and administrative expenses of the Authority relating to such project, and (c) to create and maintain reserves for the foregoing purposes. Such fees, rents, rates and other charges shall not be subject to supervision or regulation of any department, division, commission, board, bureau or agency of the commonwealth or any political subdivision thereof.

SECTION 38. Not later than November first, nineteen hundred and eighty-two, the Authority shall prepare and submit to the governor, the president of the senate, the speaker of the house of representatives, the chairman of the senate committee on ways and means and the chairman of the house committee on ways and means, and the secretary of administration, a proposal for a project of developing and operating a convention center of sufficient size and with adequate facilities to accommodate major national and international conventions, which shall include, but not necessarily be limited to, the following:-

(a) a detailed description of the lands, structures, fixtures, facilities, easements, rights and other property in and around the facility known as the John B. Hynes Veterans Memorial Auditorium, the acquisition of which is required to reconstruct, expand and remodel the existing facility so as to develop and establish a convention center of sufficient size and with adequate facilities to accommodate major national and international conventions; together with a description of all parties having any title or interest in such lands, structures, facilities, easements, rights or other property and a description of such title or interest; an analysis of the present market value of such lands, structures, facilities, easements, rights or other property and

such titles and interests therein; a detailed breakdown of all bonds, notes, mortgages, restrictions, covenants or liens outstanding relative to such properties; recommendations as to the method of acquisition of such properties by or on behalf of the Authority, including the amounts, if any, to be paid to such parties in consideration for the transfer to the Authority of their title or interest in such properties and evidence of any contracts, memoranda of understanding, options, or other agreements entered into between the Authority and such parties with regard to the transfer of their title or interest in such properties;

(b) a detailed description of the lands, structures, fixtures, facilities, easements, rights and other property owned by the Massachusetts Parking Authority, including all such lands, structures and other property which comprise the facility known as the Boston Common Parking Garage, together with a description of all parties having any title or interest in such lands, structures, facilities, easements, rights or other property and a description of such title or interest; an analysis of the present market value of such lands, structures, facilities, easements, rights or other property and such titles and interests therein; a detailed breakdown of all bonds, notes, mortgages, restrictions, covenants or liens outstanding relative to such properties; recommendations regarding the method of acquisition of such properties by or on behalf of the Authority, including possible successorship by the Authority to all rights, titles and interests of the Massachusetts Parking Authority, and including the amounts, if any, to be paid to such parties in consideration for the transfer of the Authority of their title or interest in such properties and the terms and conditions of such transfers; and evidence of any contracts, memoranda of understanding, options or other agreements entered into between the Authority and such parties with regard to the transfer of their title or interest in such properties;

(c) a detailed proposal for a project of reconstruction, expansion, and remodeling of the facility known as the John B. Hynes Veterans Memorial Auditorium in order to develop and establish a convention center of sufficient size and with adequate facilities to accommodate major national and international conventions; including a description of the size, capacity, structure, lay-out, design, and facilities of the proposed convention center and an analysis of the planning, construction and related activities which will be required to develop and establish the proposed convention center together with a projected timetable for such planning, construction and related activities;

(d) a detailed statement of the costs of the project which shall include the acquisition of the lands, structures, fixtures,

facilities, easements, rights and other property, including the facility known as the John B. Hynes Veterans Memorial Auditorium, and the reconstruction, expansion and remodeling of such properties necessary to develop and establish the proposed convention center; and the acquisition of the lands, structures, fixtures, facilities, easements, rights and other property presently under the control of the Massachusetts Parking Authority, including all properties which comprise the facility known as the Boston Common Parking Garage;

(e) a detailed statement of the projected, annual operating budget of the Authority, including an analysis of all projected costs associated with the maintenance and operation of the proposed convention center and the Boston Common Parking Garage; and including any payments to be made to the city of Boston in lieu of taxes for such facilities; and an analysis of all projected revenues to be generated by the Authority through the operation of such facilities;

(f) a description of any and all gifts, grants, bequests or loans of funds, property, labor or other things of value provided or to be provided to the Authority by the city of Boston or any other governmental or private party or entity, together with a statement of any terms or conditions thereof, and a description of any agreements with, or commitments by, such parties to cooperate with and to provide assistance to the Authority in furtherance of the purposes and provisions of this chapter;

(g) a proposal for assistance by the commonwealth to the Authority including such capital outlay appropriations grants, and other legislation as may be necessary or appropriate to carry out the purposes and provisions of this chapter; provided, that such proposal may, in the Authority's discretion, include applications on behalf of the Authority for grant pursuant to chapters four hundred and eighty-six of the acts of nineteen hundred and eighty.

SECTION 38A. Notwithstanding the provisions of section twenty-four of this act or of any other general or special law to the contrary, the city of Boston by its mayor shall convey the Hynes Auditorium to the Massachusetts Convention Center Authority established by section thirty-three of this act for a sum equal to the fair market value of such auditorium as determined by the secretary of administration and finance based upon three independent appraisals filed within one hundred and fifty days of the passage of this act; provided, that such sum shall not be less than twenty-five million dollars; and provided, further, that such sum shall be deposited in the city of Boston

Disproportionate Assessment Fund established pursuant to section four of this act and that such conveyance shall take effect December thirty-first, nineteen hundred and eighty-two.

SECTION 38B. On December thirty-first, nineteen hundred and eighty-two, all books, maps, papers and records of whatever description relating to the design, construction, management and operation of the Hynes Auditorium in the custody or control of the city of Boston, the Boston Auditorium Commission, the Boston Redevelopment Authority and any other public agency shall be transferred to the use, ownership, custody and control of the Authority and the Authority is authorized to take possession thereof for its uses and purposes. The city of Boston shall, on December thirty-first, nineteen hundred and eighty-two, provide the Authority with a statement listing all property transferred to the Authority and shall, on January fifteenth, nineteen hundred and eighty-three provide the Authority with a financial statement itemizing expenses, liabilities and income relating to operation of the Hynes Auditorium (a) during the twelve months ending June thirtieth, nineteen hundred and eighty-two, (b) during the six months ending December thirty-first, nineteen hundred and eighty-two and (c) during each twelve month period ending on June thirtieth, nineteen hundred and eighty-two and thereafter with respect to which the city has authorized expenditures or incurred liabilities or has received or has the right to receive income relating to operation of the Hynes Auditorium. Such financial statement shall indicate which items have been paid or received and which items remain payable or receivable as of the end of each period and shall also indicate the period to which all items relate.

SECTION 38C. Expenses, liabilities and income relating to operation of the Hynes Auditorium prior to January first, nineteen hundred and eighty-three shall be borne and receivable by the city of Boston whether or not billed, incurred or received by then. Expenses, liabilities and income relating to operation of the Hynes Auditorium after December thirty-first, nineteen hundred and eighty-two shall be borne and receivable by the Authority provided that no such expense or liability authorized or incurred by the city of Boston or any agency other than the Authority after May first, nineteen hundred and eighty-two shall be borne by the Authority except to the extent approved by the Authority.

SECTION 38D. Upon acquisition of the John B. Hynes Veterans Memorial Auditorium and the Boston Common Parking Garage by

the Massachusetts Convention Center Authority, all employees who then hold full-time, permanent positions at those facilities and who held such positions as of June first, nineteen hundred and eighty-two under a permanent appointment classified under chapter thirty-one of the General Laws or with tenure by reason of section nine A of chapter thirty of the General Laws, shall become employees of the Authority without impairment of civil service status, seniority, retirement and other rights, and without interruption of service within the meaning of said chapter thirty-one or section nine A of said chapter thirty, and without reduction in compensation and salary grade, notwithstanding any change in their job titles or duties, subject, however, to the provisions of chapter thirty-one, and the rules and regulations thereunder. All said employees who upon such acquisition hold, without such tenure, positions not so classified, and who held such positions as of June first, nineteen hundred and eighty-two shall become employees of the Authority without impairment of seniority, retirement, and other rights, without interruption of service within the meaning of the said section nine A of said chapter thirty, and without reduction in compensation and salary grade; provided, however, that nothing in this section shall be construed to confer upon any employee any rights not held prior to the transfer or to prohibit any subsequent reduction in compensation or salary grade if such were not prohibited prior to the transfer; and provided, further, that this section shall not apply to persons employed by the Authority who were not employed at the John B. Hynes Veterans Memorial Auditorium or the Boston Common Parking Garage prior to acquisition of said facilities by the Authority.

SECTION 38E. Subsequent to the preparation and submission of the proposals required under section thirty-eight of this act, the Authority shall be authorized to prepare and submit to the governor, the president of the senate, the speaker of the house of representatives, the chairman of the senate committee on ways and means, the chairman of the house committee on ways and means and the secretary of administration a feasibility study relative to the development and operation by the Authority of a multi-purpose arena of sufficient size and with adequate facilities to accommodate major civic, athletic, recreational and entertainment events, which study shall include, but not necessarily be limited to, the following:

(a) a description of the location deemed suitable by the Authority for said multi-purpose arena;

(b) a description of the lands, structures, fixtures, and facilities deemed necessary or appropriate by the Authority for

the construction or reconstruction of said multi-purpose arena;

(c) an estimate of the capital expenses estimated by the Authority as necessary for the construction or reconstruction of said multi-purpose arena;

(d) an estimate of the operational expenses estimated by the Authority as necessary for the operation and maintenance of said multi-purpose arena;

(e) a proposal by the Authority for the provision of funds sufficient to meet the capital and operating costs, including projected income, associated with said multi-purpose arena;

(f) such feasibility study shall be conducted by an independent firm; and

(g) and a description of the environmental and economic affects on the immediate community, the housing and parking needs of the community and the arena's affect on residential and commercial displacement.

SECTION 39. The Authority shall establish a special fund, to be known as the Civic and Convention Center Fund and shall deposit in such fund any grant funds received under the provisions of chapter four hundred and eighty-six of the acts of nineteen hundred and eighty which amounts may be expended by the treasurer as authorized by vote of the Authority and without further appropriation; provided, that all such funds shall be used solely for the purpose of paying for the cost of a project under the provisions of this act. A report including an audit prepared by a certified public accountant shall be submitted annually by the Authority to the secretary of administration and finance and the house and senate committees on ways and means.

SECTION 40. The Authority shall, within one hundred and twenty days following the close of the fiscal year, submit an annual report of its activities for the preceding year to the governor and the clerks of the senate and house of representatives. Each such report shall set forth a complete operating and financial statement of the Authority.

SECTION 41. The books and records of the Authority shall be subject to an annual audit by the auditor of the commonwealth.

SECTION 41A. The provisions of chapter twelve A of the General Laws which are applicable to public authorities shall apply to the Massachusetts Convention Center Authority.

SECTION 42. Chapter 486 of the acts of 1980 is hereby amended by striking out section 2 and inserting in place thereof

the following section:-

Section 2. The secretary of administration hereinafter called the secretary, is hereby authorized and directed to establish a program to assist the Massachusetts Convention Center Authority and cities and towns or consortiums of contiguous cities, towns or any combination thereof, hereinafter to be called a consortium, in undertaking any project to acquire land, including buildings thereon, to construct, reconstruct, rehabilitate finish or expand facilities to be used as municipal civic or convention centers or exhibition halls, without acceptance by the commonwealth of responsibility for maintenance.

The secretary may, under the provisions of this act, provide grant funds to the Massachusetts Convention Center Authority and such cities, towns or consortiums for projects authorized by this section.

SECTION 43. The first paragraph of section 4 of said chapter 486 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The Massachusetts Convention Center Authority may, by vote of its members, and any city, town or consortium may, by vote of the city council and approval of the city manager in a city having a Plan D or Plan E form of charter, or with the approval of the mayor in any other city, by vote of a town at an annual town meeting or at a special town meeting called for that purpose, or in a municipality having a town council form of government by the town council, make application to the secretary for financial assistance in undertaking a project described in section one of this act, provided that such assistance does not exceed one hundred per cent of the total cost of any one project undertaken by the Massachusetts Convention Center Authority or seventy per cent of the total cost of any other project.

SECTION 44. The first paragraph of section 16 of chapter 606 of the acts of 1958 is hereby amended by adding the following two sentences:- The Authority is hereby authorized to enter into an agreement with the mayor of the city of Boston under which the Authority will undertake to make annual payments in lieu of taxes in connection with any real property acquired and owned by the Authority, the amounts of such payments to be reasonable sums stipulated in such agreement or agreements or determined in accordance with a reasonable formula so stipulated. Criteria to be employed by the parties to such agreement or agreements in agreeing upon the amount of such sums or upon any such formula shall include (i) the general level or property taxation in effect in the municipality, (ii) the effect of the

facilities and activities of the Authority on the municipality and (iii) the needs of the Authority to maintain or improve its facilities.

SECTION 44A. In undertaking any projects authorized by this chapter, the Massachusetts Convention Center Authority shall comply with the provisions of sections sixty-two to sixty-two H, inclusive, of chapter thirty of the General Laws.

SECTION 45. Section 4 of chapter 486 of the acts of 1980 is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

The secretary shall make a determination within forty-five days from the date of application. Upon the approval of said application, the secretary shall notify the Massachusetts Convention Center Authority or the city, town or consortium as to the total amount of state aid for such project.

SECTION 46. Section 8 of said chapter 486 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:-

To meet the expenditures necessary in carrying out the provisions of sections two and four of this act, the state treasurer shall, upon the request of the secretary of administration, with the approval of the governor, issue and sell at public or private sale, bonds or notes 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, one hundred million dollars.

SECTION 47. Upon receipt of the proposals required under the provisions of section thirty-eight of this act and upon application of the Massachusetts Convention Center Authority for grants under chapter four hundred and eighty-siv of the acts of nineteen hundred and eighty the secretary of administration shall provide grant funds to the Authority in an amount determined by the secretary to be necessary or appropriate to cover the costs of the projects as set forth in said section thirty-eight.

SECTION 48. Notwithstanding the provisions of any law to the contrary, the state treasurer is hereby authorized to advance to the city of Boston upon the request of its mayor, a pro tanto payment of fifteen million dollars to be applied towards the consideration to be paid for the conveyance of the John B. Hynes Veterans Memorial Auditorium to the Massachusetts Convention Center Authority. Any such sum so advanced shall be deposited

in the city of Boston Disproportionate Assessment Fund established pursuant to section four of this act, and shall be deducted from the amount to be paid by or on behalf of the Authority to the city in consideration for conveyance to the Authority of all of the city's rights, title and interest in the Hynes Auditorium. If the conveyance of the Hynes Auditorium has not been completed by July first, nineteen hundred and eighty-three, the city shall repay to the Commonwealth all amounts advanced to it pursuant to this section, such repayment to be subject to the provisions of section twenty A of chapter fifty-eight of the General Laws.

SECTION 49. The provisions of this act are severable and if any of its provisions shall be held invalid in any circumstances, such invalidity shall not affect any other provisions or circumstances. This act being necessary for the welfare of the commonwealth and its inhabitants, shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of this act, all steps shall be taken which are necessary to meet constitutional requirements whether or not such steps are required or expressly authorized by statute.

SECTION. 50. This act shall take effect upon its passage except that the provisions of section eighteen as to the enforcement or waiver of allotments shall be in effect only with respect to quarters ending forty-five days or more after the passage of this act, and an allotment schedule must be submitted as provided within fifteen days of the effective date of this act.

Approved June 29, 1982.

EMERGENCY LETTER - July 6, 1982. @ 4:22 P.M.

Chap. 191. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND EIGHTY-THREE, 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-three, in this act referred to as the year nineteen hundred and eighty-three, or for such period as may be designated.

SECTION 2.

LEGISLATURE.

Item		
	Senate.	
0111-0000	For the compensation of senators, prior appropriation continued	$1,100,000
0111-8000	For expenses of senators, including travel, prior appropriation continued	210,000
0112-0000	For the office of the senate clerk, prior appropriation continued, including not more than eleven permanent positions	397,000
0112-0100	For the rental and maintenance of a xerox machine	45,000
0113-0000	For the salary of the chaplain of the senate	8,000
0114-0000	For the office of the senate counsel, including not more than five permanent positions, prior appropriation continued	365,000
0115-0000	For administrative and legislative aides to the senators, prior appropriation continued	2,480,000
0116-0000	For secretarial and clerical assistance to the senators, prior appropriation continued	680,000
0116-0030	For a legislative intern program for the senate, prior appropriation continued	65,000
0117-0000	For the office of the senate committee on ways and means, prior appropriation continued, including not more than four permanent positions	630,000
0118-0000	For the office supplies and other expenses of the senators, prior appropriation continued	375,000
	House of Representatives.	
0121-0000	For compensation of representatives, prior appropriation continued	3,562,000
0121-8000	For expenses of representatives, including travel, prior appropriation continued	980,000

Item		
0122-0000	For the office of the clerk of the house of representatives, prior appropriation continued, including not more than eleven permanent positions	$359,373
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	779,000
0125-0000	For the office of the house committee on rules, including not more than fourteen permanent positions, prior appropriation continued	1,128,000
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; provided that no money shall be authorized for travel or reimbursement for travel expenses unless by prior vote of the house of representatives; and provided, further, that any member, committee staff person or others so authorized to travel shall file a report on the purpose and relevant information gathered from such travel, prior appropriation continued.	
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, prior appropriation continued.	
0126-0000	For the office of the house committee on ways and means, prior appropriation continued, including not more than nine permanent positions	800,000
0127-0000	For clerical and other expenses of the members of the house of representatives, including not more than one permanent position, prior appropriation continued	2,200,000
0127-0020	For administrative and legislative aides to the members of the house of representatives, prior appropriation continued	2,700,000
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 residents of the district; and provided, further, that each reside in separate counties and neither shall reside in the county in which the elected representative resides	36,300
0127-0030	For a legislative intern program	120,000
0127-0040	For office supplies and other expenses of the house of representatives, prior appropriation continued	500,000
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	329,000
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	2,100,000
0132-1000	For the salaries of clerks employed in the legislative document room, including not more than thirteen permanent positions	292,000

Item		
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	$290,000
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	6,000
0142-0000	For the legislative research bureau	425,000
0143-0000	For the legislative service bureau, prior appropriation continued	2,100,000
0143-0001	For the administration of the office of legislative data processing, prior appropriation continued	440,000
0143-0003	For the compilation, indexing, annotating, printing and other expenses in connection with the publication of the bulletin of committee hearings and of the daily list, with the approval of the joint committee on rules, including not more than three permanent positions, prior appropriation continued	175,000
0147-0000	For the administration of the legislative engrossing division, including not more than four permanent positions, prior appropriation continued	125,000
0161-0000	For printing, binding and paper ordered by the senate and house of representatives, or by concurrent order of the two branches, for printing the manual of the general court, with the approval of the clerks of the respective branches, and for biographical sketches of certain state and federal officials and other expenses, prior appropriation continued	1,650,000
0161-1000	For telephone and telegraph service, prior appropriation continued	1,160,000
0161-2000	For the emergency service 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	15,950
0163-0000	For the expenses of the joint committee on rules and for clerical and other assistance to the joint committees, prior appropriation continued	144,000
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, prior appropriation continued.	
0165-0000	For membership fees and programs of legislative associations for the general court of the commonwealth, with the approval of the president of the senate and the speaker of the house of representatives, prior appropriation continued	92,002
0169-7102	For the office of legislative post audit and oversight bureau of the senate, prior appropriation continued	290,000

Item		
0169-7103	For the office of legislative post audit and oversight of the house of representatives, prior appropriation continued	$530,000
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, prior appropriation continued	180,000
0181-5007	For an econometric model of the Massachusetts economy	40,000
0185-0000	For an investigation and study relative to compulsory motor vehicle liability insurance as authorized by chapter ninety-seven of the resolves of nineteen hundred and sixty-eight; provided 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.	
0185-7209	For the expenses of the special joint committee on uniform sentencing and revision of the criminal laws statutes, prior appropriation continued	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 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	100,000
0185-7510	For the special commission on the performing arts	100,000
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 chapter three hundred and ninety-three of the acts of nineteen hundred and seventy-nine, prior appropriation continued	50,000
0185-7802	For an investigation and study relative to the Massachusetts civil service system, prior appropriation continued.	
0185-7803	To provide for an investigation and study by a special commission on the current local aid distribution formula in order to determine if said formulas provide a fair and equitable distribution to the cities and towns of the commonwealth. Said commission shall consist of three members of the senate, seven members of the house of representatives and three members appointed by the governor, prior appropriation continued	35,000
0185-7804	For the expenses of the special joint commission on the development of Boston harbor	35,000
0185-7806	For a study of the procurement practices of the commonwealth relative to electronic data processing, prior appropriation continued.	
0185-7807	For a study of the tax implications of allowing deductions for charitable giving, prior appropriation continued.	
0185-7810	For the expenses of the special joint legislative commission established to investigate and study the adequacy of water supply in the commonwealth, prior appropriation continued	75,000

Item		
0185-7811	For the expenses of the special commission on the privatization of state services, prior appropriation continued.	
0185-7812	For the expenses of the special commission on low-level radioactive waste established pursuant to chapter seven hundred and thirty-eight of the acts of nineteen hundred and eighty-one	$200,000
0185-7813	For a study by the house committee on ways and means relative to United States federal court consent decrees concerning certain agencies of the commonwealth	75,000
0185-7814	For the expense of the special committee to study the public employees retirement law contained in chapter thirty-two of the General Laws	100,000
0185-7816	For a study by the senate committee on ways and means relative to United States federal court consent decrees concerning certain agencies of the commonwealth	100,000
0185-7817	For a study by the senate committee on ways and means relative to employee productivity and operational efficiency of state government	100,000
0185-7818	For a special commission to make an investigation and study of the concerns of Vietnam era war veterans as established by section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one	200,000
	INSPECTOR GENERAL.	
0200-0100	For the administration and expenses of the office of inspector general	842,000
	JUDICIARY.	
	Supreme Judicial Court.	
0320-0001	For the salaries, travelling allowances and expenses of the chief justice and of the six associate justices	432,130
0320-0003	For salaries and expenses of the supreme judicial court, including not more than seventy-six permanent positions	2,191,141
0320-0004	For the salaries and expenses of recalled justices of the appellate courts	109,356
0321-0001	For expenses of the commission on judicial conduct; provided, that the commission shall submit annually to the clerks of the house of representatives and the senate and to the supreme judicial court a report of its activities which shall include the number and type of complaints it has received, the number of investigations it has initiated and their disposition, the number and type of complaints it has forwarded to the supreme judicial court for further action, and the action taken on those cases	80,000
	Board of Bar Examiners.	
0321-0100	For the service of the board, including not more than six permanent positions	383,325
0321-1001	For the expenses of the Massachusetts 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	4,291,254
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	

Item		
	Laws; provided, that no expenditure or commitment made pursuant thereto shall be incurred in excess of funds appropriated herein	$165,000
0321-2100	For a correctional legal services committee	247,000
0321-4000	For disability representation for chronically mentally and physically handicapped persons; provided that any awards for attorney representation made by the social security administration for such representation for which the attorney of record received compensation from monies appropriated herein shall be deposited in the treasury and shall be credited to the General Fund	500,000
	Appeals Court.	
0322-0001	For the salaries, travelling allowances and expenses of the chief justice and of the nine associate justices	561,985
0322-0002	For salaries and expenses of the appeals court	1,260,337
	Trial Court.	
0330-0100	For the salaries of the justices of the trial court; notwithstanding this item the justices of the trial court shall continue their commission of appointment to a specific division within a department or to a *department according to the terms of said commissions; provided that* nothing herein shall be construed to limit the authority of the chief administrative justice as enumerated in chapter two hundred and eleven B of the General Laws, including not more than two hundred and sixty-four permanent positions	13,413,711
0330-0200	For the salaries of the recalled justices of the trial court	723,390
0330-0300	For salaries and expenses of the administrative staff	1,782,651
0330-1000	For payments of expenses of juries and for the transportation of prisoners to and from the trial courts of the commonwealth during the period from July first, nineteen hundred and eighty-two to October first, nineteen hundred and eighty-two, provided that the chief administrative justice shall prepare an inventory of all equipment under the control of the trial court departments and used in the transportation of such prisoners and shall report the results of such inventory to the house and senate committees on ways and means no later *than January first, nineteen hundred and eighty-three*	4,716,400
0330-2000	For salaries and expenses of certain law libraries; provided, that two hundred and fifty thousand dollars of the amount appropriated herein shall be expended for the expenses of the social law library located in Suffolk county	1,639,150
0330-2100	For counsel to indigents; provided, that four hundred twenty-three thousand four hundred and thirty-seven dollars shall be expended from this item for the purposes of the Roxbury defenders committee; provided, further, that salaries paid to attorneys employed by the Roxbury defenders committee shall be comparable to those paid to attorneys employed by the several district attorneys offices	7,866,700
0330-2200	For the rental of court facilities	11,805,561
0330-2300	For payments of witness fees	937,595
0330-2400	For education and training programs to be allocated at the direction of the chief administrative justice	107,243
0330-2600	*For travel expenses of judicial personnel*	781,641
0330-2700	For printing expenses	1,487,614

Item		
0330-2800	*For repairs of equipment*	$ 234,790
0330-3000	For the purchase and rentals of equipment in the trial court, to be allocated by the chief administrative justice; provided that in purchasing said equipment the chief administrative justice shall utilize the approved vendor determined by the state purchasing agent for such equipment whenever the terms offered by such vendor are more favorable than those otherwise available	860,775
0330-3100	For the payments of indigent court costs	100,000
0330-3200	For payment of salaries and expenses of superior court officers, including not more than one hundred and eighty-three permanent positions	7,305,249
0330-3300	For the payment of office, administrative and special expenses in the trial court, to be allocated by the chief administrative justice	225,448
	Superior Court.	
0331-0100	For salaries and expenses of the administrative staff	502,653
0331-0200	For clerical assistance to the justices	1,394,455
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	55,000
0331-0600	For the expenses of superior court probation services, including not more than two hundred and thirty-nine permanent positions	4,836,024
	For Salaries and Expenses.	
0331-2100	Barnstable superior court, including not more than seven permanent positions	188,482
0331-2200	Berkshire superior court, including not more than six permanent positions	181,977
0331-2300	Bristol superior court, including not more than twenty-six permanent positions	632,516
0331-2400	Dukes superior court, including not more than two permanent positions	49,681
0331-2500	Essex superior court, including not more than thirty-nine permanent positions	1,042,809
0331-2600	Franklin superior court, including not more than four permanent positions	135,868
0331-2700	Hampden superior court, including not more than forty-four permanent positions	910,603
0331-2800	Hampshire superior court, including not more than seven permanent positions	219,910
0331-2900	Middlesex superior court, including not more than one hundred and sixty permanent positions	2,548,784
0331-3000	Nantucket superior court, including not more than two permanent positions	51,846
0331-3100	Norfolk superior court, including not more than thirty-eight permanent positions	882,894
0331-3200	Plymouth superior court, including not more than sixty-five permanent positions	846,967
0331-3300	Suffolk superior civil court, including not more than one hundred and twenty-two permanent positions	2,705,479
0331-3310	Suffolk superior criminal court, including not more than one hundred and forty-six permanent positions	1,452,284

Item		
0331-3400	Worcester superior court, including not more than sixty-eight permanent positions	$1,115,228
	Administration of District Courts. For Salaries and Expenses.	
0332-0100	District court, administrative staff, including not more than eleven permanent positions	323,165
0332-1100	First district court of Barnstable, including not more than forty-six permanent positions	970,652
0332-1200	Second district court of Barnstable (Orleans), including not more than twenty-six permanent positions	505,962
0332-1300	District court of northern Berkshire (Adams, North Adams, Williamstown), including not more than sixteen permanent positions	320,977
0332-1400	District court of central Berkshire (Pittsfield), including not more than twenty-three permanent positions	447,022
0332-1500	District court of southern Berkshire (Great Barrington, Lee), including not more than twelve permanent positions	230,839
0332-1600	First district court of Bristol (Taunton), including not more than thirty permanent positions	573,684
0332-1700	Second district court of Bristol (Fall River), including not more than fifty permanent positions	995,047
0332-1800	Third district court of Bristol (New Bedford), including not more than forty-six permanent positions	914,720
0332-1900	Fourth district court of Bristol (Attleboro), including not more than twenty-three permanent positions	460,699
0332-2000	District court of Edgartown, including not more than ten permanent positions	158,186
0332-2100	First district court of Essex (Salem), including not more than thirty-seven permanent positions	868,525
0332-2200	Second district court of Essex (Amesbury), including not more than twelve permanent positions	239,006
0332-2300	Third district court of Essex (Ipswich), including not more than eight permanent positions	114,459
0332-2400	Central district court of northern Essex (Haverhill), including not more than thirty-two permanent positions	652,162
0332-2500	District court of eastern Essex (Gloucester), including not more than twenty permanent positions	343,201
0332-2600	District court of Lawrence, including not more than forty-three permanent positions	907,277
0332-2700	District court of southern Essex (Lynn), including not more than forty-two permanent positions	857,003
0332-2800	District court of Newburyport, including not more than ten permanent positions	230,554
0332-2900	District court of Peabody, including not more than twenty-six permanent positions	574,886
0332-3000	District court of Greenfield, including not more than twenty-two permanent positions	422,392
0332-3100	District court of Orange, including not more than thirteen permanent positions	207,257

Item		
0332-3200	District court of Chicopee, including not more than twenty permanent positions	$398,382
0332-3300	District court of Holyoke, including not more than twenty-eight permanent positions	479,566
0332-3400	District court of eastern Hampden (Palmer), including not more than twenty permanent positions	399,657
0332-3500	District court of Springfield, including not more than one hundred and eighteen permanent positions	2,246,469
0332-3600	District court of western Hampden (Westfield), including not more than twenty-one permanent positions	606,763
0332-3700	District court of Hampshire (Northampton), including not more than thirty-eight permanent positions	771,282
0332-3800	District court of eastern Hampshire (Ware), including not more than nine permanent positions	151,244
0332-3900	District court of Lowell, including not more than sixty-four permanent positions	1,462,980
0332-4000	District court of Somerville, including not more than sixty permanent positions	1,260,271
0332-4100	District court of Newton, including not more than thirty permanent positions	612,840
0332-4200	District court of Marlborough, including not more than twenty-four permanent positions	500,388
0332-4300	District court of Natick, including not more than sixteen permanent positions	315,120
0332-4400	District court of eastern Middlesex (Malden), including not more than sixty permanent positions	1,101,803
0332-4500	Second district court of eastern Middlesex (Waltham), including not more than forty-one permanent positions	808,003
0332-4600	Third district court of eastern Middlesex (Cambridge), including not more than one hundred and sixteen permanent positions	2,122,961
0332-4700	Fourth district court of eastern Middlesex (Woburn), including not more than fifty-five permanent positions	1,106,899
0332-4800	First district court of northern Middlesex (Ayer), including not more than thirty-five permanent positions	680,909
0332-4900	First district court of southern Middlesex (Framingham), including not more than fifty-four permanent positions	1,139,330
0332-5000	District court of central Middlesex (Concord), including not more than forty-two permanent positions	904,887
0332-5100	District court of Nantucket, including not more than eight permanent positions	115,465
0332-5200	District court of northern Norfolk (Dedham), including not more than forty-eight permanent positions	945,224
0332-5300	District court of east Norfolk (Quincy), including not more than ninety permanent positions	2,076,978
0332-5400	District court of western Norfolk (Wrentham), including not more than thirty-six permanent positions	693,852
0332-5500	District court of southern Norfolk, including not more than thirty-two permanent positions	744,136

Item		
0332-5600	Municipal court of Brookline, including not more than twenty-six permanent positions	$475,029
0332-5700	District court of Brockton, including not more than seventy-two permanent positions	1,532,634
0332-5800	Second district court of Plymouth (Hingham), including not more than forty-two permanent positions	820,339
0332-5900	Third district court of Plymouth (Plymouth), including not more than thirty-eight permanent positions	740,470
0332-6000	Fourth district court of Plymouth (Wareham), including not more than thirty permanent positions	616,830
0332-6100	District court of Brighton, including not more than thirty-four permanent positions	714,479
0332-6200	District court of Charlestown, including not more than eighteen permanent positions	473,316
0332-6300	District court of Chelsea, including not more than forty-six permanent positions	871,448
0332-6400	District court of Dorchester, including not more than one hundred and fifteen permanent positions	2,088,871
0332-6500	District court of East Boston, including not more than forty-seven permanent positions	936,943
0332-6600	District court of Roxbury, including not more than one hundred and thirty-five permanent positions and provided further, that one hundred thousand dollars be used for the Juvenile Session Outreach Program of the Roxbury district court	2,870,272
0332-6700	District court of South Boston, including not more than twenty-six permanent positions	563,907
0332-6800	District court of West Roxbury, including not more than forty-seven permanent positions	946,600
0332-6900	District court of Worcester, including not more than eighty-five permanent positions	1,597,191
0332-7000	District court of Fitchburg, including not more than twenty-seven permanent positions	555,060
0332-7100	District court of Leominster, including not more than thirteen permanent positions	242,464
0332-7200	District court of Winchendon, including not more than five permanent positions	89,703
0332-7300	First district court of northern Worcester (Gardner), including not more than twenty-seven permanent positions	503,477
0332-7400	First district court of eastern Worcester (Westborough), including not more than thirty-two permanent positions	561,576
0332-7500	Second district court of eastern Worcester (Clinton), including not more than fifteen permanent positions	307,359
0332-7600	First district court of southern Worcester (Dudley), including not more than twenty-six permanent positions	515,386
0332-7700	Second district court of southern Worcester (Uxbridge), including not more than thirteen permanent positions	265,023
0332-7800	Third district court of southern Worcester (Milford), including not more than eighteen permanent positions	369,169

Item		
0332-7900	District court of western Worcester (Brookfield), including not more than eight permanent positions	$155,656
0332-8100	Middlesex juvenile probation district, including not more than twenty-five permanent positions	672,693
0332-8200	Northern Essex juvenile probation district, including not more than twelve permanent positions	281,377
0332-8300	Berkshire juvenile probation district, including not more than six permanent positions	134,004
0332-8500	Northern Worcester juvenile probation district, including not more than eleven permanent positions	262,265
0332-8600	Southern Worcester juvenile probation district, including not more than ten permanent positions	240,967
	Probate and Family Court Department.	
	For Salaries and Expenses.	
0333-0001	Probate court, administrative staff, including not more than four permanent positions	161,166
0333-0100	Barnstable, including not more than twenty permanent positions	407,544
0333-0200	Berkshire, including not more than thirteen permanent positions	305,834
0333-0300	Bristol, including not more than thirty-nine permanent positions	791,394
0333-0400	Dukes, including not more than four permanent positions	73,694
0333-0500	Essex, including not more than fifty-three permanent positions	1,043,599
0333-0600	Franklin, including not more than nine permanent positions	198,659
0333-0700	Hampden, including not more than fifty-five permanent positions	1,021,945
0333-0800	Hampshire, including not more than fifteen permanent positions	327,985
0333-0900	Middlesex, including not more than one hundred and nineteen permanent positions	2,550,250
0333-0911	For a demonstration project in the Middlesex probate court's family service clinic	123,700
0333-1000	Nantucket, including not more than three permanent positions	50,960
0333-1100	Norfolk, including not more than sixty-eight permanent positions	1,491,377
0333-1111	For a family service clinic in the Norfolk probate court	45,975
0333-1200	Plymouth, including not more than forty-three permanent positions	959,963
0333-1300	Suffolk, including not more than ninety-three permanent positions	1,817,503
0333-1400	Worcester, including not more than fifty-two permanent positions	1,084,604
	Land Court.	
0334-0001	For the office of the land court, including not more than seventy-one permanent positions	1,513,677
	Boston Municipal Court.	
0335-0001	For salaries and expenses of the Boston municipal court, including not more than two hundred and nine permanent positions	3,846,563
	Housing Court.	
	For Salaries and Expenses.	
0336-0100	Boston housing court; provided that, notwithstanding the provisions of chapter two hundred and eleven B of the General Laws to the contrary, the administrative justice of the housing court department holding such office prior to the effective date of this act shall receive a salary equivalent to a justice of the trial court, including not more than thirty-four permanent positions	670,275

Item		
0336-0200	Hampden housing court, including not more than twelve permanent positions	$234,007
	Juvenile Court.	
0337-0001	For salaries and expenses of the administrative staff, including not more than seven permanent positions	217,575
	For Salaries and Expenses.	
0337-0100	Boston juvenile court, including not more than ninetyseven permanent positions	2,580,326
0337-0200	Bristol juvenile court, including not more than thirty-four permanent positions	942,813
0337-0300	Springfield juvenile court, including not more than thirty-two permanent positions	851,378
0337-0400	Worcester juvenile court, including not more than twenty-five permanent positions	645,825
	Committee on Probation.	
0339-1001	For the office of the commissioner of probation, including not more than one hundred and twenty-eight permanent positions	2,471,113
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 thirteen permanent positions	554,734
	Judicial Council.	
0339-2200	For the service of the council, including not more than two permanent positions	70,000
	District Attorneys.	
	For the salaries of district attorneys and assistants for the eleven districts:	
0340-0100	Suffolk, including not more than one hundred and eleven permanent positions	4,684,100
0340-0200	Northern, including not more than eighty-three permanent positions	2,934,138
0340-0300	Eastern, including not more than thirty permanent positions	2,143,343
0340-0360	For the purposes of a federally funded grant entitled, Juvenile Diversion Program General Federal Grants Fund 100.0%	24,750
0340-0400	Middle, including not more than fifty-four permanent positions	2,292,828
0340-0500	Hampden, including not more than forty-two permanent positions	1,453,544
0340-0600	Northwestern, including not more than thirteen permanent positions	845,443
0340-0700	Norfolk, including not more than fifty-one permanent positions	2,011,358
0340-0800	Plymouth, including not more than thirty permanent positions	1,360,083
0340-0900	Bristol, including not more than twenty permanent positions	1,441,223
0340-1000	Cape and Islands, including not more than thirteen permanent positions	622,057
0340-1100	Berkshire, including not more than sixteen permanent positions	571,885
	EXECUTIVE.	
	Governor.	
0411-1000	For the salaries of the governor and officers and employees in the governor's office	938,600
0411-1901	For postage, printing, office and other contingent expenses, including travel of the governor	220,000

Item		
0411-2000	For the office of federal-state relations	$189,000
0411-3000	For certain expenses and fees for the national governor's association	60,000
0411-3001	For certain expenses and fees for the coalition of New England governors	25,000
0411-3002	For certain expenses and fees for the New England governor's conference	67,000
0411-4000	For the administration of the public safety committee	136,807
0411-4013	For the purposes of a federal funded grant entitled, Omnibus Crime Control and Safe Streets Act Planning	773,266
	General Federal Grants Fund 100.0%	
0411-4014	For the purposes of a federally funded grant entitled, Omnibus Crime Control and Safe Streets Action Program	1,986,000
	General Federal Grants Fund 100.0%	
0411-6000	For the office of intergroup affairs	91,000
0411-7000	For the commission on the status of women	40,000
	Extraordinary Expenses.	
0411-8000	For the cost, not to exceed fifteen thousand dollars, of entertainment of distinguished visitors to the commonwealth; provided, that no expenditures 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	42,000
0411-8031	For certain expenses of the governor's committee on children and family	60,000
	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	197,610
0412-2003	For the purposes of a federally funded grant entitled, Disaster recovery - staff salaries	30,000
	General Federal Grants Fund 100.0%	
0412-2008	For federal-local relations	193,781
	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	231,000
	MILITARY DIVISION.	
	Notwithstanding the provisions of chapter thirty of the General Laws, certain military personnel in the military division may be paid salaries according to military pay grades, so-called.	
	Adjutant General.	
0431-0010	For the office of the adjutant general, including not more than twenty-two permanent positions	477,000

Item		
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	$220,000
0431-0300	For allowances to companies and other administrative units, to be expended under the direction of the adjutant general	25,000
0431-0400	For compensation for accidents and injuries sustained in the performance of military duty and for small claims for damages to private property	24,000
0431-0500	For the operation of the war records project, so-called, including not more than seven permanent positions	107,500
	State Quartermaster.	
0431-1010	For the office of the state quartermaster	10,000
0431-1110	For the operation of armories of the first class, provided that, notwithstanding any law to the contrary, all revenue in an amount not to exceed four hundred thousand dollars, received from fees paid for the non-military rental or use of said armories may be expended without further appropriation, subject to the approval of the state quartermaster and the state comptroller, for the cost of utilities and maintenance and for the implementation of energy conservation measures with regard to said armories; provided further, the state quartermaster shall report quarterly to the house and senate committees on ways and means the income derived from such rentals and funds expended for the cost of utilities and maintenance and for the implementation of energy conservation measures, including not more than eighty permanent positions	2,340,000
0431-1300	For the camp Curtis Guild rifle range, including not more than seven permanent positions	109,000
0431-1410	For certain storage and maintenance facilities, including not more than twenty-eight permanent positions	332,000
0431-1510	For certain national guard aviation facilities, including not more than ten permanent positions	95,400
	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; provided further, that a sum not less than twenty thousand dollars shall be expended for maintenance at the training academy in Topsfield, including not more than forty-five permanent positions	474,000
0432-0002	For the service of the civil defense agency nonmatching fund program	8,500
0432-0103	For the purposes of a federally funded grant entitled, Emergency Management Assistance - personnel and administrative expenses General Federal Grants Fund 100.0%	1,066,400
0432-0222	For the purposes of a federally funded grant entitled,	

Item		
	Disaster Preparedness Assistance	$25,000
	General Federal Grants Fund 100.0%	
0432-0691	For the purposes of a federally funded grant entitled, Radiological Systems Maintenance	125,000
	General Federal Grants Fund 100.0%	
0432-0692	For the purposes of a federally funded grant entitled, Radiological Defense Officer	65,000
	General Federal Grants Fund 100.0%	
0432-0792	For the purposes of a federally funded grant entitled, Community Shelter Planning Program subject to the condition that no funds from this item may be used for activities related to planning for nuclear war	220,000
	General Federal Grants Fund 100.0%	
0432-3010	For the purposes of a federally funded grant entitled, Emergency Management Training - state/local personnel	41,300
	General Federal Grants Fund 100.0%	
0432-3015	For the purposes of a federally funded grant entitled, Earthquake and Hurricane Loss Study	75,000
	General Federal Grants Fund 100.0%	
0432-3016	For the purposes of a federally funded grant entitled, Tornado Preparedness	75,000
	General Federal Grants Fund 100.0%	
0432-3017	For the purposes of a federally funded grant entitled, Industrial Preparedness	75,000
	General Federal Grants Fund 100.0%	
0432-3018	For the purposes of a federally funded grant entitled, National Shelter Protection subject to the condition that no funds from this item may be used for activities related to planning for nuclear war	100,000
	General Federal Grants Fund 100.0%	
0432-3019	For the purposes of a federally funded grant entitled, Radiological Emergency Response Plan	40,000
	General Federal Grants Fund 100.0%	
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	8,960
0432-4091	For the purposes of a federally funded grant entitled, Emergency Management - Communications and Warning Systems	51,100
	General Federal Grants Fund 100.0%	
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 nineteen hundred and seventy-eight section 207(d)	65,000
0433-0101	For the purposes of a federally funded grant entitled, Governor's Highway Safety Program - Disbursements to Cities and Towns	1,015,215
	General Federal Grants Fund 100.0%	

Item		
0433-0110	For the purposes of a federally funded grant entitled, Highway Safety Programs - Administrative and Planning expenses ..... General Federal Grants Fund 100.0%	$325,000
0433-0115	For the purposes of a federally funded grant entitled, State Agency Programs ..... General Federal Grants Fund 100.0%	3,420,000
	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, and the director and assistant director of the 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, prior appropriation continued	3,334,820
0517-0000	For the expense of printing various documents; including a public register listing all notices of contractual opportunities offered by any public agency or authority of the commonwealth; provided that, notwithstanding any law to the contrary, all revenue accrued from the sale of such documents may be expended without further appropriation an amount up to three hundred fifty thousand dollars subject to the approval of the secretary and the state comptroller for the expense of printing such documents including cost of materials, supplies, and equipment; and provided further that the secretary shall make quarterly reports to the house and senate committees on ways and means on the revenues accrued from the sale of such documents and on any measures which have been taken to increase such revenues, including not more than five permanent positions	343,000
0518-0000	For the purchase and distribution of certain journals of the house of representatives	6,000
0521-0000	For preparing, printing and distributing ballots and other miscellaneous expenses for primary and other elections, including not more than six permanent positions	3,045,755
0524-0000	For expenses of compiling and publishing information to voters	150,000
	Massachusetts Historical Commission.	
0526-0100	For the administration of the commission; provided, that no later than January first, nineteen hundred and eighty-three the commission shall report to the house and senate committees on ways and means on the feasibility of imposing fees for services that the commission provides to private individuals and corporations, including a proposed schedule of such fees and a proposal for the utilization of such fees in a revolving fund which shall be used to finance such services, including not more than one permanent position	309,172
0526-0105	For the purposes of a federally funded grant entitled, Massachusetts Historical Survey ..... General Federal Grants Fund 100.0%	317,739
0526-0115	For the purposes of a federally funded grant entitled, Massachusetts Historical Preservation ..... General Federal Grants Fund 100.0%	738,451

Item		
	Ballot Law Commission.	
0527-0100	For the compensation and expenses of the commissioners, including not more than three permanent positions	$14,000
	Records Conservation Board.	
0528-0100	For the expenses of the board	21,143
0529-1200	For the purposes of a federally funded grant entitled, Historical Records Assessment	20,000
	General Federal Grants Fund 100.0%	
	Commission on Interstate Cooperation.	
0530-0100	For the expenses of the commission	159,664
	Office of Campaign and Political Finance.	
0531-0100	For the expenses and administration of the office of campaign and political finance, including not more than eleven permanent positions	297,919
	TREASURER AND RECEIVER-GENERAL.	
0610-0000	For the office of the treasurer and receiver-general, including not more than one hundred and eight permanent positions, prior appropriation continued	4,359,720
	Highway Fund 30.0%	
	General Fund 70.0%	
0611-1000	For the administration and expenses of bonus payments to war veterans	217,070
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 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; provided, further, that, notwithstanding the provisions of any general or special law to the contrary, victims of the crime of rape shall be notified of all available services designed to assist rape-victims including but not limited to the provisions outlined in section five of chapter two hundred and fifty-eight A of the General Laws; and provided, further, that compensation to such claimant shall be limited to a maximum of fifty dollars, prior *appropriation continued*	900,000
0611-5500	For the purposes of this item, the phrase "gross loss" for a city or town shall mean:-(a) the actual fiscal year nineteen hundred and eighty-two levy reduction required by the provisions of chapter five hundred and eighty of the acts of nineteen hundred and eighty as determined by the commissioner of revenue, plus; (b) the fiscal year nineteen hundred and eighty-three levy reduction required by the provisions of *said chapter five hundred and eighty* of the acts of nineteen hundred and eighty, and as estimated by the commissioner of revenue on February fifteen, nineteen hundred and eighty-two, and as may be further modified under the provisions of clause (a), notwithstanding the application of any over-ride provision, plus; (c) the twelve month fiscal year nineteen hundred and eighty-two reduction in the motor vehicle excise as required by said chapter five hundred and eighty and	

Item

as determined by the commissioner of revenue on July first, nineteen hundred and eighty-one.

For the purposes of this item "additional sum distributed" for a city or town shall be the difference between the amount said city or town received by the distribution of item 0611-5500 of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one as amended by chapter six hundred and thirty-one of the acts of nineteen hundred and eighty-one, and the amount said city or town received by the distribution of item 0611-5500 of chapter three hundred and twenty-nine of the acts of nineteen hundred and eighty.

For the purposes of this item, the phrase "cities and towns having an adjusted gross loss" shall mean any city or town which is not required to reduce its property tax levy in fiscal year nineteen hundred and eighty-three pursuant to the provisions of chapter five hundred and eighty of the acts of nineteen hundred and eighty.

For the purposes of this item the phrase "adjusted gross loss" for a city or town shall mean the gross loss of a city or town less the additional sum distributed.

For the purposes of this item the phrase "fiscal capacity per capita" shall mean and be determined for each city and town as follows:- (1) the sum of (a) the equalized valuation for the city or town as reported to the general court in nineteen hundred and eighty multiplied by twenty-five dollars per thousand; (b) state aid for the city or town as estimated for fiscal year nineteen hundred and eighty-two under the provisions of section twenty-five A of chapter fifty-eight of the General Laws, plus state aid as estimated for fiscal year nineteen hundred and eighty-two by the commissioner of revenue for the regional school district of which the city or town is a member, if any apportioned to the city or town in proportion to the ratio of the population of the city or town bears to the total population of all the cities and towns comprising the membership of the regional school district; provided, however, that the amount under said item 0611-5500 shall be based upon a total distribution of one hundred and forty-three million dollars; (c) the amount received by the city or town from the United States government under the federal fiscal year nineteen hundred and eighty-two appropriation for general revenue sharing to localities; and (d) revenues from the motor vehicle excise for the city or town for fiscal year nineteen hundred and eighty-two as estimated by the commissioner of revenue on July first, nineteen hundred and eighty-one, divided by (2) the population of the city or town as determined by the national census of the year nineteen hundred and eighty, provided however, that the population of any city or town shall be adjusted to reflect the resident population exclusive of persons residing at a military base operated by the United States government.

For additional assistance to the cities and towns, there is hereby appropriated the sum of four hundred and eighty-one million dollars from the General Fund to be credited to the Local Aid Fund established under the provisions of section two D of chapter twenty-nine of the

Item

General Laws and distributed to said cities and towns in accordance with the provisions of this item:- (A) Every city or town shall receive during fiscal year nineteen hundred and eighty-three a sum equivalent to the distribution of the sum of one hundred and forty-three million dollars distributed under the provisions of section eighteen C of chapter fifty-eight of the General Laws and distributed in fiscal year nineteen hundred and eighty-two and shall receive further a distribution under the provisions of clause (B) or clause (C) of this item, whichever is applicable; (B) Any city or town not having an adjusted gross loss, shall receive as assistance a sum equivalent to forty-nine per cent of said gross loss, provided however, that if the additional sum distributed is greater than forty-nine per cent of the gross loss, said city or town shall receive as assistance a sum equivalent to the additional sum distributed, provided further, however, that for no city or town shall the additional sum distributed be in excess of one hundred and fifty per cent of its gross loss; (C) Any city or town having an adjusted gross loss shall receive as assistance a sum equivalent to forty-nine per cent of the adjusted gross loss; provided, however, that if the additional sum distributed is greater than forty-nine per cent of the adjusted gross loss, said city or town shall receive as assistance a sum equivalent to the additional sum distributed, provided, however, that for no city or town shall the additional sum distributed be in excess of one hundred and fifty per cent of its gross loss; and provided, further, that any city or town in which the additional sum distributed is less than seventy-five per cent of the gross loss and the fiscal capacity per capita is less than six hundred dollars shall receive as assistance from this provision an amount not less than one hundred and twenty per cent of the additional sum distributed; (D) Notwithstanding the provisions of clauses (A), (B) and (C) of this item, cities and towns having a fiscal capacity per capita in excess of one thousand dollars shall not receive assistance from the sum appropriated herein in an amount greater than the amount received from item 0611-5500 of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one as amended, and provided further that, any city or town having a fiscal capacity of less then seven hundred dollars shall not receive less than the amount received from said item 0611-5500 of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one, as amended; (E) Notwithstanding the provisions of clauses (B) and (D), any city or town not having an adjusted gross loss and not receiving from clause (B), minus the additional sum distributed, a sum equivalent to fifty per cent of the nineteen hundred and eighty-three levy reduction as required by said chapter five hundred and eighty of the acts of nineteen hundred and eighty, and as estimated by the commissioner of revenue on February fifteenth, nineteen hundred and eighty-two, and as modified by the actual fiscal year nineteen hundred and eighty-two levy reduction, notwithstanding the application of any override provision, as defined in clauses (a) and (b) in this item shall receive a

Item

sum equivalent to the nineteen hundred and eighty-three levy reduction multiplied by fifty per cent, minus the amount by which the distribution under clause (B) exceeds the additional sum distributed. Such distribution shall be in addition to the amounts distributed under the provisions of clause (B) of this item; (F) Notwithstanding any provision of this item to the contrary, the amount to be distributed to each city or town pursuant to this item shall not be less than the amount provided for said city or town under the following schedule:-

MUNICIPALITY	DISTRIBUTION
ABINGTON	905,288
ACTON	566,543
ACUSHNET	560,812
ADAMS	652,234
AGAWAM	548,470
ALFORD	8,797
AMESBURY	1,039,029
AMHERST	2,987,205
ANDOVER	787,031
ARLINGTON	4,568,162
ASHBURNHAM	212,557
ASHBY	130,654
ASHFIELD	54,110
ASHLAND	368,751
ATHOL	858,185
ATTLEBOROUGH	108,147
AUBURN	683,033
AVON	195,873
AYER	415,804
BARNSTABLE	584,450
BARRE	251,541
BECKET	28,755
BEDFORD	352,018
BELCHERTOWN	495,195
BELLINGHAM	902,966
BELMONT	793,638
BERKLEY	148,537
BERLIN	109,062
BERNARDSTON	87,479
BEVERLY	2,080,024
BILLERICA	1,890,449
BLACKSTONE	499,540
BLANDFORD	44,036
BOLTON	70,455
BOSTON	98,824,111
BOURNE	473,257
BOXBOROUGH	115,481
BOXFORD	160,803

MUNICIPALITY	DISTRIBUTION
BOYLSTON	167,878
BRAINTREE	2,666,705
BREWSTER	85,962
BRIDGEWATER	1,281,604
BRIMFIELD	101,699
BROCKTON	11,165,048
BROOKFIELD	182,474
BROOKLINE	4,054,412
BUCKLAND	104,797
BURLINGTON	1,963,644
CAMBRIDGE	14,024,332
CANTON	1,096,280
CARLISLE	79,538
CARVER	431,487
CHARLEMONT	43,664
CHARLTON	402,442
CHATHAM	68,297
CHELMSFORD	1,264,203
CHELSEA	4,055,146
CHESHIRE	162,748
CHESTER	51,572
CHESTERFIELD	44,750
CHICOPEE	4,101,624
CHILMARK	1,104
CLARKSBURG	127,902
CLINTON	1,088,584
COHASSET	191,536
COLRAIN	66,142
CONCORD	602,687
CONWAY	48,749
CUMMINGTON	21,639
DALTON	346,430
DANVERS	874,545
DARTMOUTH	1,120,704
DEDHAM	1,154,251
DEERFIELD	169,088
DENNIS	191,596
DIGHTON	218,228
DOUGLAS	194,409
DOVER	77,431
DRACUT	1,286,383
DUDLEY	500,009
DUNSTABLE	62,243
DUXBURY	414,807
EAST BRIDGEWATER	688,890
EAST BROOKFIELD	105,273
EAST LONGMEADOW	521,878

MUNICIPALITY	DISTRIBUTION
EASTHAM	42,221
EASTHAMPTON	1,184,219
EASTON	1,072,093
EDGARTOWN	13,069
EGREMONT	30,156
ERVING	15,865
ESSEX	100,757
EVERETT	2,765,955
FAIRHAVEN	938,258
FALL RIVER	12,479,952
FALMOUTH	493,482
FITCHBURG	4,202,057
FLORIDA	11,942
FOXBOROUGH	615,953
FRAMINGHAM	2,735,884
FRANKLIN	1,093,203
FREETOWN	354,070
GARDNER	1,216,816
GAY HEAD	1,555
GEORGETOWN	240,461
GILL	55,757
GLOUCESTER	969,851
GOSHEN	17,712
GOSNOLD	297
GRAFTON	663,294
GRANBY	324,530
GRANVILLE	44,076
GREAT BARRINGTON	321,466
GREENFIELD	2,012,480
GROTON	229,375
GROVELAND	267,685
HADLEY	105,609
HALIFAX	336,307
HAMILTON	250,204
HAMPDEN	250,500
HANCOCK	16,075
HANOVER	752,402
HANSON	814,363
HARDWICK	171,030
HARVARD	676,437
HARWICH	162,227
HATFIELD	134,762
HAVERHILL	4,064,637
HAWLEY	11,021
HEATH	11,156
HINGHAM	699,237
HINSDALE	76,834
HOLBROOK	1,213,359

MUNICIPALITY	DISTRIBUTION
HOLDEN	589,530
HOLLAND	58,181
HOLLISTON	847,166
HOLYOKE	4,594,538
HOPEDALE	202,855
HOPKINTON	260,181
HUBBARDSTON	92,620
HUDSON	1,555,313
HULL	1,356,331
HUNTINGTON	90,276
IPSWICH	468,428
KINGSTON	334,097
LAKEVILLE	298,455
LANCASTER	377,831
LANESBOROUGH	174,169
LAWRENCE	6,595,951
LEE	368,874
LEICESTER	653,896
LENOX	378,852
LEOMINSTER	2,333,248
LEVERETT	68,104
LEXINGTON	679,252
LEYDEN	15,205
LINCOLN	170,488
LITTLETON	255,032
LONGMEADOW	570,217
LOWELL	9,674,788
LUDLOW	1,011,500
LUNENBURG	489,029
LYNN	10,427,214
LYNNFIELD	301,182
MALDEN	5,932,634
MANCHESTER	113,873
MANSFIELD	587,458
MARBLEHEAD	478,877
MARION	84,913
MARLBOROUGH	1,548,450
MARSHFIELD	981,438
MASHPEE	48,460
MATTAPOISETT	202,050
MAYNARD	693,229
MEDFIELD	504,177
MEDFORD	5,573,437
MEDWAY	550,903
MELROSE	2,627,146
MENDON	133,363
MERRIMAC	298,325
METHUEN	1,963,981

MUNICIPALITY	DISTRIBUTION
MIDDLEBOROUGH	1,032,230
MIDDLEFIELD	10,896
MIDDLETON	140,114
MILFORD	1,767,372
MILLBURY	910,409
MILLIS	326,760
MILLVILLE	130,187
MILTON	1,211,763
MONROE	3,568
MONSON	528,355
MONTAGUE	354,335
MONTEREY	15,490
MONTGOMERY	25,262
MOUNT WASHINGTON	788
NAHANT	110,344
NANTUCKET	36,298
NATICK	1,677,039
NEEDHAM	860,529
NEW ASHFORD	2,232
NEW BEDFORD	11,753,236
NEW BRAINTREE	31,388
NEW MARLBOROUGH	20,526
NEW SALEM	31,381
NEWBURY	147,872
NEWBURYPORT	854,042
NEWTON	2,748,111
NORFOLK	332,594
NORTH ADAMS	1,613,488
NORTH ANDOVER	840,012
NORTH ATTLEBOROUGH	1,444,985
NORTH BROOKFIELD	282,229
NORTH READING	415,699
NORTHAMPTON	1,968,203
NORTHBOROUGH	420,839
NORTHBRIDGE	847,880
NORTHFIELD	85,591
NORTON	1,283,686
NORWELL	707,106
NORWOOD	1,215,942
OAK BLUFFS	24,327
OAKHAM	44,067
ORANGE	635,838
ORLEANS	68,339
OTIS	14,313
OXFORD	891,844
PALMER	722,456
PAXTON	147,574

MUNICIPALITY	DISTRIBUTION
PEABODY	3,903,026
PELHAM	47,751
PEMBROKE	806,329
PEPPERELL	450,141
PERU	30,762
PETERSHAM	72,962
PHILLIPSTON	36,719
PITTSFIELD	5,926,998
PLAINFIELD	18,441
PLAINVILLE	263,593
PLYMOUTH	1,097,546
PLYMPTON	81,275
PRINCETON	97,671
PROVINCETOWN	71,022
QUINCY	12,216,782
RANDOLPH	2,557,737
RAYNHAM	508,957
READING	930,563
REHOBOTH	326,970
REVERE	5,272,744
RICHMOND	49,320
ROCHESTER	139,485
ROCKLAND	1,584,610
ROCKPORT	137,148
ROWE	624
ROWLEY	186,846
ROYALSTON	45,999
RUSSELL	55,281
RUTLAND	336,953
SALEM	3,634,582
SALISBURY	242,474
SANDISFIELD	15,707
SANDWICH	136,620
SAUGUS	1,422,624
SAVOY	26,264
SCITUATE	784,825
SEEKONK	448,764
SHARON	1,015,254
SHEFFIELD	75,191
SHELBURNE	115,573
SHERBORN	86,966
SHIRLEY	501,720
SHREWSBURY	1,003,167
SHUTESBURY	39,465
SOMERSET	469,048
SOMERVILLE	9,809,617
SOUTH HADLEY	1,158,787
SOUTHAMPTON	209,404

MUNICIPALITY	DISTRIBUTION
SOUTHBOROUGH	258,559
SOUTHBRIDGE	1,232,302
SOUTHWICK	380,749
SPENCER	809,244
SPRINGFIELD	19,808,022
STERLING	233,127
STOCKBRIDGE	50,748
STONEHAM	1,331,456
STOUGHTON	1,567,372
STOW	162,858
STURBRIDGE	236,818
SUDBURY	641,748
SUNDERLAND	159,560
SUTTON	267,550
SWAMPSCOTT	485,248
SWANSEA	772,653
TAUNTON	3,818,329
TEMPLETON	420,658
TEWKSBURY	1,317,167
TISBURY	48,077
TOLLAND	1,533
TOPSFIELD	156,410
TOWNSEND	504,494
TRURO	12,379
TYNGSBOROUGH	304,562
TYRINGHAM	5,292
UPTON	219,409
UXBRIDGE	478,359
WAKEFIELD	1,079,907
WALES	68,751
WALPOLE	799,536
WALTHAM	3,188,956
WARE	638,237
WAREHAM	957,982
WARREN	275,724
WARWICK	32,229
WASHINGTON	25,611
WATERTOWN	4,040,002
WAYLAND	281,148
WEBSTER	1,033,366
WELLESLEY	676,251
WELLFLEET	20,768
WENDELL	31,467
WENHAM	156,360
WEST BOYLSTON	317,491
WEST BRIDGEWATER	407,501

MUNICIPALITY	DISTRIBUTION
WEST BROOKFIELD	165,784
WEST NEWBURY	110,247
WEST SPRINGFIELD	1,335,585
WEST STOCKBRIDGE	38,203
WEST TISBURY	8,355
WESTBOROUGH	457,611
WESTFIELD	2,874,051
WESTFORD	623,064
WESTHAMPTON	44,675
WESTMINSTER	191,045
WESTON	200,427
WESTPORT	554,874
WESTWOOD	481,818
WEYMOUTH	4,797,697
WHATELY	49,180
WHITMAN	1,216,742
WILBRAHAM	556,269
WILLIAMSBURG	114,322
WILLIAMSTOWN	464,122
WILMINGTON	1,055,364
WINCHENDON	524,661
WINCHESTER	852,299
WINDSOR	16,461
WINTHROP	1,479,335
WOBURN	1,903,916
WORCESTER	18,765,640
WORTHINGTON	30,105
WRENTHAM	359,928
YARMOUTH	362,789

			$484,000,000
	Local Aid Fund	100.0%	

State Board of Retirement.

0612-0100	For the administration of the board; provided, that the position of executive secretary of retirement board shall not be subject to the provisions of chapter thirty-one of the General Laws, including not more than thirty-eight permanent positions, prior appropriation continued	$1,064,420
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	145,000,000
	Highway Fund 15.0%	
	General Fund 84.3%	

Item		
	Inland Fisheries and Game Fund 0.2% State Recreation Areas Fund 0.5%	
0612-1100	For cost of living increases to former teachers, municipal, county and district employees whose retirement expenses are assessed upon cities and towns, and state employees; provided that such increases to the above-mentioned groups shall not exceed three per cent, and provided further, that subject to rules and regulations promulgated by the treasurer, the state board of retirement and each city, town, county or district shall verify the cost thereof and the treasurer shall be authorized to make such payments	$20,483,122
	Local Aid Fund 80.0% General Fund 15.0% Highway Fund 5.0%	
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 amounts herein shall be paid from and not exceed the revenues dedicated by clause (a) of the last paragraph of section twenty-one of chapter one hundred and thirty-eight of the General Laws; and, provided further, that no funds will be eligible to receive moneys from such reserve if such funds are invested in any company doing business in or with the Republic of South Africa after September first, nineteen hundred and seventy-nine	14,000,000
0612-1550	For a reserve to meet the full cost of the commonwealth's share in financing the state employees' and teachers' retirement systems; provided, that no funds will be eligible to receive moneys from such reserve if such funds are invested in any company doing business in or with the Republic of South Africa	20,000,000
0612-1600	For authorization of payment of retirement benefits pursuant to chapter seven hundred and twelve and seven hundred and twenty-one of the acts of nineteen hundred and eighty-one, respectively	26,000
0612-2000	For the compensation of veterans who may be retired by the state board of retirement and for the cost of medical examinations in connection therewith	14,451,300
	Highway Fund 22.0% General Fund 78.0%	
	Pensions for Retired Justices.	
0612-3000	For pensions of retired judges or their widows	1,776,000
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	58,800
	MDC Sewerage District Fund 25.0% MDC Water District Fund 25.0% Highway Fund 25.0% MDC Parks District Fund 25.0%	
0612-6000	For retirement allowances of certain veterans and police officers formerly in the service of the metropolitan district commission; pro-	

Item		
	vided, that said commission's share of this item shall be assessed by methods fixed by law	$1,181,000
	Highway Fund 60.0%	
	MDC Parks District Fund 39.0%	
	General Fund 1.0%	
0612-7000	For retirement allowances of certain veterans formerly in the service of the metropolitan sewerage district	302,100
	MDC Sewerage District Fund 100.0%	
0612-8000	For retirement of certain veterans formerly in the service of the metropolitan water system	524,000
	MDC Water District Fund 100.0%	
0612-9000	For annuities for widows of certain former members of the uniformed branch of the state police	119,988
	Highway Fund 66.0%	
	General Fund 34.0%	
	Commissioners on Firemen's Relief.	
0620-0000	For the expenses of administration and for relief disbursed by the commissioner	8,283
	Emergency Finance Board.	
0630-0000	For administration of the board, including not more than one permanent position	69,942
	State Lottery Commission.	
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 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; provided that an arts lottery shall begin no later than September first, nineteen hundred and eighty-two, including not more than two hundred and eleven permanent positions, prior appropriation continued	31,000,000

Item		
0640-0100	For the expenses of the operation and administration of the arts lottery	$1,108,262
	Arts Lottery Council.	
0640-0300	For the expenses of the operation of the arts lottery council	113,000
0680-0001	For the Recession Revenue Replacement Fund, subject to the condition that funds shall be transferred from said Fund to the General Fund only upon certification to the state treasurer and the state comptroller by the commissioner of revenue that a total tax revenue shortfall is anticipated for the then current fiscal year; and provided that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-four	20,000,000
	Debt Service.	
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	1,767,726
	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	5,785,250
	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	55,953
	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	194,000
	Inland Fisheries and Game Fund 100.0%	
0699-3800	For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Metropolitan Water District Fund	5,937,900
	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	6,470,000
	MDC Water District Fund 100.0%	
0699-4800	For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Metropolitan Sewerage District Fund	3,964,333
	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	5,974,000
	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	4,511,980
	MDC Parks District Fund 100.0%	

Item		
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	5,836,750
	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	$43,952,108
	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	48,100,000
	Highway Fund 100.0%	
0699-7800	For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the General Fund debt service reserve	129,000,000
0699-7900	For certain serial bonds maturing; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the General Fund debt service reserve	127,450,000
	AUDITOR OF THE COMMONWEALTH.	
0710-0000	For the office of the auditor, including not more than one hundred and thirty permanent positions, prior appropriation continued	6,988,000
	Highway Fund 30.0%	
	General Fund 70.0%	
0710-0100	For the administration and expenses of the bureau of local mandates, prior appropriation continued	237,800
	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	6,668,903
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 the federal reimbursement for any expenditure for this item shall not be less than seventy-five per cent of such expenditure	1,455,000
0810-0031	For the expenses of administering the local consumer aid fund, established by section eleven G of chapter twelve of the General Laws	300,700
0810-0035	For the administration and expenses of the Anti-Trust division	362,200
	Anti-Trust Enforcement Fund 100.0%	
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
0810-6644	For the purposes of a federally funded grant entitled, Comprehensive Arson Prevention	64,918
	General Federal Grants Fund 100.0%	
0830-0100	For the administration and expenses of the commission on uniform state laws	17,950

Item		
	STATE ETHICS COMMISSION.	
0900-0100	For the administration and expenses of the state ethics commission	$707,985
	EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.	
	Office of the Commissioner.	
1100-1100	For the office of the commissioner, including not more than sixteen permanent positions	615,781
	Highway Fund 30.0%	
	General Fund 70.0%	
1100-1150	For the administration of tort claims	118,977
1100-1452	For the purposes of a federally funded grant entitled, Disaster Recovery, HUD	1,122,000
	General Federal Grants Fund 100.0%	
1100-1514	For the purposes of a federally funded grant entitled, Protection and Advocacy Grant	167,656
	General Federal Grants Fund 100.0%	
1100-1703	For the purposes of a federally funded grant entitled, Administering Agency for Developmental Disabilities	845,000
	General Federal Grants Fund 100.0%	
1100-1710	For the purposes of a federally funded grant entitled, Massachusetts Developmental Disabilities Council Service	194,183
	General Federal Grants Fund 100.0%	
1100-1711	For the purposes of a federally funded grant entitled, Coordinating Services for Developmental Disability State Plan	158,420
	General Federal Grants Fund 100.0%	
	Fiscal Affairs Division.	
1101-2100	For the administration of the division, including not more than forty-nine permanent positions	1,600,259
	Highway Fund 30.0%	
	General Fund 70.0%	
1101-2300	For the administration of the bureau of systems operations, provided that said bureau shall conduct and complete a data processing survey, of all state departments and agencies, including the judicial branch and all educational institutions under the board of regents, and all said departments and agencies are hereby directed to provide the information or data on such forms as the bureau shall prescribe as follows:- (1) a report of each such agency specifying all data processing equipment, and specifying whether said equipment is owned, leased or in the possession of such agency on July one, nineteen hundred and eighty-two, including a projection for fiscal year nineteen hundred and eighty-three, in the case of an agency contracting for data processing services, listing the name of the vendor, the dollar amount of the contract and the terms thereof briefly summarized, a brief description of the product to be delivered, if applicable, and the purpose of each such contract; (2) a summary report of all the funds budgeted for fiscal year nineteen hundred and eighty-three for all agencies for data processing within said agencies according to subsidiary accounts, excluding projects with said bureau of systems operations; but including all salaries and equipment related expenses;	

Item		
	and (3) a summary report of all funds budgeted for fiscal year nineteen hundred and eighty-three by all agencies for data processing projects to be done with said bureau of systems operations specifying the name of each project, a brief description of the purposes to be accomplished by the project in fiscal year nineteen hundred and eighty-three, including the fiscal year nineteen hundred and eighty-three salaries and equipment related expenses to be expended by the agency, and provided further that a complete report of the aforementioned summaries shall be filed on or before January fifteenth, nineteen hundred and eighty-three, with the house and senate committees on ways and means, including not more than three hundred and eight permanent positions	$14,969,377
	Central Services Division.	
1102-3210	For the administration of the division of capital planning and operations, including not more than two hundred and five permanent positions	3,867,384
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, provided further that the state superintendent of buildings create suitable space in the government center area of Boston, so called to be utilized as a day care center for children of state employees provided that the operator of such day care center shall pay rent to the commonwealth for said space and shall reimburse the commonwealth for any state tax revenue expended for the purpose of making improvements to the space provided, and that said space requirements and any incidental expenses attendent thereto shall be at no cost to the commonwealth, including not more than three hundred and one permanent positions	15,680,869
1102-4010	For the administration and operation of certain central services and telephone systems, including not more than forty-seven permanent positions	1,058,788
1102-5201	For the expenses and administration of a motor vehicles management bureau, including not more than fourteen permanent positions	251,085
1102-5211	For fuel and repairs of certain motor vehicles	3,355,790
1102-5221	For the purchase of motor vehicles	1,500,000
	Comptroller's Division.	
1103-1000	For the administration of the division, including not more than one hundred and thirty-five permanent positions	2,748,697
	Highway Fund 30.0% General Fund 70.0%	
1103-5010	For the administration of the bureau of special investigations, including not more than fifty-nine permanent positions	2,192,975

Item		
	Purchasing Agent's Division.	
1104-1000	For the administration of the division, including not more than thirty-seven permanent positions	$847,889
	Highway Fund 30.0%	
	General Fund 70.0%	
	Other Administration and Finance.	
1105-1000	For the administration of the division of employee relations; provided, that during the negotiation of any collective bargaining agreement the commissioner shall file with the house and senate committees on ways and means the provisions of each offer made by the commonwealth, the total estimated cost of such offer, and an analysis of the ability of the commonwealth to provide sufficient revenues to pay for said offer; and provided further, that such information shall be filed with said committees for each subsequent collective bargaining offer made by the commonwealth; including not more than seventeen permanent positions	573,103
	Department of Personnel Administration.	
1107-1000	For the administration of the department; provided, that no less than forty thousand dollars shall be expended for the administration of the state office for affirmative action, including not more than two hundred and sixty-five permanent positions	5,510,183
	Highway Fund 20.0%	
	General Fund 80.0%	
1107-1011	For the administration of the civil service commission, including not more than thirteen permanent positions	233,083
1107-2400	For the office of handicapped affairs, including not more than six permanent positions	130,654
1110-1000	For the administration of the division of hearing officers established by section four H of chapter seven of the General Laws; provided, that notwithstanding any provision of law to the contrary the cost of services rendered to any office or agency for an appeal shall be charged to such office or agency, such charges to include an allowance for overhead as determined by the commissioner of administration; provided further, that the payments for such services shall be paid to the General Fund; and provided further, that no such service shall be provided without a written contract filed with the comptroller, including not more than eight permanent positions	330,184
1111-0010	For the administration of the bureau of teachers' retirement, including not more than twenty-four permanent positions	643,563
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	20,807,286
	Local Aid Fund 100.0%	
1111-1003	For the payments of the commonwealth's share in financing the teachers' retirement system, prior appropriation continued	136,191,103
	Local Aid Fund 100.0%	
	Group Insurance Commission.	

Item		
1120-1000	For administration of the group insurance program; provided, that the commission shall submit to the house and senate committees on ways and means, no later than October first, nineteen hundred and eighty-two, a preliminary report relative to the modernization of its operation, including not more than thirty-eight permanent positions	$1,356,480
1120-1001	For the expense of implementing certain improvements in the operation of the group insurance commission, provided that the house and senate committees on ways and means shall be notified of any expenditure from this appropriation no less than thirty calendar days prior to such expenditure; provided, further, that any purchase of electronic data processing equipment and materials shall be subject to the approval of the director of the office of management information services	100,000
1120-2000	For the commonwealth's share of the group insurance premium; provided, that the group insurance commission shall charge the division of employment security and other departments, authorities, agencies and divisions which have federal or other funds allocated to them for this purpose for that portion of the cost of the program as it determines should be borne by such funds, and shall notify the comptroller of the amounts to be transferred, after similar determination, from the several state or other funds, and amounts received in payment of all such charges or such transfers shall be credited to the General Fund; provided, that notwithstanding the provisions of section twenty-six of chapter twenty-nine of the General Laws, the commission is hereby authorized to negotiate, purchase and execute contracts by April first of each year 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 eighty-one said commonwealth's share of the group insurance as provided, in section eight of said chapter thirty-two A shall be ninety per cent of the total monthly premiums or rates as established by the commission effective July first, nineteen hundred and eighty-one; 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; and provided further that the commission shall notify the house and and senate committees on ways and means, by April fifteenth of each year, of the commonwealth's actual cost of its share of group insurance premiums for the next fiscal year; provided, further, that the commission shall report to the house and senate committees on ways and means no later than October first, nineteen hundred and eighty-two on the feasibility of converting the present group health insurance plan, administered by the commission and underwritten by Massachusetts Blue Cross/Blue Shield, to a standardized health insurance package, such as, but not necessarily limited to, the "Master Medical" plan available from that insurance carrier; prior appropriation continued	106,000,000

Item		
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	$697,707
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	3,262,053
	Council on the Arts and Humanities.	
1121-0100	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, subject to the condition that not less than five hundred thousand dollars be spent for the purposes of the community resource act as provided for in chapter seven hundred and seventy-two of the acts of nineteen hundred and eighty-one	5,500,000
1121-9717	For the purposes of a federally funded grant entitled, Promotion of Arts Basic State Grant	341,200
	General Federal Grants Fund 100.0%	
1121-9718	For the purposes of a federally funded grant entitled, Promotion of Arts, Artists in Education	80,000
	General Federal Grants Fund 100.0%	
1121-9719	For the purposes of a federally funded grant entitled, General Services to the field, design arts, and facilities study	10,000
	General Federal Grants Fund 100.0%	
	Massachusetts Commission Against Discrimination.	
1150-5100	For the office of the commission; provided, that all positions except clerical are exempted from the provisions of chapter thirty-one of the General Laws; and provided further, that said commission shall pursue the highest rate of federal reimbursement per charge allowable, including not more than fifty-four permanent positions	1,005,005
1150-5300	For the purposes of a federally funded grant entitled, Fair Housing Assistance Program - Technical Assistance	1,300
	General Federal Grants Fund 100.0%	
1150-5326	For the purposes of a federally funded grant entitled, Fair Housing Assistance Program - Innovative Project	12,500
	General Federal Grants Fund 100.0%	
1150-5327	For the purposes of a federally funded grant entitled, Fair Housing Assistance Program - Type I, Year II	37,084
	General Federal Grants Fund 100.0%	
1150-5328	For the purposes of a federally funded grant entitled, Fair Housing Assistance Program - Type I, Year III	66,500
	General Federal Grants Fund 100.0%	

Item		
1150-5329	For the purposes of a federally funded grant entitled, Fair Housing Assistance Program - Type II, Year II	$123,750
	General Federal Grants Fund 100.0%	
1150-5330	For the purposes of a federally funded grant entitled, Fair Housing Assistance Program - Data and Information Systems	29,163
	General Federal Grants Fund 100.0%	
1150-5331	For the purposes of a federally funded grant entitled, 1981 Backlog Charge Resolution Contract - II	28,320
	General Federal Grants Fund 100.0%	
1150-5332	For the purposes of a federally funded grant entitled, 1981 Age Charge Resolution Contract	16,031
	General Federal Grants Fund 100.0%	
1150-5333	For the purposes of a federally funded grant entitled, 1982 Age Charge Resolution Contract	11,721
	General Federal Grants Fund 100.0%	
1150-5334	For the purposes of a federally funded grant entitled, 1982 New Charge Resolution Contract	91,913
	General Federal Grants Fund 100.0%	
1150-5335	For the purposes of a federally funded grant entitled, 1983 New Charge Resolution Contract	288,563
	General Federal Grants Fund 100.0%	
1150-5336	For the purposes of a federally funded grant entitled, 1983 Age Charge Resolution Contract	77,346
	General Federal Grants Fund 100.0%	
1150-5337	For the purposes of a federally funded grant entitled, Aging Current Inventory	65,995
	General Federal Grants Fund 100.0%	
	Contributory Retirement Appeal Board.	
1160-1000	For the expenses of the board	1,000
	Retirement Law Commission.	
1180-1000	For the administration of the commission, including not more than two permanent positions	103,664
	DEPARTMENT OF REVENUE.	
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 said department shall establish and maintain an office in the town of Greenfield, to be open not less than three days per week; 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 six hundred and forty-nine permanent positions	36,696,701
	Highway Fund 10.0%	
	General Fund 90.0%	

Item		
1201-0150	For the expenses of administering section forty-five A of chapter sixty-two C of the General Laws	$1,068,800
1211-0100	For salaries and expenses of the wage reporting system, including not more than sixty-nine permanent positions	1,070,953
	Bureau of Accounts.	
1231-0100	For the administration of the bureau, including the expense 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 educational 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; provided that not less than two hundred thousand dollars shall be expended for the purpose of establishing and maintaining a municipal data bank; including not more than seventy-eight permanent positions	1,734,486
1231-1000	For the administration of the county personnel board, including not more than six permanent positions	34,770
	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	5,200,000
	Local Aid Fund 100.0%	
1233-2310	For reimbursing 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 government center	357,570
	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	3,400,000
	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 twenty-nine permanent positions	668,987
	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

Item		
1599-0002	For the payment, with the approval of the comptroller of expenses of prior fiscal years for which no funds are available in the current fiscal year; provided, that no payment shall be made unless the subsidiary account item to which the deficiency is to be charged contained a balance sufficient to meet the required payment; and provided, further, that the comptroller is hereby authorized to allocate the cost of such payments to the several or other state funds to which the items of appropriation are charged	$35,000
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	5,000
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	5,000
1599-0008	For a reserve for tort claims	150,000
1599-0020	For the payment, with the approval of the comptroller, for expenses of prior fiscal years for which no funds are available in the current 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	2,000
	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, prior appropriation continued	757,000
1599-2025	For a reserve to meet emergencies; provided, that 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; 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 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	1,800,000
1599-2056	For a reserve to meet the cost of the retirement law commission research project, provided, that the allocation of funds for the purpose of this item shall be based upon a recommendation of the	

Item		
	commissioner of administration and finance and approval of the house and senate committees on ways and means, prior appropriation continued.	
1599-3100	For the payment of certain employment security benefits, prior appropriation continued	$7,846,000
1599-3192	For a reserve to fund certain projects, designed to improve the productivity and efficiency of agency operations, through innovative cost-saving measures and/or equipment acquisition, provided that the commissioner of administration be authorized to transfer such funds, not to exceed seventy-five thousand dollars for any one project, to other appropriation items where he deems there exists a significant potential for increased productivity in agency operation that will result from the expenditure of these funds; provided, further, that allocations from this reserve shall be approved by the house and senate committees on ways and means	500,000
1599-3315	For a reserve to fund a pilot project to run from October first, nineteen hundred and eighty-two to June thirtieth, nineteen hundred and eighty-three under which the transportation of prisoners to and from the trial courts of the commonwealth shall be contracted out to the various county sheriffs' departments, provided that the commonwealth shall retain title over all equipment purchased with funds appropriated in this item, and provided further that all contracts and schedules of equipment contained therein entered into for the transportation of prisoners under said pilot project shall be subject to approval by the house and senate committees on ways and means	2,000,000
	EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.	
	Office of the Secretary.	
2000-0100	For the office of the secretary, subject to the condition that the secretary shall file with the house and senate committees on ways and means, no later than December thirtieth, nineteen hundred and eighty-two, a report on the feasibility of consolidation of metropolitan district commission park and recreation facilities under the management of the department of environmental management; including not more than four permanent positions	341,262
	General Fund 24.0% MDC Water District Fund 13.0% MDC Sewerage District Fund 14.0% MDC Parks District Fund 14.0% State Recreation Areas Fund 13.0% Highway Fund 22.0%	
2000-0140	For the coastal zone management program	203,562
2000-0141	For the purposes of a federally funded grant entitled, Coastal Zone Management Development	660,767
	General Federal Grants Fund 100.0%	
2000-0142	For the purposes of a federally funded grant entitled, Coastal Energy Impact Program	350,132
	General Federal Grants Fund 100.0%	

Item		
2000-0143	For the purposes of a federally funded grant entitled, Estuarine Sanctuaries	$10,000
	General Federal Grants Fund 100.0%	
2000-0200	For the administration and review of environmental impact reports published pursuant to section sixty-two of chapter thirty of the General Laws, including not more than eight permanent positions	232,235
2000-9730	For the purposes of a federally funded grant entitled, Transportation Air Quality Planning	13,385
	General Federal Grants Fund 100.0%	
2010-0100	For the administration and maintenance of the Massachusetts World War II Memorial, prior appropriation continued.	
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 nine permanent positions	266,433
	State Recreation Areas Fund 50.0%	
	General Fund 50.0%	
2030-9701	For the purposes of a federally funded granted entitled, Outdoor Recreation Projects, Political Subdivision	7,659,052
	General Federal Grants Fund 100.0%	
	Hazardous Waste Facility Site Safety Council.	
2050-0100	For the administration of the hazardous waste facility site safety council, including not more than nineteen permanent positions	208,900
2050-0200	For technical assistance grants to cities and towns, as authorized in chapter twenty-one D of the General Laws	300,000
	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; and for the administration and supervision of land acquisition and construction programs; including not more than forty-nine permanent positions	1,400,000
	General Fund 15.0%	
	State Recreation Areas Fund 85.0%	
2100-0110	For the expenses of a state funded program in natural heritage, to be used in addition to any federal funds received for such purpose; provided that an amount not exceeding twenty thousand dollars shall be allocated for the expenses of a program in greenway planning, said amount to be reimbursed to the General Fund one hundred per cent from federal funds	85,000
2100-0162	For the purposes of a federally funded grant entitled, Cooperative Agreements between Public and Non-Profit Agencies	10,000
	General Federal Grants Fund 100.0%	
2100-9704	For the purposes of a federally funded grant entitled, Natural Heritage Program	72,000
	General Federal Grants Fund 100.0%	

Item		
2100-9706	For the purposes of a federally funded grant entitled, Heat Recovery at Department of Environmental Management Rinks	$125,000
	General Federal Grants Fund 100.0%	
	Division of Forests and Parks.	
2120-0100	For the administration of the division, including not more than ten permanent positions	294,950
	General Fund 50.0%	
	State Recreation Areas Fund 50.0%	
2120-0300	For the administration of the bureau of recreation, and for the operation of facilities under the management of the bureau of recreation including forests and parks, certain reservations, salt water beaches, and skating rinks and swimming pools; provided, however, that any positions assigned to skating rinks and swimming pools, including the positions 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; provided, further, that not less than four positions shall be assigned to the Blackstone river state park; provided further, that a sum not exceeding ten thousand dollars shall be used for snow fencing and plant material at Salisbury beach; provided further, that an amount not exceeding sixty thousand dollars shall be used to purchase materials for construction of a boathouse for the Lawrence community boating program, including not more than one hundred and sixty permanent positions ...	13,120,000
2120-1100	For the expenses of programs in forest management and development, including forestry assistance projects, the office of the state fire warden, and suppression of insect pests and shade tree diseases; provided, however, that a sum not exceeding two hundred and twenty thousand five hundred dollars shall be used for the expenses of three additional forestry teams, including not more than one hundred and thirty permanent positions	2,900,000
2120-1400	For a program of survey and detection of forest insect diseases in cooperation with the United States Forest Service, and that an amount not less than four hundred thousand dollars be expended for the establishment and administration of a program within the division of forests and parks to assist communities with the control and suppression of gypsy moths, said program to be compatible with gypsy moth control policy recommendations of the commonwealth; provided, however, that only biological pest control products shall be used; and provided, that a chemical control agent shall be utilized as a last resort only; and provided, further, that any decision to utilize chemical agents shall be made after a public hearing held pursuant to chapter thirty A of the General Laws and shall be made in writing with an explanation as to the necessity of utilizing such a chemical agent; and provided, further, that no funds shall be expended for use of a chemical agent in the control and suppression of gypsy moths without the prior approval of the house and senate committees on ways and means, prior appropriation continued	70,224

Item		
2120-1600	For providing public transportation assistance to the recreation areas and facilities of the Boston harbor islands	$58,850
2120-9701	For the purposes of a federally funded grant entitled, Rural Community Fire Protection	27,900
	General Federal Grants Fund 100.0%	
2120-9707	For the purposes of a federally funded grant entitled, Urban and Community Forestry	38,893
	General Federal Grants Fund 100.0%	
2120-9708	For the purposes of a federally funded grant entitled, Improved Lumber Drying Program	50,000
	General Federal Grants Fund 100.0%	
2120-9711	For the purposes of a federally funded grant entitled, ACP-Fuelwood-10.063	38,061
	General Federal Grants Fund 100.0%	
2120-9713	For the purposes of a federally funded grant entitled, Public Participation Studies	3,020
	General Federal Grants Fund 100.0%	
2120-9714	For the purposes of a federally funded grant entitled, Disaster Recovery - Salisbury Beach	15,891
	General Federal Grants Fund 100.0%	
2121-9709	For the purposes of a federally funded grant entitled, Forestry Planning	45,000
	General Federal Grants Fund 100.0%	
2121-9710	For the purposes of a federally funded grant entitled, Rural Fire Protection - Training and Excess Property	34,625
	General Federal Grants Fund 100.0%	
2121-9731	For the purposes of a federally funded grant entitled, Recreational Capital Expenditures - Federal Share	2,295,150
	General Federal Grants Fund 100.0%	
2121-9740	For the purposes of a federally funded grant entitled, Blackstone Valley Heritage Park	10,000
	General Federal Grants Fund 100.0%	
2121-9750	For the purposes of a federally funded grant entitled Insect Disease Control; subject to the condition that no funds from this item shall be used to reimburse municipalities for the cost of programs of aerial spraying of chemicals	250,250
	General Federal Grants Fund 100.0%	
	Division of Water Resources.	
2130-0010	For the expenses of the water resources commission, including not more than seven permanent positions	57,087
2130-0100	For the administration of the division, including programs of water planning, and certain watershed protection and flood control activities, including expenses of certain flood control commissions, including not more than twenty-one permanent positions	683,050
2130-0210	For the expenses of the Martha's Vineyard commission	90,000

Item		
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
2130-0600	For the administration of a program of wetlands restriction; provided that the *expenses of the North river commission* and the Scenic Rivers program shall be paid from this account; provided further, that a sum not exceeding ten thousand dollars shall be used for the expenses of the North river commission; including not more than three permanent positions	95,000
2130-9702	For the purposes of a federally funded grant entitled, Water Resources Planning - Title III	132,980
	General Federal Grants *Fund* 100.0%	
2130-9703	For the purposes of a federally funded grant entitled, Washington Brook Watershed Project	150,000
	General Federal Grants Fund 100.0%	
2130-9704	For the purposes of a federally funded grant entitled, Quabog River Watershed	6,500
	General Federal Grants Fund 100.0%	
2130-9705	For the purposes of a federally funded grant *entitled, SUASCO Watershed* Flood Control Reservoir	3,000
	General Federal Grants Fund 100.0%	
2130-9706	For the purposes of a federally funded grant entitled, Cooperative Agreement for Water Use Studies	22,237
	General Federal Grants Fund 100.0%	
2130-9707	For the purposes of a federally funded grant entitled, Diamond Brook Watershed Project - Town of Walpole	250,000
	General Federal Grants Fund 100.0%	
2130-9708	For the purposes of a federally funded grant entitled, National Flood Insurance Program	163,778
	General Federal Grants Fund 100.0%	
2130-9710	For the purposes of a federally funded grant entitled, River Basin *Planning, Title II*	30,649
	General Federal Grants Fund 100.0%	
	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 twenty permanent positions; provided, that any expenditure from this item for *advertising that is not otherwise* mandated by law shall require the prior approval of the house and senate committees on ways and means, prior appropriation continued	881,986
2140-9704	For the purposes of a federally funded grant entitled, Solid and Hazardous Waste Program	44,975
	General Federal Grants Fund 100.0%	

Item		
	Department of Environmental Quality Engineering.	
	Office of the Commissioner.	
2200-0100	For the office of the commissioner, including not more than six permanent positions	$948,678
2200-9701	For the purposes of a federally funded grant entitled, Area Wide Waste Treatment Management Program General Federal Grants Fund 100.0%	115,800
2200-9704	For the purposes of a federally funded grant entitled, Solid Waste Disposal - Conservation and Recovery General Federal Grants Fund 100.0%	792,000
2200-9705	For the purposes of a federally funded grant entitled, Underground Water Protection Program General Federal Grants Fund 100.0%	89,100
	Dision of Water Pollution Control.	
2240-0200	For the administration of the division, provided that any federal funds available for this purpose shall, when received, be credited to the General Fund, including not more than fifty permanent positions	1,601,798
2240-0400	For the compensation and expenses of New England interstate water pollution control commission; provided, that the limitation contained in Article VIII of the New England Interstate Water Pollution Control Compact shall be increased to twenty-one thousand six hundred and ten dollars	35,500
2240-0500	For reimbursement to cities, towns and districts for certain chemical costs in accordance with the provisions of section thirty-seven of chapter twenty-one of the General Laws	2,000,000
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 Local Aid Fund 100.0%	905,576
2240-0900	For the administration of the collection sewer-grants management, including not more than five permanent positions	119,611
2240-9706	For the purposes of a federally funded grant entitled, Water Pollution Control General Federal Grants Fund 100.0%	1,044,000
2240-9710	For the purposes of a federally funded grant entitled, Administration of the Construction Grant Program General Federal Grants Fund 100.0%	2,100,000
	Bureau of Environmental Sanitation.	
2250-0100	For the administration of the bureau, including not more than forty-seven permanent positions	1,386,707
2250-0150	For the administration of the drinking water quality construction program	55,903
2250-0200	For the administration of the Lawrence experimental station, including not more than thirty-four permanent positions	831,531
	Division of Air Quality Control.	
2250-0250	For the administration of the division, including not more than two permanent positions	702,299

Item		
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 six permanent positions	$370,947
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	144,767
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	17,822
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	107,072
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	74,064
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	95,360
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 purposes, provided that an amount not exceeding ten thousand dollars shall be used for weed control and cleanup at Sluce Pond in the city of Lynn; provided further, than an amount not exceeding fifteen thousand dollars shall be used for weed control and cleanup at Spy Pond in the town of Arlington; provided further than an amount not exceeding eighteen thousand dollars shall be used for weed control and cleanup at Hoosac Lake in the town of Cheshire; provided further, that an amount not exceeding ten thousand dollars shall be used for weed control and cleanup at Laurel Lake in the towns of Lee and Lenox; provided further, that an amount not exceeding fifteen thousand dollars shall be used for weed control and cleanup at Lake Buel in the towns of Monterey and New Marlboro; provided further, that an amount not exceeding twenty thousand dollars shall be used for weed control and cleanup at Richmond Pond in the town of Richmond; provided further, that an	

Item		
	amount not exceeding thirty thousand dollars shall be used for weed control and cleanup at Pontoosuc Lake in the city of Pittsfield; provided further, that an amount not exceeding twenty-five thousand dollars shall be used for weed control and cleanup at Lake Mahkeenac in the town of Stockbridge; provided further, that an amount not exceeding ten thousand dollars shall be used for weed control and cleanup at Cedar Lake in the town of Sturbridge; provided further that an amount not exceeding twenty-five thousand dollars shall be used for weed control and cleanup at Webster Lake in the town of Webster; provided, further, that an amount not exceeding ten thousand dollars shall be expended for weed control at Hampton Pond in the cities of Westfield and Holyoke and the town of Southampton; provided further, that an amount not exceeding twenty thousand dollars shall be used for weed control and clean up at Forest Lake in the town of Palmer; prior appropriation continued	$20,000
2250-9701	For the purposes of a federally funded grant entitled, Public Water Supply Supervision Program ..... General Federal Grants Fund 100.0%	398,500
	Division of Air Quality Control.	
2250-9710	For the purposes of a federally funded grant entitled, Statewide Air Pollution Control Program ..... General Federal Grants Fund 100.0%	2,851,836
2250-9720	For the purposes of a federally funded grant entitled, Metropolitan Boston Air Pollution Control District ..... General Federal Grants Fund 100.0%	209,773
2250-9730	For the purposes of a federally funded grant entitled, Metropolitan Springfield Air Pollution Control District ..... General Federal Grants Fund 100.0%	105,429
2250-9740	For the purposes of a federally funded grant entitled, Berkshire Air Pollution Control District ..... General Federal Grants Fund 100.0%	18,123
2250-9750	For the purposes of a federally funded grant entitled, Central Massachusetts Air Pollution Control District ..... General Federal Grants Fund 100.0%	38,500
2250-9760	For the purposes of a federally funded grant entitled, Merrimack Valley Air Pollution Control District ..... General Federal Grants Fund 100.0%	32,138
2250-9770	For the purposes of a federally funded grant entitled, Southeastern Massachusetts Air Pollution Control District ..... General Federal Grants Fund 100.0%	22,522
	Division of Hazardous and Solid Waste Disposal.	
2260-0100	For the administration of the division of hazardous and solid waste disposal, including not more than five permanent positions	1,063,071
2260-0200	For the administration of a program to test air and water in the Woburn Industriplex Area for the purpose of determining if a connection exists between hazardous waste deposits and abnormally high instances of cancer in that geographic area	100,000

Item		
	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	$619,707
2270-0200	For a program of wetland regulations, including not more than ten permanent positions	415,522
2270-0300	For the administration of the dam safety program, including not more than three permanent positions	69,367
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 the sum of one hundred thousand dollars shall be used for the dredging of mooring basin area at Port Norfolk on the Neponset river; provided further, that the sum of one hundred thousand dollars shall be used for the dredging of the Dorchester Bay Basin; 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 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 a sum not exceeding fifteen thousand dollars shall be used for development of final engineering plans, including the preparation of bidding documents, corps of engineers permits and other documents for the control of the outflow and water level of Lake Nipmuc in the town of Mendon; provided further, that an amount not exceeding fifty thousand dollars shall be used for the clearing and dredging of the South River tributary at Pickman Park in the city of Salem; provided, that a sum not exceeding ten thousand dollars be used to conduct a feasibility study of the control of the overflow of Lake Whittemore in the town of Spencer, including the development of such engineering plans as may be required; provided, further, that a sum not exceeding one hundred thousand dollars shall be used for riprapping and stream bank erosion control along a portion of the Housatonic River adjacent to East Sheffield Road in the town of Great Barrington; provided further, that a sum not exceeding one hundred and fifty thousand dollars shall be used to dredge the Housatonic River and stabilize the stream bank in the vicinity of the Park Street bridge in the village of Housatonic; provided further that a sum not exceeding seventy-five thousand dollars shall be used for riprap and general stream repair in Hemlock Brook in Williamstown; provided further that a sum not exceeding thirty-five thousand dollars shall be used to conduct a feasibility study of dredging of the Saugus River in the town of Saugus and to begin bidding process to accomplish the	

Item

dredging; provided further, that an amount not exceeding three hundred thousand dollars shall be used for western Massachusetts inland waters, specifically the Hoosic River in Cheshire for stream clearance and selective excavation and improvement; provided further, that a sum not exceeding twenty-five thousand dollars shall be used to study the cause of weed and algae growth in Forest Lake in Methuen; prior appropriation continued.

2270-0501 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 a sum not exceeding one hundred thousand dollars shall be used to clear and dredge the Salisbury Plain river and the Matfield river in the towns of West Bridgewater and East Bridgewater, prior appropriation continued.

2270-0502 For a continuous program of cleaning and dredging of the Neponset River basin at Milton Lower Mills/Milton Town landing; provided, however, that no funds from this item shall be expended without the prior approval of the house and senate committees on ways means, prior appropriation continued.

2270-0503 For a continuous program of cleaning of harbors and inland waterways, as authorized by chapter eight hundred and seventy-eight of the acts of nineteen hundred and seventy, provided that a sum not exceeding four hundred and fifty thousand dollars shall be expended to clear and dredge the Wellfleet Harbor in the town of Wellfleet; provided further that a sum not exceeding thirty-five thousand dollars shall be used to repair and reconstruct the automatic tidal gate located at the headwaters of Straits Pond at the boundaries of the towns of Cohasset, Hingham and Hull; provided further that a sum not exceeding one hundred and fifty thousand dollars shall be used to dredge the Housatonic River and stabilize the stream bank in the vicinity of the Park Street bridge in the village of Housatonic; provided further, that a sum not exceeding two hundred thousand dollars shall be expended to clear and dredge the Hoosic River in the town of Cheshire, for stream clearance, and selective excavation and improvements; provided further, that a sum not exceeding thirty thousand dollars shall be used for the design of flood control and erosion control improvements to a section of the Green River in the town of Williamstown; and provided, further, that no funds shall be expended for such clearing and dredging project prior to the completion and consideration of an environmental impact report undertaken pursuant to sections sixty-one through sixty-two H, inclusive, of chapter thirty of the General Laws, and the approval of the house and senate committees on ways and means, prior appropriation continued.

2270-0504 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 five hundred and twenty thousand dollars shall be used for the dredging of the Crane and Porter and other navigable rivers in the town of

Item		
	Danvers, and, provided further, that an amount not exceeding two hundred and fifty thousand dollars shall be used for the rehabilitation and dredging of Mill Brook in Webster and the construction of a secondary outlet for Webster lake including related environmental reports and permits, engineering contingencies and such land and easement taking costs related thereto; prior appropriation continued	$770,000
2270-0505	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 the amount appropriated herein shall be used for the clearing and dredging of the South River Tributary at Pickman Park in the city of Salem, including any environmental impact reports or engineering studies that are deemed necessary by the division prior to the actual commencement of dredging activities	50,000
2270-0506	For the planning and the design of a flood and erosion control improvement project to a section of the Housatonic River in the city of Pittsfield	20,000
2270-0507	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 this appropriation be used for the rehabilitation and dredging of McKinstry Pond in Oxford, including related environmental reports or engineering studies that the division deems necessary prior to the actual commencement of dredging activities	200,000
2270-0508	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 this appropriation shall be used for the dredging of Madaket Harbor on the island of Nantucket, for preconstruction activities including hydrographic survey, material sampling, testing, quantity determination, disposal site location corp permits, and contract document	50,000
2270-0509	Dredging Aberjona River/Wedge Pond, Winchester	150,000
2270-0520	For the dredging of the Belle Isle Inlet as authorized by chapter eight hundred and seventy-eight of the acts of nineteen hundred and seventy	100,000
2270-0700	For the maintenance of property in the town of Plymouth, including not more than two permanent positions	32,143
2270-0900	For the operation and maintenance of the New Bedford state pier, including not more than two permanent positions	50,043
2270-0910	For the operation and maintenance of the Gloucester state pier	63,500
	Department of Fisheries, Wildlife and Recreational Vehicles.	
	Office of the Commissioner.	
2300-0100	For the office of the commissioner, including not more than six permanent positions	200,557
	General Fund 100.0%	

Item		
	Division of Fisheries and Wildlife.	
	Federal funds received as reimbursements 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 twenty-seven permanent positions	$628,084
	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	75,000
	Inland Fisheries and Game Fund 100.0%	
2310-0310	For acquisition of upland areas and inholdings	200,000
	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, and 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 an amount not to exceed one hundred forty-four thousand dollars shall be used by the University of Massachusetts for the purposes of wildlife and fisheries research; provided further, 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 expended, including not more than one hundred and thirteen permanent positions	2,789,468
	Inland Fisheries and Game Fund 100.0%	
2315-0100	For the administration of a program of non-game management and research, including not more than one permanent position	50,000
	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; 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	76,600
	Division of Marine Fisheries.	
2330-0100	For the administration of the division, including expenses of the Cat Cove marine research station, marine research programs, marine recreational fisheries programs, and commercial fisheries, and for the operation of the shellfish treatment plant at Newburyport, including not more than thirty-four permanent positions	1,373,161
2330-0600	For a program of self-help to cities and towns for the cultivation, propagation and protection of shellfish, provided that towns receiving funds under this program shall develop a shellfish management plan and shall provide the division with an accurate accounting of the use of these monies	300,000

Item		
2330-9706	For the purposes of a federally funded grant entitled, Extended Fisheries Jurisdiction	$34,155
	General Federal Grants Fund 100.0%	
2330-9707	For the purposes of a federally funded granted entitled, Coastal Zone-Marine Fisheries - Protection and Management	6,000
	General Federal Grants Fund 100.0%	
2330-9709	For the purposes of a federally funded grant entitled, Commercial Fisheries Research and Development	100,000
	General Federal Grants Fund 100.0%	
2330-9710	For the purposes of a federally funded grant entitled, Cod Aging	28,618
	General Federal Grants Fund 100.0%	
2330-9711	For the purposes of a federally funded grant entitled, Anadromous Fish Hatching and Rearing Station	5,000
	General Federal Grants Fund 100.0%	
2330-9712	For the purposes of a federally funded grant entitled, Commercial Fisheries Statistics	95,000
	General Federal Grants Fund 100.0%	
2330-9716	For the purposes of a federally funded grant entitled, Plymouth Bay Ecosystem Assessment	34,000
	General Federal Grants Fund 100.0%	
2330-9718	For the purposes of a federally funded grant entitled, Striped Bass Landings	26,400
	General Federal Grants Fund 100.0%	
2330-9719	For the purposes of a federally funded grant entitled, Vessel Services, Assessment	24,000
	General Federal Grants Fund 100.0%	
2330-9720	For the purposes of a federally funded grant entitled, Northern Shrimp Monitoring	8,000
	General Federal Grants Fund 100.0%	
	Division of Marine and Recreational Vehicles.	
2340-0100	For the administration of the division, including not more than sixty-two permanent positions	1,316,690
	Division of Law Enforcement.	
2350-0100	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-three permanent positions	1,622,479
	Inland Fisheries and Game Fund 30.0%	
	State Recreation Areas Fund 15.0%	
	General Fund 55.0%	
2350-0101	For the hunter safety training program	150,843
	Inland Fisheries and Game Fund 100.0%	
2350-0102	For the purposes of a federally funded grant entitled, Cooperative Law Enforcement - Marine Fisheries Program	110,000
	General Federal Grants Fund 100.0%	
	Department of the Metropolitan District Commission.	

Item		
	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 fifty-four permanent positions	$1,490,898
	MDC Parks District Fund 25.0% MDC Sewerage District Fund 25.0% MDC Water District Fund 50.0%	
2410-9061	For the Massachusetts summer youth program, to be allocated, with the approval of the commissioner of the department of 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, appropriation to expire June thirtieth, nineteen hundred and eighty-three, prior appropriation continued	1,000,000
	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, provided that no water shall be diverted from the Connecticut and Sudbury Rivers by the metropolitan district commission except if there is a water emergency as declared by the department of environmental quality engineering pursuant to section forty of chapter forty of the General Laws	12,508,385
	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%	

Item		
	Metropolitan Sewerage District.	
2430-0100	For the maintenance and operation of a system of sewerage disposal for the metropolitan sewerage district, including not more than four hundred and fifty-six permanent positions	$14,284,334
	MDC Sewerage District Fund 100.0%	
2430-9001	For special sewerage maintenance, prior appropriation continued	560,000
	MDC Sewerage District Fund 100.0%	
	Metropolitan Parks District.	
2440-0010	For the administration of the metropolitan district commission parks and recreation division, division of central services and division of highways; for maintenance of parks, reservations and the Charles river basin, for the maintenance of boulevards, parkways, locks, bridges and dams, and for the maintenance of vehicles and metropolitan district commission parks district garages and the purchase of supplies and equipment; including not more than six hundred and fifteen permanent positions; provided that the metropolitan district commission shall annually pay a reasonable fee to the town of Hull for the use of its sewerage treatment plant; provided further, that the commission shall not permit access or curb cuts to Chestnut Hill reservoir driveway under its control to any proposed development which includes a structure of more than ten stories in height or two hundred feet in height until and unless an environmental impact study is filed with the commission and it is determined that such a structure does not adversely effect the use or enjoyment of such premises by the public; provided, further, that the commissioner shall assist the secretary of the executive office of environmental affairs in the preparation of the report required under item 2000-0100	22,674,086
	Highway Fund 67.0%	
	MDC Parks District Fund 33.0%	
2440-0013	For increased patrols of metropolitan district commission reservations by metropolitan district police during periods of high fire risk	40,000
	MDC Parks District Fund 100.0%	
2440-0015	For the administration of the metropolitan district commission police division; provided that notwithstanding any provisions of chapter thirty-one of the General Laws, certain members 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 five hundred and seventy-nine permanent positions	14,885,366
	Highway Fund 67.0%	
	MDC Parks District Fund 33.0%	
2440-0020	For payment to the city of Boston for lease and operation of the James Michael Curley recreation center, prior appropriation continued	310,000
	MDC Parks District Fund 100.0%	
2440-0021	For the purpose of providing a mounted patrol at Lynn Beach, Kings Beach and Nahant Beach. This sum shall be expended only for this purpose and the leasing of any necessary equipment; appropriation to expire on June thirtieth, nineteen hundred and eighty-three	55,000
	MDC Parks District Fund 100.0%	

Item		
2440-0022	For the purpose of increased nighttime police patrol at Revere Beach boulevard	$50,000
	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%	
2444-4591	For the Mystic sailing program at Shore Drive Boat House in Somerville	30,000
	MDC Parks District Fund 100.0%	
2444-5511	For a sailing program at Pleasure Bay	30,000
	MDC Parks District Fund 100.0%	
2444-9001	For the construction, reconstruction and improvement of boulevards and parkways, including bridges, and including the resurfacing and repairing thereof and the installation of traffic lights thereof, provided that not less than two hundred thousand dollars be spent for Pemberton Pier in Hull; prior appropriation continued	750,000
	Highway Fund 100.0%	
2444-9004	For certain payments for the maintenance and use of the Trailside Museum and the Chickatawbut Hill Center	225,000
	MDC Parks District Fund 100.0%	
2444-9005	For the operation of street lighting for parkways and boulevards	2,300,000
	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 to employees previously paid from highway bond funds	530,487
	Highway Fund 100.0%	
	Construction Division.	
2460-1000	For the maintenance of the construction division, including the personal services and expenses relating to employees previously paid from metropolitan water district bond funds; provided, that, notwithstanding any provisions of any general or special law to the contrary, all officers and positions shall be subject to classification under section forty-five to fifty, inclusive, of chapter thirty of the General Laws	4,558,548
	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, including not more than twenty-eight permanent positions	366,207
2511-0310	For the purposes of a federally funded grant entitled, Pesticide Enforcement	227,489
	General Federal Grants Fund 100.0%	
2511-0320	For the purposes of a federally funded grant entitled, Restricted use of Pesticide Applicators	18,980
	General Federal Grants Fund 100.0%	

Item		
	Division of Regulatory Services.	
2511-3000	For the administration of the division, including the pesticide bureau, the bureau of plant pest control, the bureau of farm products, the bureau of dairying, and the milk control commission, including not more than fifty-one permanent positions	$793,298
	Division of Agricultural Development.	
2511-4000	For the administration of the division, and for the expenses of the bureau of markets and the bureau of land use, including for promotion of Massachusetts agriculture, and including not more than nine permanent positions	397,017
	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-five *permanent positions*	536,339
2516-3000	For the purposes of a federally funded grant entitled, Crop Survey General Federal Grants Fund 100.0%	6,000
2516-9002	For the purposes of a federally funded grant entitled, Development of Institutional Marketing ..... General Federal Grants Fund 100.0%	124,000
	Division of Fairs.	
2518-1000	For the administration of the division, provided that payments for state prizes and agricultural exhibits, including allotment funds for 4-H activities, may be made from this appropriation, and for the display of exhibits at certain fairs; provided, that not less than two hundred thousand dollars shall be used for certain prizes; provided, further, that not less than eighty-seven thousand five hundred dollars *shall be used for rehabilitation* purposes; including not more than three permanent positions, prior appropriation continued	576,561
2518-3000	For the payment of certain prizes to promote the breeding of thoroughbred horses to the commonwealth, in accordance with the provisions of section two of chapter one hundred and twenty-eight of the General Laws; provided however, that the balance of any funds accruing to the Massachusetts thoroughbred breeding program under the provisions of section fourteen of chapter four hundred and ninety-four of the acts of nineteen hundred and seventy-eight and not appropriated hereunder or appropriated under item 2518-4000, shall be deposited by the treasurer in a separate account designated Massachusetts thoroughbred breeding program and shall not revert to the General Fund, prior appropriation continued	460,000
2518-4000	For *the expenses of an equine research,* loans and scholarship program in cooperation with the Tufts University School of Veterinary Medicine, and in accordance with the provisions of section two of chapter one hundred and twenty-eight of the General Laws; provided, however, that the balance of any funds accruing to the Massachusetts thoroughbred breeding program under the provisions of section fourteen of chapter four hundred and ninety-four of the acts of nineteen hundred and seventy-eight and not appropriated hereinafter or appropriated	

Item		
	under item 2518-3000, shall be deposited by the treasurer in a separate account designated Massachusetts thoroughbred breeding program and shall not revert to the General Fund, prior appropriation continued	$112,500
2518-5000	For the payment of certain prizes, to promote the breeding of standard-bred horses in the commonwealth, in accordance with the provisions of section two of chapter one hundred and twenty-eight of the General Laws; provided, however, that the balance of any funds accruing to or allocated to the Massachusetts standardbred agricultural fair and breeding fund committee established under section ten of chapter one hundred and twenty-eight of the General Laws, as most recently amended by section fourteen of chapter four hundred and ninety-four of the acts of nineteen hundred and seventy-eight, shall be deposited by the treasurer in a separate account designated the Massachusetts standard-bred agricultural fair and breeding fund and shall not revert to the General Fund, prior appropriation continued	400,000
	State Reclamation Board.	
2520-0100	For the administration of the board, including not more than three permanent positions	46,893
	For the expenses of the following mosquito control projects:	
2520-0300	Cape Cod	435,000
	Mosquito and Greenhead Fly Control Fund 100.0%	
2520-0900	Suffolk county	109,500
	Mosquito and Greenhead Fly Control Fund 100.0%	
2520-1000	Central Massachusetts	440,400
	Mosquito and Greenhead Fly Control Fund 100.0%	
2520-1100	Berkshire county	285,000
	Mosquito and Greenhead Fly Control Fund 100.0%	
2520-1200	Norfolk county	296,600
	Mosquito and Greenhead Fly Control Fund 100.0%	
2520-1300	Bristol county	292,800
	Mosquito and Greenhead Fly Control Fund 100.0%	
2520-1400	Plymouth county	381,335
	Mosquito and Greenhead Fly Control Fund 100.0%	
2520-1500	Essex county	349,300
	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; provided however, that the persons employed under items 2520-0300, 2520-0900, 2520-1000, 2520-1100, 2520-1200, 2520-1300, 2520-1400, 2520-1500 and 2521-0100 shall be exempt from the provisions of section twenty-nine A of chapter twenty-nine of the General Laws	278,600
	EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.	
	Office of the Secretary.	
3000-0100	For the office of the secretary, and the general administration of the department, including not more than eighty-two permanent positions	2,534,313

Item		
	Division of Community Development.	
3722-9002	For certain financial assistance for housing projects for veterans ..	$4,100,000
3722-9004	For a program of rental assistance for families of low income; provided, that notwithstanding any provision of law to the contrary, first preference for admission shall be granted to the eligible elderly; and, provided further, that not more than eight per cent of the amount appropriated herein may be used for administration of said program	21,600,000
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	10,782,663
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 ...	31,902,236
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	120,000
3722-9008	For reimbursement of 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 ..	24,428
3722-9010	For a program of rental assistance for families of low income in Farmers' Home Administration (FMA) rural housing projects, prior appropriation continued.	
3722-9013	For the purposes of a federally funded grant entitled, Housing Allowance Program, Section 8	19,664,259
	General Federal Grants Fund 100.0%	
3722-9019	For the purposes of a federally funded grant entitled, Moderate Rehabilitation, Section 8	1,251,306
	General Federal Grants Fund 100.0%	
3722-9020	For the purposes of a federally funded grant entitled, New Construction Program, Operating Subsidy, HUD Section III	2,672,492
	General Federal Grants Fund 100.0%	

Item		
3722-9101	For reimbursement of cities and towns for the commonwealth's statutory share of federally aided urban renewal	$2,600,000
	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 provision 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	771,400
	Local Aid Fund 100.0%	
3724-9009	For the purposes of a federally funded grant entitled, Substantial Rehabilitation, Section 8	1,293,322
	General Federal Grants Fund 100.0%	
3724-3037	For the purposes of a federally funded grant entitled, CDBG-Small Cities	26,542,000
	General Federal Grants Fund 100.0%	
	Division of Community Services.	
3731-2003	For expenses of community development and housing program services ..	485,935
3731-2007	For the purposes of a federally funded grant entitled, Comprehensive Planning 1043	3,334
	General Federal Grants Fund 100.0%	
3731-2020	For the purposes of a federally funded grant entitled, CDBG Technical Assistance	250,000
	General Federal Grants Fund 100.0%	
3731-2024	For the purposes of a federally funded grant entitled, Areawide Housing	46,893
	General Federal Grants Fund 100.0%	
3731-2025	For the purposes of a federally funded grant entitled, Areawide Housing	953,416
	General Federal Grants Fund 100.0%	
3731-2026	For the purposes of a federally funded grant entitled, S.111 Area Development	13,806
	General Federal Grants Fund 100.0%	
3732-3038	For the purposes of a federally funded grant entitled, Design Arts ..	2,240
	General Federal Grants Fund 100.0%	
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 A 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 cost was incurred	40,000
	Local Aid Fund 100.0%	
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	400,000

Item		
3743-2029	For the purposes of a federally funded grant entitled, S.304 Economic Development ..... General Federal Grants Fund 100.0%	$21,410
3743-2030	For the purposes of a federally funded grant entitled, Weatherization Assistance for Low Income Persons ..... General Federal Grants Fund 100.0%	4,385,293
3743-2032	*For the purpose of establishing a revolving loan fund for periodic* advance funding for a low income energy assistance program, provided that, expenditures from this item are reimbursed by the federal government upon the availability of federal funds under the "Home Energy Assistance Act of 1980", Title III of the Crude Oil Windfall Profits Tax Act of 1980 (P.L. 96-223) or any amendments or successor acts thereto, and for the purpose of providing advance funding for a bulk oil purchase program, for needy elderly, including one and two person families, and families whose income does not exceed one hundred and seventy-five per cent of the poverty level, as established by the United States Community Services Administration, provided that, expenditures from this item are reimbursed by the federal government upon the availability of federal funds under the aforementioned federal act or any amendments or successor acts thereto, and provided that, expenditures for the purchase of bulk oil shall not be contingent upon approval of a state plan or upon receipt of federal funds; and provided further that, all federal funds received for the purpose of this item shall be credited to the General Fund	5,500,000
3743-2033	For the purposes of a federally funded grant entitled, Energy Crisis Assistance Program ..... General Federal Grants Fund 100.0%	78,460,451
3743-2034	For the purposes of a federally funded grant entitled, Community Services Block Grant, provided that ninety per cent of these funds be directly contracted with community action agencies ..... General Federal Grants Fund 100.0%	8,855,223
3744-4010	For payments of stipends to corpsmen of the commonwealth service corps to be paid at the rate of one hundred ten dollars monthly commencing July first, nineteen hundred and eighty, 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; subject to the condition that amounts paid to recipients of aid to families with dependent children shall not reduce the amount of their assistance checks	435,600
3745-1000	*For a program of supplemental energy crisis assistance for needy* elders and families to be administered in accordance with regulations promulgated under the "Home Energy Assistance Act of 1980", Title III of the Crude Oil Windfall Profits Tax Act of 1980 (P.L. 96-223) or any amendments or successor acts thereto, provided that federal funds are not available at the time of application for assistance by said needy elders and families, and provided further that expenditures for administration of this program shall be subject to the approval of the	

Item		
	secretary of communities and development; and for a program of emergency crisis assistance for needy elders and families whose income is above the Bureau of Labor Statistics lower living standard but not over one hundred and seventy-five per cent of the federal poverty level for one and two person families, to be administered, except for the income eligibility requirement, in accordance with the aforementioned federal program or any amendments or successor acts thereto; and provided further that funds from this item may be used for weatherization assistance, such funds to be in addition to any federal funds received for this purpose, subject to the condition, however, that funds shall be expended for weatherization assistance only in accordance with a plan submitted by the secretary of communities and development and approved by the house and senate committees on ways and means	$17,000,000
3745-2000	For the payment of principal and interest on bonds issued to provide funds for a comprehensive emergency weatherization assistance program for needy Massachusetts individuals and families whose income is either at or below one hundred and seventy-five per cent of the poverty level as determined by the United States Office of Management and Budget or at or below the Bureau of Labor Statistics lower living standard, whichever is higher. The secretary of the executive office of communities and development shall on or before November first, nineteen hundred and eighty-two and on or before November first of each ensuing year the program is in operation, submit to the commissioner of administration and to the chairmen of the house and senate committees on ways and means, a plan for the annual distribution of funds under said program. Such plan shall include but not be limited to (a) a provision for public participation in the development of the plan; (b) a description of the weatherization work to be done, the estimated number of dwelling units to be weatherized, the weatherization materials to be used, and, the procedures by which eligible households will be identified and certified as participants in the program; (c) a description of the measures which will be taken to assure coordination of this program with all other energy conservation and energy assistance programs including programs for energy audits administered by the executive office of energy resources; (d) an analysis and recommendation of cost-effective options available to the state for the provision of assistance to low-income persons in private housing; and (e) a detailed accounting of the costs of the program, provided that administrative costs shall not exceed ten per cent of the total amount allocated for the program in any year. Upon recommendation of the governor and approval of the general court of a bond authorization of fifty million dollars to provide funds for emergency weatherization assistance for needy individuals and families in the commonwealth, the comptroller may transfer funds from this line-item to the state treasurer to be used solely for the payment of debt service on bonds issued to provide emergency weatherization assistance to needy individuals and families; provided that, if no bonds	

Item		
	for said comprehensive emergency weatherization program are authorized by September fifteenth, nineteen hundred and eighty-two, monies herein appropriated may be expended for a weatherization assistance program to be in additon to any federal funds received for this purpose, prior appropriation continued.	
3747-0001	For the administration of the commission on Indian affairs	$37,900
	EXECUTIVE OFFICE OF HUMAN SERVICES.	
	Office of the Secretary.	
4000-0100	For the office of the secretary, including a hospital revenue collection program and the health facilities appeals board, including not more than five permanent positions	1,062,161
4000-0400	For an audit team to provide management, fiscal, and programmatic auditing of all human services contracts; provided that, the executive office of human services shall submit quarterly to the house and senate committees on ways and means a status report on the number of audits performed and the status of all audits	490,000
4000-0500	For a reserve to meet the cost of emergencies, including the upgrading of direct care staff salaries, in consent decree community based programs for the mentally ill and the mentally retarded in the department of mental health; provided, however, that no funds transferred shall be used to (a) increase the number of clients in a program; (b) start new programs; (c) expand existing services within a program; or (d) increase the number of existing staff within a program. Programs eligible for transfer of funds from this emergency reserve shall be limited to those programs fully operational on April fifteenth, nineteen hundred and eighty-two. Funds appropriated herein shall be authorized for transfer to the appropriation items where the amounts otherwise available are insufficient pursuant to schedules submitted by the department of mental health and approved by the house and senate committees on ways and means	1,500,000
4000-0550	For a reserve to meet the cost of emergencies for staff and other programmatic needs in community based programs for the mentally retarded in the department of mental health; provided, that construction of the physical plant for such programs had been funded by the federal section 202 program or under chapter six hundred and eighty-nine of the acts of nineteen hundred and seventy-four program; provided, further, that such construction was completed before July first, nineteen hundred and eighty-two; provided, further, that amounts appropriated herein may be transferred to appropriation items where amounts otherwise available are found to be insufficient pursuant to schedules submitted by said department and approved by the house and senate committees on ways and means	1,200,000
4000-0600	For a reserve to meet the cost of emergencies, including the upgrading of direct care staff salaries in non-consent decree community based programs for the mentally ill and the mentally retarded in the department of mental health; provided, however, that no funds transferred shall be used to (a) increase the number of clients in a program; (b)	

Item		
	start new programs; (c) expand existing services within a program; or (d) increase the number of existing staff within a program. Programs eligible for transfer of funds from this emergency reserve shall be limited to those programs fully operational on April fifteenth, nineteen hundred and eighty-two. Funds appropriated herein shall be authorized for transfer to the appropriation items where the amounts otherwise available are insufficient pursuant to schedules submitted by the department of mental health and approved by the house and senate committees on ways and means	$1,500,000
4000-0700	For the administration of the office of state health planning, including a health maintenance organization program; provided, that not less than one hundred and twenty-five thousand dollars shall be expended for a program to provide technical assistance to community health programs administered by community health centers as referred to in section three hundred and thirty of the federal Public Health Services Act of 1978, as amended (Public Law 95-626)	355,090
4000-0760	For a reserve to meet the needs of children who are otherwise ineligible for services provided by agencies or departments within the secretariat of human services; provided, that the secretary of human services 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 meet the needs of said children; provided, further, that no transfer shall be made without the prior approval of the house and senate committees on ways and means; and, provided, further, that the secretary of human services shall undertake a study of the statutory, programmatic and operational interrelationship of the office for children and the department of social services and the feasibility of the merger of all or some of the functions of said agencies and shall report the results of such study to the house and senate committees on ways and means, no later than October first, nineteen hundred and eighty-two	500,000
4000-1503	For the purposes of a federally funded grant entitled, Office of State Health Planning ..... General Federal Grants Fund 100.0%	622,827
4000-1583	For the purposes of a federally funded grant entitled, Planning - Demonstration Project ..... General Federal Grants Fund 100.0%	13,677
4000-9000	For the purposes of a federally funded grant entitled, Refugee Resettlement Services ..... General Federal Grants Fund 100.0%	4,555,982
4000-9400	For the purposes of a federally funded grant entitled, Alcohol, Drug Abuse and Mental Health Block Grant ..... General Federal Grants Fund 100.0%	17,025,000
	Rate Setting Commission.	
4100-0010	For the administration of the commission; provided that not less than one hundred and forty-five thousand two hundred and thirty-three dollars shall be used for the employment of additional auditors within the commission, including not more than forty-six permanent positions	1,852,647

Massachusetts Commission for the Blind.

4110-0001	For the office of the commissioner and bureau of research, including not more than sixteen permanent positions	$296,360
4110-1010	For aiding the adult blind	10,472,500
4110-1020	For support of a medical assistance program for the blind, including previous fiscal years, and including not more than four permanent positions	21,470,700

Bureau of Individual Services.

4110-2010	For administration of a talking book program, including not more than two permanent positions	305,000
4110-2040	For certain social services programs, *including not more than seventy* permanent positions	1,399,000

Bureau of Rehabilitation.

4110-3010	For a program of vocational rehabilitation of the blind in cooperation with the federal government, provided, that no funds from the federal vocational rehabilitation grant or state appropriation shall be deducted for pensions, group health and life insurance, and any other such indirect cost of the federally reimbursed state employees, provided that a sum of not less than two hundred and fifty thousand dollars shall be for the purpose of purchasing electronic adaptive equipment to be utilized in the vocational rehabilitation of the blind within fields of competitive employment, prior appropriation continued	1,335,862
4110-3020	For the purposes of a federally funded grant entitled, Vocational Rehabilitation	2,845,703
	General Federal Grants Fund 100.0%	

Bureau of Industrial Aid and Workshops.

4110-4000	For the administration of the bureau and the operation of local shops and the Cambridge Industries for the Blind, including not more than twenty-one permanent positions; provided, however, that retired workshop employees shall receive grants equal to three-fourths of the salaries of current workshop employees; and provided further 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	1,577,000

Massachusetts Rehabilitation Commission.

4120-0010	For the administration of the commission; provided that the commissioner shall report quarterly to the house and senate committees on ways and means the number of clients served and the amount expended for each type of service provided, including not more than one permanent position; provided, further, that no funds from the federal vocational rehabilitation grant or state appropriation shall be deducted for pensions, group health and life insurance, and any other such indirect	

Item		
	cost of the federally reimbursed state employees; and provided, further, that upon the written request of the commissioner of revenue, the commissioner of rehabilitation shall provide lists of individual clients to whom or on behalf of whom payments have been made for the purpose of verifying eligibility and detecting and preventing fraud, error and abuse in the programs administered by the commission, and provided, further, that the information in such lists shall include the client's name and social security number and the payee's name and other identification, if different from the client's	$5,252,108
4120-0020	For the purposes of a federally funded grant entitled, Vocational Rehabilitation	17,109,648
	General Federal Grants Fund 100.0%	
4120-0031	For a program of extended employment for the handicapped; provided that upon the written request of the commissioner of revenue, the commissioner of rehabilitation shall provide lists of individual clients to whom or on behalf of whom payments have been made for the purpose of verifying eligibility and detecting and preventing fraud, error and abuse in the programs administered by the commission; and provided, further, that the information in such lists shall include the client's name and social security number and the payee's name and other identification, if different from the client's	2,848,535
4120-0041	For the administration of the office of deafness, including not more than one permanent position, provided that not less than fifteen thousand dollars shall be expended for interpreter services for the deaf or hearing impaired, and provided further that the office submit to the house and senate committees on ways and means a plan for the establishment of a sliding fee scale for said interpreter services no later than September thirtieth, nineteen hundred and eighty-two ..	183,067
4120-0051	For a program of personal care assistance, prior appropriation continued	620,539
4120-0061	For a program for independent living, said funds to be used in addition to any federal funds received for this purpose	200,000
4120-0171	For the purposes of a federally funded grant entitled, Teaching Grant and Traineeship in RSA	96,727
	General Federal Grants Fund 100.0%	
4120-0511	For the purposes of a federally funded grant entitled, Determination of Disability	16,000,000
	General Federal Grants Fund 100.0%	
4120-0611	For the purposes of a federally funded grant entitled, Rehabilitation of Social Security Beneficiaries	30,000
	General Federal Grants Fund 100.0%	
4120-0720	For the purposes of a federally funded grant entitled, Vocational Rehabilitation Title XVI	30,000
	General Federal Grants Fund 100.0%	
4120-0760	For the purposes of a federally funded grant entitled, Independent Living	450,000
	General Federal Grants Fund 100.0%	

Item		
	Office for Children.	
4130-0001	For the office of the director, provided that, subject to the approval of the director, a sum not less than one hundred and sixty thousand dollars shall be for the purpose of emergency services to children, the Individual Kid Money program, so-called, and provided further that, all program personnel within the regions shall be paid out of the 01 and 02 subsidiaries, including not more than forty permanent positions	$916,621
4130-0002	For a pilot project to ensure the protection of children receiving family day care services, including the establishment of a child abuse monitoring system and the laboratory examination of paint samples from family day care sites to detect the presence of lead paint, provided that the office submit to the house and senate committees on ways and means an outline of the office's plans for the establishment of routine laboratory examination of paint samples from family day care sites no later than September first, nineteen hundred and eighty-two	176,887
	Region One.	
4131-1000	For the administration of the regional office, including services to children, including not more than nine permanent positions	573,887
	Region Two.	
4132-1000	For the administration of the regional office, including services to children, including not more than nine permanent positions	497,874
	Region Three.	
4133-1000	For the administration of the regional office, including services to children, including not more than nine permanent positions	518,894
	Region Four.	
4134-1000	For the administration of the regional office, including services to children, including not more than nine permanent positions	597,257
	Region Five.	
4135-1000	For the administration of the regional office, including services to children, including not more than nine permanent positions	600,524
	Region Six.	
4136-1000	For the administration of the regional office, including services to children, including not more than nine permanent positions	530,040
	Region Seven.	
4137-1000	For the administration of the regional office, including services to children, including not more than nine permanent positions	569,286
	Commissioner of Veterans' Services.	
4170-0010	For the office of the commissioner, including not more than seventy-one permanent positions	920,000
4170-0300	For the payment of annuities to certain disabled veterans	160,000
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 and fifteen of the General Laws, provided that amounts contained in this	

Item		
	item for the winter fuel allotment benefit provided for in section five of said chapter is hereby identified as energy assistance for veterans and dependents, prior appropriation continued	$9,245,246
	Local Aid Fund 100.0%	
	Soldiers' Home in Massachusetts.	
4180-0100	For the maintenance of the home, including not more than six hundred and fifty-nine permanent positions	11,528,921
	Soldiers' Home in Holyoke.	
4190-0100	For the maintenance of the home, including not more than three hundred and forty-five permanent positions	6,726,000
	DEPARTMENT OF YOUTH SERVICES.	
4200-0010	For the administration of the department, including not more than sixty-two permanent positions	2,388,392
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 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	14,054,648
4202-0025	For the establishment and operation of a secure facilities program for youths	4,253,800
4202-0749	For the purposes of a federally funded grant entitled, Standards Implementation	51,236
	General Federal Grants Fund 100.0%	
4202-7551	For the purposes of a federally funded grant entitled, Rehabilitation of Violent Offenders	650,000
	General Federal Grants Fund 100.0%	
	Bureau of Clinical Services.	
	For the administration and maintenance of and for certain improvements at the institutions within the bureau:	
4231-1010	Stephen L. French Youth Forestry Camp, including not more than twenty-eight permanent positions	695,888
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 seventy-five permanent positions	6,098,254
4238-1000	For the operation of the secure facilities administered and operated by the department; and for a shortterm secure treatment program similar to the one presently operated at the Worcester facility, including not more than one hundred and twenty permanent positions	3,083,203

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	$4,988,210
4311-0003	For a half-way house program, including not more than eight permanent positions	1,752,765
4311-0004	For a health service program, including not more than sixty-five permanent positions	6,300,000
	For the maintenance of and for certain improvements at the following institutions under the control of the department:	
4311-0005	For a 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	3,514,618
4311-0007	For a fire apparatus to be maintained by the town of Norfolk for the safety of property owned by the commonwealth at the Massachusetts Correctional Institute at Norfolk	105,000
4311-0009	For a program of education services, including not more than twenty-eight permanent positions	1,275,135
4311-0010	For a farm services program; provided that the commissioner of correction shall determine the amounts to be charged for the products and services of said program, said amounts to be credited to the Farm Services Revolving Fund, including not more than twenty-one permanent positions	1,799,751
4347-0001	For a county initiative program, including payments to county correctional institutions for the care of certain inmates of state correctional institutions, and to provide reimbursement for urinalysis tests to detect drug use among inmates in county facilities and probationers of said counties	500,000
4349-0001	For the administration and operation of the commonwealth's correctional facilities; provided that not less than five million five hundred thousand dollars shall be used for the expansion of programs subject to the condition that the commissioner is hereby authorized to transfer from this amount to other appropriation items where the amounts otherwise available for said programs are insufficient, such amounts as are necessary; and provided further that allocation of such expansion monies among the institutions and programs shall be reported quarterly to the house and senate committees on ways and means, including not more than one thousand six hundred and forty-five permanent positions	72,456,800

Item		
	Parole Board.	
4380-0001	For the office of the board; provided, that the position of employment officer, parole board, shall not be subject to the provisions of chapter thirty-one of the General Laws, including not more than one hundred and four permanent positions	$3,658,910
4380-9073	For the purposes of a federally funded grant entitled, Probation Parole Classification Management Information System	20,000
	General Federal Grants Fund 100.0%	
	DEPARTMENT OF PUBLIC WELFARE.	
	Notwithstanding any provision of law to the contrary, the department of public welfare shall submit quarterly to the house and senate committees on ways and means a status report on the following subjects: (1) new positions which have been filled, including the date when filled and the program where assigned; (2) caseload in the programs of aid to families with dependent children, general relief, supplemental security income, medical assistance, and food stamps; (3) the error rate in the program of aid to families with dependent children, including an analysis of most frequently occurring errors; (4) payments made under the emergency assistance program, the number of clients receiving benefits, and the amount in each category of assistance; (5) progress in the completion of the medicaid management information system, including the amount spent for such system and a time table for completion; (6) expenditures made in the work incentive program including the amount expended for services to certified registrants, the number of registrants obtaining employment, and the number of registrants leaving the program of aid to families with dependent children; (7) expenditures made, cases reduced or terminated, and savings generated by the wage reporting system established in the department of revenue; (8) agreements entered into and the amount of collections actually received from activities of the child support enforcement unit; (9) the number of overpaid cases and the amount of recouped funds, separated into cases where the recipients were at fault and were without fault, and the number of overpaid vendors and the amount of recouped funds; (10) the experience of the department in testing a monthly income reporting system in certain welfare service offices.	
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	

Item		
	a welfare office in the town of Norwood; including not more than three thousand six hundred and thirty-four permanent positions	$74,714,263
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 forty-six permanent positions	20,807,462
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 forty permanent positions	6,370,553
4400-1013	For the purposes of a federally funded grant entitled, Implementation of Wage Assignment Legislation	47,544
	General Federal Grants Fund 100.0%	
4400-1035	For a program of training for assistance payments, medical assistance, and food stamp workers; provided, that the federal reimbursements for any expenditures for this item shall not be less than fifty per cent of such expenditure	858,786
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; provided further, that the department of public welfare shall submit monthly to the house and senate committees on ways and means a status report on the implementation of a food stamp program for persons receiving benefits under section one hundred and thirty-one of chapter six and section one of chapter one hundred and eighteen A of the General Laws, including not more than one hundred and fifty-six permanent positions	12,866,475
4400-1211	For the purposes of a federally funded grant entitled, Food Stamp Verification	238,585
	General Federal Grants Fund 100.0%	
4400-1400	For a program of health services for certain recipients; 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-nine permanent positions	1,301,980
4402-1041	For the purposes of a federally funded grant entitled, Conversion to Social Security Administration	248,361
	General Federal Grants Fund 100.0%	
4402-5000	For a medical assistance program including 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; 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	

Item		
	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 fiscal 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 sixty-four million eight hundred twenty-five thousand 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	$1,035,000,000
4402-5008	For the purposes of a federally funded grant entitled, Integrated Health and Special Education	28,000
	General Federal Grants Fund 100.0%	
4402-5101	For utilization review of the medical assistance program; provided, that any federal funds received for the purpose of this item shall be credited to the General Fund	5,476,481
4402-5105	For the purposes of a federally funded grant entitled, Case Management of Delivery of Dental Services	121,520
	General Federal Grants Fund 100.0%	
4402-5111	For the purposes of a federally funded grant entitled, Accounting Simplification Project	59,000
	General Federal Grants Fund 100.0%	
4402-5120	For the purposes of a federally funded grant entitled, Medical Case Management Project	129,412
	General Federal Grants Fund 100.0%	
4402-5300	For the provision of 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; provided further, that a waiver pursuant to section 2176 of the federal Omnibus Reconciliation Act of 1981 shall be applied for on a statewide basis to provide federal reimbursement for early intervention services to infants and children; and provided further, that from the funds appropriated herein not less than five hundred thousand dollars shall be expended for said early intervention services; and provided further, that the department shall submit quarterly, in writing, to the house and senate committees on ways and means, a status report on all expenditures, actual and projected, from this item	23,109,192
4403-2000	For a program of aid to families with dependent children; provided that the standard of need shall be increased by five per cent as of July first, nineteen hundred and eighty-two; provided, further, that the payment level shall be ratably reduced to ninety-five point twenty-four per cent of said standard of need so that the amount of assistance shall be computed by subtracting the income of the family, after the application of any federally required exemptions and deductions, from the standard of need; provided, further, that no family shall receive	

Item		
	a monthly payment greater than said payment level; provided further, that a non-recurring clothing allowance in the amount of seventy-five dollars be provided to each child eligible under this program on September first, nineteen hundred and eighty-two; provided, that such allowance is federally reimbursable; and provided further, that such clothing allowance shall not be counted as income for determination of eligibility or amount of benefits under the food stamp program; and provided, further, that such clothing allowance shall be included in the standard of need for the month of September, nineteen hundred and eighty-two; and provided further, that all federal funds received for the purpose of this item shall be credited to the General Fund	$452,300,000
4403-2001	For the purposes of a federally funded grant entitled, Social Services Monthly Income Reporting Grant	142,400
	General Federal Grants Fund 100.0%	
4405-2000	*For the state supplement to the supplemental security income program* for the aged and disabled; provided, that the full amount of the federal cost of living shall be passed on to all recipients; 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	118,000,000
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 certain recipients shall receive a five per cent cost of living payment on each monthly grant payable to said recipients; provided, further, that no recipient eligible for receipt of benefits under this program shall receive a grant reduction solely as a result of any change in or consolidation of the grant structure; and provided further that no changes in the eligibility criteria for benefits under this program shall be implemented without the prior written approval of the house and senate committees on ways and means; provided, that not more than seven million one hundred thousand dollars may be expended for said medical services	60,551,854
4407-1000	For a program of work and training; provided, that not less than three million five hundred thousand dollars shall be expended to contract with providers of supported work programs for certain long-term recipients of aid to families with dependent children, provided, that for the purpose of this item the term "recipients" shall include persons whose benefits have been recently terminated, including not more than one hundred and twelve permanent positions	7,171,652
4407-9001	For the purposes of a federally funded grant entitled, Work Incentive Demonstration Program	7,650,000
	General Federal Grants Fund 100.0%	
4408-2000	For a program to provide emergency needs such as those resulting from fire, flood or other disaster, and burials	630,440

Item		
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; provided that the department shall file on a quarterly basis a report of the caseload and expenditures of this program; prior appropriation continued.	
	DEPARTMENT OF PUBLIC HEALTH.	
	Notwithstanding any provision of law to the contrary, applications for all private and federal grants and subventions by the department of public health shall be subject to approval of the commissioner of administration and the house and senate committees on ways and means prior to submission to the grantor. Unless otherwise advised by the ways and means committees in writing within thirty days after receipt of said application, the department may proceed with said application in accordance with existing law.	
4500-1000	For the purposes of a federally funded grant entitled, Preventive Health Block Grant	$2,300,000
	General Federal Grants Fund 100.0%	
4500-2000	For the purposes of a federally funded grant entitled, Maternal and Child Health Block Grant	6,672,905
	General Federal Grants Fund 100.0%	
4502-1012	For the purposes of a federally funded grant entitled, Massachusetts Cooperative Health Statistics	117,098
	General Federal Grants Fund 100.0%	
4510-0100	For the administration of the department including a long term care information system for the state medicaid program; provided, that the position of assistant commissioner shall not be subject to chapter thirty-one of the General Laws; provided, however, that not less than sixty thousand dollars shall be expended for an environmental information service for pregnant women; provided, further, that not less than seventy-five thousand dollars shall be expended for a poison control hot line, including not more than fifty-four permanent positions	3,569,963
4510-0110	For a community health center operational grants program; provided, that the department of public health shall solicit grant proposals for said operational grants from community health centers which are operating under the requirements of section three hundred and thirty of Public Law 95-626, as most recently amended by Public Law 97-35 and shall establish appropriate standards and criteria for the awarding of not less than seven hundred and twenty thousand dollars in grant funds; and provided further, that in order to receive said operational grants, a center need not be eligible for funding under said section three hundred and thirty as a categorical program during fiscal year nineteen hundred and eighty-three; and provided further, that notwithstanding the above provisions, the department of public health shall expend not more than one hundred and eighty	

Item		
	thousand dollars for an operational grants program, which program *shall include appropriate* standards and criteria, for independently licensed community health centers who are not eligible to receive an allotment of funds under provisions of section 1926 of the Public Health Services Act as most recently amended by Public Law 97-35; provided however, that of this one hundred and eighty thousand dollars not more than eighty thousand dollars shall be expended for hospital-affiliated community health centers which, in conformance with the provisions of section three hundred and thirty of Public Law 95-626, have a community board of directors; and provided further, that in addition to the said amounts that not less than one hundred thousand dollars shall be expended for the administration, monitoring and evaluation of said operational grants programs; and provided further, that in the event Massachusetts participates in the primary care block grant, funds appropriated herein shall be expended in conformance with the requirements of section 1926(a)(4)(A) of the Public Health Services Act, as most recently amended by Public Law 97-35, unless otherwise provided herein; provided, further, that all allocations of funds from this item shall be subject to the approval of the secretary of human services	$1,000,000
4510-0400	For the purposes of a federally funded grant entitled, Health Insurance - Medicare ..... General Federal Grants Fund 100.0%	501,192
4510-0600	For an *environmental health program, including control of radiation* and nuclear hazards and consumer products protection, including food and drugs; provided that, the 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; provided, however, that not less than one hundred thousand dollars shall be expended for *a drug control unit*, including not more than seventy-four permanent positions	1,619,464
4510-0710	For the administration of the division of health care quality; provided that said division shall be responsible for assuring the quality of patient care provided by the commonwealth's health care facilities and services and protecting the health and safety of patients who receive care and services in nursing homes, rest homes, clinical laboratories, clinics, institutions for the mentally retarded and ill, hospitals and infirmaries, including the inspection of ambulance services; including not more than thirty-two permanent positions	3,855,260
4510-0750	For the cost of providing certificates of need, as required by section twenty-five C of chapter one hundred and eleven of the General Laws, including not more than one permanent position	360,678
4510-0790	For an office of emergency medical services	280,000
4510-9020	For the purposes of a federally funded grant entitled, *Genetics* Diseases and Counseling Program ..... General Federal Grants Fund 100.0%	300,000

Item		
4510-9023	For the purposes of a federally funded grant entitled, Health Education and Risk Reduction	$75,000
	General Federal Grants Fund 100.0%	
4510-9031	For the purposes of a federally funded grant entitled, Drug Abuse Formula Grant	200,000
	General Federal Grants Fund 100.0%	
4510-9032	For the purposes of a federally funded grant entitled, Statewide Services	40,000
	General Federal Grants Fund 100.0%	
4510-9033	For the purposes of a federally funded grant entitled, State Drug Prevention Coordination	40,000
	General Federal Grants Fund 100.0%	
4510-9034	For the purposes of a federally funded grant entitled, National Institute of Drug Abuse Manpower Planning	28,300
	General Federal Grants Fund 100.0%	
4512-0100	For the administration of the division of communicable and venereal diseases and a vaccine program; provided, that not less than two hundred thousand dollars shall be used for the purpose of providing vaccine for childhood diseases and not less than five hundred thousand dollars shall be expended for the purpose of providing influenza vaccines for the elderly and the chronically ill, including not more than seventeen permanent positions	3,048,702
4512-0102	For the purpose of a federally funded grant entitled, Control of Syphilis	280,000
	General Federal Grants Fund 100.0%	
4512-0179	For the purposes of a federally funded grant entitled, Vaccination Assistance Project	435,000
	General Federal Grants Fund 100.0%	
4512-0200	For the administration of the division of alcoholism; provided that not less than one hundred and fifty-five thousand dollars shall be expended for a residential intermediate care program; provided, however, that not less than seventy-five thousand dollars shall be expended for the People's Task Force Alcohol Abuse Program, which is based in the Hyde Park section of the city of Boston; provided, further, that not less than three hundred and twenty thousand dollars be expended for a detoxification program in Boston; provided, further, that not less than two hundred and fifty thousand dollars be expended for a Rehabilitation and Health, Inc. program; and provided, further, that not less than sixty thousand dollars shall be expended for the sobriety treatment education prevention program, including not more than ten permanent positions	18,055,000
4512-0219	For the purposes of a federally funded grant entitled, Alcoholism Formula Grant	120,000
	General Federal Grants Fund 100.0%	
4512-0222	For the purposes of a federally funded grant entitled, Alcoholism State Manpower Development	15,000
	General Federal Grants Fund 100.0%	

Item		
4512-0500	For a dental health program, including dental services at the state schools for the retarded; provided, however, that not less than two hundred thousand dollars shall be expended for a community-based statewide dental program for the mentally retarded	$1,970,185
4512-0800	For drug rehabilitation services for pregnant women, prior appropriation continued.	
4512-0900	For the administration of a preventive medicine program; provided, however, that not less than forty thousand dollars shall be expended for a diethylstilbestrol information program, including not more than seven permanent positions	585,033
4513-0200	For the division of drug rehabilitation; provided that said 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, including not more than seventeen permanent positions	4,125,839
4513-1000	For the administration of a family health program; and for the provision of services to ventilator-dependent children under eighteen years of age who reside at home; provided that not less than fifty thousand dollars shall be expended for a diethylstilbestrol program to identify women who took diethylstilbestrol during their pregnancy and their offspring who were exposed pre-natally; and to educate the public and medical professionals; and to establish screening clinics concerning the symptoms and prevention of associated malignancy and other changes; provided, however, that not less than two million and fifty thousand dollars shall be expended for early intervention services; provided, further, that not less than thirty-five thousand dollars shall be expended for a study of the nutritional status of children in the commonwealth, including not more than fifty-two permanent positions	8,225,000
4513-1001	For a program of maternal and child health to be in addition to any federal funds received for this program	500,000
4513-1010	For a study of the feasibility and usefulness of testing newborn children for the disease of tuberous sclerosis, prior appropriation continued.	
4513-1500	For the administration of local health services, including not more than fifteen permanent positions	549,922
4513-2110	For the support of the Quabbin Health District	11,600
4513-3051	For the purposes of a federally funded grant entitled, Detection of Inborn Errors of Metabolism ..... General Federal Grants Fund 100.0%	159,320
4513-9006	For the purposes of a federally funded grant entitled, Cambridge Childrens Developmental Clinic ..... General Federal Grants Fund 100.0%	70,000
4513-9007	For the purposes of a federally funded grant entitled, Nutritional Status of Women and Infants and Children ..... General Federal Grants Fund 100.0%	16,359,939

4513-9010	For the purposes of a federally funded grant entitled, Prevention and Emergency Child Health Care Program ..... General Federal Grants Fund 100.0%	$225,000
4514-9100	For the purposes of a federally funded grant entitled, Primary Care Services Block Grant ..... General Federal Grants Fund 100.0%	3,600,000
4515-0100	For the administration of a tuberculosis program, including such payments for hospital care of tubercular patients as may be contracted for by the commissioner, and for the commonwealth's share of the operation of certain tuberculosis clinics; including not more than twenty-eight permanent positions	2,644,670
4515-0113	For the purposes of a federally funded grant entitled, Indochinese Refugees ..... General Federal Grants Fund 100.0%	150,000
4516-0100	For the administration of the state laboratory; provided that, notwithstanding any provisions of law to the contrary, an amount not to exceed three hundred thousand dollars accrued through the program at the institute of laboratories of selling biological products and performing various laboratory tests may be expended without further appropriation subject to schedules approved by the commissioner of the department of public health and the house and senate committees on ways and means; provided, further, that such approval schedules shall be placed on file with the state comptroller for the purpose of authorizing such expenditure for said program, including cost of materials, supplies and equipment, maintenance of laboratory facilities and compensation of laboratory employees; provided, further, that not less than two hundred and thirty thousand dollars shall be expended for Varicella-Zoster Immune Globulin, Cytemogalovirus, and Whooping cough vaccine programs, including not more than one hundred and forty-eight permanent positions	4,861,000
4516-0201	For a program of prevention of lead poisoning; provided that not less than sixty thousand dollars shall be expended for deleading purposes; provided, however, that not less than one hundred fifty thouand dollars shall be expended to screen children for lead paint poisoning; provided, further, that the department shall initiate a case management program for children hospitalized for lead paint poisoning; provided, further, that the department shall report quarterly to the house and senate committees on ways and means concerning the status of said program including the number and percentage of children screened, and the number of children hospitalized; and provided, further, that the department shall maintain a crisis intervention deleading crew and impose a fixed fee for services rendered; and provided, further, that the department shall establish standards for the waiver of such fees upon the showing of need; and provided, further, that notwithstanding any law to the contrary, revenues in an amount not to exceed one hundred thousand dollars accrued from said fees may be expended without further appropriation, subject to the approval of the commissioner of public health and the state comptroller for the expenses of the	

Item		
	crisis intervention deleading crew, including materials, supplies, *equipment, and compensation of employees; and provided, further,* that the department shall report no later than January fourth, nineteen hundred and eighty-three to the house and senate committees on ways and means the status of said crisis intervention deleading program, and on the feasibility of instituting a fixed fee for laboratory services rendered, including not more than two permanent positions	$713,000
4518-0100	For the administration of the office of health statistics and analysis and for the operation of a cancer registry, including not more than twenty-eight permanent positions	1,078,914
	For the maintenance of and for certain improvements at the following institutions under the control of the department of public health:	
4531-0001	Lakeville Hospital Rehabilitation center, including not more than three hundred and twenty-three permanent positions	7,191,931
4532-0001	*Lemuel Shattuck hospital, including not more than nine hundred* permanent positions	16,321,073
4533-0001	Massachusetts hospital school, including not more than three hundred and twenty-eight permanent positions	6,451,672
4535-0001	Rutland Heights hospital, including not more than four hundred and forty-three permanent positions	5,739,748
4536-0001	Tewksbury hospital, including not more than one thousand and eighty-four permanent positions	19,194,828
4537-0001	Western Massachusetts hospital, including not more than two hundred and eighty-eight permanent positions	5,117,193
	DEPARTMENT OF SOCIAL SERVICES.	
4800-0010	For the administration and maintenance of a program of social services, including not more than forty-seven permanent positions; provided that, *any federal reimbursements* received for this purpose shall be credited to the General Fund; and provided further, that purchased social services shall not be authorized at a level that will cause expenditures to exceed appropriation; and provided further that, no monies appropriated under this item shall be expended for tutoring or remedial reading of children awarded to the department and attending public schools; provided further, that all contracts for day care services funded in this item shall be amended to reflect negotiated rates not to exceed maximums established by the rate setting commission; provided further, that the department of social services shall report quarterly to the house and senate committees on ways and means, the amount expended on programs for battered women and day care. The reports on battered women's services shall be by region and shall *include the type of program, number* of available slots and occupancy rate. The reports for day care services shall be by region and shall include the total number of slots available by category, occupancy rates by category and the cost by category; provided further, that during the fiscal year ending on June thirtieth, nineteen hundred and eighty-three, the department of social services shall expend not less than one million seven hundred and seventy-five thousand dollars on	

Item		
	emergency services for battered women including not less than two hundred forty thousand and sixty-three dollars in Region I, not less than one hundred sixty-five thousand nine hundred and nine dollars in Region II, not less than one hundred ninety-four thousand and eighty-five dollars in Region III, not less than one hundred eighty-eight thousand nine hundred and twenty-four dollars in Region IV, not less than two hundred ninety-eight thousand six hundred and thirty-eight dollars in Region V, and not less than two hundred forty-eight thousand five hundred and eight dollars in Region VI; provided further, that during the fiscal year ending on June thirtieth, nineteen hundred and eighty-three, the department of social services shall expend funds for not less than six hundred contracted infant and toddler day care slots, and not less than six thousand contracted pre-school day care slots, and not less than four thousand after-school day care slots, and not less than two thousand contracted family day care slots; and, provided further, that the department of social services shall develop a long-range comprehensive plan for day care services to be submitted to the house and senate committees on ways and means and the joint committee on human services and elderly affairs, no later than the fifteenth day of January of the year nineteen hundred and eighty-three	$5,900,000
4800-0021	For a reserve to meet additional costs of the department of social services management information system, provided that, pursuant to schedules submitted by the department and approved by house and senate committees on ways and means, the commissioner shall allocate funds from this item of appropriation to the following items of appropriation: 4800-0010, 4801-0100, 4802-0100, 4803-0100, 4804-0100, 4805-0100, 4806-0100	1,648,543
4800-0022	For a reserve to meet the costs of inflation in the provision of day care services; provided, that no monies from this account shall be used to expand on existing services; and provided, further, that the commissioner of the department of social services has verified to the house and senate committees on ways and means that (a) funds otherwise available are insufficient and (b) the requested expenditures are essential to continue existing services. Funds appropriated herein shall be authorized for transfer to the following items of appropriation: 4801-0200, 4802-0200, 4803-0200, 4804-0200, 4805-0200 and 4806-0200 pursuant to schedules approved by the house and senate committees on ways and means	1,500,000
4800-0050	For the expenses and operation of the New Chardon Street Home for Women located in the city of Boston; provided, that, the department of social services shall assist the executive office of human services to make a demographic study of the residents of said home for the purpose of evaluating emergency housing services in the Boston area; provided, further, that one purpose of such study is to determine what proportion of the population in said home is eventually served by the Boston Housing Authority	450,796

Item		
4800-0060	For an experimental day care project to provide social service support for public assistance applicants and recipients, to provide day care subsidies to any applicant or recipient of aid to families with dependent children who is employed, who has accepted a job offer, or who is participating in a training activity, and to any income-eligible person who has been a recipient of said aid program within a time period prescribed by the department of public welfare; provided, further, that no more than twenty per cent of the monies appropriated herein may be used to provide day care services to families and children with special and protective needs where such services are not otherwise available; provided further, that said twenty per cent maximum may be exceeded for such special and protective needs services if said commissioner certifies to the house and senate committees on ways and means that such additional monies are needed to eliminate waiting lists for such services; provided further, that the department of social services shall report monthly on the utilization of such special and protective needs services, on a regional basis, and including the number of children on waiting lists for such services, to the commissioner of administration and the house and senate committees on ways and means; provided further, that no more than fifteen per cent of the monies appropriated herein may be used for day care services to other income-eligible families and children; provided, further, that such project shall utilize a voucher payment system, so-called, to supplement the present purchased slot system; provided, further, that the department of social services shall utilize a blanket contract for the area office model portion of said demonstration program	$1,967,750
4800-0070	For a program of respite care for the developmentally disabled	1,000,000
4800-0080	For a program for adolescent parents; provided that not less than ten thousand dollars shall be expended for certain programs at the Hull Teen Clinic	500,000
4800-1040	For certain public/private partnership programs; provided that any expenditure from this item for the period beginning on July first, nineteen hundred and eighty-two and ending on December thirty-first, nineteen hundred and eighty-two shall be contingent upon receipt by the department, and 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; provided, further, that any expenditures from this item for the period beginning on January first, nineteen hundred and eighty-three and ending on June thirtieth, nineteen hundred and eighty-three shall be contingent upon receipt by the department of assurances from a program provider that such provider has obtained a commitment from a private or public source other than the commonwealth to provide funds equal to twenty-five per cent of the cost of any proposed public/private partnership program; provided further, that the department, subject to the provisions of chapter thirty A of the General Laws and with the approval of the	

Item		
	executive office of human services, shall promulgate any rules and regulations as are deemed necessary to administer said programs; provided further, that such rules and regulations along with any amendments or repeals shall be submitted to the house and senate committees on ways and means prior to implementation	$14,000,000
	Region I.	
4801-0100	For the administration of Region one, including not more than thirteen permanent positions; provided that, any federal reimbursements received for this purpose shall be credited to the General Fund	3,214,046
4801-0200	For a program of social services, including services provided by department personnel, in Region one; provided that, any federal reimbursements received for this purpose shall be credited to the General Fund; and provided further, that purchased social services shall not be authorized at a level that will cause expenditures to exceed appropriation; and provided further, that no monies appropriated under this item shall be expended for tutoring or remedial reading of children awarded to the department and attending public schools; and provided further, that all contracts for day care services funded in this item shall be amended to reflect negotiated rates not to exceed maximums established by the rate setting commission	19,416,849
4801-1001	For administration and services to facilitate the adoption of certain children in the care of the department, to include the project impact program	1,550,292
	Region II.	
4802-0100	For the administration of Region two, including not more than nine permanent positions; provided, that any federal reimbursements received for this purpose shall be credited to the General Fund.....	2,854,966
4802-0200	For a program of social services, including services provided by department personnel, in Region two; provided that, any federal reimbursements received for this purpose shall be credited to the General Fund; and provided further, that purchased social services shall not be authorized at a level that will cause expenditures to exceed appropriation; and provided further, that no monies appropriated under this item shall be expended for tutoring or remedial reading of children awarded to the department and attending public schools; and provided further, that all contracts for day care services funded in this item shall be amended to reflect negotiated rates not to exceed maximums established by the rate setting commission	16,105,149
	Region III.	
4803-0100	For the administration of Region three, including not more than eleven permanent positions; provided that, any federal reimbursements received for this purpose shall be credited to the General Fund	4,272,696
4803-0200	For a program of social services, including services provided by department personnel, in Region three; provided that, any federal reimbursements received for this purpose shall be credited to the General Fund; and provided further, that purchased social services shall not be authorized at a level that will cause expenditures to exceed appropriation; and provided further, that no monies appropriated	

Item		
	under this item shall be expended for tutoring or remedial reading of children awarded to the department and attending public schools; and provided further, that all contracts for day care services funded in this item shall be amended to reflect negotiated rates not to exceed maximums established by the rate setting commission	$27,999,508
	Region IV.	
4804-0100	For the administration of Region four, including not more than thirteen permanent positions; provided that, any federal reimbursements received for this purpose shall be credited to the General Fund	3,844,014
4804-0200	For a program of social services, including services provided by department personnel, in Region four; provided that, any federal reimbursements received for this purpose shall be credited to the General Fund; and provided further, that purchased social services shall not be authorized at a level that will cause expenditures to exceed appropriation; and provided further, that no monies appropriated under this item shall be expended for tutoring or remedial reading of children awarded to the department and attending public schools; and provided further, that all contracts for day care services funded in this item shall be amended to reflect negotiated rates not to exceed maximums established by the rate setting commission	25,246,119
	Region V.	
4805-0100	For the administration of Region five, including not more than ten permanent positions; provided that, any federal reimbursements received for this purpose shall be credited to the General Fund	4,113,722
4805-0200	For a program of social services, including social services by department personnel, in Region five; provided that, any federal reimbursements received for this purpose shall be credited to the General Fund; and provided further, that purchased social services shall not be authorized at a level that will cause expenditures to exceed appropriation; and provided further, that no monies appropriated under this item shall be expended for tutoring or remedial reading of children awarded to the department and attending public schools; and provided further, that all contracts for day care services funded in this item shall be amended to reflect negotiated rates not to exceed maximums established by the rate setting commission	24,180,782
	Region VI.	
4806-0100	For the administration of Region six, including not more than eight permanent positions; provided that, any federal reimbursements received for this purpose shall be credited to the General Fund	3,724,380
4806-0200	For a program of social services, including social services by department personnel, in Region six; provided that, any federal reimbursements received for this purpose shall be credited to the General Fund; and provided further, that purchased social services shall not be authorized at a level that will cause expenditures to exceed appropriation; and provided further, that no monies appropriated under this item shall be expended for tutoring or remedial reading of children awarded to the department and attending public schools; and	

Item		
	provided further, that all contracts for day care services funded in this item shall be amended to reflect negotiated rates not to exceed maximums established by the rate setting commission	$33,510,388
4899-0001	For the purposes of a federally funded grant entitled, Child Welfare Services - 4B	6,723,461
	General Federal Grants Fund 100.0%	
4899-8011	For the purposes of a federally funded grant entitled, Child Abuse and Neglect	285,867
	General Federal Grants Fund 100.0%	

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 the status of all existing community based programs, including the total cost of each program, its client capacity, and the number of clients actually being served.

For new program starts, 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, numbers of clients served per program, the cost for the start-up month and the cost for the full fiscal year.

Notwithstanding any provisions 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 community placements including 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.

Notwithstanding any provision of law to the contrary, 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 July first, nineteen hundred and eighty-two through June thirtieth, nineteen hundred and eighty-three.

Notwithstanding any provision of law to the contrary, the department of mental health shall submit in writing, by appropriation item, to the house and senate committees on ways and means, a schedule of all personnel in the 01 and 02 subsidiaries no later than July thirty-first, nineteen hundred and eighty-two.

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 parent or guardians; provided, that the position of assistant to the commissioner of mental health (executive in mental retardation) shall not be subject to the provisions of chapter thirty-one of the General Laws; provided further, that from the funds appropriated herein not more than two hundred thousand dollars shall be expended for the development of individual service plans; provided further, that not more than two hundred

Item		
	thousand dollars shall be expended for the monitoring and evaluation of the implementation of said plans; and provided further, that not less than one million one hundred and thirty thousand dollars shall be obligated for data processing services and equipment for such services, including not more than two hundred and nine permanent positions	$10,298,800
5011-0007	For an office of fiscal control, contracts management and monitoring, revenue and audit; provided that not less than two hundred and fifteen thousand dollars shall be expended for fiscal staff, including not more than seven permanent positions	727,962
5011-0008	For a system of program evaluation and client tracking; provided, that an appropriate acknowledgement of the support of the commonwealth should be made in publications based on work performed, data collected, or observations made with the support of funding from this line item; and provided further, that the commonwealth shall have royalty free and an exclusive and irrevocable license to reproduce, translate, publish, use and dispose of and to authorize others to do so, for any copyright materials developed with the support of funding from this line item	150,000
5011-0009	For a program of training; provided, that from the funds appropriated herein not more than twenty thousand dollars shall be expended in each of the seven regions for the training of area and community program staff in the development and evaluation of community programs; and provided, further, that not more than ten thousand dollars shall be expended in each of the seven regions for the training of area and community program staff in fiscal management skills	210,000
5011-0010	For educational services for adult clients of the bureau of institutional schools	2,393,686
5011-0011	For a consolidated laundry program; provided, that no part of the sums appropriated in this item shall be available for the payment of contracts to be paid from any subsidiary account entitled 03 or 07 as established in accordance with the provisions of section twenty-seven of chapter twenty-nine of the General Laws if there are permanent or temporary personnel in said institutions to perform said services; and provided further, that the sums appropriated in this item shall be made available to the subsidiary accounts necessary to continue laundry operations which are currently conducted by permanent and temporary personnel within the department of mental health	3,397,300
5011-0020	For the cost of providing medical, habilitative and laboratory services to residents of Belchertown state school, Monson developmental center, the Walter E. Fernald state school, the Paul A. Dever state school, and the Wrentham state school	9,828,401
5011-9002	For intensive services to emotionally disturbed women, provided, however, that the department shall submit, to the house and senate committees on ways and means, on a quarterly basis a report of the status of said services, including the number and location of clients served, as well as the total cost per client served	209,930

Item		
5012-9109	For the purposes of a federally funded grant entitled, Manpower Planning and Development ..... General Federal Grants Fund 100.0%	$298,267
5013-9131	For the purposes of a federally funded grant entitled, State Training Support Program ..... General Federal Grants Fund 100.0%	31,900
5016-0104	For the expansion of services to retarded people in the community who are not eligible for service through chapter seventy-one B of the General Laws or consent decrees; provided, that the funds appropriated herein represent the twelve month annualized cost of programs funded from this item; provided, however, that not less than seventy-*five thousand dollars shall be expended for a day program in Charlestown* for mentally retarded community clients; provided, further, that the department of mental health shall submit quarterly, in writing, by region and by program, status reports, including all expenditures from this item, to the house and senate committees on ways and means	3,625,000
5017-0100	For the office of the court monitor	124,000
5018-0100	For furnishings and equipment for capital projects at the state schools for the retarded, provided that any items purchased from this item shall have a value of less than one hundred dollars and a life expectancy of less than five years	751,900
5021-0000	For a program of children's service, for the purpose of providing mental health or mental retardation services to children; provided, that not less than four hundred thousand dollars shall be expended for a statewide emergency services fund for children and adolescents; and provided further that the department of mental health shall submit quarterly, in writing, by region and by program, status reports, including all expenditures from this item, to the house and senate committees on ways and means	1,000,000
5021-9101	For the purposes of a federally funded grant entitled, Community Support Programs ..... General Federal Grants Fund 100.0%	250,000
5025-0100	For the training of psychiatric residents and multi-disciplinary trainees of the department of mental health through intensive *statewide settings provided by the department; provided,* that not less than nine hundred and thirty-five thousand dollars shall be expended for a psychiatric residency program at the Cambridge/Somerville mental health center; provided, however, that not less than two hundred and ninety thousand dollars shall be expended for a psychiatric residency program at the Tufts Bay Cove mental health center; provided, further, that the audit unit of the executive office of human services is authorized and directed to perform an audit of all programs funded from this item of appropriation, including quality assurance, full financial disclosure of all sources of income for any recipient of said stipend, the level and discipline of each trainee, and any indirect program costs, including space rental costs, salary and fringe benefits, and any contracted services. Said audit shall be submitted to the house and senate committees on ways and means by November fifteenth, nineteen hundred and eighty-two	2,370,000

Item		
	Region One.	
5145-0000	For the administration of region one, including not more than two hundred and fifty-seven permanent positions	$6,438,434
5146-0000	For mental health community services; provided, that not less than four million one hundred and twenty thousand dollars shall be expended for children's mental health services	19,757,239
5148-0000	For mental retardation community services	14,253,673
5183-0100	For the maintenance of the Belchertown state school, including not more than seven hundred and thirty-five permanent positions	22,447,778
5195-0100	For the maintenance of the Northampton state hospital; provided that not more than one million and twenty thousand dollars may be expended for the twelve month cost of a medical contract serving hospital patients; provided, however, that no funds from this item may be expended for a contracted secure treatment facility; provided, further, that no funds from this item may be expended for persons delivering services or performing administrative functions in community-based programs, including not more than five hundred and eighty-one permanent positions	10,976,768
	Region Two.	
5245-0000	For the administration of region two, including not more than three hundred and fifty-seven permanent positions	6,741,937
5246-0000	For mental health community services; provided, that not less than nine hundred and seventy thousand dollars shall be obligated for children's mental health services	4,730,555
5248-0000	For mental retardation community services	9,440,125
5252-0100	For the maintenance of the Blackstone Valley mental health center, including not more than forty-seven permanent positions	692,860
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	3,444,982
5283-0100	For the maintenance of the Monson developmental center, including not more than eight hundred and twenty-five permanent positions	26,124,354
5295-0100	For the maintenance of the Worcester state hospital; provided, however, that no funds may be expended from this item for salaries for persons delivering services or performing administrative functions in community-based programs, including not more than seven hundred and forty-eight permanent positions	14,203,027
	Region Three.	
5345-0000	For the administration of region three, provided that the allocation of funds for the purposes of this item shall be subject to the submission by the commissioner of the department of mental health to the commissioner of administration and the house and senate committees on ways and means by July thirty-first, nineteen hundred and eighty-two of a schedule containing the number, position, and salary of all personnel to be paid from this item; provided, however, that the allocation of funds appropriated herein paid to personnel shall be subject to the approval of the commissioner of administration and	

Item		
	written notification to the house and senate committees on ways and means, including not more than three hundred and eighty-three permanent positions	$6,900,000
5346-0000	For mental health community services; provided, that not less than two million and eight hundred thousand dollars shall be obligated for children's mental health services	11,140,865
5348-0000	For mental retardation community services	12,151,021
5377-0100	For the maintenance of the Charles V. Hogan regional center and the John T. Berry rehabilitation center, including not more than four hundred and eighty-seven permanent positions	14,130,174
5395-0100	For the maintenance of the Danvers state hospital; 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 submission by the commissioner of the department of mental health to the commissioner of administration and the house and senate committees on ways and means by July thirty-first, nineteen hundred and eighty-two of a schedule containing the number, position and salary of all personnel working in the community to be paid from this line item; and provided further, that the allocation of funds appropriated herein paid to personnel working in the community shall be subject to the approval of the commissioner of administration and written notification to the house and senate committees on ways and means, including not more than four hundred and fifty-two permanent positions	9,848,111
	Region Four A.	
5445-0000	For the administration of region four A, including not more than one hundred and thirty-four permanent positions	2,740,641
5446-0000	For mental health community services; provided, that not less than eight hundred and forty-eight thousand dollars shall be obligated for children's mental health services; provided, however, that not less than seven hundred and forty-one thousand dollars shall be obligated for providing community mental health services in the Cambridge/ Somerville area	4,722,067
5448-0000	For mental retardation community services	6,409,784
5451-0100	For the maintenance of the Cambridge/Somerville mental health and retardation center; including not more than one hundred and fifty-two permanent positions	2,579,871
5453-0100	For the maintenance of the Mystic Valley mental health center, including not more than forty-nine permanent positions	748,049
5483-0100	For the maintenance of the Walter E. Fernald state school, including not more than one thousand one hundred permanent positions	42,595,991
5495-0100	For the maintenance of the Metropolitan state hospital; provided, that not more than nine hundred and one thousand dollars shall be expended as the twelve month fiscal year nineteen hundred and eighty-three cost of the medical services contract for hospital patients; provided further, that no funds may be expended from this item for	

Item		
	salaries for persons delivering services or performing administrative functions in community-based programs, including not more than six hundred and ninety-three permanent positions	$14,019,734
5496-0100	For the maintenance of the William C. Gaebler Children's Center; provided that a proposal, including cost estimates, to open presently unused beds at said facility be submitted to the house and senate committees on ways and means by September *fifteenth, nineteen* hundred and eighty-two, including not more than one hundred and twenty-two permanent positions	2,435,359
	Region Five.	
5540-0100	For the maintenance of the Brockton multi-service center, including not more than two hundred permanent positions	6,340,496
5545-0000	For the administration of region five, provided that not less than three million seventy thousand dollars shall be expended for the maintenance of the John C. Corrigan mental health center, including not more than six hundred and fifty-three permanent positions	10,550,974
5546-0000	For mental health community services; provided, that not less than one million four hundred and *seventy thousand dollars* shall be obligated for children's mental health services	4,484,191
5548-0000	For mental retardation community services	9,560,173
5551-0100	For the maintenance of the treatment center at the Massachusetts correctional institute at Bridgewater, including not more than thirty-six permanent positions	1,601,293
5583-0100	For the maintenance of the Paul A. Dever state school, including not more than eight hundred and sixty permanent positions	34,195,975
5592-0100	For the maintenance of the Taunton state hospital; provided, however, that no funds may be expended from this item for salaries for persons delivering services or performing administrative functions in community-based programs, *including not more than four hundred* and ninety-one permanent positions	7,357,977
	Region Six.	
5645-0000	For the administration of region six; provided that not more than the sum of two hundred and fifty thousand dollars shall be expended as the twelve month fiscal year nineteen hundred and eighty-three cost for a rehabilitative day treatment program for chronically mentally ill homeless persons; provided, however, that not more than one hundred and twenty-five thousand dollars shall be expended for the twelve month fiscal year nineteen hundred and eighty-three share for a residential program for chronically mentally ill homeless persons, including not more than twenty-six *permanent positions*	1,294,641
5646-0000	For mental health community services; provided, that not less than two million six hundred and ninety thousand dollars shall be obligated for children's mental health services; provided further, that of said two million six hundred and ninety thousand dollars not less than one hundred and fifty thousand dollars shall be expended for children's mental health services provided through the D Street Child Mental Health and the School Mental Health Teams, formerly funded through a Federal	

Item		
	Part F Staffing Grant; provided, that none of the amounts appropriated in this item shall be available for the payment of contracts from subsidiary accounts "03" and "07" for the operation of the Parker Street shelter so-called	$4,923,192
5648-0000	For mental retardation community services	10,905,795
5651-0100	For the maintenance of the Massachusetts mental health center; provided that this amount shall fund three temporary positions at the Allston-Brighton community mental health center, including not more than three hundred and forty-one permanent positions	7,080,883
5652-0100	For the maintenance of the Dr. Solomon Carter Fuller mental health center, including not more than one hundred and forty-six permanent positions	5,503,426
5653-0100	For the maintenance of the Erich Lindemann mental health center; provided that not more than ninety thousand five hundred dollars shall be expended for the twelve month fiscal year nineteen hundred and eighty-three cost of providing the services of security guards at said center, including not more than two hundred and thirty permanent positions	4,099,000
5654-0100	For the maintenance of the Tufts mental health center, including not more than one hundred and eighty-two permanent positions	3,168,494
5655-0100	For the maintenance of the Dorchester mental health center, including not more than four hundred permanent positions	6,473,482
5656-0100	For the maintenance of the Wes-Ros-Park mental health center, including not more than two hundred and sixty-eight permanent positions	3,837,248
5781-2600	For the purposes of a federally funded grant entitled, National School Lunch Program	36,000
	General Federal Grants Fund 100.0%	
5781-2601	For the purposes of a federally funded grant entitled, C.E.T.A. Training Contract	2,698
	General Federal Grants Fund 100.0%	
	Region Four B.	
5845-0000	For the administration of region four B, including not more than three hundred and thirty-eight permanent positions	6,697,684
5846-0000	For mental health community services; provided, however, that not less than one million and three hundred thousand dollars shall be obligated for children's mental health services	5,495,675
5848-0000	For mental retardation community services	8,593,963
5851-0100	For the maintenance of the Quincy mental health center; provided, however, that the expenditure of funds appropriated in this line item shall be authorized upon the submission by the commissioner of the department of mental health of schedules to and approved by the house and senate committees on ways and means	189,558
5883-0100	For the maintenance of the Wrentham state school, including not more than six hundred and fifty permanent positions	35,080,739
5895-0100	For the maintenance of the Medfield state hospital; provided, that no funds may be expended from this item for salaries for persons delivering services or performing administrative functions in community-based programs, including not more than five hundred and eighty-one permanent positions	8,765,837

Item		
5896-0100	For the maintenance of the Westborough state hospital; provided, that no funds may be expended from this item for salaries for persons delivering services or performing administrative functions in community-based programs, including not more than four hundred and sixty permanent positions	$8,104,698
5897-0100	For the maintenance of the Cushing hospital; provided, however, that notwithstanding any provision of law to the contrary, seventy thousand dollars of Title XVIII of the social security act revenues received by the hospital in excess of thirty thousand dollars may be expended for an adult day care program; provided further, that Title XIX reimbursements not to exceed one million two hundred thousand dollars may be expended without further appropriation for inpatient services, including not more than six hundred and thirteen permanent positions	10,099,962
	EXECUTIVE OFFICE FOR TRANSPORTATION AND CONSTRUCTION.	
	Office of the Secretary	
6000-0100	For the office of the secretary of transportation and construction, including not more than three permanent positions	291,628
	Highway Fund 100.0%	
6000-0180	For the purposes of a federally funded grant entitled, Statewide Assistance Rural Public Transportation	1,134,863
	General Federal Grants Fund 100.0%	
6000-1750	For the purposes of a federally funded grant entitled, Air Quality Planning	21,608
	General Federal Grants Fund 100.0%	
6000-1922	For the purposes of a federally funded grant entitled, UMTA Technical Studies Grant	159,186
	General Federal Grants Fund 100.0%	
6000-1929	For the purposes of a federally funded grant entitled, Statewide Transit Analysis	5,115
	General Federal Grants Fund 100.0%	
6000-1935	For the purposes of a federally funded grant entitled, Transit Performance Management Study	235,813
	General Federal Grants Fund 100.0%	
6000-1945	For the purposes of a federally funded grant entitled, Purchase of Vehicles for Elderly and Handicapped	1,904
	General Federal Grants Fund 100.0%	
6000-1946	For the purposes of a federally funded grant entitled, Purchase of Vehicles for Elderly and Handicapped	52,656
	General Federal Grants Fund 100.0%	
6000-1947	For the purposes of a federally funded grant entitled, Purchase of Vehicles for Elderly and Handicapped	80,070
	General Federal Grants Fund 100.0%	
6000-1948	For the purposes of a federally funded grant entitled, Purchase of Vehicles for Elderly and Handicapped	763,648
	General Federal Grants Fund 100.0%	

Item		
6000-1950	For the purposes of a federally funded grant entitled, Rail Service Continuation	$85,354
	General Federal Grants Fund 100.0%	
6000-1951	For the purposes of a federally funded grant entitled, Rail Service Continuation Assistance	25,612
	General Federal Grants Fund 100.0%	
6000-1953	For the purposes of a federally funded grant entitled, Local Rail Services Continuation Assistance Planning	37,387
	General Federal Grants Fund 100.0%	
6000-3700	For the purposes of a federally funded grant entitled, FY80 Regional Rail Rehabilitation Project	253,244
	General Federal Grants Fund 100.0%	
6000-9936	For the purposes of a federally funded grant entitled, Transportation Systems Management - Lowell	490,000
	General Federal Grants Fund 100.0%	
6000-9937	For the purposes of a federally funded grant entitled, Transportation Systems Management - BRA	490,000
	General Federal Grants Fund 100.0%	
	Massachusetts Bay Transportation Authority.	
6005-0011	For additional assistance to the Massachusetts Bay Transportation Authority in accordance with the provisions of sections six and nine of chapter eight hundred and twenty-five of the acts of nineteen hundred and seventy-four, as amended by section four of chapter two hundred and ninety-one of the acts of nineteen hundred and seventy-five; provided however, that for the cost incurred in calendar year nineteen hundred and eighty-one, the various cities and towns comprising the Massachusetts Bay Transportation Authority shall be assessed for the net cost of service, an amount not to exceed ninety-five million dollars; and provided further, that the commonwealth shall pay the remaining net cost of service incurred in calendar year nineteen hundred and eighty-one	97,000,000
	General Fund 80.0%	
	Highway Fund 20.0%	
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	48,961,146
	General Fund 80.0%	
	Highway Fund 20.0%	
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	550,000
	General Fund 80.0%	
	Highway Fund 20.0%	
6005-0014	For reimbursement to common carriers of passengers for certain motor vehicle and fuel excise taxes in accordance with the provisions of	

Item		
	paragraph (c) of section twenty-five B of chapter fifty-eight of the General Laws	$875,000
	General Fund 80.0%	
	Highway Fund 20.0%	
6005-0015	For certain assistance to regional transit authorities, provided that notwithstanding the provisions of section twenty-three of chapter one hundred and sixty-one B of the General Laws, the commonwealth's share of the net cost of service incurred in fiscal year nineteen hundred and eighty-two to be paid in fiscal year nineteen hundred and eighty-three for each authority may exceed fifty per cent; provided however, the combined total allocated for contract assistance to said authorities shall not exceed the sum of twelve million four hundred and thirty-four thousand seven hundred and eighty-seven dollars; and provided, further, the commonwealth, acting by and through the executive office for administration and finance, for the period beginning July first, nineteen hundred and eighty-two and ending June thirtieth, nineteen hundred and eighty-three, may enter into contract or contracts with the authorities created pursuant to this chapter providing that at least fifty per cent, and up to sixty-six and two-thirds per cent, of the net cost of service of each authority shall be paid by the commonwealth, and shall not be assessed upon the cities and towns constituting the authorities	12,434,787
	General Fund 80.0%	
	Highway Fund 20.0%	
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	23,800,000
	Highway Fund 100.0%	
6005-0018	For additional contract assistance to the Massachusetts Bay Transportation Authority for the fiscal year nineteen hundred and eighty-three 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	7,990,000
	General Fund 80.0%	
	Highway Fund 20.0%	
6005-0022	For a reserve to meet the costs of the implementation of section seventeen of chapter five hundred and eighty-one of the acts of nineteen hundred and eighty; provided that monies herein appropriated may be expended to provide assistance for said implementation to the	

Item		
	Massachusetts Bay Transportation Authority or for the payment of debt service on bonds and notes issued by the commonwealth to provide assistance for said implementation to the Massachusetts Bay Transportation Authority; and provided, further, that the allocation of funds for the purpose of this item shall be based upon a recommendation of the commissioner of administration and finance and approval of the house and senate committees on ways and means; and provided, further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-four	$10,000,000
	General Fund 80.0%	
	Highway Fund 20.0%	
6005-0027	For payments for certain projects for the construction, reconstruction, and improvement of town and county ways and under subdivision (a) of clause (2) of section thirty-four of chapter ninety and as authorized in clause (c) of section thirteen of chapter sixty-four A of the General Laws	21,000,000
	Highway Fund 100.0%	
6005-0100	For contracts to provide for the operation of commuter boat services	150,000
	Massachusetts Aeronautics Commission.	
6006-0003	For the administration of the commission, including personnel services and expenses of the commissioners, and expenses of air navigational facilities, including not more than fifteen permanent positions	249,333
	DEPARTMENT OF PUBLIC WORKS.	
	Highway Activities.	
	Personal Services.	
6010-0001	For personal services of the department, except for services provided for in item 6020-1900; 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 one hundred and seventy-four permanent positions	62,298,919
	Highway Fund 100.0%	
	Administrative and Engineering Expenses.	
6020-1900	For the operation and maintenance of the public works building, including not more than fifty-nine permament positions	1,196,642
	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; provided however that notwithstanding the provisions of section three of chapter sixteen of the General Laws, no expenditure shall be made under this item if the public works commission has consolidated any of the eight district	

Item		
	offices prior to the submittal and approval of the general court of a comprehensive plan for district reorganization on a statewide basis	$3,722,820
	Highway Fund 100.0%	
	Maintenance and Operation of State Highways and Bridges.	
	Appropriation under this heading may be expended for traffic safety and control on certain city or town ways:	
6030-7201	For the expenses of snow and ice control, including the removal of sand, and including the cost of sand, salt and chemicals, prior appropriation continued	7,350,000
	Highway Fund 100.0%	
6030-7301	For expenses in connection with traffic line painting, including the cost of materials	650,000
	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	2,250,000
	Highway Fund 100.0%	
6030-7403	For the expenses of fleet management and maintenance equipment, prior appropriation continued	2,836,000
	Highway Fund 100.0%	
6030-7601	For maintenance and operation of state highways and bridges including the provisions of chapter eight hundred and three of the acts of nineteen hundred and seventy-nine	4,504,520
	Highway Fund 100.0%	
6031-0131	For a property management program, prior appropriation continued.	
	Highway Fund 100.0%	
6033-1020	For the purposes of a federally funded grant entitled, Southampton Street Bridge Improvement Cooperative Agreement	592,879
	General Federal Grants Fund 100.0%	
6034-0008	For reimbursements to cities and towns listed in section four of chapter eight hundred and twenty-five of the acts of nineteen hundred and seventy-four to be used solely for the provision of or payment for mass transportation services, including assessments for said services; provided that such amount reimbursed shall be based upon the amount which is expended for said services on or before June thirtieth, nineteen hundred and eighty-three and shall not exceed the amount specified for each city or town in said section four of said chapter eight hundred and twenty-five; and provided further that the town of Nahant be reimbursed nine thousand dollars	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
	Highway Fund 100.0%	
6034-0015	For the purposes of improving public safety in the town of Templeton by removing the railroad bridge abutment on Central Street in the	

Item		
	section of said town known as Baldwinville Center by constructing a sidewalk for a distance of approximately two hundred and sixty-five feet to join and complete the existing sidewalk	$20,000
	Highway Fund 100.0%	
6034-0016	For the purpose of repairing a safety hazard along state highway route 9 by restoring the retaining wall in the westbound lane near the David Prouty high school in the town of Spencer	12,000
	Highway Fund 100.0%	
	EDUCATION.	
	George Fingold Library.	
7000-0601	For the administration of the library; provided that seven hundred dollars shall be expended from this item for the purposes of the Art Commission, including not more than thirty-four permanent positions	650,000
	Compact for Education.	
7000-0751	For the commonwealth's share of the cost of the compact for education	35,000
7000-0811	For payments to certain universities, on acceptance of certain Massachusetts students into medical, dental, veterinary medical and related health programs; provided, that new contracts relative thereto include a provision for payback service to the commonwealth for a period after said students have fulfilled all internships and residency requirements; provided further, that all contracts relative thereto are approved by the chancellor of the board of regents; and provided further, that no payment may be made from this item except in accordance with a schedule established by the chancellor of the board of regents and approved by the commissioner of administration and the house and senate committees on ways and means	1,448,721
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 the board of regents; 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	325,290
7000-9101	For the administration and expenses of the board of library commissioners, including not more than twenty permanent positions	418,877
7000-9401	For state aid to regional public libraries	4,817,341
	Local Aid Fund 100.0%	
7000-9501	For state aid to public libraries	2,890,260
	Local Aid Fund 100.0%	
7000-9703	For the purposes of a federally funded grant entitled, Interlibrary Cooperation - LSCA - Title III	274,160
	General Federal Grants Fund 100.0%	

Item		
7000-9705	For the purposes of a federally funded grant entitled, LSCA Program - Title I	$1,431,895
	General Federal Grants Fund 100.0%	
	DEPARTMENT OF EDUCATION.	
	Board of Education and Commissioner's Office.	
7010-0005	For the general administration of the department, including the expenses of the members of the board, the office of the commissioner, the division of administration and personnel, the division of state and federal assistance, the division of research and development, the bureau of equal educational opportunity, and the bureau of assessment, including not more than eighty-five permanent positions	3,788,940
7010-0006	For certain payments for the use of the facilities of the Boston Symphony Orchestra; provided, that groups sponsored by elementary and secondary schools of the commonwealth shall be admitted without charge	200,000
7010-0007	For certain payments for the use of the facilities of the Massachusetts World War II Memorial; provided, that children sixteen years of age or under shall be admitted without charge	93,500
7010-0008	For certain payments for the use of the facilities of the children's museum; provided, that group's sponsored by elementary and secondary schools of the commonwealth shall be admitted without charge	320,000
7010-0009	For certain payments for the use of the facilities of the museum of science	500,000
7010-0010	For certain payments for the use of the facilities of the museum of fine arts; provided, that children age sixteen years or under shall be admitted without charge	137,500
7010-0011	For certain payments for the use of the facilities of the Alice G. Wallace planetarium in the city of Fitchburg; provided, that children sixteen years of age or under shall be admitted without charge	25,000
7010-0012	For reimbursement to towns for payments of certain costs incurred under the program for the elimination of racial imbalance; provided that reimbursements to a city, town or regional school district shall be limited by the board of education to actual and specifically documented incremental costs incurred as a direct consequence of participation in the program whenever the reimbursements requested by such city, town or regional school district exceed the level of reimbursements received in fiscal year nineteen hundred and seventy-seven; provided further, that the board of education shall establish a uniform procedure by which the categories and amount of the incremental costs directly consequent to participation in the program shall be determined and reported by cities, towns and regional school districts; provided further, that the board of education shall certify to the accuracy of said incremental costs determination to the committee on ways and means before September first, nineteen hundred and eighty-two; 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	

Item		
	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 twelve and one-half per cent 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	$8,680,102
	Local Aid Fund 100.0%	
7010-0013	For the purposes of a federally funded grant entitled, Desegregation Plans for Massachusetts Public Schools	222,346
	General Federal Grants 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; 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	3,500,000
	Local Aid Fund 100.0%	
7010-0043	For grants to establish the EqualEducation Improvement Fund for cities, towns, or regional school districts under the provisions of section one I of chapter fifteen of the General Laws; provided, however, that any payment made under this appropriation shall be deposited with the treasurer of such city, town or regional school district and held as a separate account and shall be expended by the school committee of such city, town or regional school district without appropriation, notwithstanding the provisions of any general or special law to the contrary; provided, further, that no payments or approvals shall be given or made, on or after the effective date of this act, which would cause the commonwealth's obligation for the purpose of this item to exceed the amount of this appropriation.....	6,000,000
	Local Aid Fund 100.0%	
7010-9711	For the purposes of a federally funded grant entitled, Desegregation - Technical Assistance.....	169,713
	General Federal Grants Fund 100.0%	

Item		
7010-9727	For the purposes of a federally funded grant entitled, Teacher Centers Program	11,000
	General Federal Grants Fund 100.0%	
7010-9728	For the purposes of a federally funded grant entitled, Elimination of Sex Discrimination	75,000
	General Federal Grants Fund 100.0%	
7010-9730	For the purposes of a federally funded grant entitled, Desegregation - special projects	50,000
	General Federal Grants Fund 100.0%	
7010-9732	For the purposes of a federally funded grant entitled, Elementary and Secondary Education Block Grant	2,398,000
	General Federal Grants Fund 100.0%	
	Division of Occupational Education.	
7027-0001	For the administration of the division, to be in addition to any federal funds available for the purpose, including teacher training, to comply with the requirement of federal authorities under the Smith-Hughes and George Barden Acts, so-called, 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	1,274,336
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	600,000
7027-1101	For the operation of a maritime oriented fire fighting training program at Massachusetts Maritime Academy, provided, that said program shall be conducted annually by said academy, utilizing the services and facilities of the Barnstable county police and fire fighting academy and the Massachusetts fire fighting academy; and provided further, that said funds shall be administered by said Massachusetts maritime academy for the benefit of providing maritime oriented fire fighting training to the cadets of the regiment	25,000
7027-9001	For the purposes of a federally funded grant entitled, Smith-Hughes and Barden Acts	21,224,123
	General Federal Grants Fund 100.0%	
7027-9021	For the purposes of a federally funded grant entitled, Media Development and Pilot Training Program	85,000
	General Federal Grants Fund 100.0%	
7027-9031	For the purposes of a federally funded grant entitled, Career Education Planning Project	196,000
	General Federal Grants Fund 100.0%	
	Division of Special Education.	
7028-0001	For the administration of the division of special education, to be in addition to any federal funds available for the purpose, including not more than eighty-three permanent positions	1,659,770
7028-0031	For the expenses of school age children in institutional school departments as required under section twelve of chapter seventy-one B	

Item		
	of the General Laws; provided, that twenty-five thousand dollars may be expended from the sum appropriated for services to eligible inmates in county houses of correction in accordance with and during the preliminary injunction issued by the United States District Court, District of Massachusetts, including not more than one hundred and thirty-seven permanent positions	$9,484,789
7028-0101	For "incentive grants" to be paid to cities, towns and regional school districts, to pay for the approved costs of educating certain children transferred 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	2,784,054
	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 general or special law to the contrary, all increases in the rate paid to any institution or school for services provided in a prior fiscal year may be funded with monies appropriated herein	15,443,400
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 funds available in this appropriation	289,476
7028-0601	For the purposes of a federally funded grant entitled, Education of the Handicapped, Administration	1,585,000
	General Federal Grants Fund 100.0%	
7028-0801	For the purposes of a federally funded grant entitled, Services - Handicapped Children in Institutions	10,500,000
	General Federal Grants Fund 100.0%	
7028-1001	For the purposes of a federally funded grant entitled, Training Teachers of Handicapped Children	227,065
	General Federal Grants Fund 100.0%	

Item		
	Division of Curriculum and Instruction.	
7030-0100	For the general administration of the division, including bilingual programs and for the expenses of an educational television program; provided, however, that not more than twenty-five thousand dollars shall be expended for programming during the period of July first, nineteen hundred and eighty-two and September twelfth, nineteen hundred and eighty-two, including not more than seventy-three permanent positions	$2,190,548
7030-0191	For the purposes of a federally funded grant entitled, Coordination of Technical Assistance for Bilingual Education Programs - S.E.A.S.	106,269
	General Federal Grants Fund 100.0%	
7030-9715	For the purposes of a federally funded grant entitled, Administration, library resources	26,000
	General Federal Grants Fund 100.0%	
7030-9716	For the purposes of a federally funded grant entitled, Distribution, library resources	175,000
	General Federal Grants Fund 100.0%	
7030-9717	For the purposes of a federally funded grant entitled, Administration, education innovation	5,000
	General Federal Grants Fund 100.0%	
7030-9718	For the purposes of a federally funded grant entitled, Education innovation and support-distribution	2,800,000
	General Federal Grants Fund 100.0%	
7030-9724	For the purposes of a federally funded grant entitled, Basic Skills Administration	15,000
	General Federal Grants Fund 100.0%	
7030-9726	For the purposes of a federally funded grant entitled, Elementary and Secondary Education Block Grant	9,590,000
	General Federal Grants Fund 100.0%	
7032-0210	For the administration of a program for gifted and talented school aged children, to be in addition to any federal funds available for the purpose	50,000
7032-0212	For the purposes of a federally funded grant entitled, Gifted and Talented Children	85,000
	General Federal Grants Fund 100.0%	
7032-0301	For grants to cities, towns and regional school districts through the Commonwealth Inservice Institute to provide school based educational training, provided that, notwithstanding any law to the contrary, any funds distributed under this item shall be deposited with the treasurer of such city, town, or regional school district, and held in a separate account and shall be expended by the school committee of such city, town, or regional school district	250,000
	Local Aid Fund 100.0%	
7032-0402	For the purposes of a federally funded grant entitled, Education of Children - Low Income Families	725,000
	General Federal Grants Fund 100.0%	
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 appro-	

Item		
	priation, 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	$541,842
7035-0004	For the reimbursement of certain towns and regional school districts for the transportation of pupils	59,000,000
	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	400,000
	Local Aid Fund 100.0%	
7035-0010	For the purposes of a federally funded grant entitled, Education of Children - Low Income Family Assistance	50,600,279
	General Federal Grants Fund 100.0%	
7035-0012	For the purposes of a federally funded grant entitled, Program for Neglected and Delinquent Children	234,894
	General Federal Grants Fund 100.0%	
7035-0013	For the purposes of a federally funded grant entitled, Education of the Handicapped	1,388,000
	General Federal Grants Fund 100.0%	
7035-0014	For the purposes of a federally funded grant entitled, E.S.E.A. Title I - Children in State Adult Correctional Institutions	223,580
	General Federal Grants Fund 100.0%	
7035-0015	For the purposes of a federally funded grant entitled, Educational Program - Children of Migratory Agricultural Workers	5,600,000
	General Federal Grants Fund 100.0%	
7035-0313	For the purposes of a federally funded grant entitled, Regional Technical Assistance	26,242,000
	General Federal Grants Fund 100.0%	
7035-0713	For the purposes of a federally funded grant entitled, Early Childhood Incentive	600,000
	General Federal Grants Fund 100.0%	
7038-0002	For the purposes of a federally funded grant entitled, Adult Basic Education - Title III	2,375,093
	General Federal Grants Fund 100.0%	
7038-9721	For the purposes of a federally funded grant entitled, Indo-China Refugee Children Assistance - Administration	3,525
	General Federal Grants Fund 100.0%	
7038-9722	For the purposes of a federally funded grant entitled, Indo-China Refugee Children Assistance - Distribution	346,997
	General Federal Grants Fund 100.0%	
7038-9723	For the purposes of a federally funded grant entitled, Cuban and Haitian Entrant Children	76,198
	General Federal Grants Fund 100.0%	
	Division of Research and Development.	
7042-0601	For the purposes of a federally funded grant entitled, Strengthen State Department of Education	450,000
	General Federal Grants Fund 100.0%	

Item		
	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, and for printing school registers and other school blanks for cities and towns, including not more than forty-four permanent positions	$925,929
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, 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-three shall not exceed seven million four hundred thousand dollars of which amount not more than three million five 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	2,595,446
	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, 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	106,835,106
	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, 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 for vocational programs and originally equipping and furnishing said buildings as set forth in section nine of said act	870,000
	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 allowed for the special milk program; provided, that notwithstanding the provision of any general or special law to the contrary, payments so authorized in the aggregate for partial assistance in the furnishing of lunches to school children shall not exceed the required state revenue match contained in Public Law 79-396, as amended,	

Item		
	cited as the National School Lunch Act, and in the regulations implementing said act, prior appropriation continued	$384,886
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 any general or special law to the contrary, payments so authorized in the aggregate for partial assistance in the furnishing of lunches to school children shall not exceed the required state revenue match contained in Public Law 79-396, as amended, cited as the National School Lunch Act, and in the regulations implementing said act, prior appropriation continued	5,300,000
	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, prior appropriation continued	798,000
	Local Aid Fund 100.0%	
7053-2105	For the purpose of a federally funded grant entitled, Special Food Distribution - Cash	380,273
	General Federal Grants Fund 100.0%	
7053-2111	For the purpose of a federally funded grant entitled, Special Milk Program	1,250,000
	General Federal Grants Fund 100.0%	
7053-2112	For the purposes of a federally funded grant entitled, Special Assistance Funds	35,182,000
	General Federal Grants Fund 100.0%	
7053-2113	For the purposes of a federally funded grant entitled, Community School Lunch Program	12,100,000
	General Federal Grants Fund 100.0%	
7053-2114	For the purposes of a federally funded grant entitled, School Breakfast Program	5,383,740
	General Federal Grants Fund 100.0%	
7053-2115	For the purposes of a federally funded grant entitled, Non-food Assistance Program	95,119
	General Federal Grants Fund 100.0%	
7053-2117	For the purposes of a federally funded grant entitled, Child Care Program	10,225,836
	General Federal Grants Fund 100.0%	
7053-2118	For the purposes of a federally funded grant entitled, School Food Service Management	85,652
	General Federal Grants Fund 100.0%	
7053-2202	For the purposes of a federally funded grant entitled, Special Summer Food Service Program for Children	1,012,500
	General Federal Grants Fund 100.0%	
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 provisions of chapter seventy-one or any other general or special law to the contrary, the commonwealth's obligation shall not exceed	

Item		
	the amount appropriated herein; and provided further for fiscal year nineteen hundred and eighty-three, and in no subsequent years, that an amount not to exceed two hundred and fifty thousand dollars shall be distributed directly to any city or town whose total regional school assessment for fiscal year nineteen hundred and eighty-three, including in the case of the town of West Stockbridge any unpaid assessment from fiscal year nineteen hundred and eighty-two, exceeds eighty per cent of the allowable fiscal year nineteen hundred and eighty-three levy, but not as modified by a referendum vote, of said city or town as determined by the commissioner of revenue, with the amount to be distributed to said city or town not to exceed one-half of the amount by which said total assessment is in excess of eighty per cent of said levy	45,950,000
	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 provisions of chapter seventy of the General Laws; provided, 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; provided, that not more than four hundred thousand dollars may be expended for grants to cities, towns and regional school districts for direct costs of programs of instruction approved in accordance with chapter seventy-four, section seven B for apprentices as defined in chapter twenty-three, sections eleven E to eleven L	716,500,000
	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 own home town by, or there under control of, the department of public welfare or the department of social services 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 recreation programs for school age children with special needs, under the provisions of section eleven of chapter seventy-one B of the General Laws	500,000
	Local Aid Fund 100.0%	
7061-0011	For reimbursement to cities, towns, regional school districts and independent vocational schools for 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, and (b) pupils enrolled in special needs programs, under section fourteen of chapter seventy-one B of the General Laws	10,000,000
	Local Aid Fund 100.0%	

Item		
7061-0012	For non-educational costs of residential school programs for students placed by a local school district or ordered by the bureau of special education on appeals, as provided under chapter seventy-one B of the General Laws; provided, that subject to rules and regulations promulgated by the commissioner of education, each city and town shall verify to the commonwealth the cost thereof and upon approval of the commissioner the treasurer shall be authorized to make such payments; and provided, further, that the commonwealth shall not pay more than sixty per cent of the cost of any such residential placement	$7,200,000
	Local Aid Fund 100.0%	
7061-0015	For the reimbursement of cities and towns for the transportation of certain mentally retarded residents to day programs, pursuant to sections twenty-seven and twenty-eight of chapter nineteen of the General Laws	6,000,000
	Local Aid Fund 100.0%	
7061-0016	For the expenses of developing and maintaining a statewide transportation system for children attending a clinical nursery school, day care center or other institution and for retarded persons on educational, habitational or day care program or facility of the Department of Mental Health	50,000
	Division of State and Federal Assistance.	
7062-0008	For the purposes of a federally funded grant entitled, Child Care Program, Administration	1,080,857
	General Federal Grants Fund 100.0%	
	BOARD OF REGENTS.	
7066-0000	For the office of the board of regents; including not less than two hundred and sixty-five thousand dollars for the expenses of the New England Board of Higher Education and for the expenses of the members of said board; subject to the condition that notwithstanding any provision of law to the contrary, as of the effective date of this act, the board of regents shall make no further assessment of funds of the divisions of continuing education of the various institutions of public higher education for expenses of maintenance and operation of said board; and subject further to the condition that the board of regents shall initiate and maintain an enrollment auditing system; and provided further, that the board of regents shall provide for each institution of public higher education, a detailed inventory of all federal funds, by federal program, received by said institution during fiscal years nineteen hundred and eighty-two and nineteen hundred and eighty-three and projected for fiscal year nineteen hundred and eighty-four, to the house and senate committees on ways and means, and the budget director of the commonwealth, by no later than December thirty-first, nineteen hundred and eighty-two	2,100,650
7066-0001	For the administration of the intern program	41,070
7066-0002	For intern program stipends and payments	75,000

Item		
7070-0003	For a reserve to provide funds to the various state universities, state colleges and community colleges for use in the solicitation of donations from their respective alumni; provided however, that the sums herein shall be administered by the board of regents for the sole purpose above stated. The board of regents shall establish guidelines for the awarding of grants from this reserve. Each institution that receives a grant from this reserve shall keep all donations received as a result of efforts generated by receipt of the grant. Each institution receiving funds from this reserve shall file an annual report with the clerk of the house of representatives and the clerk of the senate and with the board of regents, which report shall disclose receipts and expenditures relative herewith	$100,000
7070-0006	For scholarship programs as provided in section one D of chapter fifteen of the General Laws, chapter seven hundred and twelve of the acts of nineteen hundred and sixty-six and section seven B of chapter sixty-nine of the General Laws including expenses for the last two prior fiscal years, as well as for senatorial honor scholarships and 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 consortium scholarships must be approved by the board of regents and be subject to the rules and regulations with respect to eligibility as established by said board; and provided further, that not more than one hundred and eighty-five thousand dollars shall be expended from this item for the purpose of administering scholarship programs	15,000,000
7070-0060	For the administration of a program of matching scholarship grants and for payments of such grants to participating Massachusetts independent regionally accredited colleges, universities, schools of nursing, with funds to be apportioned according to amounts appropriated for each fiscal year; provided, that the chancellor of the board of regents 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 bachelor's degree; and provided, further, that, each participating institution shall agree to expend 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	4,000,000
7100-0100	For a reserve for the administration and maintenance of the system of institutions of higher education including the office of the president of the University of Massachusetts; provided, that notwithstand-	

Item		
	ing any provision of law to the contrary, the board of regents shall allocate such appropriation in accordance with an allocation plan approved by the house and senate committees on ways and means; and subject to the condition that not less than three million dollars be provided for the expansion of programs at Bunker Hill community college and Roxbury community college, and the placement of Boston State college faculty; and provided further, that 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; and provided further, that all sums so approved shall be allocated and expended in accordance with the provisions of section twenty-seven and twenty-seven A of chapter twenty-nine 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, including not more than thirteen thousand six hundred and ninety permanent positions	$378,756,203
7100-9504	For the purchase of scientific, technological and other educational reference material for the libraries	4,000,000
7100-9604	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 regents shall allocate not less than thirty-five thousand dollars for scholarships for native Americans who are residents of the commonwealth, provided that such program be administered by the the board of regents	2,828,284
7100-9704	For the commonwealth's contribution toward federal student loans programs and federal work study programs at the state colleges and the community colleges; for not more than one hundred scholarships, as authorized by section seven C of chapter sixty-nine of the General Laws; for scholarships as authorized by section sixteen of chapter seventy-five A of the General Laws; for scholarships in accordance with section eighteen of chapter seventy-five B of the General Laws, for scholarships authorized by sections thirty-one and thirty-three of chapter seventy-five of the General Laws; provided, that a portion 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 at the University of Massachusetts; and for a work scholarship program with the approval of the board of trustees of the University of Lowell	3,849,152
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	

Item		
	such services shall be allocated to the agencies and institutions utilizing the system	$1,882,733
	EXECUTIVE OFFICE OF PUBLIC SAFETY.	
	Office of the Secretary.	
8000-0100	For the office of the secretary, including not more than three permanent positions	250,540
	Highway Fund 85.0%	
	General Fund 15.0%	
8000-0105	For the administration of the office of chief medical examiner and payment for services to medical examiners as authorized by chapter seven hundred and seventy-three of the acts of nineteen hundred and eighty-one	3,000,000
8000-0110	For the administration and operation of the criminal justice information system, including not more than fifty permanent positions	2,353,033
	Highway Fund 50.0%	
	General Fund 50.0%	
	Massachusetts Criminal Justice Training Council.	
8200-0200	For the administration and operation of certain training programs to be conducted by the Massachusetts criminal justice training council, including a drug education and training program, including not more than seven permanent positions, provided, however, that fifty thousand dollars be expended on services to be provided by the New England Institute of Law Enforcement Management	666,000
8200-0225	For the operation of the Massachusetts police institute	125,000
	Department of Public Safety.	
8311-1000	For the administration of the department, including not more than ninety-three permanent positions	1,803,950
8311-2053	For the purposes of a federally funded grant entitled, NESPAC - Regional Investigations	1,281,530
	General Federal Grants Fund 100.0%	
	Division of State Police.	
8312-0100	For the administration of the division, provided, however, that not less than one hundred fifty thousand dollars be expended on investigations concerning prescription drug abuse to be conducted by the Drug Investigation Unit, so-called; provided, further, that not less than one hundred twenty-five thousand dollars shall be used for mounted units which shall patrol Walden Pond, Salisbury Beach and other state facilities as appropriate, including not more than one thousand one hundred and fifty-seven positions	33,529,000
	General Fund 15.0%	
	Highway Fund 85.0%	
	Division of Fire Prevention.	
8314-1000	For the administration of the division, including not more than seven permanent positions, provided that one hundred thousand dollars of the amount appropriated herein shall be expended for a Suffolk county based arson prevention program; provided, further, that said one hundred thousand dollars amount shall be assessed against insurance companies	

Item		
	licensed to sell fire insurance in the commonwealth by the commissioner of insurance, and transferred to the General Fund, and such assessments shall be charged to the normal operating costs of each company and, provided further that not more than ten per cent of the amount designated for said arson program shall be expended for the administrative cost of the program	$238,500
	Division of Inspection.	
8315-1000	For the administration of the division; provided that, the position of examiner of elevator operators shall not be subject to the provisions of chapter thirty-one of the General Laws; including not more than forty-five permanent positions	878,000
	State Boxing Commission.	
8317-1000	For the administration of the commission, including not more than six permanent positions	35,800
	Architectural Barriers Board.	
8321-1000	For the expense of the board, including not more than five permanent positions	43,500
	Registry of Motor Vehicles.	
8400-0001	For the administration of the registry; provided that, the positions of administrative assistant to the registrar, legislative assistants, executive secretary, assistant supervisor of public relations, executive assistant to the registrar, director of law enforcement, registry of motor vehicles, and director of employee relations shall not be subject to the civil service law and rules; including not more than one thousand permanent positions; and be it further provided that the registrar shall cause to be implemented recommendations numbered two, three, four, five, six, eight and nine of the special committee authorized to make an investigation and study of the operation and administration of the registry of motor vehicles as reported in House No. 6019 filed with the clerk of the house of representatives in March of nineteen hundred and eighty-two and be it further provided that the registrar shall submit to the secretary of administration and finance a plan to implement recommendations number 1, and 10 with copies filed with the house and senate clerks office	22,050,000
	Highway Fund 100.0%	
8400-0002	For the administration of the certificate of title law, provided, however, that all employees of the title division perform only those duties that are directly related to the administration of the certificate of title law, including not more than two hundred and three permanent positions	3,032,000
	Highway Fund 100.0%	
8400-0100	For expenses of the merit rating board authorized by chapter six of the General Laws	1,549,366
	EXECUTIVE OFFICE OF MANPOWER AFFAIRS.	
	Office of the Secretary.	
9000-0100	For the office of the secretary, including not more than two permanent positions	193,911

Item		
9000-0300	For employment training, counseling and placement to displaced homemakers, provided that said programs shall be administered by the Bay State Skills Corporation, and provided further that for purposes of administration of said programs, the displaced homemaker participants of said programs shall be considered as targeted individuals within the meaning of section four of chapter forty-I of the General Laws, including not more than one permanent position	$325,600
9000-0505	For programs of supported work for the retarded, provided that said programs shall be administered by the Bay State Skills Corporation, and provided further that for the purposes of administration of said programs, the retarded participants of said programs shall be considered as targeted individuals within the meaning of section four of chapter forty-I of the General Laws, prior appropriation continued	800,000
9000-1601	For the purposes of a federally funded grant entitled, CETA	36,106,310
	General Federal Grants Fund 100.0%	
9000-9523	For the purposes of a federally funded grant entitled, Economic Development 302 Planning Assistance	115,000
	General Federal Grants Fund 100.0%	
	Department of Labor and Industries.	
9020-1001	For general administration of the department, including not more than seven permanent positions	272,074
	For the personal services and expenses of the following agencies of the department:	
9020-2001	Division of industrial safety, including not more than ninety-two permanent positions	1,836,206
9020-3001	Division of occupational hygiene, including not more than twenty permanent positions	353,367
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	55,550
9020-4203	For the purposes of a federally funded grant entitled, OSHA Statistical Survey	77,158
	General Federal Grants Fund 100.0%	
9020-6001	For the expenses of the department in enforcing the minimum wage laws, including not more than twenty-two permanent positions	310,285
9020-8001	Division of employment agencies, including not more than three permanent positions	64,306
	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	398,597

Item		
	Board of Conciliation and Arbitration.	
9020-9501	Board of conciliation and arbitration, including not more than seventeen permanent positions	$500,114
9020-9502	For a Joint Labor-Management Committee	342,000
	Labor Relations Commission.	
9030-1001	For the administration of the commission, including not more than twenty-four permanent positions	652,547
	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	2,627,063
9050-3000	For the compensation of certain public employees for injuries sustained in the course of their employment, including previous fiscal years ..	10,539,440
	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	75,157
	Industrial Accident Rehabilitation Board.	
9050-5000	For the service of the board, including not more than six permanent positions	27,436
	Division of Employment Security.	
9081-0100	For the purposes of a federally funded grant entitled, Administration General Federal Grants Fund 100.0%	44,000,000
	Department of Commerce and Development.	
9091-0100	For the administration of the department, including not more than eighty-three permanent positions	1,465,229
	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, including not more than eight permanent positions	113,171
9091-0211	For financial assistance for local tourist councils; provided that the division develop a formula for the distribution of said funds which shall be filed with the senate and house committees on ways and means	1,000,000
9091-0300	For the promotion of vacation travel within the commonwealth; provided, that all expenditures from this item shall be for the exclusive purpose of promoting the commonwealth's vacation and tourist industry; provided, further, that no salaries or expenses of employees shall be chargeable to this item	1,000,000
	Division of Economic Development.	
9091-0400	For expenses and operational support of industrial advertising, promotion, public relations and economic development expenses such as telephone, telegraph, freight costs, postage, printing, duplication expenses, photographic services, preparation of industrial development literature, preparation of industrial exhibits for conventions and trade shows, in-state and out-of-state travel to promote industrial development, attendance at major industrial convention and trade shows,	

Item		
	and related costs; not including vacation travel and not including salaries or wages of employees; provided, that all industrial advertising, promotion, public relations and economic development activities carried on pursuant to this item shall wherever possible stress the substantial skills, training and educational resources of the commonwealth and the purpose and resources of the commonwealth's Bay State Skills Corporation; and provided, further, that the department of commerce *shall work in close cooperation* with the Bay State Skills Corporation in this regard; and subject to the condition that no funds appropriated herein shall be used for the so called "Make It In Massachusetts" campaign, and subject further to the condition that the commissioner shall file with the house and senate committees on ways and means a quarterly report of itemized expenditures in the eleven subsidiary (advertising and printing) provided, that a sum of not more than twenty-five thousand dollars shall be expended to advertise and promote the use of railroad freight service within the commonwealth	$1,250,000
9091-0404	For the expenses of the foreign business council	100,000
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 said center; provided further, that the funds expended from this account shall not exceed twenty-five per cent of the gross operation cost of said center; and provided further, the quarterly report of expenditures shall be filed with the house and senate committees on ways and means	300,000
9091-0516	For the expenses of the state office of minority business assistance, including not more than three permanent positions	99,888
9091-0517	For the purposes of *a federally funded grant* entitled, Minority Business - Technical Assistance Program, SOMBA; provided that the state in-kind or cash match will appear as a twenty-five per cent non-federal contribution for calendar year nineteen hundred and eighty-three as stated in state administrative regulations; provided further, that the cost of state personnel who would otherwise be classified as indirect will not in calendar year nineteen hundred and eighty-three, be used to satisfy a requirement for an in-kind match; and provided further, that all indirect (including space rental), and fringe benefit costs will continue to be charged to future federal funds according to rates determined by the commissioner of administration and finance	160,002
	General Federal Grants Fund 100.0%	
9091-1004	To provide the Massachusetts Industrial Finance Agency, Industrial Mortgage Insurance Fund, established pursuant to section thirty-three of chapter twenty-three A of the General Laws, matching funds; provided, that the expenditures of this item shall be matched by the agency, using a ratio of one dollar of said agency funds for each five dollars of the appropriation. The agency portion of the match shall	

Item		
	be derived from increased user fees and shall be deposited in the fund in equal quarterly installments	$2,500,000
	Massachusetts Technology Development Corporation.	
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 the expenditures shall be filed quarterly with the house and senate committees on ways and means	175,000
9091-2003	For the purpose of assisting the formation and expansion of technology based small businesses in the commonwealth, through the corporations for innovative development fund	750,000
9091-3001	For the administration of the Massachusetts film bureau provided, that quarterly reports documenting the economic activity of the film industry in the commonwealth be filed with the house and senate committees on ways and means	250,000
9091-4001	For the expenses of the Community Economic Development Assistance Corporation established by chapter forty H of the General Laws	100,000
	EXECUTIVE OFFICE OF ELDER AFFAIRS.	
	Office of the Secretary.	
9100-0100	For the planning and administration of the executive office of elder affairs, provided that the functions of the office of the secretary, administration and program planning, and program planning and evaluation are maintained, including not more than thirty-three permanent positions; provided, that no less than one hundred and fifteen thousand dollars be spent for three new adult foster care programs and for the expansion of three existing adult foster care programs; provided, further, that no less than three hundred thousand dollars be spent for contracts for demand responsive transportation services for elders in certain rural regional transit authority districts; and provided, further, that such contracted amounts for each such authority shall not exceed the amount of reduction in federal assistance received by such authority	2,073,305
9100-1510	For the purposes of a federally funded grant entitled, Nursing Home Ombudsman Program	50,000
	General Federal Grants Fund 100.0%	
9110-1074	For the purposes of a federally funded grant entitled, Older Americans Act, Title VII - 74	6,819,089
	General Federal Grants Fund 100.0%	
9110-1173	For the purposes of a federally funded grant entitled, Older Americans Act, Title VII - 73	9,126,745
	General Federal Grants Fund 100.0%	
9110-1175	For the purposes of a federally funded grant entitled, Title IV - A Training Project	110,491
	General Federal Grants Fund 100.0%	
9110-1178	For the purposes of a federally funded grant entitled, Community Service Employment Program	1,662,000
	General Federal Grants Fund 100.0%	

Item		
9110-1181	For the purposes of a federally funded grant entitled, Cash in lieu of Commodities Program	$2,143,008
	General Federal Grants Fund 100.0%	
9110-1182	For the purposes of a federally funded grant entitled, Elder Abuse Project	127,653
	General Federal Grants Fund 100.0%	
9110-1620	For an elder service corps; provided that, all funds appropriated under this item shall be for corpsmen stipends and for corpsmen participation in group insurance programs, as set forth in chapter one thousand one hundred and sixty-eight of the acts of nineteen hundred and seventy-three; and provided further, that the stipend for full-time corpsmen shall not exceed the maximum allowable under the earnings limitation sections of the Social Security Act and the stipend for part-time corpsmen shall not exceed one hundred and ten dollars per month	791,540
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 for certain persons; 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	71,694,866
9110-1660	For a program of congregate and shared housing services for the elderly	220,540
9110-1670	For the administration of a meals program for elderly persons; provided that, to the extent practicable the department of elder affairs shall maximize federal reimbursement for meals served herein	2,140,000
9110-1713	For the purposes of a federally funded grant entitled, National Long Term Care Channeling Demonstration	435,096
	General Federal Grants Fund 100.0%	
9110-1714	For the purposes of a federally funded grant entitled, Disaster Relief (Lynn Fire)	35,000
	General Federal Grants Fund 100.0%	
9110-9002	For grants to councils on aging	1,125,000
	EXECUTIVE OFFICE OF CONSUMER AFFAIRS.	
	Office of the Secretary.	
9200-0100	For the office of the secretary, including not more than two permanent positions	250,453
	State Racing Commission.	
9210-0001	For the administration of the commission, including not more than thirty-three permanent positions	1,823,020
	Alcoholic Beverages Control Commission.	
9212-0001	For the administration of the commission, including not more than forty permanent positions	1,011,342
	Community Antenna Television Commission.	
9215-0001	For the administration of the community antenna television commission, including not more than ten permanent positions	234,551

Item		
	Division of Standards.	
9218-0100	For the personal services and expenses of the division of standards, including not more than thirty-four permanent positions	$603,354
	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	4,310,500
	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 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 commissioner of insurance shall not be subject to the restrictions prescribed by section one of chapter five of the General Laws; 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; and, provided further, that a sum not to exceed ninety-eight thousand and fifty dollars shall be used for the purposes of the auto damage appraisers licensing board in accordance with the provisions of section eight G of chapter twenty-six of the General Laws, including not more than two hundred and seventy-seven permanent positions	3,503,617
	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 thirteen permanent positions	353,706
	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 two hundred and eighty-nine permanent positions	2,842,659
	For the services of the following agencies in the division:	
9230-0150	Board of registration and discipline in medicine, including not more than eight permanent positions	360,542
	Department of Public Utilities.	
9270-0001	For general administration, including not more than eighty-nine permanent positions	2,052,284
	Commercial Motor Vehicle Division.	
9272-0001	For the administration of the division, including not more than forty permanent positions	433,321
	Highway Fund 100.0%	

Item

EXECUTIVE OFFICE OF ENERGY RESOURCES.

Notwithstanding any provision of law to the contrary, the executive office of energy resources shall administer the programs described herein. These programs shall be limited to: (1) the energy conservation and alternative energy bond program pursuant to section eleven of chapter twenty-five A of the General Laws, (2) the energy data and collection program, (3) the solar action program, and (4) the passive solar program; provided that these programs follow the guidelines listed herein.

The energy conservation and alternative bond program shall administer the twenty million dollar bond program of chapter seven hundred and ninety-six of the acts of nineteen hundred and seventy-nine and additions thereto, shall establish an energy audit program to determine the energy consumption levels of and appropriate energy conservation measures for buildings owned by the commonwealth and its political subdivisions, shall administer an energy conservation improvement program to carry out and assist energy conservation projects for such buildings and facilities, shall establish an alternative energy property program to provide alternative energy sources for buildings owned by the commonwealth and its political subdivisions and shall monitor the use and effectiveness of alternative energy sources.

The solar action program shall provide activities including public information, technological innovation, solar demonstration, and consumer assistance, which improve opportunities for the commercialization of solar energy; shall disseminate information to the general public on the use of solar energy and shall provide support to Massachusetts solar industries.

The passive multi-family housing program shall encourage the utilization of passive solar within the commonwealth by contracting with architects to design passive solar components for new multi-family housing and shall focus on reducing energy costs for low income people.

The energy data collection program shall generate a data base for the purpose of analyzing the demand and availability of energy; shall evaluate potential conversions to coal, alternative fuels, and cogeneration of electric generating facilities and major fuel burning installations; shall monitor and analyze price, supply, production and distribution planning and storage capacity for potential energy interruptions, and to ensure an adequate energy supply for the commonwealth at the least cost and with minimal environmental impact.

Notwithstanding any provision of law to the contrary, the secretary of the executive office of energy resources shall provide the commissioner of administration and the house and senate committees on ways and means notification of any alterations in programmatic undertakings from those listed and described herein; whereupon the commissioner

Item		
	of administration and the house and senate committees on ways and means shall have thirty days to reject alterations.	
	Provided, further that the executive office of energy resources shall report quarterly to the commissioner of administration and the house and senate committees on ways and means the status of all programs listed herein, including the total cost of each program, the number of energy audits conducted, the amount awarded as a result of audits and the number of passive solar components designed for multi-family housing construction projects; provided further, that these reports include detailed descriptions of expenditures made by program, and such other information as may be requested by said committees from time to time.	
9300-0001	For the administration of the executive office of energy resources, including not more than one permanent position	$721,500
	Energy Facilities Siting Council.	
9300-0500	For the expenses of the energy facilities siting council; provided that, the expenditures from this item to the maximum amount of five hundred twenty-five thousand dollars shall be assessed upon utility companies in accordance with the provisions of chapter one hundred and sixty-four of the General Laws; provided further, that the excess over the appropriated amount shall be placed in an expendable trust account, to be spent or maintained from year to year by the council for the limited purpose of reviewing major generating facilities, without further appropriation and not subject to reversion to the General Fund; provided further, that the balance remaining in the expendable trust account shall be deducted from the following year's assessment of the electric and gas companies; provided that the amount collected from the utilities in the following year shall not be less than the amount appropriated for that year; provided, further, that the position of executive secretary of the council shall be exempt from the provisions and requirements of job classification by the personnel administrator under chapter thirty of the General Laws	430,117
9300-0600	For the administration of the residential conservation service program pursuant to chapter four hundred and sixty-five of the acts of nineteen hundred and eighty	80,000
9300-9642	For the purposes of a federally funded grant entitled, Energy Audits - Schools and Hospitals	75,000
	General Federal Grants Fund 100.0%	
9300-9643	For the purposes of a federally funded grant entitled, Fuel Oil Conservation Marketing	60,000
	General Federal Grants Fund 100.0%	
9300-9654	For the purposes of a federally funded grant entitled, Passive Solar Program	50,000
	General Federal Grants Fund 100.0%	
9300-9738	For the purposes of a federally funded grant entitled, EES/SECP Support	20,000
	General Federal Grants Fund 100.0%	
9300-9741	For the purposes of a federally funded grant entitled, Energy Extension	185,000
	General Federal Grants Fund 100.0%	

Item		
9300-9742	For the purposes of a federally funded grant entitled, State Energy Conservation Plan	$500,000
	General Federal Grants Fund 100.0%	
9300-9746	For the purposes of a federally funded grant entitled, Coal Transportation	20,000
	General Federal Grants Fund 100.0%	
9300-9750	For the purposes of a federally funded grant entitled, Innovative Community Energy Conservation	200,000
	General Federal Grants Fund 100.0%	

SECTION 3. Section 291 of chapter 351 of the acts of 1981 is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

A chairperson and vice-chairperson shall be elected from and by the membership of the commission. The commission may employ such staff persons as it may deem necessary for the performance of its functions and responsibilities.

SECTION 4. The fourth paragraph of said section 291 of said chapter 351 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Said commission shall file with the clerk of the senate no later than the first Wednesday of December, nineteen hundred and eighty-two, an interim report containing the recommendations and results of its investigation and study and by filing a final report containing the results of its investigation and study and recommendations, if any, of proposed legislation deemed necessary to carry its recommendations into effect by June thirtieth, nineteen hundred and eighty-three.

SECTION 5. Said section 291 of said chapter 351 is hereby amended by striking out the seventh paragraph.

SECTION 6. 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-three 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 7. 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 seventeen, 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 a licensed nursing home, any licensed

rest home, a licensed chronic hospital or in an approved public medical institution, shall retain the first forty dollars of their monthly income for clothing, personal needs and leisure time activities.

If there is no such income, or if it is less than forty dollars, the recipient shall be paid monthly in advance the difference between such income and forty dollars.

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 through the rate setting commission.

GL SECTION 8. Notwithstanding any provision of law to the contrary, the administrator of any facility licensed pursuant to section seventy-one of chapter one hundred and eleven of the General Laws shall deposit in an individual, interest-bearing account of any bank organized and existing under the laws of the commonwealth funds of any person who is an inpatient or resident at such facility if such administrator agrees to manage such funds at the request of such person, or the fiduciary of such person, or if the administrator is a fiduciary for such person. The words "fiduciary" and "funds" shall have the same meanings found in section one of chapter one hundred and twenty-three of the General Laws. The interest earned by any such funds so deposited will be credited to the individual account of such person. The department of public health shall promulgate rules and regulations to implement this section.

SECTION 9. 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 10. The department of public welfare shall require a second medical opinion as a precondition to reimbursement for certain elective surgical procedures as specified by department regulation.

SECTION 11. 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 12. Notwithstanding any law to the contrary, revenues in an amount not to exceed five million dollars accrued through the program of selling of correctional industries products and services, excluding monies received from the sale of farm products and services under programs maintained by the division of farm 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 13. All state agencies expending funds under the provisions of this act shall be required to purchase articles and materials pursuant to lists distributed under section fifty-seven of chapter one hundred and twenty-seven of the General Laws.

SECTION 14. Notwithstanding the provisions of any law to the contrary, payments made by the *department of public welfare* under Title XIX of the United States Social Security Act for administrative days, so-called, in acute care hospitals shall be at rates established by the rate setting commission. Said rates shall reflect payment for appropriate levels of care as determined by the department.

SECTION 15. Notwithstanding the provisions of any general or special law to the contrary, payments to be made during the nineteen hundred and eighty-three fiscal year by the department of public welfare for authorized medical services, excluding primary care, shall be reduced by fifteen *per cent of the rates in effect on June thirtieth, nineteen hundred and seventy-five for medical* practitioners. The secretary of human services shall file a schedule of rates for medical services established pursuant to this section and a proposed schedule of increased rates for such services with the house and senate committees on ways and means no later than December thirty-first, nineteen hundred and eighty-three.

SECTION 16. Notwithstanding the provisions of any general or special law to the contrary, any department, board, commission or institution expending federal funds appropriated in section two of this act shall submit a spending plan of such federal funds, by subsidiary breakdown, with the house and senate committees on ways and means and the joint standing committee on federal financial assistance no later than sixty days after the effective date of this act.

SECTION 17. For the fiscal year beginning July first, nineteen hundred and eighty-two, the secretary of each executive office, the commissioner of education, and the president of each public institution of higher education in the commonwealth, shall designate a finance officer as custodian of all monies, funds or accounts, if any, including federal funds under the direct control of said secretary, commissioner, or president or under the control of any agency, commission, or department under each executive office, department or institution who shall have fiduciary responsibility for investing all monies, funds, or accounts, including non-appropriated funds held by a public institution of higher education, in a bank account or other investment permitted pursuant to sections thirty-eight and thirty-eight A of chapter twenty-nine of the General Laws, so as to maximize the income from the investment of such monies, funds, or accounts during the period that such monies, funds, or accounts are under the control of the office, department or institution. *The secretary of each executive office, the commissioner of education, and the president of each* public institution of higher education shall file a preliminary report with the house and senate committees on ways and means by December thirty-first, nineteen hundred and eighty-two, and a final report by June thirtieth, nineteen hundred and eighty-three listing the names of said finance officers named custodians, *and the income attributable to investments made under this section.* Nothing in this section shall be deemed to affect the state treasurer or any funds under his control.

SECTION 18. 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 Sewerage District Fund	860,000
Metropolitan Water District Fund	1,330,000

provided, however, that notwithstanding the provisions of item 0612-1000 of section two, the aforesaid amounts shall not be available for expenditure.

SECTION 19. Appropriations made in section two of this act from the General Federal Grants Fund shall be recorded on the books of the commonwealth only in the amount of the actual receipts of federal funds and only the recorded amount shall be available for expenditure. Federal funds received in excess of the amount appropriated in said section two of this act shall be expended only in accordance with the provisions of section six B of chapter twenty-nine of the General Laws.

SECTION 20. All sums appropriated under the provisions of this act shall be expended in a manner reflecting and encouraging a policy of nondiscrimination and equal opportunity for members of minority groups, women, and handicapped persons. All officials and employees of any agency, board or division of the commonwealth receiving monies under section two shall rigorously take affirmative steps to ensure equality of opportunity in the internal affairs of state government, as well as in their relations with the public, including those persons and organizations doing business with the commonwealth.

Each agency, board or division, in spending appropriated sums and discharging its statutory responsibilities, shall adopt aggressive measures to ensure equal opportunity in the areas of hiring, promotion, demotion or transfer, recruitment, layoff or termination, rates of compensation, inservice or apprenticeship training programs, and all terms and conditions of employment. Such affirmative action programs shall include efforts required to remedy the effects of present and past discriminatory patterns and practices and any action necessary to guarantee equal opportunity for members of minority groups, women, and handicapped persons.

The commissioner of administration and finance shall conduct an ongoing review of affirmative action steps taken by the various agencies, boards or divisions, to determine whether such agencies are complying with the intent of this section. Whenever such noncompliance is determined by the commissioner, he shall hold a public hearing on the matter and report his resulting recommendations to the head of the particular agency, board or division, to the governor, and to the Massachusetts commission against discrimination.

SECTION 21. A board of trustees, established under the provisions of section ten of chapter fifteen A of the General Laws, of a state college or university, shall establish the fee for application for admission of residents of the commonwealth at no less than eighteen dollars and all other fees for application for admission shall not be less than twenty-five dollars. A board of trustees of a community college shall establish the fee for application for admission of residents of the commonwealth at no less than fourteen dollars and all other fees for application for admission shall not be less than twenty-five dollars. All such fees from applications for admission shall be transferred to the General Fund. A board of trustees shall also establish procedures for the waiver of such fees for indigent applicants.

SECTION 22. No positions authorized and funded by federal funds on or after June thirtieth, nineteen hundred and eighty-two shall be funded with appropriations authorized in section two of this act during fiscal year nineteen hundred and eighty-three without prior approval of the house and senate committees on ways and means, except appropriations out of the General Federal Grants Fund. Nothing in this section shall be deemed to prohibit the employment of persons in positions funded by federal reimbursements to the commonwealth.

SECTION 23. 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 and eighteen E of the General Laws without statutory authorization.

SECTION 24. The department of elder affairs is hereby authorized and directed to conduct, either through existing resources or with a private contractor, a comprehensive system-wide assessment of the needs of the elderly in the commonwealth for programs provided for in item 9110-1630 of section two of this act, using a standard measuring tool. Such assessment shall be conducted in each of the twenty-seven home care services areas with the cooperation of the directors of the home care corporations.

An updated report of such assessment, shall be sent to the house and senate committees on ways and means and each home care corporation not later than December thirty-first, nineteen hundred and eighty-two. Such updated report shall contain an explanation of the variations in client costs among the home care corporations and recommendations for actions to be taken to reduce excessive variations. The use of said report in the determination of the level of program expenditures shall be subject to the approval of the house and senate committees on ways and means.

SECTION 25. Notwithstanding the provisions of section nine A or thirteen A of chapter seven hundred and eight of the acts of nineteen hundred and sixty-six the Massachusetts Housing Finance Agency shall, for the purposes of the interest subsidy program authorized by said section thirteen A, expend from its unrestricted fund balance, a sum not exceeding thirteen million dollars.

SECTION 26. The department of public works is hereby authorized to assist the outdoor advertising board in the conduct of its responsibilities under chapter ninety-three of the General Laws by the expenditure of funds from line item 6016-0001, under the direction of the commissioner of public works to provide clerical and administrative assistance to the outdoor advertising board.

SECTION 27. Notwithstanding any general or special law to the contrary, the department of public welfare is directed to request a waiver of certain provisions of the Federal Medical Assistance Program pursuant to Section 2176 of the Omnibus Budget Reconciliation Act of 1981 (PL 97-35) in order to establish demonstration projects involving the provision of respite care and personal emergency response service at a minimum of two locations. The department of public welfare shall enter into contracts with nonprofit corporations providing services under the home care program as established under section four of chapter nineteen A of the General Laws for the provision of services mandated by this section. The location and evaluation of the demonstration projects required by this section shall be established jointly by the department of public welfare and the department of elder affairs.

SECTION 28. The commissioner of administration and finance shall prepare annually an inventory of all property owned by the commonwealth. All officers and employees of the commonwealth, including those in the judicial and legislative branches, shall assist in this inventory in the manner directed by the commissioner in such rules and regulations as he may adopt from time to time. The report shall be filed with the state auditor on or before October first of each year and shall be a public record when filed. The state auditor shall audit each such report.

SECTION 29. Any reduction in work force within the mental health centers and hospitals within the department of mental health shall consist of nondirect care positions and nonpatient positions.

SECTION 30. Notwithstanding any law to the contrary, revenues in an amount not to exceed seven hundred and fifty thousand dollars accrued from the sale of farm products *and services under programs maintained by the division of farm services of the department* of correction may be expended without further appropriation, subject to the approval of the commissioner of correction and the state comptroller, for said programs including costs of materials, supplies and equipment, maintenance and construction of agricultural facilities, and compensation to farm employees. This program shall be subject to a full audit and annual report by the state auditor.

SECTION 31. Notwithstanding the provisions of section one of this act to the contrary, items 0320-0001 to 0340-1100, inclusive, in section two of this act are hereby charged as follows:-

General Fund	20.0%
Local Aid Fund	80.0%.

SECTION 32. The commissioner of the department of public health is hereby authorized to establish an inspection crew to be known as the poisoning prevention inspections team to inspect for lead-based paint in day care facilities licensed or registered by the commonwealth and residential properties owned by public housing authorities, and *to impose a fixed fee for such inspections, provided that the department shall establish* standards for the waiver of such fees upon the showing of need. Notwithstanding any law to the contrary, revenues in an amount not to exceed one hundred thousand dollars accrued from said fees may be expended without further appropriation subject to the approval of the commissioner and the state comptroller for the expenses of the poisoning prevention *inspections team, including materials, supplies, equipment and compensation for employees.* No funds appropriated in item 4516-0201 of section two shall be expended for the poisoning prevention inspections team.

SECTION 33. Notwithstanding any law to the contrary, revenues in excess of two million dollars but not exceeding three million dollars from the collection of admission fees, parking fees, and concessions at pools, rinks, parks, forests, beaches, ski areas and golf courses maintained by the metropolitan district commission may be expended without further appropriation by the commission, subject to the approval of the secretary of environmental affairs and the state comptroller, for improvement of pools, rinks, parks, forests, beaches, ski areas and golf courses maintained by said commission, including materials, supplies, equipment, promotional activities and interpretive materials; provided, however, that said revenues shall not be expended for the compensation of *employees.*

SECTION 34. Notwithstanding any law to the contrary, revenues in excess of five million dollars but not exceeding six million dollars from the collection of admission fees, parking fees, and concessions at pools, rinks, parks, forests and beaches maintained *by the department of environmental management may be expended without further appropriation* by the department, subject to the approval of the secretary of environmental affairs and the state comptroller, for improvements at pools, rinks, parks, forests and beaches maintained by said department, including materials, supplies, equipment, promotional activities and interpretive materials; provided, however, that said revenues shall not be expended for the compensation of employees.

SECTION 35. The amount of any unexpended balance of federal grant funds received prior to June thirtieth, nineteen hundred and eighty-two and not included as part of an appropriation item in section two of this act, is hereby made available for expenditure during fiscal year nineteen hundred and eighty-three, in addition to any amount appropriated in section two of this act; provided that the state comptroller shall report to the senate and house committees on ways and means, no later than October first, nineteen hundred and eighty-two, the amounts of any such unexpended balances for each item of appropriation including such unexpended balances as are appropriated in said section two of this act.

SECTION 36. The department of public health is hereby designated as the lead agency under the administrative and financial supervision of the executive office of human services for the provision of state funded childhood early intervention services. Said department is hereby authorized and directed to establish consistent state-wide standards for such services and to promote the development of such services. The departments of mental health, public welfare, and education are hereby authorized and directed to enter into interagency agreements with the department of public health to ensure stability for present programs, uniformity of standards, and reasonable growth of such programs. The department of mental health is further authorized and directed to enter into an interagency agreement with the department of public health to ensure that all employees providing early intervention services in positions currently funded by the department of mental health through the "01" and "02" subsidiary accounts shall continue to be funded in the department of mental health accounts while providing said services in the department of public health funded programs without interruption of employment or loss of status or benefits. This interagency agreement shall continue for as long as the commonwealth provides these services. As of January first, nineteen hundred and eighty-three, all purchase of service contracts that are funded with state appropriations shall be administered by the department of public health; provided, that reimbursement for such services may be allowed under the medical assistance program administered by the department of public welfare. The commissioner of the department of public health is hereby authorized to establish an advisory committee on childhood early intervention programs to consist of representatives from appropriate state agencies, providers, employee unions, existing citizen advisory boards, and consumers, for the purposes of developing program standards, ensuring a smooth transition period, and resolving administrative and collective bargaining issues.

SECTION 37. Notwithstanding the provisions of any law to the contrary, during fiscal year nineteen hundred and eighty-three the department of mental health may, with the prior written approval of the commissioner of administration and the house and senate committees on ways and means, transfer sums between the following items of appropriation provided in section two of this act which, in the aggregate, shall not exceed the following amounts:

Items 5146-0000 and 5148-0000 -- $850,000.
Items 5246-0000 and 5248-0000 -- $355,000.
Items 5346-0000 and 5348-0000 -- $580,000.
Items 5446-0000 and 5448-0000 -- $280,000.
Items 5546-0000 and 5548-0000 -- $340,000.
Items 5646-0000 and 5648-0000 -- $395,000.
Items 5846-0000 and 5848-0000 -- $350,000.

SECTION 38. The secretary of the executive office of human services is hereby authorized and directed to make a study of the purchase of services system administered by the department of mental health to develop recommendations for the improvement of said

system. The goal of such study is to eliminate wasteful practices so that necessary services can be delivered in a more cost-effective manner. The study shall consider such improvements as universal sliding fees, collective purchasing, bulk purchasing, streamlined contracting and auditing regulations, and tax exempt financing for program start-up costs and for cash flow assistance. Said study shall determine what impact these recommendations will have on program costs and shall provide an estimate as to how such recommendations would affect the need for vendor adequacy funding. Such report shall be filed by September fifteenth, nineteen hundred and eighty-two with the commissioner of administration and the house and senate committees on ways and means.

SECTION 39. There shall be established and set up on the books of the commonwealth a separate fund, to be known as the Recession Revenue Replacement Fund, to which shall be credited the sum appropriated in item 0680-0001 of section two of this act and such other sums as may be appropriated therefor from time to time by the general court. Amounts credited to said fund shall be available for transfer to the General Fund only upon certification to the state treasurer and the state comptroller by the commissioner of revenue that a total tax revenue shortfall is anticipated for the then current fiscal year. Said certification shall be made by the commissioner based upon the following calculation: (1) the commissioner shall establish a base ratio which shall be the average of the total tax revenues collected at the end of the third quarter of each of the three previous fiscal years divided by the total fiscal year tax revenue collections for each such fiscal year; (2) the commissioner shall then establish a current revenue collection factor by dividing the amount of total tax revenues collected at the end of the third quarter of the then current fiscal year by the base ratio; (3) the commissioner shall then establish a projected revenue collection factor by subtracting the current revenue collection factor from the total amount of tax revenues for the then current fiscal year as estimated in the governor's budget recommendations for the next preceding fiscal year; (4) the commissioner shall then establish a collection ratio by dividing the projected revenue collection factor by the total amount of tax revenues for the then current fiscal year as estimated in the governor's budget recommendations for the next preceding fiscal year. The commissioner shall certify that a total tax revenue shortfall is anticipated for the then current fiscal year if, upon performing the above calculation, it is determined that the collection ratio indicates a total tax revenue shortfall for the then current fiscal year that is greater than or equal to one per cent. Any unexpended balance remaining in the Recession Revenue Replacement Fund at the close of business on June thirtieth, nineteen hundred and eighty-four shall be transferred to the General Fund. Upon such transfer to the General Fund, the commissioner shall report the source to the general court, together with a recommendation as to appropriate reductions in existing taxes.

SECTION 40. Notwithstanding any provision of law to the contrary, the commissioner of public health is hereby prohibited from discontinuing any inpatient program and activities at the Rutland Heights Hospital located in the town of Rutland.

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. Notwithstanding any provision of law to the contrary, expenditures for items of equipment having a purchase price less than six thousand dollars may be approved by the secretary of administration and finance or paid for by the comptroller without prior approval of the house and senate committees on ways and means.

Notwithstanding any provision of law to the contrary, no state agency shall initiate any encumbrance or make any expenditure of funds, whether appropriated or not, for the lease or purchase of data or word processing equipment or systems including microcomputers, all computer accessories and software, unless prescribed in schedules approved by the house and senate committees on ways and means.

Notwithstanding any provision of law to the contrary, no state agency shall initiate any encumbrance or make any expenditure of funds, whether appropriated or not, for the purchase of motor vehicles unless prescribed in schedules approved by the house and senate committees on ways and means; and provided, that no state agency shall deviate from said schedules after said approval unless certified by the secretary of administration and finance and approved by the house and senate committees on ways and means.

This section shall not apply to any office in the general court, the office of the governor, the office of the lieutenant governor, the office of the state secretary, the office of the state treasurer, the office of the state auditor, the office of the attorney general, and any public institution of higher learning in the commonwealth.

SECTION 43. Notwithstanding any provision of law to the contrary, amounts appropriated for permanent and temporary 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 or temporary positions or for payments due to reallocations of permanent and temporary positions, or for payments due to changes in salaries or compensation rates except as approved in said schedules. The provisions of this section shall include all personnel in the judiciary, including district attorneys offices. The comptroller shall not authorize payment of funds except pursuant to schedules as provided under the provisions of this section. The provisions of this section and of clause (d) of paragraph (4) of section forty-five of chapter thirty of the General Laws shall not apply to any office or position in the general court, the office of the governor, the office of the lieutenant governor, the office of the state secretary, the office of the state treasurer, the office of the state auditor, the office of the attorney general; item 1100-1100, the executive office of administration and finance, office of the commissioner; item 1101-2100, the executive office of administration and finance, fiscal affairs division; item 1102-5201, the executive office of administration and finance, motor vehicles management bureau; item 1103-1000, the executive office of administration and finance, comptrollers division; item 1201-0100, the department of revenue; item 4000-0100, the executive office of human services, office of the secretary; and item 4400-1000, department of public welfare, office of the commissioner.

SECTION 44. Notwithstanding any general or special law to the contrary, there shall be no interchange or interchanges between any subsidiary account and any account entitled "01, Salaries, Permanent Positions" or "08, Heat and Other Plant Operations" within the same appropriation account by the officer in charge of any department, office, commission or institution which involves more than ten per cent of the amount originally appropriated to that subsidiary account or by an amount exceeding ten thousand dollars, whichever is less, unless such proposed transfer has received the prior approval of the commissioner of administration and the house and senate committees on ways and means.

SECTION 45. This act shall take effect as of July first, nineteen hundred and eighty-two.

I disapprove item 0612-1550
0680-0001
6005-0022
Section 15
Section 39
The remainder of this bill i hereby approve.

Approved June 30, 1982.

Chap. 192. AN ACT PROVIDING SUPPLEMENTAL APPROPRIATIONS FOR BARNSTABLE COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the current appropriation act for Barnstable county, the following sums are hereby appropriated, subject to the provision of law regulating the disbursement of county funds and the approval thereof, for the fiscal year nineteen hundred and eighty-two.

BARNSTABLE COUNTY.

Item		Subtotal	Total
16.	For jail and house of correction		$38,000 00
	3. Supplies and materials	$38,000 00	
18.	For courthouse and registry building		10,000 00
	3. Supplies and materials	10,000 00	
27.	For unpaid bills		3,247 42
39.	For group insurance		100,000 00
	Total		$151,247 42

SECTION 2. Notwithstanding any general or special law to the contrary, the treasurer of Barnstable county is hereby authorized with the approval of the county commissioners, to expend the total amount appropriated in section one from any available funds, including federal revenue sharing funds, in the treasury of the county.

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

Approved June 30, 1982.

Chap. 193. AN ACT MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND EIGHTY-TWO FOR THE MAINTENANCE OF HAMPSHIRE COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the current appropriation act for Hampshire county, 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-two.

HAMPSHIRE COUNTY.

Item			Subtotal	Total
16.	For jail and house of correction			$30,000 00
	2.	Contractual services	11,000 00	
	3.	Supplies and materials	14,000 00	
	4.	Current charges	3,000 00	
		Total		$28,000 00

SECTION 2. Notwithstanding any general or special law to the contrary, the treasurer of Hampshire county is hereby authorized with the approval of the county commissioners, to expend the total amount appropriated in section one from any available funds, including federal revenue sharing funds, in the treasury of the county.

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

Approved June 30, 1982.

Chap. 194. AN ACT PROVIDING SUPPLEMENTAL APPROPRIATIONS FOR FRANKLIN COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the current appropriation act for Franklin county, the following sums are hereby appropriated, subject to the provision of law regulating the disbursement of county funds and the approval thereof, for the fiscal year nineteen hundred and eighty-two.

FRANKLIN COUNTY.

Item			Subtotal	Total
16.	For jail and house of correction			$34,000 00
	2.	Contractual services	$6,000 00	
	3.	Supplies and materials	28,000 00	
		Total		$34,000 00

SECTION 2. Notwithstanding any general or special law to the contrary the treasurer of Franklin county is hereby authorized with the approval of the county commissioners, to expend the total amount appropriated in section one from any available funds, including federal revenue sharing funds, in the treasury of said county.

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

Approved June 30, 1982.

Chap. 195. AN ACT MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND EIGHTY-TWO FOR THE MAINTENANCE OF BERKSHIRE COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the current appropriation act for Berkshire county, the following sums are hereby appropriated, subject to the provision of law regulating the disbursement of county funds and the approval thereof, for the fiscal year nineteen hundred and eighty-two.

BERKSHIRE COUNTY.

Item		Subtotal	Total
7. For sheriff, salaries and expenses			$ 300 00
2.	Contractual services	$ 300 00	
16. For jail and house of correction			18,350 00
2.	Contractual services	750 00	
3.	Supplies and materials	6,050 00	
5.	Equipment	11,550 00	
	Total		$18,650 00

SECTION 2. Notwithstanding any general or special law to the contrary, the treasurer of Berkshire county is hereby authorized with the approval of the county commissioners, to expend the total amount appropriated in section one from any available funds, including federal revenue sharing funds, in the treasury of the county.

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

Approved June 30, 1982.

Chap. 196. AN ACT PROVIDING SUPPLEMENTAL APPROPRIATIONS FOR THE COUNTY OF DUKES COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the current appropriation act for the county of Dukes County, the following sums are hereby appropriated, subject to the provision of law regulating the disbursement of county funds and the approval thereof, for the fiscal year nineteen hundred and eighty-two.

DUKES COUNTY.

Item		Subtotal	Total
1.	For interest		$1,726 00
16.	For jail and house of correction, maintenance and operation		
2.	Contractual services	$2,601 25	
27.	For unpaid bills for previous year		495 00
38.	For county airport		1,341 00
5.	Equipment	1,341 00	
39.	For group insurance		2,000 00
	Total		$8,163 25

SECTION 2. The county commissioners of the county of Dukes County are hereby authorized to levy as a county tax for the current fiscal year, in addition to the county tax previously authorized by chapter five hundred and forty-six of the acts of nineteen hundred and eighty-one, the total amount appropriated for the county of Dukes County in section one, less any funds received through the federal antirecession fiscal assistance program, the balance to be apportioned and assessed upon the several cities and towns of said county in the manner provided by law.

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

Approved June 30, 1982.

Chap. 197. AN ACT MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND EIGHTY-TWO FOR THE MAINTENANCE OF NORFOLK COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the current appropriation act for Norfolk county, 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-two.

NORFOLK COUNTY.

Item		Subtotal	Total
16.	For jail and house of correction		$138,263 00
1.	Personal services	$25,000 00	
2.	Contractual services	37,573 00	

3.	Supplies and materials	73,300 00	
4.	Current charges and obligations	2,390 00	
20. For agricultural school and extension service			6,500 00
3.	Supplies and materials	6,500 00	
45. For the Wollaston recreational facility			5,000 00
1.	Personal services	5,000 00	
	Total		$149,763 00

SECTION 2. Notwithstanding any general or special law to the contrary, the treasurer of Norfolk county is hereby authorized with the approval of the county commissioners, to expend the total amount appropriated in section one from any available funds, including federal revenue sharing funds, in the treasury of the county.

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

Approved June 30, 1982.

Chap. 198. AN ACT MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND EIGHTY-TWO FOR THE MAINTENANCE OF ESSEX COUNTY.

Be it enacted, etc. as follows:

SECTION 1. To provide for supplementing certain items in the current appropriation act for Essex county, the following sums are hereby appropriated, subject to the provision of law regulating the disbursement of county funds and the approval thereof, for the fiscal year nineteen hundred and eighty-two.

ESSEX COUNTY.

Item		Subtotal	Total
5.	For central purchasing		$232,650 00
	2. Contractual services	$15,000 00	
	3. Supplies and materials	217,650 00	
16.	For jail and house of correction (Lawrence)		15,000 00
	3. Supplies and materials	15,000 00	
18.	For courthouse and registry building		18,000 00

2. Contractual services	18,000 00
27. For unpaid bills	214,000 00
Total	$479,650 00

SECTION 2. Notwithstanding any general or special law to the contrary, the treasurer of Essex county is hereby authorized with the approval of the county commissioners, to expend the total amount appropriated in section one from any available funds, including federal revenue sharing funds, in the treasury of the county.

SECTION 2A. Notwithstanding the provisions of the tenth paragraph of section thirty-two of Chapter thirty-five of the General Laws, bills included in excess of one year may be paid.

SECTION 2B. The county commissioners of Essex county are hereby authorized and directed to spend the amount of $550,000.00 for the repair and reconstruction of the Lawrence superior courthouse which amount was appropriated in Code 709 of Item 18 of Section 1 of Chapter 600 of the Acts of 1981. And further, said appropriation shall not lapse into the general unappropriated balance in the county treasury until the work for which it has been made has been completed, the bills paid and the account closed in accordance with subsection (h) of section 28B of chapter 35 of the General Laws.

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

Approved June 30, 1982.

Chap. 199. AN ACT MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND EIGHTY-TWO FOR ESSEX COUNTY TO FUND COLLECTIVE BARGAINING AGREEMENTS.

Be it enacted, etc., as follows:

SECTION 1. To provide for certain items in the current appropriation act for Essex county, 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-two.

ESSEX COUNTY.

Item	Subtotal	Total
6. For county treasurer		
1. Personal services	$1,803 43	

7.	For sheriff		
	1. Personal services	1,608 92	
8.	For registry of deeds (southern and northern districts)		
	1. Personal services	2,858 92	
20.	For agricultural school or county cooperative extension services		
	1. Personal services	12,209 98	
28a.	For reserve for salary increases	330,000 00	
	Total		$348,481 25

SECTION 2. Notwithstanding any general or special law to the contrary, the treasurer of Essex county is hereby authorized with the approval of the county commissioners to expend the total amount appropriated in section one from any available funds, including federal revenue sharing funds, in the treasury of the county.

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

Approved June 30, 1982.

Chap. 200. AN ACT MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND EIGHTY-TWO FOR THE MAINTENANCE OF HAMPDEN COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the current appropriation act for Hampden county, the following sums are hereby appropriated, subject to the provision of law regulating the disbursement of county funds and the approval thereof, for the fiscal year nineteen hundred and eighty-two.

HAMPDEN COUNTY.

Item		Subtotal	Total
16.	For jail and house of correction		$259,000 00
	1. Personal services	$67,000 00	
	2. Contractual services	60,000 00	
	3. Supplies and materials	120,000 00	
	4. Current charges	10,000 00	
	5. Equipment	2,000 00	
26.	Miscellaneous		3,840 00
28a.	Reserve for salary increases		3,182 78
	Total		$266,022 78

SECTION 2. Notwithstanding any general or special law to the contrary, the treasurer of Hampden county is hereby authorized with the approval of the county commissioners, to expend the total amount appropriated in section one from any available funds, including federal revenue sharing funds, in the treasury of the county.

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

Approved June 30, 1982.

Chap. 201. AN ACT EXEMPTING ALL THE POSITIONS IN THE PURCHASING DEPARTMENT OF THE CITY OF LYNN FROM THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. All positions and offices in the purchasing department of the city of Lynn shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person holding an office or a position in the purchasing department of said city on the effective date of this act.

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

Approved June 30, 1982.

Chap. 202. AN ACT FURTHER REGULATING LIMITED PARTNERSHIPS.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by striking out chapter 109 and inserting in place thereof the following chapter:-

CHAPTER 109.
LIMITED PARTNERSHIP.
GENERAL PROVISIONS.

Section 1. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following

meanings:-

(1) "Certificate of limited partnership", the certificate referred to in section eight, and the certificate as amended.

(2) "Contribution", any cash, property, services rendered, or a promissory note or other binding obligation to contribute cash or property or to perform services, which a partner contributes to a limited partnership in his capacity as a partner.

(3) "Event of withdrawal of a general partner", an event that causes a person to cease to be a general partner as provided in section twenty-three.

(4) "Foreign limited partnership", a partnership formed under the laws of any state other than the commonwealth and having as partners one or more general partners and one or more limited partners.

(5) "General partner", a person who has been admitted to a limited partnership as a general partner in accordance with the partnership agreement and named in the certificate of limited partnership as a general partner.

(6) "Limited partner", a person who has been admitted to a limited partnership as a limited partner in accordance with the partnership agreement and named in the certificate of limited partnership as a limited partner.

(7) "Limited partnership" and "domestic limited partnership", a partnership formed by two or more persons under the laws of the commonwealth and having one or more general partners and one or more limited partners.

(8) "Partner", a limited or general partner.

(9) "Partnership agreement", any valid agreement, written or oral, of the partners as to the affairs of a limited partnership and the conduct of its business.

(10) "Partnership interest", a partner's share of the profits and losses of a limited partnership and the right to receive distributions of partnership assets.

(11) "Person", a natural person, partnership, limited partnership (domestic or foreign), trust, estate, association, or corporation.

(12) "State", a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

Section 1A. This chapter may be cited as the Uniform Limited Partnership Act.

Section 2. The name of each limited partnership as set forth in its certificate of limited partnership:

(1) shall contain without abbreviation the words "limited partnership";

(2) may not contain the name of a limited partner unless

(i) it is also the name of a general partner or the corporate name of a corporate general partner, or (ii) the business of the limited partnership had been carried on under that name before the admission of that limited partner;

(3) may not contain any word or phrase indicating or implying that it is organized other than for a purpose stated in its certificate of limited partnership;

(4) may not be the same as, or deceptively similar to, the name of any corporation or limited partnership organized under the laws of the commonwealth or licensed or registered as a foreign corporation or limited partnership in the commonwealth, except with the written consent of said corporation or limited partnership previously filed with the secretary of state.

Section 3. (a) The exclusive right to the use of a name may be reserved by:

(1) any person intending to organize a limited partnership under this chapter and to adopt such name;

(2) any domestic limited partnership or any foreign limited partnership registered in the commonwealth which, in either case, intends to adopt such name;

(3) any foreign limited partnership intending to register in the commonwealth and adopt such name; and

(4) any person intending to organize a foreign limited partnership and intending to have it registered in the commonwealth and adopt such name.

(b) The reservation shall be made by filing with the secretary of state an application, executed by the applicant and accompanied by the requisite fee, to reserve a specified name. If the secretary of state finds such name is available for use by a domestic or foreign limited partnership, he shall reserve the name for the exclusive use of the applicant for a period of thirty days. The secretary of state may extend the reservation for an additional thirty days upon written request of the applicant accompanied by the requisite fee. The right to the exclusive use of a reserved name may be transferred to any other person by filing in the office of the secretary of state a notice of the transfer, executed by the applicant for whom the name was reserved, specifying the name and the address of the transferee and accompanied by the requisite fee.

Section 4. Each limited partnership shall continuously maintain in the commonwealth:

(1) an office, which may, but need not be a place of its business in the commonwealth, at which shall be kept the records required by section five to be maintained; and

(2) an agent for service of process on the limited partnership, which agent must be an individual resident of the common-

wealth, a domestic corporation, or a foreign corporation authorized to do business in the commonwealth.

Section 5. Each limited partnership shall keep at the office referred to in clause (1) of section four the following: (1) a current list of the full name and last known business address of each partner set forth in alphabetical order, (2) a copy of the certificate of limited partnership and all certificates of amendment thereto, together with executed copies of any powers of attorney pursuant to which any certificate has been executed, (3) copies of the limited partnership's federal, state and local income tax returns and reports, if any, for the three most recent years, and (4) copies of any then effective written partnership agreements and of any financial statements of the limited partnership for the three most recent years. Those records are subject to inspection and copying at the reasonable request, and at the expense, of any partner during ordinary business hours.

Section 6. A limited partnership may carry on any business that a partnership without limited partners may carry on.

Section 7. Except as provided in the partnership agreement, a partner may lend money to and transact other business with the limited partnership and, subject to other applicable law, has the same rights and obligations with respect thereto as a person who is not a partner.

FORMATION: CERTIFICATE OF LIMITED PARTNERSHIP.

Section 8. (a) In order to form a limited partnership two or more persons must execute a certificate of limited partnership. The certificate shall be filed in the office of the secretary of state and set forth:

(1) the name of the limited partnership;

(2) the general character of its business;

(3) the address of the office and the name and address of the agent for service of process required to be maintained by section four;

(4) the name and the business address of each partner specifying separately the general partners and limited partners;

(5) the amount of cash and a description and statement of the agreed value of the other property or services contributed by each partner and which each partner has agreed to contribute in the future;

(6) the times at which or events on the happening of which any additional contributions agreed to be made by each partner are to be made;

(7) any power of a limited partner to grant the right to become a limited partner to an assignee of any part of his part-

nership interest, and the terms and conditions of the power;

(8) if agreed upon, the time at which or the events on the happening of which a partner may terminate his membership in the limited partnership and the amount of, or the method of determining the distribution to which he may be entitled respecting his partnership interest, and the terms and conditions of the termination and distribution;

(9) any right of a partner to receive distributions of property, including cash, from the limited partnership;

(10) any right of a partner to receive, or of a general partner to make, distributions to a partner which include a return of all or any part of the partner's contribution;

(11) any time at which or events upon the happening of which the limited partnership is to be dissolved and its affairs wound up;

(12) any right of the remaining general partners to continue the business on the happening of an event of withdrawal of a general partner; and

(13) any other matters the partners determine to include therein.

(b) A limited partnership is formed at the time of the filing of the certificate of limited partnership in the office of the secretary of state or at any later time specified in the certificate of limited partnership if, in either case, there has been substantial compliance with the requirements of this section.

Section 9. (a) A certificate of limited partnership is amended by filing a certificate of amendment thereto in the office of the secretary of state. The certificate of amendment shall set forth:

(1) the name of the limited partnership;

(2) the date of filing the certificate; and

(3) the amendment to the certificate.

(b) Within thirty days after the happening of any of the following events, an amendment to a certificate of limited partnership reflecting the occurrence of the event or events shall be filed:

(1) a change in the amount or character of the contribution of any partner, or in any partner's obligation to make a contribution;

(2) the admission of a new partner;

(3) the withdrawal of a partner; or

(4) the continuation of the business under section forty-four after an event of withdrawal of a general partner.

(c) A general partner who becomes aware that any statement in a certificate of limited partnership was false when made or that any arrangements or other facts described have changed, making the certificate inaccurate in any respect, shall promptly

amend the certificate, but an amendment to show a change of address of a limited partner need be filed only once every twelve months.

(d) A certificate of limited partnership may be amended at any time for any other proper purpose the general partners determine.

(e) No person has any liability because an amendment to a certificate of limited partnership has not been filed to reflect the occurrence of any event referred to in subsection (b) if the amendment is filed within the thirty-day period specified in subsection (b).

Section 10. A certificate of limited partnership shall be cancelled upon the dissolution and the commencement of winding up of the partnership or at any other time there are no limited partners. A certificate of cancellation shall be filed in the office of the secretary of state and set forth:

(1) the name of the limited partnership;

(2) the date of filing of its certificate of limited partnership;

(3) the reason for filing the certificate of cancellation;

(4) the effective date, which shall be a date certain, of cancellation if it is not to be effective upon the filing of the certificate; and

(5) any other information the general partners filing the certificate determine.

Section 11. (a) Each certificate required by sections eight to sixteen, inclusive, to be filed in the office of the secretary of state shall be executed in the following manner:

(1) an original certificate of limited partnership must be signed by all partners named therein;

(2) a certificate of amendment must be signed by at least one general partner and by each other partner designated in the certificate as a new partner or whose contribution is described as having been increased; and

(3) a certificate of cancellation must be signed by all general partners;

(b) Any person may sign a certificate by an attorney-in-fact, but a power of attorney to sign a certificate relating to the admission, or increased contribution, of a partner must specifically describe the admission or increase.

(c) The execution of a certificate by a general partner constitutes an affirmation under the penalties of perjury that the facts stated therein are true.

Section 12. If a person required by section eleven to execute a certificate of amendment or cancellation fails or refuses to do so, any other partner, and any assignee of a partnership interest, who is adversely affected by the failure or refusal,

may petition the superior court department of the trial court to direct the amendment or cancellation. If the court finds that the amendment or cancellation is proper and that any person so designated has failed or refused to execute the certificate, it shall order the secretary of state to record an appropriate certificate of amendment or cancellation.

Section 13. (a) Two signed copies of the certificate of limited partnership and of any certificates of amendment or cancellation, or of any judicial decree of amendment or cancellation, shall be delivered to the secretary of state. A person who executes a certificate as an agent or fiduciary need not exhibit evidence of his authority as a prerequisite to filing. Unless the secretary of state finds that any certificate does not conform to law, upon receipt of all filing fees required by law he shall:

(1) endorse on each duplicate original the word "filed" and the day, month and year of the filing thereof;

(2) file one duplicate original in his office; and

(3) return the other duplicate original to the person who filed it or his representative.

(b) Upon the filing of a certificate of amendment, or judicial decree of amendment, in the office of the secretary of state, the certificate of limited partnership shall be amended as set forth therein, and upon the effective date of a certificate of cancellation, or a judicial decree thereof, the certificate of limited partnership is cancelled.

Section 14. If any certificate of limited partnership or certificate of amendment or cancellation contains a false statement, one who suffers loss by reliance on the statement may recover damages for the loss from:

(1) any person who executes the certificate, or causes another to execute it on his behalf, and knew, and any general partner who knew or should have known, the statement to be false at the time the certificate was executed; and

(2) any general partner who thereafter knows or should have known that any arrangement or other fact described in the certificate has changed, making the statement inaccurate in any respect within a sufficient time before the statement was relied upon reasonably to have enabled that general partner to cancel or amend the certificate, or to file a petition for its cancellation or amendment under section twelve.

Section 15. The fact that a certificate of limited partnership is on file in the office of the secretary of state is notice that the partnership is a limited partnership and the persons designated therein as limited partners are limited partners, but it is not notice of any other fact.

Section 16. Upon the return by the secretary of state pur-

suant to section thirteen of a certificate marked "filed", the general partners shall promptly deliver or mail a copy of the certificate of limited partnership and each certificate to each limited partner unless the partnership agreement provides otherwise.

LIMITED PARTNERS.

Section 17. (a) After the filing of a limited partnership's original certificate of limited partnership, a person may be admitted as an additional limited partner:

(1) in the case of a person acquiring a partnership interest directly from the limited partnership, upon the compliance with the partnership agreement or, if the partnership agreement does not so provide, upon the written consent of all partners; and

(2) in the case of an assignee of a partnership interest of a partner who has the power, as provided in section forty-two, to grant the assignee the right to become a limited partner, upon the exercise of that power and compliance with any conditions limiting the grant or exercise of the power.

(b) In each case under subsection (a), the person acquiring the partnership interest becomes a limited partner only upon amendment of the certificate of limited partnership reflecting that fact.

Section 18. Subject to section nineteen, the partnership agreement may grant to all or a specified group of the limited partners the right to vote, on a per capita or other basis, upon any matter.

Section 19. (a) Except as provided in subsection (d), a limited partner is not liable for the obligations of a limited partnership unless he is also a general partner or, in addition to the exercise of his rights and powers as a limited partner, he takes part in the control of the business; provided, however, that if the limited partner's participation in the control of the business is not substantially the same as the exercise of the powers of a general partner, he is liable only to persons who transact business with the limited partnership with actual knowledge of his participation in control.

(b) A limited partner shall not participate in the control of the business within the meaning of subsection (a) solely by doing one or more of the following:

(1) being a contractor for or an agent or employee of the limited partnership or of a general partner;

(2) consulting with and advising a general partner with respect to the business of the limited partnership;

(3) acting as surety for the limited partnership;

(4) approving or disapproving an amendment to the partner-

ship agreement; or

(5) voting on one or more of the following matters:

(i) the dissolution and winding up of the limited partnership;

(ii) the sale, exchange, lease, mortgage, pledge, or other transfer of all or substantially all of the assets of the limited partnership other than in the ordinary course of its business;

(iii) the incurrence of indebtedness by the limited partnership other than in the ordinary course of its business;

(iv) a change in the nature of the business; or

(v) the removal of a general partner.

(c) The enumeration in subsection (b) shall not mean that the possession or exercise of any other powers by a limited partner constitutes participation by him in the control of the business of the limited partnership.

(d) A limited partner who knowingly permits his name to be used in the name of the limited partnership, except under circumstances permitted by subclause (i) of clause (2) of section two, is liable to creditors who extend credit to the limited partnership without actual knowledge that the limited partner is not a general partner.

Section 20. (a) Except as provided in subsection (b), a person who makes a contribution to a business enterprise and erroneously but in good faith believes that he has become a limited partner in the enterprise is not a general partner in the enterprise and is not bound by its obligations by reason of making the contribution, receiving distributions from the enterprise, or exercising any rights of a limited partner, if, on ascertaining the mistake, he:

(1) causes an appropriate certificate of limited partnership or a certificate of amendment to be executed and filed; or

(2) withdraws from future equity participation in the enterprise.

(b) A person who makes a contribution of the kind described in subsection (a) is liable as a general partner to any third party who transacts business with the enterprise (i) before the person withdraws and an appropriate certificate is filed to show withdrawal, or (ii) before an appropriate certificate is filed to show his status as a limited partner and, in the case of an amendment, after expiration of the thirty-day period for filing an amendment relating to the person as a limited partner under section nine, but in either case only if the third party actually believed in good faith that the person was a general partner at the time of the transaction.

Section 21. Each limited partner has the right to:

(1) inspect and copy any of the partnership records required to be maintained by section five, and

(2) obtain from the general partners from time to time upon reasonable demand (i) true and full information regarding the state of the business and financial condition of the limited partnership, (ii) promptly after becoming available, a copy of the limited partnership's federal, state and local income tax returns for each year, and (iii) other information regarding the affairs of the limited partnership as is just and reasonable.

GENERAL PARTNERS.

Section 22. After the filing of a limited partnership's original certificate of limited partnership, additional general partners may be admitted only with the specific written consent of each partner or, if otherwise provided in the partnership agreement, with the specific written consent of each general partner and of limited partners representing at least two-thirds in interest of the limited partners.

Section 23. Except as approved by the specific written consent of all partners at the time, a person ceases to be a general partner of a limited partnership upon the happening of any of the following events:

(1) the general partner withdraws from the limited partnership as provided in section thirty-two;

(2) the general partner ceases to be a member of the limited partnership as provided in section forty;

(3) the general partner is removed as a general partner in accordance with the partnership agreement;

(4) unless otherwise provided in the certificate of limited partnership, the general partner: (i) makes an assignment for the benefit of creditors; (ii) files a voluntary petition in bankruptcy; (iii) is adjudicated a bankrupt or insolvent; (iv) files a petition or answer seeking for himself any reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief under any statute, law, or regulation; (v) files an answer or other pleading admitting or failing to contest the material allegations of a petition filed against him in any proceeding of this nature; or (vi) seeks, consents to, or acquiesces in the appointment of a trustee, receiver, or liquidator of the general partner or of all or any substantial part of his properties;

(5) unless otherwise provided in the certificate of limited partnership, one hundred and twenty days after the commencement of any proceeding against the general partner seeking reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief under any statute, law, or regulation, the proceeding has not been dismissed, or if within ninety days after the appointment without his consent or acquiescence of a trustee, receiver, or liquidator of the general part-

ner or of all or any substantial part of his properties, the appointment is not vacated or stayed or within ninety days after the expiration of any such stay, the appointment is not vacated;

(6) in the case of a general partner who is a natural person:

(i) his death; or

(ii) the entry by a court of competent jurisdiction adjudicating him incompetent to manage his person or his estate;

(7) in the case of a general partner who is acting as a general partner by virtue of being a trustee of a trust, the termination of the trust but not merely the substitution of a new trustee;

(8) in the case of a general partner that is a separate partnership, the dissolution and commencement of winding up of the separate partnership;

(9) in the case of a general partner that is a corporation, the filing of a certificate of dissolution, or its equivalent, for the corporation or the revocation of its charter; or

(10) in the case of an estate, the distribution by the fiduciary of the estate's entire interest in the partnership.

Section 24. Except as provided in this chapter, a general partner of a limited partnership is subject to the liabilities of a partner in a partnership without limited partners and, except as provided in this chapter or in the partnership agreement, has the rights and powers and is subject to the restrictions of a partner in a partnership without limited partners.

Section 25. A general partner of a limited partnership may make contributions to the partnership and share in the profits and losses of, and in distributions from, the limited partnership as a general partner. A general partner also may make contributions to and share in profits, losses, and distributions as a limited partner. A person who is both a general partner and a limited partner has the rights and powers, and is subject to the restrictions and liabilities, of a general partner and, except as provided in the partnership agreement, also has the powers, and is subject to the restrictions, of a limited partner to the extent of his participation in the partnership as a limited partner.

Section 26. The partnership agreement may grant to all or certain identified general partners the right to vote, on a per capita or any other basis, separately or with all or any class of the limited partners, on any matter.

FINANCE.

Section 27. The contribution of a partner may be in cash, property, or services rendered, or a promissory note or other obligation to contribute cash or property or to perform services.

Section 28. (a) Except as provided in the certificate of limited partnership, a partner is obligated to the limited partnership to perform any promise to contribute cash or property or to perform services, even if he is unable to perform because of death, disability or any other reason. If a partner does not make the required contribution of property or services, he is obligated at the option of the limited partnership to contribute cash equal to that portion of the value as stated in the certificate of limited partnership of the stated contribution that has not been made.

(b) Unless otherwise provided in the partnership agreement, the obligation of a partner to make a contribution or return money or other property paid or distributed in violation of this chapter may be compromised only by consent of all the partners. Notwithstanding the compromise, a creditor of a limited partnership who extends credit, or whose claim arises, after the filing of the certificate of limited partnership or an amendment thereto which, in either case, reflects the obligation, and before the amendment or cancellation thereof to reflect the compromise, may enforce the original obligation.

Section 29. The profits and losses of a limited partnership shall be allocated among the partners, and among classes of partners, in the manner provided in the partnership agreement. If the partnership agreement does not so provide, profits and losses shall be allocated on the basis of the value as stated in the certificate of limited partnership of the contributions made by each partner to the extent they have been received by the partnership and have not been returned.

Section 30. Distributions of cash or other assets of a limited partnership shall be allocated among the partners, and among classes of partners, in the manner provided in the partnership agreement. If the partnership agreement does not so provide, distributions shall be made on the basis of the value as stated in the certificate of limited partnership of the contributions made by each partner to the extent they have been received by the partnership and have not been returned.

DISTRIBUTIONS AND WITHDRAWAL.

Section 31. Except as provided in sections thirty-one to thirty-eight, inclusive, a partner is entitled to receive distributions from a limited partnership before his withdrawal from the limited partnership and before the dissolution and winding up thereof:

(1) to the extent and at the times or upon the happening of the events specified in the partnership agreement; and

(2) if any distribution constitutes a return of any part of his contribution under paragraph (c) of section thirty-eight, to the extent and at the times or upon the happening of the events specified in the certificate of limited partnership.

Section 32. A general partner may withdraw from a limited partnership at any time by giving written notice to the other partners, but if the withdrawal violates the partnership agreement, the limited partnership may recover from the withdrawing general partner damages for breach of the partnership agreement and offset the damages against the amount otherwise distributable to him.

Section 33. A limited partner may withdraw from a limited partnership at the time or upon the happening of events specified in the certificate of limited partnership and in accordance with the partnership agreement. If the certificate does not specify the time or the events upon the happening of which a limited partner may withdraw or a definite time for the dissolution and winding up of the limited partnership, a limited partner may withdraw upon not less than six months prior written notice to each general partner at his address on the books of the limited partnership at its office in the commonwealth.

Section 34. Except as provided in sections thirty-one to thirty-eight, inclusive, upon withdrawal any withdrawing partner is entitled to receive any distribution to which he is entitled under the partnership agreement and, if not otherwise provided in the agreement, he is entitled to receive, within a reasonable time after withdrawal, the fair value of his interest in the limited partnership as of the date of withdrawal based upon his right to share in distributions from the limited partnership.

Section 35. Except as provided in the certificate of limited partnership, a partner, regardless of the nature of his contribution, has no right to demand and receive any distribution from a limited partnership in any form other than cash. Except as provided in the partnership agreement, a partner may not be compelled to accept a distribution of any asset in kind from a limited partnership to the extent that the percentage of the asset distributed to him exceeds a percentage of that asset which is equal to the percentage in which he shares in distributions from the limited partnership.

Section 36. At the time a partner becomes entitled to receive a distribution, he has the status of, and is entitled to all remedies available to, a creditor of the limited partnership with respect to the distribution.

Section 37. A partner may not receive a distribution from a limited partnership to the extent that, after giving effect to the distribution, all liabilities of the limited partnership, other than

liabilities to partners on account of their partnership interests, exceed the fair value of the partnership assets.

Section 38. (a) If a partner has received the return of any part of his contribution without violation of the partnership agreement or this chapter, he is liable to the limited partnership for a period of one year thereafter for the amount of the returned contribution, but only to the extent necessary to discharge the limited partnership's liabilities to creditors who extended credit to the limited partnership during the period the contribution was held by the partnership.

(b) If a partner has received the return of any part of his contribution in violation of the partnership agreement or this chapter, he is liable to the limited partnership for a period of six years thereafter for the amount of the contribution wrongfully returned.

(c) A partner receives a return of his contribution to the extent that a distribution to him reduces his share of the fair value of the net assets of the limited partnership below the value, as set forth in the certificate of limited partnership, of his contribution which has not been distributed to him.

ASSIGNMENT OF PARTNERSHIP INTERESTS.

Section 39. A partnership interest is personal property.

Section 40. Except as provided in the partnership agreement, a partnership interest is assignable in whole or in part. An assignment of a partnership interest shall not dissolve a limited partnership or entitle the assignee to become or to exercise any rights of a partner. An assignment entitles the assignee to receive, to the extent assigned, only the distribution to which the assignor would be entitled. Except as provided in the partnership agreement, a partner ceases to be a partner upon assignment of all his partnership interest.

Section 41. On application to a court of competent jurisdiction by any judgment creditor of a partner, the court may charge the partnership interest of the partner with payment of the unsatisfied amount of the judgment with interest. To the extent so charged, the judgment creditor has only the rights of an assignee of the partnership interest. This chapter shall not deprive any partner of the benefit of any exemption laws applicable to his partnership interest.

Section 42. (a) An assignee of a partnership interest, including an assignee of a general partner, may become a limited partner if and to the extent that (1) the assignor gives the assignee that right in accordance with authority described in the certificate of limited partnership, or (2) all other partners

consent.

(b) An assignee who has become a limited partner has, to the extent assigned, the rights and powers, and is subject to the restrictions and liabilities, of a limited partner under the partnership agreement and this chapter. An assignee who becomes a limited partner also is liable for the obligations of his assignor to make and return contributions as provided in sections thirty-one to thirty-eight, inclusive; provided, however, that the assignee is not obligated for liabilities unknown to the assignee at the time he became a limited partner and which could not be ascertained from the certificate of limited partnership.

(c) If an assignee of a partnership interest becomes a limited partner, the assignor is not released from his liability to the limited partnership under sections fourteen and twenty-eight.

Section 43. If a partner who is an individual dies or a court of competent jurisdiction adjudges him to be incompetent to manage his person or his property, the partner's executor, administrator, guardian, conservator, or other legal representative may exercise all the partner's rights for the purpose of settling his estate or administering his property, including any power the partner had to give an assignee the right to become a limited partner. If a partner is a corporation, trust, or other entity and is dissolved or terminated, the powers of that partner may be exercised by its legal representative or successor.

DISSOLUTION.

Section 44. A limited partnership is dissolved and its affairs shall be wound up upon the happening of the first to occur of the following:

(1) at the time or upon the happening of events specified in the certificate of limited partnership;

(2) written consent of all partners;

(3) an event of withdrawal of a general partner unless at the time there is at least one other general partner and the certificate of limited partnership permits the business of the limited partnership to be carried on by the remaining general partner and that partner does so, but the limited partnership is not dissolved and is not required to be wound up by reason of any event of withdrawal, if, within ninety days after the withdrawal, all partners agree in writing to continue the business of the limited partnership and to the appointment of one or more additional general partners if necessary or desired; or

(4) entry of a decree of judicial dissolution under section forty-five.

Section 45. On application by or for a partner the superior

court department of the trial court may decree dissolution of a limited partnership whenever it is not reasonably practicable to carry on the business in conformity with the partnership agreement.

Section 46. Except as provided in the partnership agreement, the general partners who have not wrongfully dissolved a limited partnership or, if none, the limited partners, may wind up the limited partnership's affairs; provided, however, that the superior court department of the trial court may wind up the limited partnership's affairs upon application of any partner, his legal representative, or assignee.

Section 47. Upon the winding up of a limited partnership, the assets shall be distributed as follows:

(1) to creditors, including partners who are creditors, to the extent permitted by law, in satisfaction of liabilities of the limited partnership other than liabilities for distributions to partners under sections thirty-one and thirty-four;

(2) except as provided in the partnership agreement, to partners and former partners in satisfaction of liabilities for distributions under sections thirty-one and thirty-four; and

(3) except as provided in the partnership agreement, to partners (i) for the return of their contributions and (ii) respecting their partnership interests, in the proportions in which the partners share in distributions.

FOREIGN LIMITED PARTNERSHIPS.

Section 48. A foreign limited partnership shall not do any business in the commonwealth which is prohibited to a limited partnership organized under this chapter. 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 chapter one hundred and eighty-one relative to such foreign corporation. Subject to the constitution of the commonwealth, its organization and internal affairs and the liability of its limited partners shall be governed by the laws of the state under which it is organized.

Section 49. 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. Every foreign limited partnership doing business in the commonwealth shall submit to the secretary of state, 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 secretary of state 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 secretary of state 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.

Section 50. The secretary of state 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 secretary of state 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 secretary of state and the foreign limited partnership shall be deemed to be registered to do business in the commonwealth. The secretary of state 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.

Section 51. A foreign limited partnership may register with the secretary of state 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.

Section 52. 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 secretary of state 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 section shall be deemed compliance with the provisions of section five of chapter two hundred and twenty-seven.

Section 53. If any statement in the application for registration of a foreign limited partnership was false when made or any arrangements or other facts described have changed, making the application inaccurate in any respect, the foreign limited partnership shall promptly file in the office of the secretary of state a certificate, signed and sworn to by a general partner, correcting such statement.

Section 54. The registration of a foreign limited partnership doing business in the commonwealth shall be cancelled or amended in the manner and at such times as are provided in section ten except that the cancellation or amendment shall be signed by a general partner. A foreign limited partnership doing business in this commonwealth may withdraw from the commonwealth by submitting to the secretary of state a certificate of withdrawal, in such form as the secretary of state 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 secretary of state 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 secretary of state.

Section 55. (a) A foreign limited partnership doing business in the commonwealth which fails to register with the secretary of state 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. Fines provided for under this section shall be recovered as provided under section nine of chapter one hundred and eighty-one.

(b) Foreign limited partnership 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 secretary of state 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.

DERIVATIVE ACTIONS.

Section 56. A limited partner may bring an action in the right of a limited partnership to recover a judgment in its favor if general partners with authority to do so have refused to bring the action or if an effort to cause those general partners to bring the action is not likely to succeed.

Section 57. In a derivative action, the plaintiff must be a

partner at the time of bringing the action and (1) at the time of the transaction of which he complains or (2) his status as a partner had devolved upon him by operation of law or pursuant to the terms of the partnership agreement from a person who was a partner at the time of the transaction.

Section 58. In a derivative action, the complaint shall set forth with particularity the effort of the plaintiff to secure initiation of the action by a general partner or the reasons for not making the effort.

Section 59. If a derivative action is successful, in whole or in part, or if anything is received by the plaintiff as a result of a judgment, compromise or settlement of an action or claim, the court may award the plaintiff reasonable expenses, including reasonable attorney's fees, and shall direct him to remit to the limited partnership the remainder of those proceeds received by him.

MISCELLANEOUS.

Section 60. This chapter shall apply and be construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

Section 61. The fee for filing in the office of the secretary of state of any original certificate of limited partnership or application for registration as a foreign limited partnership shall be one hundred and fifty dollars. The fee for filing a certificate of amendment, cancellation or withdrawal shall be seventy-five dollars. The fee for the reservation of a name or the extension of a reservation shall be ten dollars.

Section 62. In any case not provided for in this chapter, the provisions of the Uniform Partnership Act as provided in chapter one hundred and eight A shall control.

SECTION 2. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SECTION 3. Sections twenty-seven, twenty-eight and thirty-eight shall apply only to contributions and distributions made on or after the effective date of this act and section forty-two shall apply only to assignments made on or after the effective date of this act.

SECTION 4. This act shall take effect on July first, nineteen

hundred and eighty-two.

Approved June 30, 1982.

EMERGENCY LETTER - July 30, 1982 @ 3:00 P.M.

Chap. 203. AN ACT RELATIVE TO LEAVES WITHOUT LOSS OF PAY FOR CERTAIN INCAPACITATED EMERGENCY MEDICAL TECHNICIANS.

Be it enacted, etc., as follows:

Chapter 41 of the General Laws is hereby amended by inserting after section 111L the following section:-

Section 111M. In any city or town which accepts this section, an employee of a city or town or fire or water district who is responsible for delivering emergency medical services under the provisions of chapter one hundred and eleven C, and who is incapacitated for duty because of injury sustained in the performance of his duty without fault of his own shall be granted leave without loss of pay for the period of such incapacity; provided, that no such leave shall be granted for any period after such emergency medical personnel has been retired or pensioned in accordance with law or for any period after a physician designated by the board or personnel authorized to appoint emergency medical personnel in such city, town or district determines that such incapacity no longer exists. All amounts payable under this section shall be paid at the time and in the same manner as, and for all purposes shall be deemed to be, the regular compensation of such emergency medical personnel. This section shall also apply to any such employee who is subject to the provisions of chapter one hundred and fifty-two if he is injured while delivering emergency medical services and if he waives the provisions of said chapter.

Where the injury causing the incapacity of an emergency medical personnel for which he is granted a leave without loss of pay and is paid compensation in accordance with the provisions of this section, was caused under circumstances creating legal liability in some person to pay damages in respect thereof, either the person so injured or the city, town or fire or water district paying such compensation may proceed to enforce the liability of such person in any court of competent jurisdiction. The sum recovered shall be for the benefit of the city, town or fire or water district paying such compensation, unless the sum is greater than the compensation paid to that person so injured.

For the purposes of this section, "excess" shall mean the amount by which the total sum received in payment for the injury, exclusive of interest and costs, exceeds the amount paid under this section as compensation to the person so injured. The party bringing the action shall be entitled to any costs recovered by him. Any interest received in such action shall be apportioned between the city, town, or fire or water district and the person so injured in proportion to the amounts received by them respectively, inclusive of interest and costs. The expense of any attorney's fees shall be divided between the city, town, or fire or water district and the person so injured in proportion to the amounts received by them respectively.

Whoever intentionally or negligently injures an emergency medical personnel for which he is granted a leave without loss of pay and is paid compensation in accordance with the provisions of this section shall be liable in tort to the city, town or fire or water district paying such compensation for all costs incurred by such city, town, or fire or water district in replacing such injured emergency medical personnel which are in excess of the amount of compensation paid.

Approved June 30, 1982.

Chap. 204. AN ACT DESIGNATING A CERTAIN BRIDGE TO BE CONSTRUCTED OVER THE MERRIMACK RIVER IN THE CITY OF LOWELL AS THE ROURKE BRIDGE.

Be it enacted, etc., as follows:

The temporary bridge over the Merrimack river in the city of Lowell extending from the intersection of Middlesex and Wood streets on the southerly side of said river to Pawtucket boulevard just west of Townsend avenue on the northerly side of said river, and, when completed, the permanent bridge over said river in said city, shall be designated and known as the Rourke Bridge, in recognition of the numerous and outstanding contributions made to the commonwealth and the Lowell area by Raymond F. Rourke and Timothy M. Rourke. The department of public works shall erect a suitable marker bearing said designation in compliance with standards of said department, and as authorized by the federal highway administration.

Approved June 30, 1982.

Chap. 205. AN ACT INCREASING THE AMOUNT OF MONEY THE TOWN OF BELCHERTOWN MAY BORROW TO INSTALL WATER MAINS IN THE WATER DISTRICT WITHIN SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. Chapter 258 of the acts of 1981 is hereby amended by striking out section 2 and inserting in place thereof the following section:-

Section 2. For the purpose aforesaid, the town of Belchertown may appropriate the sum of one hundred and two thousand dollars. To meet said appropriations the town treasurer of said town with the approval of the board of selectmen of said town, may borrow an amount not exceeding, in the aggregate, the sum of one hundred and five thousand dollars and may issue bonds or notes therefor, which shall bear on their face the words, Town of Belchertown Water District Program, Act of 1981, each issue of such bonds or notes to mature in not more than fifteen years from its date, provided that the amount of such bonds or notes actually issued shall be reduced by the amount of any federal or state grants that may be received for such purpose prior to sale of such bonds or notes, and that said board of selectmen be authorized to apply for, accept and extend any such federal or state grants that may be available for the purposes stated above.

SECTION 2. Any action taken by the town of Belchertown pursuant to section one is hereby validated, confirmed and is effective as though said section one was in effect at the time such action was taken.

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

Approved July 1, 1982.

Chap. 206. AN ACT AUTHORIZING THE TOWN OF WAREHAM TO PAY A CERTAIN SUM OF MONEY TO CERTAIN EMPLOYEES OF THE SCHOOL DEPARTMENT OF SAID TOWN FOR SERVICES RENDERED IN PRIOR FISCAL YEARS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the

contrary, the town of Wareham 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 Gregory K. Ouellette, Renelle LeBlanc, Diane McNab and Deborah Parkinson, employees of the school department of said town, a sum not to exceed one thousand two hundred sixty-three dollars and ninety-three cents in the aggregate for services rendered in fiscal years nineteen hundred and eighty and nineteen hundred and eighty-one.

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 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. 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 of the annual town meeting of the town of Wareham held on April twenty-sixth, nineteen hundred and eighty-two.

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

Approved July 1, 1982.

Chap. 207. AN ACT RELATIVE TO THE TIME LIMITS FOR THE OPERATION OF THE GAME COMMONLY CALLED BEANO.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for a change in the time limits for the game commonly called beano, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 38 of chapter 10 of the General Laws is hereby amended by striking out the fourth paragraph, as amended by section 1 of chapter 944 of the acts of 1973, and inserting in place thereof the following paragraph:-

Each license shall limit the playing of such game to the hours

between six o'clock post meridian and twelve o'clock midnight, except that on Sunday the playing of said game shall be limited to a five-hour period between one o'clock post meridian and twelve o'clock midnight. Each such organization licensed hereunder shall be limited to conducting such game to one day in each calendar week and said day shall be set forth in the license.

Approved July 1, 1982.

Chap. 208. AN ACT VALIDATING THE PROCEEDINGS AT THE ELECTION SESSION OF THE ANNUAL TOWN MEETING OF THE TOWN OF DOUGLAS HELD ON MAY ELEVENTH, NINETEEN HUNDRED AND EIGHTY-TWO.

Be it enacted, etc., as follows:

SECTION 1. All acts and proceedings of the town of Douglas at its election session of the annual town meeting held on May eleventh, nineteen hundred and eighty-two, and all actions subsequently taken pursuant thereto are hereby ratified, validated, and confirmed to the same extent as if there were no defects or errors in the publication of the warrant.

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

Approved July 1, 1982.

Chap. 209. AN ACT AUTHORIZING THE BLACKSTONE-MILLVILLE REGIONAL SCHOOL DISTRICT TO HOLD ANNUAL DISTRICT WIDE ELECTIONS WITH RESIDENCY REQUIREMENTS AND VALIDATING CERTAIN PROCEEDINGS TAKEN IN SAID DISTRICT AND IN THE MEMBER TOWNS OF BLACKSTONE AND MILLVILLE.

Be it enacted, etc., as follows:

SECTION 1. The Blackstone-Millville regional school district, consisting of the member towns of Blackstone and Millville, may, by amendment to its regional school district agreement, provide that the members of its regional district school committee may be elected from the district at an annual district wide election called

by said district. Said amendment may provide for residency requirements relating to the composition of the regional district school committee. Said amendment may also provide for the duties to be performed by the secretary and other officials of said district and by the clerks, registrars of voters and other officials of said member towns with respect to the annual district wide election, which duties may be the same as, or similar to, the duties performed for town elections. Said amendment may further provide for the annual district wide election to be combined with and held at the same time and place as the annual town election in all of the member towns and such annual town election shall be held on the same date as the annual district wide election.

SECTION 2. The amendments to its regional school district agreement proposed by the regional district school committee by the vote passed on April first, nineteen hundred and eighty-two containing provisions authorized by section one and other provisions are hereby validated, ratified and confirmed.

SECTION 3. The proceedings taken by the regional district school committee of said district on April first, nineteen hundred and eighty-two and at town meetings held in the town of Blackstone on April twenty-fourth, nineteen hundred and eighty-two and in the town of Millville on April twenty-seventh, nineteen hundred and eighty-two, at which said amendments were considered, are hereby validated, ratified and confirmed in all respects and as though this act had been in full force and effect at the time of said proceedings.

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

Approved July 1, 1982.

Chap. 210. AN ACT VALIDATING AND CONFIRMING THE PROCEEDINGS AT ANNUAL TOWN MEETINGS OF THE TOWN OF WINTHROP IN THE YEARS NINETEEN HUNDRED AND EIGHTY AND NINETEEN HUNDRED AND EIGHTY-ONE.

Be it enacted, etc., as follows:

SECTION 1. All actions taken by the town of Winthrop at its annual town meetings held April twenty-eight, May first and May fifth, nineteen hundred and eighty, and April twenty-seventh,

April thirtieth and May fourth, nineteen hundred and eighty-one, and all actions taken subsequently pursuant thereto are hereby validated and confirmed notwithstanding that, due to a printing omission, the warrants for said annual town meetings failed to state the place for holdings of said meetings.

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

Approved July 1, 1982.

Chap. 211. AN ACT AUTHORIZING THE CITY OF HOLYOKE TO SELL, ASSIGN OR TRANSFER ITS SHARES OF THE CAPITAL OR OTHER STOCK OF THE HOLYOKE AND WESTFIELD RAILROAD COMPANY TO THE PENN CENTRAL CORPORATION.

Be it enacted, etc., as follows:

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

SECTION 2. Notwithstanding any general or special law to the contrary the city of Holyoke is hereby authorized to sell, assign or transfer its shares of the capital or other stock of the Holyoke and Westfield Railroad Company to The Penn Central Corporation or its assignee.

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

Approved July 1, 1982.

Chap. 212. AN ACT RELATIVE TO THE EXPENDITURE OF FUNDS THROUGH THE MASSACHUSETTS COLLEGE SYSTEM AND UNIVERSITIES FOR ANY LEGISLATIVE AGENT OR ORGANIZATION ATTEMPTING TO INFLUENCE LEGISLATION.

Be it enacted, etc., as follows:

SECTION 1. Chapter 15A of the General Laws is hereby amended by adding the following section:-

Section 18. (a) As used in this chapter and in chapters seventy-three, seventy-five, seventy-five A, and seventy-five B, the following words shall have the following meanings:

"Waivable fee", any amount payable on a student tuition bill, but not a mandatory charge, appearing as a separately assesed item, accompanied by a statement as to the nature of said item and that said item is not a charge required to be paid by the student but rather the student may deduct said charge from the total amount due, and that said item appears on the bill at the request of the student body and does not necessarily reflect the endorsement of the board of trustees.

"Student organization", any organization of students at public postsecondary educational institutions which is open to membership of all students who pay the waivable fee and is controlled by its student members.

"Nonpartisan", as applied to student organizations not endorsing or adhering to particular ideological or religious positions in the articles of incorporation, charter, constitution, or by-laws.

"Official student referendum", a referendum vote of the student body which is sanctioned by the college-recognized student governmental association and certified by said student government association as valid.

(b) Nonmandatory student fees to nonpartisan student organizations which employ legislative agents as defined in section thirty-nine of chapter three, or to nonpartisan student organizations attempting to influence legislation as defined in section forty-four of said chapter three, shall be paid on student tuition bills by a waivable fee whenever students have authorized said fee by a majority vote of those students voting in an official student referendum. The continuation of said waivable fee on the student tuition bill may be subject to reauthorization by an official student referendum every two years. Necessary administrative costs arising in connection with the collection of said fee may be billed by the board of trustees to the student organization at the time of the transfer of funds collected to said student organizations.

(c) The boards of trustees shall not allow any funds for legislative agents as defined in section thirty-nine of said chapter three or organizations attempting to influence legislation as defined in section forty-four of said chapter three to be assessed on student tuition bills; provided, however, that waivable fees for nonpartisan student organizations which employ said legislative agents or attempt to influence legislation shall be collected by the boards of trustees whenever students have authorized a waivable fee by a majority vote of those students voting in an official student referendum. Said waivable fees shall be collected as provided in paragraph (b).

(d) No funds collected as a mandatory student activities fee

shall be paid to legislative agents as defined in section thirty-nine of said chapter three or organizations attempting to influence legislation as defined in section forty-four of said chapter three.

(e) As used in this section, the term "legislative agent" or "organization attempting to influence legislation" shall not include any official representative of the student body.

SECTION 2. Chapter 73 of the General Laws is hereby amended by inserting after section 1E the following section:-

Section 1F. The board of trustees shall not allow any funds for legislative agents as defined in section thirty-nine of chapter three or organizations attempting to influence legislation as defined in section forty-four of said chapter three to be assessed on student tuition bills; provided, however, that waivable fees for nonpartisan student organizations which employ said legislative agents or attempt to influence legislation shall be collected by the boards of trustees whenever students have authorized a waivable fee by a majority vote of those students voting in an official student referendum. Said waivable fee shall be collected as provided in paragraph (b) of section eighteen of chapter fifteen A.

No funds collected as a mandatory student activities fee shall be paid to legislative agents as defined in section thirty-nine of said chapter three or organizations attempting to influence legislation as defined in section forty-four of said chapter three. As used in this section, the term "legislative agent" or "organization attempting to influence legislation" shall not include any official representative of the student body.

SECTION 3. Chapter 75 of the General Laws is hereby amended by inserting after section 11 the following section:-

Section 11A. The board of trustees shall not allow any funds for legislative agents as defined in section thirty-nine of chapter three or organizations attempting to influence legislation as defined in section forty-four of said chapter three to be assessed on student tuition bills; provided, however, that waivable fees for nonpartisan student organizations which employ said legislative agents or attempt to influence legislation shall be collected by the boards of trustees whenever students have authorized a waivable fee by a majority vote of those students voting in an official student referendum. Said waivable fees shall be collected as provided in paragraph (b) of section eighteen of chapter fifteen A.

No funds collected as a mandatory student activities fee shall be paid to legislative agents as defined in section thirty-nine of said chapter three or organizations attempting to influence

legislation as defined in section forty-four of said chapter three. As used in this section, the term "legislative agent" or "organization attempting to influence legislation" shall not include any official representative of the student body.

SECTION 4. Chapter 75A of the General Laws is hereby amended by adding the following section:-

Section 24. The board of trustees shall not allow any funds for legislative agents as defined in section thirty-nine of chapter three or organizations attempting to influence legislation as defined in section forty-four of said chapter three to be assessed on student tuition bills; provided, however, that waivable fees for nonpartisan student organizations which employ said legislative agents or attempt to influence legislation shall be collected by the boards of trustees whenever students have authorized a waivable fee by a majority vote of those students voting in an official student referendum. Said waivable fees shall be collected as provided in paragraph (b) of section eighteen of chapter fifteen A.

No funds collected as a mandatory student activities fee shall be paid to legislative agents as defined in section thirty-nine of said chapter three or organizations attempting to influence legislation as defined in section forty-four of said chapter three. As used in this section, the term "legislative agent" or "organization attempting to influence legislation" shall not include any official representative of the student body.

SECTION 5. Chapter 75B of the General Laws is hereby amended by adding the following section:-

Section 18. The board of trustees shall not allow any funds for legislative agents as defined in section thirty-nine of chapter three or organizations attempting to influence legislation as defined in section forty-four of said chapter three to be assessed on student tuition bills; provided, however, that waivable fees for nonpartisan student organizations which employ said legislative agents or attempt to influence legislation shall be collected by the boards of trustees whenever students have authorized a waivable fee by a majority vote of those students voting in an official student referendum. Said waivable fees shall be collected as provided in paragraph (b) of section eighteen of chapter fifteen A.

No funds collected as a mandatory student activities fee shall be paid to legislative agents as defined in section thirty-nine of said chapter three or organizations attempting to influence legislation as defined in section forty-four of said chapter three. As used in this section, the term "legislative agent" or

"organization attempting to influence legislation" shall not include any official representative of the student body.

SECTION 6. A vote of the student body of any state college or university to which this act is applicable, taken prior to the effective date of this act, which approved the collection of any fee referred to in this act on student tuition bills, shall not be negated by the provisions of this act and is to be deemed to be a vote taken under the provisions of section eighteen of chapter fifteen A of the General Laws so long as the collection of said fee is otherwise in compliance with the provisions of this act. Said vote shall be deemed to be the approval of a waivable fee.

SECTION 7. This act shall take effect as of July first, nineteen hundred and eighty-two.

Approved July 1, 1982.

Chap. 213. AN ACT RELATIVE TO THE AUTHORITY OF BANKS TO MAKE CERTAIN INVESTMENTS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 168 of the General Laws is hereby amended by striking out section 51A, inserted by chapter 363 of the acts of 1970, and inserting in place thereof the following section:-

Section 51A. Such corporation may make any investment not otherwise eligible under any other provision of this chapter or any other provision of law, including but not limited to investment in any capital stock of a corporation organized for the purposes of acquiring and managing interests in real property and acquiring, constructing, rehabilitating, leasing, financing and disposing of housing facilities, or in any other interest in real or personal property, debt security, equity security or loan; provided that (a) no more than five per cent of the deposits of such corporation shall be invested pursuant to the provisions of this section; provided, however, that any amount in excess of three of said five per cent shall be invested by any such corporation in capital stock of a corporation organized for the purposes of acquiring, constructing, rehabilitating, leasing, financing and disposing of housing facilities; (b) no investment shall be made by such corporation in the equity securities of any one issuer pursuant to this section if the aggregate amount invested by it in the equity securities of such issuer pur-

suant to this section together with the amount invested in such securities pursuant to any other provision of law exceeds, or by the making of such investment will exceed, two per cent of the deposits of such corporation, and no investment shall be made by such corporation in a loan to, or in the debt securities of, any one issuer pursuant to this section, if the aggregate amount invested by it pursuant to this section together with the amount invested in a loan to, or in the debt securities of, such issuer pursuant to any other provision of law exceeds two per cent of the deposits of such corporation; (c) any loan made or debt security purchased pursuant to this section shall be secured over the term of the loan or the debt security; (d) this section shall not be deemed to alter any provision of this chapter or other provision of law limiting the aggregate amount that may be invested in any class of loan or investment; and (e) investments authorized solely by this section shall not be deemed investments in which savings banks may legally invest for the purposes of any other provision of law which restricts investments to those in which savings banks may legally invest.

SECTION 2. Section 48 of chapter 172 of the General Laws is hereby amended by striking out clause 20, as amended by chapter 627 of the acts of 1981, and inserting in place thereof the following clause:-

20. To make any investment not otherwise eligible under any other provision of this chapter or any other provision of law, including but not limited to investment in any capital stock of a corporation organized for the purposes of acquiring and managing interests in real property and acquiring, constructing, rehabilitating, leasing, financing and disposing of housing facilities, or in any other interest in real or personal property, debt security, equity security or loan; provided that (a) no more than five per cent of the deposits of such corporation shall be invested pursuant to the provisions of this section; provided, however, that any amount in excess of three of said five per cent shall be invested by any such corporation in capital stock of a corporation organized for the purposes of acquiring, constructing, rehabilitating, leasing, financing and disposing of housing facilities; (b) no investment shall be made by such corporation in the equity securities of any one issuer pursuant to this section if the aggregate amount invested by it in the equity securities of such issuer pursuant to this section, together with the amount invested in such securities pursuant to any other provision of law exceeds, or by the making of such investment will exceed, two per cent of the deposits of such corporation, and no investment shall be made by such

corporation in a loan to, or in the debt securities of, any one issuer pursuant to this section, if the aggregate amount invested by it pursuant to this section together with the amount invested in a loan to, or in the debt securities of, such issuer pursuant to any other provision of law exceeds two per cent of the deposits of such corporation; (c) any loan made or debt security purchased pursuant to this section shall be secured over the term of the loan or the debt security; (d) this section shall not be deemed to alter any provision of this chapter or other provision of law limiting the aggregate amount that may be invested in any class of loan or investment; and (e) investments authorized solely by this section shall not be deemed investments in which banks may legally invest for the purposes of any other provision of law which restricts investments to those in which banks may legally invest.

Approved July 1, 1982.

Chap. 214. AN ACT AUTHORIZING PLYMOUTH COUNTY TO PAY A CERTAIN SUM OF MONEY TO THE LIBERTY PRINTING CO., INC.

Be it enacted, etc., as follows:

SECTION 1. The treasurer of Plymouth county, with the approval of the county commissioners of said county, is hereby authorized to pay, from available funds, The Liberty Printing Co., Inc. an amount not to exceed five hundred and twenty-one dollars and seventy-five cents for providing printing services to the district court in the year nineteen hundred and seventy-nine.

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

SECTION 3. Any person who knowingly files a certificate required by section two, which is false, and who thereby receives payment for services which were not received by said county shall be punished by imprisonment for not more than one

year or by a fine of not more than three hundred dollars, or both.

Approved July 1, 1982.

Chap. 215. AN ACT INCREASING THE PENALTIES FOR VIOLATION OF CLINICAL LABORATORY LAWS AND REGULATIONS.

Be it enacted, etc., as follows:

SECTION 1. Section 8 of chapter 111D of the General Laws, as appearing in section 1 of chapter 881 of the acts of 1975, is hereby amended by adding the following paragraph:-

(14) knowingly and willfully make fraudulent representations regarding the results of any laboratory test or service. Any laboratory employee, clinical laboratory director, or owner of a clinical laboratory as defined in this chapter who knowingly and willfully makes fraudulent representation regarding the results of any laboratory test or service or who should have known of the fraudulent representation of laboratory test results shall be subject to the penalties set forth in this chapter.

SECTION 2. Section 13 of said chapter 111D, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Whoever maintains a clinical laboratory in the commonwealth without a license in violation of section four or whoever, being licensed under section five maintains a clinical laboratory in violation of the terms of such license, or whoever engages in, aids, abets, causes or permits any act prohibited under section eight shall be punished by imprisonment for not more than five years in state prison, or by imprisonment in a jail or house of correction for not more than two and one-half years or by a fine of not more than ten thousand dollars, or both such fine and imprisonment.

Approved July 1, 1982.

Chap. 216. AN ACT RELATIVE TO THE MANUFACTURE OF SAUSAGE CONTAINED IN COLORED CASINGS AND THE SALE THEREOF.

Be it enacted, etc., as follows:

Sections one hundred and forty-three B and one hundred and

forty-three C of chapter ninety-four of the General Laws are hereby repealed.

Approved July 1, 1982.

EMERGENCY LETTER - July 7, 1982. @ 2:29 P.M.

Chap. 217. AN ACT RELATIVE TO SECURE COVERAGE AND ENCLOSURE OF CERTAIN LOADS ON MOTOR VEHICLES USING PUBLIC WAYS.

Be it enacted, etc., as follows:

Chapter 85 of the General Laws is hereby amended by striking out section 36, as most recently amended by chapter 498 of the acts of 1973, and inserting in place thereof the following section:-

Section 36. No person shall drive or move a motor vehicle on any way, as defined in section one of chapter ninety, nor shall the owner or bailee of any vehicle require or permit the same to be driven or moved on any such way, unless such vehicle is constructed or loaded so as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, and, if it is loaded with sand, gravel, loam, dirt, stone, rubbish or debris that could fall on other vehicles or on the highway and create litter or potential hazards to other vehicles, unless its load is fully and adequately covered. This section shall not prohibit the dropping of sand for the purpose of securing traction, or the sprinkling of water or other substance on such a way in cleaning or maintaining the same. Whoever violates the provisions of this section shall be punished by a fine of not less than fifty nor more than two hundred dollars.

Approved July 1, 1982.

Chap. 218. AN ACT RELATIVE TO REPORTING OF TREATMENT OF CERTAIN BURNS TO THE COMMISSIONER OF PUBLIC SAFETY.

Be it enacted, etc., as follows:

Chapter 112 of the General Laws is hereby amended by striking out section 12A, as most recently amended by chapter 108 of the acts of 1963, and inserting in place thereof the following section:-

Section 12A. Every physician attending or treating a case of bullet wound, gunshot wound, powder burn or any other injury arising from or caused by the discharge of a gun, pistol, BB gun, or other air rifle or firearm, or examining or treating a person with a burn injury affecting five per cent or more of the surface area of his body, or, whenever any such case is treated in a hospital, sanatarium or other institution, the manager, superintendent or other person in charge thereof, shall report such case at once to the commissioner of public safety and to the police of the town where such physician, hospital, sanatarium or institution is located. This section shall not apply to such wounds, burns or injuries received by any member of the armed forces of the United States or of the commonwealth while engaged in the actual performance of duty. Every physician attending or treating a case of wound or injury caused by a knife or sharp or pointed instrument shall, if in his opinion a criminal act was involved, report such case forthwith to the police authorities of the town in which he attended or treated such wound or injury. Whoever violates any provision of this section shall be punished by a fine of not less than fifty nor more than one hundred dollars.

Approved July 1, 1982.

EMERGENCY LETTER - July 30, 1982 @ 2:59 P.M.

Chap. 219. AN ACT PROHIBITING THE INTENTIONAL MAKING OF FALSE REPORTS OF CRIMES TO POLICE OFFICERS.

Be it enacted, etc., as follows:

Chapter 269 of the General Laws is hereby amended by inserting after section 13 the following section:-

Section 13A. Whoever intentionally and knowingly makes or causes to be made a false report of a crime to police officers shall be punished by a fine of not less than one hundred nor more than five hundred dollars or by imprisonment in a jail or house of correction for not more than one year, or both.

Approved July 1, 1982.

Chap. 220. AN ACT AUTHORIZING GAS AND ELECTRIC COMPANIES TO ISSUE AND SELL EVIDENCES OF INDEBTEDNESS AT A DISCOUNT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 164 of the General Laws is hereby amended by striking out section 12A, as amended by section 1 of chapter 324 of the acts of 1976, and inserting in place thereof the following section:-

Section 12A. A corporation subject to this chapter, and subject to the limitations and restrictions of section fourteen, may, by a vote of the holders of a majority of its shares outstanding and entitled to vote thereon at a meeting called therefor and with the approval of the department, issue debentures to be convertible into stock of said corporation, at the option of the holders of said debentures, in such manner, at such times, upon such terms and at such prices as may be fixed in such vote with the approval of said department and, upon the decision of the department, the shares of stock required for the conversion of said debentures shall be a part of the authorized capital of said corporation, and may be issued from time to time thereafter for the conversion of said debentures without any further authorization, order or decree by the department.

SECTION 2. Section 15 of said chapter 164 is hereby amended by striking out the last sentence, as appearing in chapter 393 of the acts of 1950, and inserting in place thereof the following sentence:- If no such proposal is accepted, it may sell the whole or any part of said bonds, debentures, notes or other evidences of indebtedness to any person or corporation in such manner, at such times, and upon such terms as its directors shall determine.

SECTION 3. Said chapter 164 is hereby further amended by inserting after said section 15 the following section:-

Section 15A. Except as otherwise provided in this section, a gas or electric company shall not issue or sell any bonds, debentures, notes or other evidences of indebtedness payable at periods of more than one year after the date thereof at less than the par value or face amount thereof. If the department finds than any such issue or sale below such par value or face amount is in the public interest, it may, notwithstanding the provisions of this or any other section, authorize the issue or sale of such bonds, debentures, notes or other evidences of indebtedness at less than the par value or face amount thereof and with such requirements for the amortization of the discount as it may deem necessary in the public interest. Its determination shall be made part of the vote of the department as provided in section fourteen and shall be certified and recorded as therein prescribed.

Approved July 1, 1982.

Chap. 221. AN ACT RELATIVE TO THE PENALTY FOR AN ILLEGAL RIGHT ON RED LIGHT.

Be it enacted, etc., as follows:

The second paragraph of section 8 of chapter 89 of the General Laws, as most recently amended by chapter 372 of the acts of 1981, is hereby further amended by striking out, in line 18, the words "one hundred" and inserting in place thereof the following word:- twenty.

Approved July 1, 1982.

Chap. 222. AN ACT RELATIVE TO THE SECURING OF STREET LISTS, SO-CALLED.

Be it enacted, etc., as follows:

Section 6 of chapter 51 of the General Laws is hereby amended by striking out the last sentence, added by chapter 60 of the acts of 1973, and inserting in place thereof the following sentence:- Such lists shall be made available by the registrars to business organizations and other nonpolitical committees and organizations at a fee to be determined by said registrars, and any such person or authorized representative of an organization or committee obtaining such list shall sign a log, maintained by the city or town clerk, placing in such log their names and addresses.

Approved July 1, 1982.

Chap. 223. AN ACT INCREASING THE AMOUNT AND TERM FOR LOANS MADE BY BANKS AND CREDIT UNIONS FOR THE PURCHASE OF MOBILE HOMES.

Be it enacted, etc., as follows:

SECTION 1. Paragraph 9 of section 38 of chapter 168 of the General Laws is hereby amended by striking out clauses (c) and (d), as amended by chapter 73 of the acts of 1977, 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 twenty-two thousand five hundred dollars, whichever is less; (d) such loan is required to be repaid in substantially equal monthly installments within a period of not more than twenty years after the date of such purchase.

SECTION 2. Subsection 12 of section 26 of chapter 170 of the General Laws, inserted by chapter 436 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 twenty-two thousand five hundred dollars, whichever is less; (d) such loan is required to be repaid in substantially equal monthly installments within a period of not more than twenty years after the date of such purchase.

SECTION 3. Subdivision (E) of section 24 of chapter 171 of the General Laws is hereby amended by striking out clauses (c) and (d), as amended by chapter 26 of the acts of 1979, 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 twenty-two thousand five hundred dollars, whichever is less; (d) such loan is required to be repaid in substantially equal monthly installments within a period of not more than twenty years after the date of such purchase.

Approved July 1, 1982.

Chap. 224. AN ACT DESIGNATING THE TRAFFIC ISLAND AT THE INTERSECTION OF ROUTE 16 AND THE ROUTE 52 SOUTHBOUND RAMP IN THE TOWN OF WEBSTER AS THE GODFREY S. ROCKEFELLER SQUARE.

Be it enacted, etc., as follows:

The traffic island located at the intersection of state highway

route 16 and the southbound ramp off state highway route 52, known as Exit 2, in the town of Webster shall be designated and known as the Godfrey S. Rockefeller square, in recognition of Godfrey S. Rockefeller for his outstanding contributions to the economic development of the Webster area. The department of public works shall erect a suitable marker bearing said designation in compliance with standards of said department.

Approved July 1, 1982.

Chap. 225. AN ACT RELATIVE TO THE AMOUNT OF RETIREMENT BENEFIT WHICH MAY BE PAID BY THE RELIEF ASSOCIATION OF THE LYNN FIRE DEPARTMENT.

Be it enacted, etc., as follows:

The Relief Association of the Lynn Fire Department, a corporation duly established under chapter one hundred and seventy-six of the General Laws, is hereby authorized, upon the retirement from the fire department of the city of Lynn of any member in good standing, to pay to such member such sum, not exceeding fifteen hundred dollars, as may be determined by vote of said corporation. Any amount paid in accordance with this provision shall reduce the death benefit otherwise available upon the death of such member.

Approved July 1, 1982.

Chap. 226. AN ACT RELATIVE TO THE COMPENSATION OF ELECTED TOWN OFFICERS.

Be it enacted, etc., as follows:

Section 108 of chapter 41 of the General Laws, as most recently amended by chapter 166 of the acts of 1971, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The salary and compensation of all elected officers of a town shall be fixed annually by vote of the town at an annual town meeting, but said salary or compensation may be revised by a two-thirds vote of any special town meeting called to conduct business later in the same fiscal year for which said salary or compensation was originally fixed; provided, however, that such salary revision

occurs prior to the establishment of the tax rate of the town in said fiscal year.

Approved July 1, 1982.

Chap. 227. AN ACT AUTHORIZING THE TOWN OF BROOKLINE TO APPOINT GLEN D. TAGGART AS A POLICE OFFICER IN THE POLICE DEPARTMENT OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary regarding the appointment of municipal police officers, the board of selectmen of the town of Brookline is hereby authorized to appoint Glen D. Taggart as a full time police officer in the police department of said town provided he has served in excess of two years as a police cadet in said town under the provisions of section twenty-one A of chapter one hundred and forty-seven of the General Laws has qualified by virtue of previously passing a civil service examination for police officer and is a resident of said town. Said Glen D. Taggart shall, after satisfactorily performing the duties of such position on a full time basis for a probationary period of twelve months, be a tenured employee in such position under the provisions of said chapter thirty-one.

SECTION 2. This act shall take effect only upon its acceptance by the board of selectmen of the town of Brookline.

Approved July 1, 1982.

Chap. 228. AN ACT FURTHER REGULATING GUARDIANSHIPS FOR SPENDTHRIFTS.

Be it enacted, etc., as follows:

Chapter 201 of the General Laws is hereby amended by striking out section 9, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 9. Upon such petition the court shall cause not less than seven days' notice of the time and place appointed for the hearing to be given to the alleged spendthrift, except that the court may, for cause shown, direct that a shorter notice be

given. If the alleged spendthrift is married, no guardian shall be appointed without such notice to said married person's spouse as the court may order.

Approved July 1, 1982.

Chap. 229. AN ACT ENLARGING THE SCOPE OF OFFENSES WITHIN THE JURISDICTION OF THE DIVISIONS OF THE MUNICIPAL AND DISTRICT COURT DEPARTMENTS.

Be it enacted, etc., as follows:

SECTION 1. Section 26 of chapter 218 of the General Laws, as most recently amended by chapter 470 of the acts of 1981, is hereby further amended by striking out, in line 13, the words "and forty-nine" and inserting in place thereof the words:- , forty-nine and one hundred and twenty-seven.

SECTION 2. Chapter 266 of the General Laws is hereby amended by striking out section 127, as amended by chapter 544 of the acts of 1978, and inserting in place thereof the following section:-

Section 127. Whoever destroys or injures the personal property, dwelling house or building of another in any manner or by any means not particularly described or mentioned in this chapter shall, if such destruction or injury is wilful and malicious, be punished by imprisonment in the state prison for not more than ten years or by a fine of three thousand dollars or three times the value of the property so destroyed or injured, whichever is greater and imprisonment in jail for not more than two and one-half years; or if such destruction or injury is wanton, shall be punished by a fine of fifteen hundred dollars or three times the value of the property so destroyed or injured, whichever is greater, or by imprisonment for not more than two and one-half years; if the value of the property so destroyed or injured is not alleged to exceed one hundred dollars, the punishment shall be by a fine of three times the value of the damage or injury to such property or by imprisonment for not more than two and one-half months; provided, however, that where a fine is levied pursuant to the value of the property destroyed or injured, the court shall, after conviction, conduct an evidentiary hearing to ascertain the value of the property so destroyed or injured.

Approved July 1, 1982.

Chap. 230. AN ACT INCREASING THE AUTHORITY OF CERTAIN OFFICERS RELATIVE TO ANIMAL CONTROL.

Be it enacted, etc., as follows:

Chapter 272 of the General Laws is hereby amended by striking out section 89, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 89. Any officer authorized to serve criminal process, or any special police officer duly appointed by the commissioner of public safety at the request of the Massachusetts Society for the Prevention of Cruelty to Animals, or any municipal officer involved with animal control, may, without a warrant, enter any place or building in which there is an exhibition of the fighting of birds, dogs or other animals, or in which preparations are being made for such an exhibition, and arrest all persons there present and take possession of and remove from the place of seizure the birds, dogs or other animals engaged in fighting, or there found and intended to be used or engaged in fighting, or kept or trained for fighting, and hold the same in custody subject to the order of court as hereinafter provided.

Approved July 1, 1982.

Chap. 231. AN ACT FURTHER REGULATING THE SALE OF ALCOHOLIC BEVERAGES IN CERTAIN HOTELS.

Be it enacted, etc., as follows:

The first paragraph of section 12 of chapter 138 of the General Laws is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Such sales may also be made, by an innholder licensed hereunder, to registered guests occupying private rooms in his hotel, and in the dining room or dining rooms and in such other public rooms or areas of buildings on the same premises as the hotel and operated as appurtenant and contiguous to and in conjunction with such hotel, and to registered guests occupying private rooms in such buildings and in the case of condominium accommodations that are located appurtenant and contiguous to and also upon the same premises as a hotel, sales may be made by the hotel licensee.

Approved July 1, 1982.

Chap. 232. AN ACT REQUIRING THE RECORDING OF CERTAIN NOTICES RELATIVE TO LAND ON WHICH CERTAIN WASTES HAVE BEEN STORED, TREATED, OR DISPOSED.

Be it enacted, etc., as follows:

SECTION 1. The third paragraph of section 7 of chapter 21C of the General Laws, as appearing in section 2 of chapter 704 of the acts of 1979, is hereby amended by inserting after the second sentence the following two sentences:- No storage, treatment, use or disposal for which a license is required pursuant to this chapter, and no construction, maintenance, or operation of a facility for which such license is required, shall proceed until notice that such license has been recorded in the registry of deeds, or if the land affected thereby be registered land, in the registry section of the land court for the district wherein the land lies. No land on or in which hazardous waste has been disposed, and no interest in such land, shall be conveyed or leased, and no such land shall be devoted to any use other than as a facility for such disposal, until notice of such disposal is recorded in the registry of deeds, or if the land affected thereby be registered land, in the registry section of the land court for the district wherein the land lies.

SECTION 2. Section 150A of chapter 111 of the General Laws is hereby amended by striking out the fourth paragraph, as appearing in chapter 839 of the acts of 1970, and inserting in place thereof the following paragraph:-

A facility shall not be constructed or operated unless the proposed use and the plans or design therefor have been approved by the department, and notice that such approval was given is recorded in the registry of deeds, or if the land affected thereby be registered land, in the registry section of the land court for the district wherein the land lies. No site on which a facility was operated shall be conveyed or leased by the owner thereof, or be devoted to any use other than the operation of a facility, until notice that such facility was operated on the site is recorded in the registry of deeds, or if the land affected thereby be registered land, in the registry section of the land court for the district wherein the land lies.

SECTION 3. Section 150B of said chapter 111, inserted by section 4 of chapter 508 of the acts of 1980, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

Every decision of the board of health in assigning or refusing to assign a place as a site for a facility shall be in writing and shall include a statement of reasons and the facts relied upon by the board in reaching its decision. The assignment of a place as a site for a facility shall be recorded in the registry of deeds, or if the land affected thereby be registered land, in the registry section of the land court wherein the land lies, before the construction, operation, or maintenance of the facility may commence.

Approved July 2, 1982.

Chap. 233. AN ACT AUTHORIZING THE TOWN OF WAREHAM TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES TO ASSINIPPI LIQUORS, INC.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the town of Wareham is hereby authorized to grant to issue to Assinippi Liquors, Inc. a license for the sale of all alcoholic beverages not to be drunk on the premises 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 said section seventeen.

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

(The foregoing was laid before the Governor on the 21st day of June, 1982 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. 234. AN ACT AUTHORIZING THE TOWN OF WAREHAM TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON ON THE PREMISES TO MARY E. CROWLEY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the town of Wareham is hereby authorized to grant to Mary E. Crowley d/b/a Capeway Package Store, a license for the sale of all alcoholic beverages not to be drunk on the premises 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 said section seventeen.

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

(The foregoing was laid before the Governor on the 21st day of June, 1982 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. 235. AN ACT MAKING SUPPLEMENTAL APPROPRIATIONS FOR MIDDLESEX COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the current appropriation act for Middlesex county, the following sums are hereby appropriated, subject to the provisions of law regulating the disbursement of county funds and the approval thereof, for fiscal year nineteen hundred and eighty-two.

MIDDLESEX COUNTY.

Item	Subtotal	Total
3. For county commissioners, salaries and expenses		$193,814.29
1. Personal services	$ 62,233.96	
2. Contractual services	128,971.22	
4. Current charge and obligation	2,609.11	
6. For treasurer, salaries and expenses		31,048.64
1. Personal services	1,048.64	
2. Contractual services	30,000.00	
8. For registry of deeds, salaries and expenses		
Southern District		19,196.84
1. Personal services	19,196.84	

10.	For highway department		334,939.46
	1. Personal services	331,989.46	
	2. Contractual services	850.00	
	3. Supplies and materials	2,000.00	
	4. Current charges and obligation	100.00	
16.	For jail and house of correction		417,413.83
	1. Personal services	128,961.83	
	2. Contractual services	56,300.00	
	3. Supplies and materials	215,185.00	
	4. Current charges and obligation	4,942.00	
	5. Equipment	12,025.00	
18.	For maintenance		202,579.37
	1. Personal services	202,579.37	
20.	For county extension service		12,762.97
	1. Personal services	12,762.97	
26.	Miscellaneous		103,479.24
27.	For unpaid bills		$457,535.91
39.	For group insurance		500,000.00
45.	For central purchasing		2,954.93
	1. Personal services	2,954.93	
	Total		$2,275,725.48

SECTION 2. Notwithstanding any general or special law to the contrary, the treasurer of the Middlesex county is hereby authorized, with the approval of the county commissioners, to expend the total amount appropriated in section one from any available funds, including federal revenue sharing funds, in the treasury of the county.

SECTION 3. Notwithstanding the provision of the tenth paragraph of section thirty-two of chapter thirty-five of the General Laws, bills included in excess of one year may be paid.

SECTION 4. Notwithstanding any general or special law to the contrary, the county commissioners of Middlesex county shall be prohibited from purchasing or entering into a lease for any vehicle to be used by any county commissioner except upon the recommendation of the county commissioners and of the Middlesex county advisory board.

SECTION 5. Notwithstanding any general or special law to the contrary, the county commissioners of Middlesex county shall require that all gasoline purchased any time by said county shall be purchased subject to open competitive bidding.

SECTION 6. This act shall take effect as of June 30, 1982.

Approved July 2, 1982.

Chap. 236. AN ACT MAKING SUPPLEMENTAL APPROPRIATIONS FOR VARIOUS COUNTY HOSPITALS.

Be it enacted, etc., as follows:

To provide for supplementing certain items in certain county hospital appropriation acts, the following sums are hereby appropriated, subject to the provisions of law regulating the disbursement of county hospital funds and the approval thereof for fiscal year nineteen hundred and eighty-two.

Middlesex County Hospital.

Item		Total
1.	For personal services	$ 35,000.00
2.	For contractual services	405,649.00
3.	For supplies and materials	135,495.00
4.	For current charge and obligations	70,268.00
5.	For equipment	15,312.00
6.	For structures and improvements	100,000.00
10.	For unpaid bills of previous year	32,895.00
	Total	$794,619.00

Norfolk County Hospital.

Item		Total
1.	For personal services	$ 87,582.17
2.	For contractual services	126,995.00
3.	For supplies and materials	222,197.00
4.	For current charges	135,414.00
8.	For debt and interest	6,000.00
10.	For unpaid bills	290,000.00
12.	For group insurance	111,000.00
	Total	$979,188.17

Worcester County Hospital.

Item		Total
12.	For group insurance	$ 80,000.00
	Total	$ 80,000.00

SECTION 2. Notwithstanding the provisions of the tenth paragraph of section thirty-two of chapter thirty-five of the General Laws, bills included in excess of one year may be paid.

SECTION 3. Chapter 111 of the General Laws is hereby amended by striking out section 87, as most recently amended by section 4 of chapter 487 of the acts of 1968, and inserting in place thereof the following section:-

Section 87. The county commissioners shall be trustees of the institutions operated under section eighty-two except in Norfolk county where there shall be seven trustees consisting of: the three Norfolk county commissioners, the chairperson of the Norfolk county advisory board, a medical doctor residing in Norfolk county who shall be appointed by the Norfolk county advisory board to serve for a term of six years, a member of the business community residing in Norfolk county who shall be appointed by the Norfolk county advisory board to serve for a term of six years and a health care consumer residing in Norfolk county who shall be appointed by the Norfolk county advisory board to serve for a term of six years. Such trustees shall make suitable regulations for the operation of such institutions and shall appoint superintendents and other officers and employees necessary for the proper operation of the institution. Appointment of superintendents and other physicians to the staff of said institution shall be subject to the approval of the department.

SECTION 4. Notwithstanding any law to the contrary, the provisions of section eighty-five of chapter one hundred and eleven of the General Laws shall not apply to Norfolk county fiscal year nineteen hundred and eighty-two until October first, nineteen hundred and eighty-two.

SECTION 5. The county commissioners of Norfolk county shall obtain the services of any independent certified public accountant for the purpose of auditing Norfolk county hospital for the fiscal years nineteen hundred and eighty-one and nineteen hundred and eighty-two. Said certified public accountant shall be selected by October first, nineteen hundred and eighty-two. Completion of the audit, financial statements and opinion of financial condition shall be reported to the Norfolk county advisory board and the general court no later than January first, nineteen hundred and eighty-three.

SECTION 6. Notwithstanding any other law to the contrary, the salary for the position of hospital administrator at the Norfolk county hospital shall be thirty-two thousand two hundred and fifty dollars. Said salary shall not be increased or decreased, except upon recommendation of the trustees of the Norfolk county hospital and of the Norfolk county advisory

board.

SECTION 7. Appropriations for Middlesex county hospital for fiscal year nineteen hundred and eighty-two as stated in chapter six hundred and sixty of the acts of nineteen hundred and eighty-one shall be decreased in item I. personal services by the amount of seven hundred nineteen thousand six hundred and nineteen dollars and in item 12. group insurance by the amount of seventy-five thousand dollars.

SECTION 8. Appropriations for Norfolk county hospital for the fiscal year nineteen hundred and eighty-two as stated in chapter six hundred and ninety-two of the acts of nineteen hundred and eighty-one shall be decreased in item 5. equipment by the amount of ninety-five thousand nine hundred and eighty-eight dollars, item 6. structures and improvements by the amount of twelve thousand two hundred dollars and item II. reserve account by the amount of seventeen thousand eight hundred and seventy-five dollars.

SECTION 9. This act shall take effect as of June 30, 1982.

Approved July 2, 1982.

Chap. 237. AN ACT PROVIDING FOR THE ESTABLISHMENT AND ADMINISTRATION OF RENT REGULATIONS AND THE CONTROL OF EVICTIONS IN MOBILE HOME PARK ACCOMMODATIONS IN THE TOWN OF CHELMSFORD.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of this act, the following words shall have the following meanings:-

"Rent board" and "Board", shall mean the mobile home park rent control board as established by this act.

"Mobile home", shall mean a dwelling unit built on a chassis and containing complete electrical, plumbing and sanitary facilities, and designed to be installed on a temporary or a permanent foundation for permanent living quarters.

"Mobile home park", shall mean a park licensed by the board of health pursuant to section thirty-two B of chapter one hundred and forty of the General Laws.

SECTION 2. The town of Chelmsford may, by adoption of

by-laws, regulate rents for the use or occupancy of mobile home park accommodations in said town, establish a rent control board for the purpose of regulating rents, minimum standards for use or occupancy of mobile home park accommodations and eviction of tenants therefrom and may, by its by-laws, require information under penalties of perjury from said mobile park owners relative to their parks. Such rents, standards and evictions may be regulated by the rent board so as to remove hardships or correct inequities for both the owner and the tenants of such mobile home park accommodations. Said rent board shall consist of five residents of Chelmsford appointed by a majority vote of the selectmen for terms established by by-law. Said rent board may make such rules and regulations as may be necessary to perform its functions. The board may sue and be sued, compel the attendance of persons and the production of papers and information, and issue appropriate orders which shall be binding on both the owner and tenants of such mobile home park accommodations. Violations of any by-laws adopted pursuant to this act or any order of said rent board shall be punishable by a fine of not more than one thousand dollars for any one offense.

SECTION 3. In regulating rents, for such mobile home park accommodations, the rent board established under section two may make such individual or general adjustments, either upward or downward, as may be necessary to assure that rents for mobile home park accommodations in said town are established at levels which yield to owners a fair net operating income for such units. Fair net operating income shall be that income which yields a return, after all reasonable operating expenses, on the fair market value of the property equal to the debt service rate generally available from institutional first mortgage lenders or such other rates of return as the board, on the basis of evidence presented before it, deems more appropriate to the circumstances of the case. The fair market value of the property shall be the assessed valuation of the property or such other valuation as the board, on the basis of evidence presented before it, deems more appropriate to the circumstances of the case.

The rent board by regulation may establish further standards and rules consistent with this act.

SECTION 4. The initial maximum rent of a mobile home lot or unit shall be that rent in effect for that lot or unit as of June fourteenth, nineteen hundred and eighty-one; provided, however, that the initial maximum rent may be subsequently

adjusted by the board under the provisions of section three.

SECTION 5. The provisions of chapter thirty A of the General Laws shall be applicable to the rent board, as if the rent board were an agency of the commonwealth.

SECTION 6. The rent board may regulate the eviction of tenants at mobile home parks and may issue orders which shall be a defense to an action of summary process for possession.

SECTION 7. The Lowell division of the district court department shall have original jurisdiction, concurrently with the superior court, of all petitions for review brought pursuant to section fourteen of chapter thirty A of the General Laws.

The superior court shall have jurisdiction to enforce the provisions of this act and any by-laws adopted thereunder and may restrain by injunction violations thereof.

SECTION 8. If any provision of this act or the application of such provision to any person or circumstances shall be held invalid, the validity of the remainder of this act and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 9. This act shall take effect upon its passage.

Approved July 3, 1982.

Chap. 238. AN ACT AUTHORIZING THE LICENSING AUTHORITY OF THE TOWN OF WAREHAM TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES TO JOHN M. DeBELLA.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the town of Wareham is hereby authorized to grant to John M. DeBella, d/b/a J. D.'s Tavern, Inc., a license for the sale of all alcoholic beverages to be drunk on the premises under the provisions of section twelve 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 said section seventeen.

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

(The foregoing was laid before the Governor on the 22nd day of June, 1982 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. 239. AN ACT AUTHORIZING THE TOWN OF EDGARTOWN TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES TO AL'S PACKAGE STORE, INC.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the town of Edgartown is hereby authorized to issue to Al's Package Store, Inc., a license for the sale of all alcoholic beverages not to be drunk on the premises 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 said section seventeen.

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

(The foregoing was laid before the Governor on the 23rd day of June, 1982 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. 240. AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO ISSUE AN ANNUAL ALL ALCOHOLIC PACKAGE STORE LICENSE TO BUTNELL CORPORATION.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the town of Nantucket is hereby authorized to issue to Butnell Corporation, d/b/a Hatch's Package Store in said town, a license for the sale of all alcoholic beverages not to be

drunk on the premises 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 said section seventeen.

(The foregoing was laid before the Governor on the 23rd day of June, 1982 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. 241. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THE THIRTIETH, NINETEEN HUNDRED AND EIGHTY-TWO 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 provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one, for the fiscal year ending June thirtieth, nineteen hundred and eighty-two or for such period as may be specified, the sums so appropriated to be in addition to any amounts available for the purpose.

SECTION 2.

LEGISLATURE.

0185-7803	To provide for an investigation and study by a special commission on the current local aid distribution formula in order to determine if said formulas provide a fair and equitable distribution to cities and towns of the commonwealth. Said commission shall consist of three members of the senate, seven members of the house of representatives *and three members appointed by the governor, prior appropriation* continued	$ 15,000
0185-7804	For the expenses of a special joint commission on the development of Boston Harbor, appropriation to expire June thirtieth, nineteen hundred and eighty-three	15,000
0185-7819	For a special commission on alcohol, and drug abuse education	100,000

JUDICIARY.

0330-0200	For the salaries and expenses of the recalled justices of the trial court	30,027
0330-0399	For payment of indigent counsel services rendered prior to July first, nineteen hundred and seventy-nine	50,000
0330-0500	For the federal law enforcement assistance program, provided, that funds for said purpose are recommended by the chief administrative justice of the trial court and approved by the commissioner of administration and the house and senate committees on ways and means; and provided, further, 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	7,400
0330-1000	Item 0330-1000 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended *by striking out the wording and inserting in place thereof the* following:- for expenses of juries and transportation of prisoners, including prior year expenses	700,000

0330-2300	Item 0330-2300 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by striking out the *wording and inserting* in place thereof the following:- for payment of witness fees, including prior year expenses.	
0330-2700	For the printing of forms and stationery, prior appropriation continued	$235,000

Superior Court.

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	14,000
0331-2200	For Berkshire superior court, including not more than six permanent positions	7,000
0331-2400	For Dukes superior court, including not more than two permanent positions	643

Administration of District Courts.

For Salaries and Expenses.

0332-1400	District court of central Berkshire (Pittsfield), including not more than twenty-three permanent positions; provided, *further, that* the comptroller shall write off a certain deficit in the account in the amount of fifteen hundred and forty-three dollars and forty-eight cents representing unrecovered cash balance of funds stolen from the probation office on May fifth, nineteen hundred and seventy-four and noted in the state auditor's report for the period July first, nineteen hundred and seventy-seven through June thirtieth, nineteen hundred and eighty; said report was issued on April twenty-eighth, nineteen hundred and eighty-one	2,540
0332-1600	First district court of Bristol (Taunton), including not more than thirty permanent positions	15,558
0332-2000	District court of Edgartown, including not more than nine permanent positions	6,000
0332-2400	Central district court of northern Essex (Haverhill), including not more than thirty-two permanent positions	13,013
0332-2700	District court of southern Essex (Lynn), including not more than forty-three permanent positions	42,000
0332-2800	District court of Newburyport, including not more than ten permanent positions	8,282
0332-3800	District court of eastern Hampshire (Ware), including not more than nine permanent positions	464
0332-4700	Fourth district court of eastern Middlesex (Woburn), including not more than fifty-five permanent positions	3,278
0332-6000	Fourth district court of Plymouth (Wareham), including not more than twenty-six permanent positions	25,000
0332-6100	Item 0332-6100 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by	

striking out the wording and inserting in place thereof the following:- District court of Brighton, including not more than thirty-*five permanent positions, appropriation expires June thirtieth,* nineteen hundred and eighty-three 15,000

0332-8100 Middlesex juvenile probation district, including not more than twenty-four permanent positions $4,945

0332-8300 Berkshire juvenile probation district, including not more than six permanent positions 4,861

0332-8600 Southern Worcester juvenile probation district, including not more than ten permanent positions 12,962

Probate and Family Court Department.

For Salaries and Expenses.

0333-0500 Essex, including not more than fifty-one permanent positions 65,397

0333-1200 Plymouth, including not more than forty-three permanent positions ... 21,823

0333-1400 Worcester, including not more than fifty permanent positions 22,480

Housing Court.

For Salaries and Expenses.

0336-0100 Boston housing court; provided that, notwithstanding the provisions of chapter two hundred and eleven B of the General Laws to the contrary, *the administrative justice of the housing court department holding* such office prior to the effective date of this act shall receive a salary equivalent to a justice of the trial court, including not more than thirty-four permanent positions 60,000

EXECUTIVE

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 twenty-two permanent positions 70,052

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 19,500

0431-0500 For the operation of the war records project, so-called, including not more than seven permanent positions 1,244

State Quartermaster.

0431-1110 For the operation of armories of the first class, including not more than eighty permanent positions 107,489

0431-1300	For the Camp Curtis Guild rifle range, including not more than seven permanent positions	2,015
0431-1410	For certain storage and maintenance facilities, including not more than twenty-eight permanent positions	1,154
0431-1510	For certain national guard aviation facilities, including not more than ten permanent positions	9,415

Civil Defense Agency.

0432-0001	For the service of the civil defense agency; provided, that expenditures from this item shall be contingent upon the prior approval of the proper federal authorities and shall be expended with at least an equivalent amount of federal funds for the purposes of this item, including not more than forty-five permanent positions; provided that there shall be paid from this item certain prior year salaries in accordance with a court order	$16,515

TREASURER AND RECEIVER-GENERAL.

0610-0000	For the office of the treasurer and receiver-general, including not more than one hundred and eight permanent positions	130,478
	Highway Fund 30.0%	
	General Fund 70.0%	
0611-0000	Indigent court costs	50,000

State Board of Retirement.

0612-0100	For the administration of the board; provided, that the position of executive secretary of the 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	38,310
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	100,000
	Highway Fund 22.0%	
	General Fund 78.0%	

Pensions for Retired Justices.

0612-3000	For pensions of retired judges or their widows	73,238
0612-9000	For annuities for widows of former members of the uniformed branch of the state police	1,967
	Highway Fund 66.0%	
	General Fund 34.0%	

Commissioners on Firemen's Relief.

0620-0000	For the expenses of administration and for relief disbursed by the commissioners	5,150

Debt Service.

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 462,248
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 160,000
State Recreation Areas 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 $703,726
MDC Water District Fund 100.0%

0699-5800 For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Metropolitan Parks District Fund 395,246
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 709,345
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 12,285,926

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 7,626,191

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Comptroller's Division.

1103-5010 For the administration of the bureau of special investigations, including not more than fifty-nine permanent positions; provided, that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-three 767,010

Massachusetts Commission Against Discrimination.

1150-5100 For the office of the commission; provided, that all positions except clerical are exempted from the provisions of chapter thirty-one of the General Laws, including not more than fifty-four permanent positions 20,880

DEPARTMENT OF REVENUE.

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 said department shall establish and maintain an office in the town of Greenfield, to be open not less than three days per week; 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 six hundred and forty-nine permanent positions	365,046
	Highway Fund 10.0%	
	General Fund 90.0%	

Bureau of Local Taxation.

1233-3100	For reimbursing certain cities and towns for fifty percent of career incentive salary increases for police officers	$187,950
	Local Aid Fund 100.0%	

Miscellaneous.

1599-2037	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 thereof; provided, however that, this appropriation shall expire on June thirtieth, nineteen hundred and eighty-three	3,500,000
1599-2104	For the payment of indigent counsel services rendered during fiscal year nineteen hundred and eighty, notwithstanding the provisions of section twenty-nine A of the General Laws; appropriation expires June thirtieth, nineteen hundred and eighty-three	50,000
1599-3277	For a reserve for the system of public institutions of higher education for the employment of the professional employees of Boston state college in accordance with section fourteen of chapter eight hundred and eight of the acts of nineteen hundred and eighty-one, subject to the condition that the board of regents shall, within thirty days of employment of such persons, notify the house and senate committees on ways and means of the job title and employee number of each such person, the institution at which they have accepted employment, and any amount expended for their continued employment, prior appropriation continued	150,000
1599-3282	For the payment of a certain court judgement entered in Norfolk superior court docket number 126212	21,500
1599-3292	For the payment of a certain court judgement entered in Suffolk superior court docket number 10486	1,070

1599-3293	For the payment of a certain court judgement entered in U.S. district court document numbers 76-501-N and 76-4216-N	17,968
1599-3294	For the payment of a certain court judgement entered in U.S. district court document number 78-529-N	7,150
1599-3295	For the payment of a certain court judgement entered in Plymouth superior court docket number 62289	18,000
1599-3296	For the payment of a certain court judgement entered in U.S. district court document number 77-3809-K	10,218
1599-3297	For the reimbursement by the state treasurer to the electric mutual liability insurance company pursuant to the provisions of section seven of chapter one hundred and fifty-two of the General Laws as amended	8,632
1599-3298	For the payment of a certain court judgement entered in the Suffolk superior court docket number 50763	11,856
1599-3299	For the payment of a certain settlement agreement entered into between the department of mental health and the office of employee relations	5,000
1599-3301	For the payment of a certain settlement agreement entered into between the department of mental health and the office of employee relations	5,646
1599-3302	For the payment of a certain court judgement entered in Boston municipal court docket number 19057	$7,555
1599-3303	For a reserve to meet the cost of certain personnel classification appeals, approved and granted by the personnel administrator in accordance with the provisions of section forty-nine of chapter thirty of the General Laws as amended, 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-two, such amounts as are necessary to meet the costs of such appeal decisions for the fiscal year nineteen hundred and eighty-two 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 to the several state or other funds to which such items of appropriation are charged appropriation to expire June thirtieth, nineteen hundred and eighty-three	175,000
1599-3304	For a certain court judgement entered in Suffolk superior court docket number 35871	6,111
1599-3305	For a certain court judgement entered in Berkshire superior court docket number 29810	428
1599-3306	For a certain court judgement entered in Barnstable superior court docket number 41141	643
1599-3307	For the payment of a moral obligation to an employee who was improperly terminated	55,000
1599-3308	For a certain reimbursement to the town of Florida as authorized by chapter seven hundred and thirteen of the acts and resolves of nineteen hundred and eighty-one	10,626

1599-3313	For a reserve for the cost of equipment for a criminal case processing system in the trial court; provided that the allocation of funds for the purpose of this item shall be based upon the recommendation of the commissioner of administration and the approval of the house and senate committees on ways and means; and provided, further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-three	659,970	
1599-3316	For the reimbursement by the state treasurer to the travelers insurance company pursuant to the provisions of section seven of chapter one hundred and fifty-two of the General Laws as amended	4,998	
1599-3317	For a reserve for grants to Neighborhood Housing Services Corporations for operating expenses and a housing rehabilitation loan program notwithstanding the provisions of chapter four hundred and ninety of nineteen hundred and eighty; provided that the allocation of funds for the purpose of this item shall be based upon the recommendation of the commissioner of administration and the approval of the house and senate committees on ways and means; and provided, further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-three	1,500,000	
1599-3318	For the expenses of the Massachusetts Convention Center Authority; provided, that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-three	200,000	
1599-3319	For the payment of a moral obligation to an individual for land taken by the state, for which the compensation was erroneously paid in part to another individual, in accordance with a resolve in section seventeen of this act		$5,000
1599-3320	For the payment of a moral obligation to an individual for the abatement of a sales tax paid, in accordance with a resolve in section eighteen of this act	190	
1599-3321	For the payment of a moral obligation to an individual for certain legal fees expended in a criminal prosecution brought against the financial director of the Walter E. Fernald State School, in accordance with a resolve in section nineteen of this act	8,500	
1599-3322	For the payment of a moral obligation to an individual for damages incurred by her on May thirtieth, nineteen hundred and seventy-eight, while performing her duties as a social worker for the department of public welfare	373	
1599-3323	For a reserve to fund studies of investment strategies and policies which can be adopted by private and public institutions to revitalize depressed urban neighborhoods in the Commonwealth; provided, that funds to finance investment studies go directly to community organizations; provided, further, that the allocation of funds for this purpose shall be based on a recommendation of the commissioner of administration and approval of the house and senate committees on ways and means	100,000	

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Department of Environmental Management.

Division of Forests and Parks.

2120-1400	For a program of survey and detection of forest insect diseases		

in cooperation with the United States Forest Service; and that an amount not less than four hundred thousand dollars be expended for the establishment and administration of a program within the division of forests and parks to assist communities with the control and suppression of public nuisances, including gypsy moth and saddle prominent, as named under section eleven of chapter one hundred and thirty-two of the General Laws; said program to be compatible with public nuisance control policy recommendations of the commonwealth; provided, however, that only biological pest control products shall be used; and provided, that a chemical control agent shall be utilized as a last resort only; and provided, further, that any decision to utilize chemical agents shall be made after a public hearing held pursuant to chapter thirty A of the General Laws and shall be made in writing with an explanation as to the necessity of utilizing such a chemical agent; and provided, further, that no funds shall be expended for use of a chemical agent in the control and suppression of such public nuisances without the prior approval of the house and senate committees on ways and means, prior appropriation continued.

Department of Environmental Quality Engineering.

Office of the Commissioner.

2200-0100 For the office of the commissioner, including not more than six permanent positions $8,700

2200-0300 For a program of water conservation grants to the cities, towns, and districts of the commonwealth, excluding the metropolitan district commission, which shall include the provision of information and technical assistance to water consumers regarding the needs for water conservation and the methods by which the water supply can be conserved and protected, and projects which are designed specifically to promote the utilization of less water supply than currently is being sold to consumers by local water managers; provided, that said grants shall be matched by an equal amount appropriated by said cities, towns, and districts; and provided, that said program shall include the purchase and distribution of water conserving devices for the retrofit of water using fixtures in existing structures throughout the commonwealth; provided, that said funds shall be administered by the cities, towns, and districts of the commonwealth pursuant to standards and criteria established by the department of environmental quality engineering and approved by the water resources commission; and provided, that such standards and criteria establish that priority be given, for receipt of such funds, to such cities, towns, and districts that charge or are in the process of adopting a rate structure that charges the actual cost of water services to its consumers; and provided, further, that said cities, towns, and districts, shall distribute said devices at the cost of purchase to residents of said cities, towns, and districts; appropriation continues through June thirtieth, nineteen hundred and eighty-three 1,000,000

Local Aid Fund 100.0%

2250-0150 For the administration of the drinking water quality construction program. Appropriation to expire June thirtieth, nineteen hundred and eighty-three 75,000

Division of Air Quality Control.

2260-9701 For the purpose of a federally funded grant entitled, Hazardous Waste Site Clean-up Superfund 580,301
General Federal Grants Fund 100.0%

2270-0521 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 the amount appropriated herein shall be used for all pre-construction activities for the dredging and improvements of the Essex River 25,000

2270-0522 For the dredging of Sluce Pond in Lynn for the purpose of weed control, appropriation to expire June thirtieth, nineteen hundred and eighty-three 10,000

Department of Fisheries, Wildlife and Recreational Vehicles.

Division of Marine and Recreational Vehicles.

2340-0100 For the administration of the division, including not more than sixty-two permanent positions $139,000

2350-0100 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 resource officer; provided, further, that not less than five natural resource officers shall be assigned to hazardous waste regulation, including not more than seventy-eight permanent positions. Appropriation expires June thirtieth, nineteen hundred and eighty-three 175,000
Inland Fisheries and Game Fund 30.0%
State Recreation Areas Fund 15.0%
General Fund 55.0%

Metropolitan District Commission.

MDC Water District.

2420-0200 For a program of water conservation to be conducted in the metropolitan water district; provided, that not less than one hundred thousand dollars shall be used on a program to train local officials in the member cities and towns of said district to conduct continuous leak detection surveys; and provided, further, that not less than two hundred thousand dollars shall be used for the publication and distribution of materials promoting water conservation by consumers within said district; appropriation continues through June thirtieth, nineteen hundred and eighty-three 350,000
MDC Water District Fund 100.0%

Metropolitan Sewerage District.

2430-0100 For the maintenance and operation of a system of sewerage disposal for the metropolitan sewerage district, including not more than four hundred and fifty-six permanent positions 887,000
MDC Sewerage District Fund 100.0%

Metropolitan Parks District.

2440-0020 Section 2 of chapter 351 of the acts of 1981 is hereby amended by striking out the wording in item 2440-0020 and inserting in place thereof the following new wording:-
For payment to the city of Boston for maintenance and operation of the James Michael Curley recreation center.

2440-0023 For the administration of the Metropolitan District Commission Police South West Corridor Park System, Franklin Zoological Park, and Arnold Arboretum Division, including not more than thirty permanent positions 743,000
MDC Parks District Fund 100.0%

2440-0024 For the purpose of increased police patrols at the Chestnut Hill Reservoir Reservation 50,000

2440-0025 For payment to the town of Hull for deferred payment of the metropolitan district commission share of construction costs of the Hull sewer treatment facility $133,634
MDC Parks District Fund 100.0%

Department of Food and Agriculture.

Division of Regulatory Services.

2511-3000 For the administration of the division, including the pesticide bureau, the bureau of plant pest control, the bureau of farm products, and the bureau of dairying, including not more than twenty-eight permanent positions. Appropriation to expire June thirtieth, nineteen hundred and eighty-three 26,500

2511-3100 For the purposes of a study of wholesale milk pricing practices in the commonwealth. Appropriation to expire June thirtieth, nineteen hundred and eighty-three 38,500

Division of Agricultural Development.

2511-4000 For the administration of the division, and for the expenses of the bureau of markets and the bureau of land use, including not more than sixteen permanent positions 9,000

Division of Fairs.

2518-3000 For the payment of certain prizes to promote the breeding of thoroughbred horses to the commonwealth, in accordance with the provisions of section two of chapter one hundred and twenty-eight of the General Laws; provided however, that the balance of any

funds accruing to the Massachusetts thoroughbred breeding program under the provisions of section fourteen of chapter four hundred and ninety-four of the acts of nineteen hundred and seventy-eight as most recently amended by chapter five hundred and fifty-eight of the acts of nineteen *hundred* and eighty-one and not appropriated under item 2518-4000, shall be deposited by the treasurer *in a separate* account designated Massachusetts thoroughbred breeding program and shall not revert to the General Fund 220,000
Massachusetts Thoroughbred
Breeders Fund 100.0%

2518-4000 For the expenses of an equine research, loans and scholarship program in cooperation with the Tufts University School of Veterinary Medicine and in accordance with the provisions of section two of chapter one hundred and twenty-eight of the General Laws; provided, however, that the balance of any funds accruing to the Massachusetts thoroughbred breeding program under the provisions of section fourteen of chapter four hundred and ninety-four of the acts of nineteen hundred and seventy-eight as most recently amended by chapter five hundred and fifty-eight of the acts of nineteen hundred and eighty-one and not appropriated hereinafter or appropriated under item 2518-3000, shall be deposited by the treasurer in a separate account designated Massachusetts thoroughbred breeding program and shall not revert to the General Fund 65,657
Massachusetts Thoroughbred
Breeders Fund 100.0%

2518-5000 For the payment of certain prizes, to promote the breeding of standardbred horses in the commonwealth, in accordance with the provisions of section two of chapter one hundred and twenty-eight of the General Laws; *provided*, however, that the balance of any funds accruing to or allocated to the Massachusetts standardbred agricultural fair and breeding fund committee established under section ten of chapter one hundred and twenty-eight of the General Laws, as most recently amended by section fourteen of chapter four hundred and ninety-four of the acts of nineteen hundred and seventy-eight as most recently amended by chapter five hundred and fifty-eight of the acts of nineteen hundred and eighty-one shall be deposited by the treasurer in a separate account designated as the Massachusetts standardbred agricultural fair and breeding fund and shall not revert to the General Fund $152,031
Massachusetts Standardbred
Agricultural Fair and
Breeding Fund 100.0%

Communities and Development.

3745-3000 For energy crisis assistance program and administrative expenditures, to be administered in accordance with the state plan and regulations promulgated as part of the fiscal year nineteen hundred and eighty-two federal low income home energy assistance program, provided that priority shall be given to eligible elderly and families who heat with utilities which have been shut off or for which *shut off* is imminent and who applied for assistance prior to April

thirtieth, nineteen hundred and eighty-two, provided that all monies shall be expended from this item as of August thirty-first, nineteen hundred and eighty-two 1,500,000

EXECUTIVE OFFICE OF HUMAN SERVICES.

4000-0700 For the administration of the office of state health planning, including a health maintenance organization program; provided, that not less than one hundred and twenty-five thousand dollars shall be expended for a program to provide technical assistance to community health programs administered by community health centers as referred to in section three hundred and thirty of the federal Public Health Services Act of 1978, as amended (Public Law 95-626); provided, further, that not more than three hundred thousand dollars shall be expended to purchase community-based health planning services from the commonwealth's regional health care coalitions, the contracts to be allocated on a base amount of ten thousand dollars to each, the remainder to be allocated on a per capita basis, appropriation to expire on June thirtieth, nineteen hundred and eighty-three 300,000

4000-0710 For a reserve to meet the need for emergency funding of nursing homes under receivership; provided, however, that the receiver shall certify in writing to the department of public health, the executive office of human services, and the house and senate committees on ways and means that an acute emergency exists which jeopardizes patient care and safety and that all funding sources are insufficient or not available to meet said need. Funds appropriated herein shall be authorized for transfer to account 4510-0710 where amounts are otherwise insufficient pursuant to schedules submitted by the commissioner of administration and approved by the house and senate committees on ways and means, this appropriation shall expire on June thirtieth, nineteen hundred and eighty-three $100,000

Rate Setting Commission.

4100-0010 Item 4100-0010 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding at the end thereof the following:- and provided, further, for the payment of a certain arbitration award, case number 1139-1154-81, not to exceed one thousand twenty-seven dollars and ninety-five cents be allowed and paid from this item:

Office for Children.

Region One.

4131-1000 Item 4131-1000 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding the following:- ; provided that certain prior years expenses not to exceed one thousand three hundred and twelve dollars be allowed and paid from this item; provided, further, that notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws an amount not to exceed three hundred dollars shall be

allowed and paid from this item for consultant services rendered on March twenty-fifth, nineteen hundred and eighty-one.

Region Two.

4132-1000 Item 4132-1000 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding the following:- ; provided that certain prior years expenses not to exceed four thousand seven hundred and thirty-five dollars be allowed and paid from this item.

Region Three.

4133-1000 Item 4133-1000 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding the following:- ; provided that certain prior years expenses not to exceed one thousand three hundred and fifty dollars be allowed and paid from this item; provided, further, that notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws an amount not to exceed five hundred and twenty-six dollars shall be allowed and paid from this item for consultant services rendered from July first, nineteen hundred and eighty to June thirtieth, nineteen hundred and eighty-one.

Region Four.

4134-1000 Item 4134-1000 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding the following:- ; provided that certain prior years expenses not to exceed one thousand seven hundred and thirty-seven dollars be allowed and paid from this item; provided, further, that notwithstanding the provisions of section twenty-nine A of chapter twenty-*nine of the General Laws an amount not to exceed two hundred* dollars shall be allowed and paid from this item for consultant services rendered on December nineteenth, nineteen hundred and eighty.

Region Five.

4135-1000 Item 4135-1000 of section two of chapter three hundred and fifty-one of the acts of nineteen *hundred and eighty-one is hereby amended by* adding the following:- ; provided that certain prior years expenses not to exceed nine thousand one hundred and five dollars be allowed and paid from this item; provided, further, that notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws an amount not to exceed two thousand one hundred and nine dollars shall be allowed and paid from this item for consultant services rendered from May first, nineteen hundred and eighty-one to June thirtieth, nineteen hundred and eighty-one.

Region Six.

4136-1000 Item 4136-1000 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding the following:- ; provided that certain prior years expenses not to exceed twelve thousand six hundred and eighty-six dollars be allowed and paid from this item.

Region Seven.

4137-1000 Item 4137-1000 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding the following:- ; provided that certain prior years expenses not to exceed eleven thousand and ninety-eight dollars be allowed and paid from this item; provided, further, that notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws an amount not to exceed three thousand eight hundred and ten dollars shall be allowed and paid from this item for consultant services rendered from March third, nineteen hundred and eighty-one to June thirtieth, nineteen hundred and eighty-one.

Commissioner of Veterans' Services.

4170-0300	For the payment of annuities to certain disabled veterans	$1,970
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 and fifteen of the General Laws, prior appropriation continued	289,374
	Local Aid Fund 100.0%	

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, and provided that certain legal counsel services, not to exceed eight thousand dollars in value, rendered under the terms of a nineteen hundred and eighty-two "03" contract which did not receive prior approval may be paid from this item, including not more than sixty-six permanent positions	$68,886
4311-0004	For a health service program, including not more than sixty-five permanent positions	255,600

For the maintenance of and for certain improvements at the following institutions under the control of the department:

4314-0001	Correctional institution at Concord, including not more than two hundred and eighty-four permanent positions	21,000
4343-0001	For pre-release centers at Shirley and Lancaster, including not more than sixteen permanent positions	54,150
4348-0001	For a medium correctional security facility in north central Massachusetts, including not more than twenty permanent positions	332,614

Parole Board.

4380-0001	For the office of the board; provided, that the position of employment officer, parole board, shall not be subject to the provisions of chapter thirty-one of the General Laws, including not more than one hundred and four permanent positions	18,714

DEPARTMENT OF PUBLIC WELFARE.

Notwithstanding any provisions of law to the contrary, the department of public welfare shall submit quarterly to the house and senate committees on ways and means a status report on the following subjects: (1) new positions which have been filled, including the date when filled and the program where assigned; (2) caseload in the programs of aid to families with dependent children, general relief, supplemental security income, medical assistance, and food stamps; (3) the error rate in the program of aid to families with dependent children, including the analysis of most frequently occurring errors; (4) payments made under the emergency assistance program, the number of clients receiving benefits, and the amount in each category of assistance; (5) progress in the completion of the medicaid management information system, including the amount spent for such system and a time table for completion; (6) expenditures made in the work incentive program including the amount expended for services to certified registrants, the number of registrants obtaining employment, and the number of registrants leaving the program of aid to families with dependent children; (7) expenditures made, cases reduced or terminated, and savings generated by the wage reporting system established in the department of revenue; (8) agreements entered into and the amount of collections actually received from activities of the child support enforcement unit; (9) the number of overpaid cases and the amount of recouped funds, separated into cases where the recipients were at fault and were without fault, and the number of overpaid vendors and the amount of recouped funds; (10) the experience of the department in testing a monthly income reporting system in certain welfare service offices.

4400-1000 Item 4400-1000 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding the following:- ; provided, that notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws rendered during the period January first, nineteen hundred and eighty-one through February twenty-eighth, nineteen hundred and eighty-one an amount not to exceed thirty-eight thousand five hundred dollars for which prior approval had not been given shall be allowed and paid from this item; and provided, further, that judgments, settlements, arbitration and other expenses in an amount not to exceed sixty-six thousand five hundred dollars for prior years

services but finally determined during the current fiscal year may be paid from this item.

4400-1003 Item 4400-1003 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding the following:- ; provided, that notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws certain contractual services rendered during the fiscal year nineteen hundred and eighty-one an amount not to exceed one hundred thousand dollars for which prior approval had not been given shall be allowed and paid from this item; and provided, further, that judgments, settlements, arbitration and other expenses in an amount not to exceed twenty-five thousand dollars for prior years services but finally determined during the current fiscal year may be paid from this item.

4400-1004 Item 4400-1004 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding the following:- ; provided, that notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws certain contractual services rendered during the period July first, nineteen hundred and eighty-one to October first, nineteen hundred and eighty-one an amount not to exceed forty-seven thousand eight hundred dollars for which prior approval had not been given shall be allowed and paid from this item; and provided, further, that constables and sheriffs bills and other expenses for prior years services in an amount not to exceed two thousand two hundred dollars may be paid from this item.

4400-1035 Item 4400-1035 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding the following:- ; provided that certain prior years expenses in an amount not to exceed two thousand dollars may be allowed and paid from this item.

4402-5000 For a medical assistance program including 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; 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 fiscal 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 fifty-six million seven hundred thousand 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 $10,000,000

4402-5101 Item 4402-5101 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by

adding the following:- ; provided that judgments, settlements, arbitration and other expenses for prior years services in an amount not to exceed one thousand five hundred dollars may be allowed and paid from this item.

4403-2000 Item 4403-2000 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding the following:- ; and provided, further, that compensation not to exceed twenty thousand dollars, determined to be owed from prior fiscal year or as a result of judgments, settlements, and appeals decisions rendered in the current fiscal year may be paid from the current fiscal year appropriation.

4405-2000 Item 4405-2000 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding the following:- ; and provided, further, that compensation not to exceed one million five hundred thousand dollars, determined to be owed from prior fiscal years for services rendered in the prior fiscal year or as a result of judgments, settlements, and appeals decisions rendered in the current fiscal year may be paid from the current fiscal year appropriation.

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 six million two hundred thousand dollars may be expended for said medical services; and provided, further, that compensation determined to be owed from prior fiscal years in an amount not to exceed thirty thousand dollars as a result of appeals and settlements decided in the current fiscal year shall be allowed and paid from this item 600,000

4407-1000 Item 4407-1000 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding the following:- ; and, further, provided that certain WIN expenses in an amount not to exceed forty-five thousand dollars for prior years services shall be allowed and paid from this item.

DEPARTMENT OF PUBLIC HEALTH.

Notwithstanding any provision of law to the contrary, applications for all private and federal grants and subventions by the department of public health shall be subject to approval of the commissioner of administration and the house and senate committees on ways and means prior to submission to the grantor. Unless otherwise advised by the ways and means committees in writing within thirty days after receipt of said application in accordance with existing law.

4510-0710 Item 4510-0710 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by striking out, in line six, the words "; and provided, further, that not less than one hundred ten thousand five hundred and ninety-three dollars be expended for the laboratory licensure program authorized by chapter one hundred and eleven D of the General Laws".

4512-0200 For the administration of the division of alcoholism; provided that not less than one hundred and fifty-five thousand dollars be expended for a Residential Intermediate Care program; and provided, further, that not less than six hundred and sixty thousand dollars be expended for a detoxification program operated by the Boston Alcohol Detoxification Project, Inc., including not more than ten permanent positions $400,000

4513-1000 Item 4513-1000 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding the following:- ; provided that, notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws, an amount not to exceed fifteen thousand dollars for certain contractual services rendered during nineteen hundred and eighty and nineteen hundred and eighty-one be allowed and paid from this item; provided, further, that certain prior years expenses not to exceed two hundred ten thousand dollars be allowed and paid from this item.

4515-0100 Item 4515-0100 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding the following:- ; and provided, further, that certain prior years expenses not to exceed four thousand dollars shall be allowed and paid from this item.

4516-0201 Item 4516-0201 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding the following:- ; and provided, further, that prior years expenses for salary increases for CETA participants over the maximum CETA allowable not to exceed two thousand three hundred thirty-two dollars and eighty-eight cents shall be allowed and paid from this item.

4532-0001 Item 4532-0001 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by striking out, in lines one to seven, the words ", provided that the salary of the position of superintendent of Lemuel Shattuck hospital may be established without references 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 approval by the commissioner of administration," and inserting in place thereof the words:- provided that the position of superintendent of Lemuel Shattuck hospital shall be classified in accordance with section forty-six C of said chapter thirty, and by adding the following:- ; and provided, further, that prior years expenses for retroactive payments to eleven employees not to exceed nine thousand three hundred ninety-six dollars and fifty cents be allowed and paid from this item.

4534-0001 Pondville hospital, including not more than two hundred and ninety-nine permanent positions; provided, that notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws certain contractual services rendered during the month of January nineteen hundred and eighty-two in an amount not to exceed ten thousand seven hundred and five dollars be allowed and paid from this item $2,214

DEPARTMENT OF SOCIAL SERVICES.

4800-0010 Item 4800-0010 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding the following:- ; provided that certain prior years expenses not to exceed two thousand two hundred and forty dollars be allowed and paid from this item.

Region I.

4801-0100 Item 4801-0100 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding the following:- ; provided that certain prior years expenses not to exceed one hundred and fifty-two dollars be allowed and paid from this item.

4801-0200 Item 4801-0200 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding the following:- ; provided that certain prior years expenses not to exceed twenty thousand dollars be allowed and paid from this item.

Region II.

4802-0100 Item 4802-0100 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding the following:- ; provided that certain prior years expenses not to exceed ten thousand six hundred and fifty dollars be allowed and paid from this item.

4802-0200 Item 4802-0200 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding the following:- ; provided that certain prior years expenses not to exceed twenty-three thousand dollars be allowed and paid from this item.

Region III.

4803-0100 Item 4803-0100 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding the following:- ; provided that certain prior years expenses not to exceed one thousand five hundred dollars be allowed and paid from this item.

4803-0200 Item 4803-0200 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding the following:- ; provided that certain prior years expenses not to exceed twenty-six thousand dollars be allowed and paid from this item.

Region IV.

4804-0100 Item 4804-0100 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding the following:- ; provided that certain prior years expenses

not to exceed eleven thousand nine hundred and fifty-two dollars be allowed and paid from this item.

4804-0200 Item 4804-0200 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding the following:- ; provided that certain prior years expenses not to exceed twenty-one thousand dollars be allowed and paid from this item.

Region V.

4805-0200 Item 4805-0200 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding the following:- ; provided that certain prior years expenses not to exceed eighteen thousand dollars be allowed and paid from this item.

Region VI.

4806-0100 Item 4806-0100 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding the following:- ; provided that certain prior years expenses not to exceed five hundred dollars be allowed and paid from this item.

4806-0200 Item 4806-0200 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding the following:- ; provided that certain prior years expenses not to exceed fifty thousand dollars be allowed and paid from this item.

DEPARTMENT OF MENTAL HEALTH.

Notwithstanding any provision of law to the contrary, the department of mental health shall submit quarterly to the house and senate committees on ways and means the status of all existing community-based programs, including the total cost of each program its client capacity, and the number of clients actually being served.

On August first, nineteen hundred and eighty-one the department shall submit to the house and senate committees on ways and means its plan for community placements, including all statistical details identifying both institutional and non-institutional clients.

For new program starts, 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, numbers 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. Notwithstanding any provision of law to the contrary, 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 July first, nineteen hundred and eighty-one through June thirtieth, nineteen hundred and eighty-two.

5011-0000 Item 5011-0000 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding the following:- ; provided that judgments, settlements, arbitration and other certain prior years expenses not to exceed seventy-one thousand four hundred and forty dollars be allowed and paid from this item.

5016-0100 Item 5016-0100 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding the following:- ; provided that prior year expenses incurred for certain probate charges in the amount not to exceed thirteen hundred dollars be allowed and paid from this item.

Region I.

5100-0100 To provide reimbursement to the University of Massachusetts under their fiscal year nineteen hundred and eighty-one medical contract with the Northampton state hospital. The total amount billed by the University of Massachusetts not to exceed thirty-four thousand one hundred and nineteen dollars; and provided, further, to provide reimbursement of state employees for mileage incurred during the performance of their assigned jobs not to exceed three thousand five hundred and seventy-six dollars $37,695

5195-0100 For the maintenance of the Northampton state hospital, including not more than five hundred and eighty-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 186,000

Region II.

5245-0000 Item 5245-0000 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding the following:- ; provided that certain prior years expenses not to exceed twenty-three thousand two hundred and thirty-four dollars be allowed to be paid from this item.

5283-0100 Item 5283-0100 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding the following:- ; provided that certain prior years court judgments in an amount not to exceed nine thousand one hundred and forty-two dollars be allowed and paid from this item.

5295-0100 Item 5295-0100 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding the following:- ; provided that certain prior years expenses not to exceed two thousand dollars be allowed and paid from this item.

Region III.

5300-0100 Item 5300-0100 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding the following:- ; provided that judgments, settlements, arbitration and other certain prior years expenses not to exceed seven thousand one hundred and seventy dollars be allowed and paid from this item.

Region IV A.

5445-0000 Item 5445-0000 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding the following:- ; provided that certain prior years expenses not to exceed two thousand six hundred and eighty-six dollars be allowed and paid from this item; provided, further, that notwithstanding the provisions of section twenty-nine A of chapter twenty-nine an amount not to exceed nine thousand one hundred dollars shall be allowed and paid from this item for services rendered during the period August first, nineteen hundred and eighty-one to January thirty-first, nineteen hundred and eighty-two.

5483-0100 Item 5483-0100 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding the following:- ; provided that certain prior years court judgments in an amount not to exceed eight thousand dollars be allowed and paid from this item.

Region V.

5500-0100 For the administration of mental health and mental retardation services in the following catchment areas and facilities in Region V: New Bedford, Plymouth, Taunton, Attleboro, Cape Cod, including the Pocasset mental health center; Fall River, including the Dr. John C. Corrigan mental health center; provided, however, that no funds may be expended from this item for purchase of service contracts for the care of so-called "Tier III" patients, without the prior approval of the house and senate committees on ways and means, including not more than five hundred and sixty-nine permanent positions $25,000

5540-0100 Item 5540-0100 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one is hereby amended by adding the following:- ; provided that certain prior years expenses not to exceed six hundred and fifty dollars be allowed and paid from this item.

EXECUTIVE OFFICE FOR TRANSPORTATION AND CONSTRUCTION.

Office of the Secretary.

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
General Fund 80.0%
Highway Fund 20.0%

Massachusetts Bay Transportation Authority.

6005-0023 For the reimbursement of the town of Maynard for assessment charges authorized under General Laws chapter one hundred and sixty-one A, sections eight, eight A, and nine, and as reduced by state contract assistance authorized under chapter eight hundred and twenty-five of the acts of nineteen hundred and seventy-four, sections six and seven, and as appearing on the notice to assessors, as authorized by section twenty-one of general laws chapter fifty-nine, for the fiscal year nineteen hundred and eighty-two; and, provided further, that this appropriation shall not expire prior to the thirtieth of June nineteen hundred and eighty-three 151,500
Local Aid Fund 100.0%

DEPARTMENT OF PUBLIC WORKS.

Highway Activities.

Administrative and Engineering Expenses.

6020-1900 For the operation and maintenance of the public works building, including not more than fifty-nine permanent positions 55,150
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 277,520
Highway Fund 100.0%

6020-2906 For the purpose of reimbursing Mr. Roy Peterson for the costs incurred in restoring a non-contaminated water supply to his property located on route two in the town of Gill, which supply had become contaminated from road salt runoff from route two; provided, further, that this appropriation expire June thirtieth, nineteen hundred and eighty-three 10,000
Highway Fund 100.0%

6030-7601 For maintenance and operation of state highways and bridges including the provisions of chapter eight hundred and three of the acts of nineteen hundred and seventy-nine $187,553
Highway Fund 100.0%

DEPARTMENT OF EDUCATION.

Division of Special Education.

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 general or special law to the contrary, all increases in the rate paid to any institution or school for services provided in a prior fiscal year may be funded with monies appropriated herein 1,612,959

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Office of the Secretary.

8000-0100 For the office of the secretary, including not more than three permanent positions 14,020
Highway Fund 85.0%
General Fund 15.0%

Division of State Police.

8312-0100 For the administration of the division, provided, however, that not less than one hundred fifty thousand dollars be expended on investigations concerning prescription drug abuse to be conducted by the Drug Investigation Unit, so-called; provided, further, that not less than one hundred twenty-five thousand dollars shall be used for mounted units which shall patrol Walden Pond, Salisbury Beach and other state facilities as appropriate, including not more than one thousand one hundred and fifty-seven positions; provided, further, that this appropriation expires June thirtieth, nineteen hundred and eighty-three 2,456,459
Highway Fund 85.0%
General Fund 15.0%

8312-0200 For the administration of the narcotics unit in the bureau of investigative services within the division of the state police provided; that there shall be a minimum of one hundred state police officers assigned to full time duty with said unit and under the command of a commissioned officer of the state police; all such officers shall be exclusively assigned on a full time basis to undercover operations, smuggling operations, the investigation of the diversion of legally manufactured drugs, and the investigation of illegal distributions of controlled substances among minors; officers assigned to said unit shall not be discharged to details other than those described above unless they are replaced by another officer. This appropriation to expire June thirtieth, nineteen hundred and eighty-three 2,000,000
General Fund 15.0%
Highway Fund 85.0%

Registry of Motor Vehicles.

8400-0001 For the administration of the registry; provided that, the positions of administrative assistant to the registrar, legislative assistants, executive secretary, assistant supervisor of public relations, executive assistant to the registrar, director of law enforcement, registry of motor vehicles, and director of employee relations shall

not be subject to the civil service law and rules; including not more than one thousand permanent positions $191,152
Highway Fund 100.0%

EXECUTIVE OFFICE OF MANPOWER AFFAIRS.

9000-0102 For the expenses of the Massachusetts Technology Park, provided that this appropriation shall expire June thirtieth, nineteen hundred and eighty-three 360,000

9000-0105 For the expenses of the Comprehensive Offender Employment Resource System, provided that this appropriation shall expire June thirtieth, nineteen hundred and eighty-three 50,000

9000-0405 For a youth employment program, provided that said program shall be administered by the Bay State Skills Corporation; and provided further that for the purposes of administration of said program, the youth participants of said program shall be considered as targeted individuals within the meaning of section four of chapter forty-I of the General Laws; subject to the condition that not more than four hundred and fifty thousand dollars shall be expended for the purposes of administration of said program of which not less than forty-five thousand dollars be provided for counseling services; provided further that this appropriation shall expire June thirtieth, nineteen hundred and eighty-three 1,500,000

Department of Labor and Industries.

9020-6001 For the expenses of the department in enforcing the minimum wage laws, including not more than twenty-two permanent positions 17,729

9020-8001 Division of employment agencies, including not more than three permanent positions 6,657

9091-0404 For the expenses of the Foreign Business Council provided that this appropriation shall expire June thirtieth, nineteen hundred and eighty-three 58,000

THE EXECUTIVE OFFICE OF ELDER AFFAIRS.

9110-1621 For the Retired Senior Volunteer Program, provided that three thousand, six hundred dollars be distributed to each of the fifteen RSVP areas, and provided that each area spend no more than one thousand, two hundred dollars for volunteers' out of pocket expenses; and one thousand, two hundred dollars for insurance payments, one thousand, two hundred dollars for administrative expenses; and provided that no state monies can be used to cover banquet expenses 54,000

EXECUTIVE OFFICE OF CONSUMER AFFAIRS.

Division of Standards.

9218-0100 For the personal services and expenses of the division of standards, including not more than thirty-four permanent positions .. $100,000

EXECUTIVE OFFICE OF ENERGY RESOURCES.

Notwithstanding any provision of law to the contrary, the executive office of energy resources shall administer the programs described herein. These programs shall be limited to: (1) the energy conservation and alternative energy bond program pursuant to section eleven of chapter twenty-five A of the General Laws, (2) the energy data and collection program, (3) the solar action program, and (4) the passive solar program, provided that those programs follow the guidelines listed herein.

The energy conservation and alternative bond program shall administer the twenty million dollar bond program of chapter seven hundred and ninety-six of the acts of nineteen hundred and seventy-nine and additions thereto, shall establish an energy audit program to determine the energy consumption levels of and appropriate energy conservation measures for buildings owned by the commonwealth and its political subdivisions, shall administer an energy conservation improvement program to carry out and assist energy conservation projects for such buildings and facilities, shall establish an alternative energy property program to provide alternative energy sources for buildings owned by the commonwealth and its political subdivisions and shall monitor the use and effectiveness of alternative energy sources.

The solar action program shall provide activities including public information, technological innovation, solar demonstration, and consumer assistance, which improve opportunities for the commercialization of solar energy; shall disseminate information to the general public on the use of solar energy and shall provide support to Massachusetts solar industries.

The passive multi-family housing program shall encourage the utilization of passive solar within the commonwealth by contracting with architects to design passive solar components for new multi-family housing and shall focus on reducing energy costs for low income people.

The energy data collection program shall generate a data base for the purpose of analyzing the demand and availability of energy; shall evaluate potential conversions to coal, alternative fuels, and cogeneration of electric generating facilities and major fuel burning installations; shall monitor and analyze price, supply, production and distribution planning and storage capacity for potential energy interruptions, and to ensure an adequate energy supply for the commonwealth at the least cost and with minimal environmental impact.

Notwithstanding any provision of law to the contrary, the secretary of the executive office of energy resources shall provide the commissioner of administration and the house and senate committees on ways and means notification of any alterations in programmatic undertakings from those listed and described herein; whereupon the commissioner of administration and the house and senate committees on ways and means shall have thirty days to reject alterations.

Provided, further that the executive office of energy resources shall report quarterly to the commissioner of administration and the house and senate committees on ways and means the status of all programs listed herein, including the total cost of each program, the number of energy audits conducted, the amount awarded as a result of audits and the number of passive solar components designed for multi-family housing construction projects; provided further, that these reports include detailed descriptions of expenditures made by program, and such other information as may be requested by said committees from time to time.

Energy Facilities Siting Council.

9300-0500 For the expenses of the energy facilities siting council; provided that, the expenditures from this item to the maximum amount of five hundred twenty-five thousand dollars shall be assessed upon utility companies in accordance with the provisions of chapter one hundred and sixty-four of the General Laws; provided *further*, that the excess over the appropriated amount shall be placed in an expendable trust account, to be spent or maintained from year to year by the council for the limited purpose of reviewing major generating facilities, without further appropriation and not subject to reversion to the General Fund; provided further, that the balance remaining in the expendable trust account shall be deducted from the following year's assessment of the electric and gas companies; provided that *the amount collected from the utilities in* the following year shall not be less than the amount appropriated for that year; provided, further that the position of executive secretary of the council shall be exempt from the provisions and requirements of job classification by the personnel administrator under chapter thirty of the General Laws.

SECTION 2A. For the purpose of making available for expenditures in the fiscal year *nineteen hundred and eighty-three* certain balances of appropriations which otherwise would revert on June thirtieth, nineteen hundred and eighty-two; the unexpended balances of the items shown below are hereby reappropriated for the fiscal year nineteen hundred and eighty-three.

0121-9000
0185-7819
0320-0003
0321-0001
0330-0300
0330-1000
0330-2700
0330-3000
0332-2700
0431-8771
0431-2000
1100-8758
1102-3901
1102-3915
1102-4800
1102-8751
1102-8777
1599-2025
1599-2036
1599-2043
1599-2095
1599-2105
1599-3218
1599-3223
1599-3266

1599-3269
1599-3270
1599-3275
1599-3276
1599-3277
1599-3323
1599-3279
1599-3500
2050-0100
2120-0902
2120-1400
2120-1503
2140-0100
2250-0900
2270-0150
2270-0521
2270-0500
2270-0990
2270-0991
2270-0992
2270-1100
2270-1300
2270-1500
2270-1600
2270-8772
2270-8773
2270-8774
2270-8775
2270-9002
2340-0100
2410-9051
2410-9061
2410-9100
2410-9400
2420-8805
2429-7090
2429-7140
2429-8751
2430-9001
2439-7250
2439-7270
2440-0020
2440-0021
2440-0023
2440-0024
2440-0025
2444-9018
2449-7350
4312-8721
4313-8751
4313-9002
4314-8752

4314-8771
4314-9003
4512-0200
5011-0002
5781-8782
6000-3400
6000-3500
6000-3510
6000-3520
6000-3530
6000-3540
6000-3550
6005-0018
6005-0027
6020-2905
6020-2914
6030-7601
6033-1011
6034-0001
6034-0009
6059-0000
7000-0601
7250-7791
8312-0100
8312-0200
9110-1621
9218-0100

SECTION 2B. For the purposes of making available for expenditure in the fiscal year nineteen hundred and eighty-three certain balances of appropriations which otherwise would revert on June thirtieth, nineteen hundred and eighty-two, the unexpended balances of the items shown below are hereby reappropriated for the fiscal year nineteen hundred and eighty-three, provided that the unexpended balances in any other items of appropriation included by reference in the accounts listed below are not reappropriated.

1102-8771
1102-9791
1102-9792
2120-8775
2120-8777
2120-8781
2130-8771
2140-0150
2270-8781
2320-8812
2320-8791
2429-7150
2429-8752
2429-8791
2430-8791
2439-7296
2439-7297
2439-7341
2439-8751

2439-8760
2440-8772
2440-8773
2440-8776
2440-8778
2440-8782
2440-8783
2440-8793
2444-8812
2444-9018
2449-7260
2449-7350
2449-8754
2449-8755
2611-8751
2632-7200
2681-8751
2681-9029
2681-9030
2685-9011
4180-8785
4533-8772
5011-8752
5011-8771
5011-8772
5011-8781
5163-8741
5164-8741
5181-8741
5182-8721
5191-8741
5294-8771
5294-8772
5381-8774
5381-8781
5391-8771
5491-8721
5561-8721
5691-8741
5766-8741
6004-8726
6004-8756
6032-2021
6032-4030
6032-4037
6032-4038
6032-7000
7108-8692
7109-8691
7109-8721
7110-8723
7111-8722

7112-8721
7113-7791
7113-8691
7113-8712
7114-8693
7114-8721
7114-8723
7114-8751
7114-8754
7114-8782
7114-8783
7115-8741
7116-8751
7116-8771
7220-8781
7250-8671
7250-8712
7310-8771
7310-8772
7390-8721
7410-8792
7411-8772
7416-8771
7416-8772
7490-8702
7490-8706
7490-8721
7490-8722
7490-8751
7490-8753
7503-8751
7504-8701
7504-8752
7506-8711
7506-8721
7506-8722
7506-8771
7507-8721
7507-8771
7508-8691
7508-8721
7509-8721
7510-8721
7512-8751
7514-8751
7514-8752
7515-8711

SECTION 2C. For the purpose of making available for expenditures from the General Federal Grants Fund in fiscal year nineteen hundred and eighty-three certain balances of appropriations which otherwise would revert on June thirtieth, nineteen hundred and eighty-two;

the unexpended balances of the items shown below are hereby reappropriated for the fiscal year nineteen hundred and eighty-three.

2260-0300

SECTION 2D. The unexpended balances of item 1599-2028 and 1599-2050 and any unexpended balance of sums transferred from said items are hereby reappropriated for the fiscal year nineteen hundred and eighty-three, provided that no funds shall be expended from said items for the Law Enforcement Agency Processing System (LEAPS), so-called.

SECTION 3. Item 2270-1600 of section 2 of chapter 354 of the acts of 1980 is hereby amended by striking out the wording and inserting in place thereof the following:- for a certain flood control project in Green Brook in the city of Holyoke, the same to be in addition to funds in a like amount appropriated by said city for such project, appropriation expires June thirtieth, nineteen hundred and eighty-three.

SECTION 4. Item 6005-0019 of section 2 of chapter 351 of the acts of 1981 is hereby amended by striking out, in line 5, the words "after June" and inserting in place thereof the words:- on or after May.

SECTION 5. Section 10 of chapter 118E of the General Laws is hereby amended by adding the following two paragraphs:-

(8) cemetery plots purchased for the use of the applicant or recipient of assistance,

(9) funds, up to a maximum of twenty-five hundred dollars deposited in a trust account. and so reserved for the payment of funeral and burial expenses of the applicant or recipient of assistance including, but not limited to, the purchase of a plot, the opening of the grave, the fee for religious services, and the monument inscription; the cash surrender value of burial insurance, so called; or prepaid irrevocable burial contracts, so called.

SECTION 6. Items 0320-0001 to 0340-1100, inclusive, of this act or in section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one and items 0330-0300 through 0331-3200, inclusive, in section two of chapter forty-four of the acts of nineteen hundred and eighty-two are hereby charged as follows:

General Fund	20.0%
Local Aid Fund	80.0%

SECTION 7. The comptroller is hereby authorized to write off certain prior years' advances unaccounted for in the total amount of thirty-seven thousand one hundred and sixty-nine dollars and seven cents in accordance with a detailed schedule on file with the house and senate committees on ways and means.

SECTION 8. As of June thirtieth, nineteen hundred and eighty-two the comptroller shall charge the surplus account of the Highway Fund with the amount of the deficit in the General Fund, if any, provided, however, that the amount of said charge shall not exceed the amount of mass transportation expenses charged to the General Fund from appropriations made in section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one.

SECTION 9. As of June thirtieth, nineteen hundred and eighty-two the comptroller shall transfer from the General Fund to the Local Aid Fund the amount of the Local Aid Fund deficit for fiscal year nineteen hundred and eighty-two.

SECTION 10. Notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws or of any other general or special law to the contrary, a payment in the amount of thirty-four thousand four hundred and fifty-three dollars as compensation for certain consultant services rendered to the executive office of manpower affairs development during the period of June twenty-second, nineteen hundred and eighty-one to October thirty-first, nineteen hundred and eighty-one shall be allowed and paid from Federal Grant number 9000-1608.

SECTION 11. Notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws or of any other general or special law to the contrary, a payment in the amount of three thousand six hundred and sixty-nine dollars as compensation for certain

consultant services rendered during the period September first, nineteen hundred and eighty to December fifteenth, nineteen hundred and eighty shall be allowed and paid from account 2140-0150.

SECTION 12. Notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws or of any other general or special law to the contrary, a payment in the amount of sixty thousand seven hundred and forty-one dollars and seven cents as compensation for consultant services rendered to the metropolitan district commission during the period January nineteenth, nineteen hundred and eighty-one through March twenty-seventh, nineteen hundred and eighty-one shall be allowed and paid from account 2439-7270, funds allocated to account 2439-7280.

SECTION 13. Notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws or of any other general or special law to the contrary, a payment in the amount of eight thousand one hundred and eleven dollars and fourteen cents as compensation for contract services for the period July twenty-third, nineteen hundred and eighty to July thirtieth, nineteen hundred and eighty-one shall be allowed and paid from account 6033-7054.

SECTION 14. Notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws or of any other general or special law to the contrary, a payment in the amount of nineteen hundred and ninety dollars and fifty-five cents as compensation for contract services for the period July eleventh, nineteen hundred and eighty through June thirtieth, nineteen hundred and eighty-one shall be allowed and paid from account 6033-7054.

SECTION 15. Notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws or of any other general or special law to the contrary, a payment in the amount of sixty-two thousand five hundred and sixty-six dollars and thirty cents as compensation for services performed during the period August first, nineteen hundred and eighty-one to May first, nineteen hundred and eighty-two shall be allowed and paid from account 7066-6002.

SECTION 16. Notwithstanding the provisions of section forty G of chapter seven, section eight A of chapter twenty-nine, section forty-four A of chapter one hundred and forty-nine of the General Laws or of any other general or special law to the contrary, a payment in the amount of twelve thousand eight hundred dollars for obligations of the department of social services shall be allowed and paid from federal account number 4899-0001; provided further however that as a condition precedent to said payment, the department of social services shall execute for the property on which such improvements were made, a lease for a period of no less than three years from the effective date of this act.

SECTION 17. For the purpose of discharging a moral obligation of the commonwealth there be allowed and paid out of the state treasury, subject to appropriation, to John P. Vallillo, the sum of five thousand dollars as compensation for land which was taken from him, but for which compensation was erroneously paid to another individual.

SECTION 18. For the purpose of discharging a moral obligation of the commonwealth there be allowed and paid out of the state treasury, subject to appropriation, to Mr. Francis M. Bashara, the sum of one hundred and ninety dollars, for sales and use tax assessed on an automobile which was voluntarily repossessed.

SECTION 19. For the purpose of discharging a moral obligation, there shall be paid out of the treasury of the commonwealth the sum of eight thousand five hundred dollars to Richard Fargnoli of the town of Framingham for reimbursement for legal fees incurred and paid by him in his defense of acts relating to his position as financial director of the Walter E. Fernald state school. No payment shall be paid by the treasurer of the commonwealth under authority of this act unless and until a certificate has been signed and filed with the state treasurer stating under penalties of perjury that the legal fees referred to in this section were incurred and paid by said Richard Fargnoli. Any person who knowingly files a

certificate required by this section, which is false and who thereby receives reimbursement for said legal fees not actually paid by said Richard Fargnoli, shall be punished by imprisonment for not more than one year or by a fine of not more than five hundred dollars, or both such fine and imprisonment.

SECTION 20. Section 2 of chapter 604 of the acts of 1981 is hereby amended by adding the following sentence:- The department of public utilities is hereby further authorized to expend said funds in the conduct of said audit to be performed by department staff or by consultants hired by said department.

SECTION 21. The surplus property agency established by section twenty-one A of chapter eight hundred and eight of the acts of nineteen hundred and eighty-one and administratively assigned to the purchasing agent, is hereby authorized to expend during the fiscal year nineteen hundred and eighty-three 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 22. A special commission is hereby established for the purpose of making an investigation and study to determine the extent and nature of alcohol and other drug misuse and abuse in the commonwealth's primary and secondary school systems and for the purpose of meeting the commonwealth's need for effective, credible and high quality alcohol and drug abuse education, with a view to reducing alcohol and drug abuse both in the public schools and throughout the commonwealth; and to investigate and study such other matters as may be necessary to accomplish the aforesaid purposes of this legislation.

The commission shall consist of four members of the senate, seven members of the house of representatives, the commissioner of education or his designee, the director of the division of alcoholism within the department of public health or his designee, the director of the division of drug rehabilitation within the department of public health or his designee, and seven persons to be appointed by the governor, of whom one shall be a member of the Massachusetts Association of School Committees; one a member of the Massachusetts Teachers Association; one a member of the Massachusetts Federation of Teachers, AFT, AFL-CIO; one a member of the Massachusetts Association of School Superintendents; one a member of the Massachusetts Parent-Student-Teacher Association; one a parent of a child in school; and one a student attending school.

Said commission may travel within the commonwealth and may take testimony under oath. The commission shall file reports from time to time containing the results of its investigation and study, and its recommendations, if any for legislation together with drafts of such legislation, and shall file with the clerk of the house of representatives and the clerk of the senate a final report not later than the fourth Wednesday in January, nineteen hundred and eighty-four.

SECTION 23. Notwithstanding any provisions of sections forty-five to fifty, inclusive, of chapter thirty of the General Laws, a salary differential may be paid to patient care related, non-unit employees on evening or night or weekend tours of duty at the University of Massachusetts at Worcester.

SECTION 24. Notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws or of any other general or special law to the contrary, a payment in the amount of three thousand seven hundred and twenty-five dollars and seventy-five cents as compensation for contract services during the period from October second, nineteen hundred and seventy-nine, to June thirtieth, nineteen hundred and eighty-two, shall be allowed and paid from account number 0340-0100.

SECTION 25. Notwithstanding the provisions of section seventeen B of chapter ten of the General Laws or any general or special law to the contrary, the department of youth services is hereby authorized to expend during fiscal year nineteen hundred and eighty-three for the purpose of providing bonds in the amount of one hundred dollars to deserving youths such sums in item 4202-0605 which are credited as interest on the Mary Dorothea Deveraux Character Award Bond Trust, *the principal of which is credited to item 4202-0604.*

SECTION 26. Section 14 of chapter 808 of the acts of 1981 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Notwithstanding any other provision of law to the contrary, professional employees (a) who were employed at Boston State College on December thirty-first, nineteen hundred and eighty-one, and (b) who are not on said date of discontinuance employed at another public institution of higher education with the approval of the board of regents of higher education shall continue to be deemed to be employees of said board of regents until August *thirty-first, nineteen hundred* and eighty-two or until they are offered employment at another public institution of higher education, whichever is sooner; and said board of regents are hereby authorized and directed to expend such portion of the funds appropriated by item 1599-3277 of section two as is necessary to continue the employment of said professional employees until they are all offered employment at another public institution of higher education or until August thirty-first, nineteen hundred and eighty-two, whichever is sooner.

SECTION 27. This act shall take effect as of June thirtieth, nineteen hundred and eighty-two.

I disapprove item 6005-0023
The remainder of this bill I hereby approve.

Approved July 6, 1982

(The Governor having failed to transmit his reasons for disapproval of item 6005-0023 to the House of Representatives within five days after the bill was presented to him said item had the "force of law" as prescribed by the Constitution.)

Chap. 242. AN ACT RELATIVE TO THE CORPORATE CHARTER OF ROGERSON HOUSE.

Be it enacted, etc., as follows:

SECTION 1. Chapter 153 of the special acts of 1860 is hereby amended by striking out section 1, as amended by chapter 533 of the acts of 1977, and inserting in place thereof the following section:-

Section 1. A corporation by the name of Rogerson House is hereby formed exclusively for charitable purposes within the meaning of Section 501(c) (3) of the Internal Revenue Code, including providing residential, recreational, health care and day care facilities for, and otherwise assisting, elderly or low income men and women.

SECTION 2. Said chapter 153 is hereby further amended by striking out section 2, as amended by chapter 599 of the acts of 1967, and inserting in place thereof the following section:-

Section 2 Said corporation may participate in any organization, association, program or undertaking serving similar purposes. Said corporation may have and exercise all powers necessary or convenient to further any or all of the purposes for which it is formed, including without limitation all powers provided for by section nine of chapter one hundred and fifty-six B of the General Laws, except in clause (m) thereof, and the power to be a partner in any enterprise which it would have the power to conduct by itself; provided that no such power shall be exercised in a manner inconsistent with chapter one hundred and eighty or any other applicable statutory or common law of the commonwealth or Section 501(c) (3) of the Internal Revenue Code.

SECTION 3. Said chapter 153 is hereby further amended by striking out section 3, added by chapter 216 of the acts of 1971, and inserting in place thereof the following five sections:-

Section 3. No part of the assets or net earning of the corporation shall inure to the benefit of, or be distributable to its members, officers, directors or any other private persons, except that the corporation is authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of its purposes as set forth above.

Section 4. No substantial part of the activities of the corporation shall be or include the carrying on of propaganda or otherwise attempting to influence legislation or participating in or

intervening in (including the publishing or distributing of statements) any political campaign on behalf of any candidate for public office.

Section 5. The corporation shall distribute its income for each taxable year at such time and in such manner as not to become subject to the tax on undistributed income imposed by Section 4942 of the Internal Revenue Code. The corporation shall not engage in any act of self-dealing as defined in Section 4941(d) of the Internal Revenue Code; nor retain any excess business holdings as defined in Section 4943(c) of the Internal Revenue Code; nor make any investments in such manner as to incur tax liability under Section 4944 of the Internal Revenue Code; nor make any taxable expenditures as defined in Section 4945(d) of the Internal Revenue Code.

Section 6. Upon the liquidation or dissolution of the corporation, after payment of all of the liabilities of the corporation or due provision therefor, all of the assets of the corporation shall be disposed of to one or more organizations exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code.

Section 7. All references herein to provisions of the Internal Revenue Code shall be deemed to refer to the Internal Revenue Code of 1954, as now in force or hereafter amended, or to the corresponding provisions of any future United States Internal Revenue Law.

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

Approved July 6, 1982

EMERGENCY LETTER - July 8, 1982 @ 1:51 P.M.

Chap. 243. AN ACT PROVIDING FOR THE ESTABLISHMENT AND ADMINISTRATION OF RENT REGULATIONS AND THE CONTROL OF EVICTIONS IN MOBILE HOME PARK ACCOMMODATIONS IN THE CITY OF NORTH ADAMS.

Be it enacted, etc., as follows:

SECTION 1. The general court finds and declares that a public emergency exists in the city of North Adams with respect to the housing of a substantial number of the citizens of said city, which emergency has been created by excessive, abnormally high and unwarranted rental increases imposed by

some owners of mobile parks located therein; that unless mobile home park rents and eviction of tenants are regulated and controlled, such emergency and the further inflationary pressures resulting therefrom will produce serious threats to the public health, safety and general welfare of the citizens of North Adams; that such emergency should be met by the commonwealth immediately and with due regard for the rights and responsibilities of the city of North Adams.

SECTION 2. The city of North Adams may, by ordinance, regulate rents for the use or occupancy of mobile home park accommodations in the city, establish a mobile home rent board for the purpose of regulating rents, minimum standards for use or occupancy of mobile home park accommodations in the city and evictions of tenants therefrom and may, by ordinance, require registration by owners of mobile home park accommodations, under penalty of perjury, of information relating to the mobile home park accommodations. Such rents, standards and evictions may be regulated by the mobile home rent board to remove hardships or correct inequities for both the owner and the tenants of such mobile home park accommodations. It may make rules and regulations, require registration by owners of mobile home park accomodations, under penalty of perjury, of information relating to the mobile home park accomodations, sue and be sued, compel the attendance of persons and the production of papers and information, and issue appropriate orders which shall be binding on both the owner and tenants of such mobile home park accomodations. Violations of any ordinance adopted pursuant to this act or any order of the mobile home rent board shall be punishable of a fine of not more than one thousand dollars for any one offense.

SECTION 3. In regulating such rents, the mobile home rent board established under section two, may make such individual or general adjustments, either upward or downward, as may be necessary to assure that rents for mobile home park accomodations in the city are established at levels which yield to owners a fair net operating income for such units. Fair net operating income shall be that income which will yield a return, after all reasonable operating expenses, on the fair market value of the property equal to the debt service rate generally available from institutional first mortage lenders or such other rates of return as the board, on the basis of evidence presented before it, deems more appropriate to the circumstances of the case. The fair market value of the property shall be the assessed valuation of the property or such other valuation as the board,

on the basis of evidence presented before it, deems more appropriate to the circumstances of the case.

The city in its ordinance, or the mobile home rent board by regulation, may establish further standards and rules consistent with the foregoing.

SECTION 4. The provisions of chapter thirty A of the General Laws shall be applicable to the mobile home rent board, established under section two, as if said mobile home rent board were an agency of the commonwealth, including those provisions giving agencies the power to issue, vacate, modify and enforce subpoenas, as well as those provisions relating to judicial review of an agency order.

SECTION 5. The district court of northern Berkshire shall have original jurisdiction, concurrently with the superior court, of all petitions for review brought pursuant to section fourteen of chapter thirty A of the General Laws.

The superior court shall have jurisdiction to enforce the provisions of this act and and any ordinance adopted thereunder, and may restrain violations thereof.

SECTION 6. The city of North Adams may by ordinance regulate the evictions of tenants, and the mobile home rent board, established under section two, may issue orders which shall be a defense to an action of summary process for possession and such order shall be reviewable pursuant to the provisions of sections three and four.

SECTION 7. The personnel of the mobile home rent board established under section two shall not be subject to the provisions of section nine A of chapter thirty of the General Laws or chapter thirty-one of the General Laws.

SECTION 8. If any provision of this act or the application of such provision to any person or circumstances shall be held invalid, the validity of the remainder of this act and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 9. This act shall take effect upon its passage.

Approved July 6, 1982.

Chap. 244. AN ACT PROVIDING FOR THE ADOPTION OF COUNTY BUDGETS BY ADVISORY BOARDS ON COUNTY EXPENDITURES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 806 of the acts of 1981 is hereby amended by inserting after section 2 the following section:-

Section 2A. Said section 28B of said chapter 35, as most recently amended by said section 144 of said chapter 351, is hereby further amended by striking out subsection (f) and inserting in place thereof the following subsection:-

(f) If the advisory board on county expenditures shall fail to finally adopt an expenditure resolution for the ensuing fiscal year on or before April second, the itemized budget as proposed by the county commissioners together with such changes, alterations and revisions as shall have been made by a majority vote of the advisory board on or before June first, as set forth in subsection (a), shall constitute the approved budget for the ensuing year, and the expenditure resolution shall be deemed to have been passed by the advisory board as of that date.

SECTION 2. Said chapter 806 is hereby further amended by adding the following section:-

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

SECTION 3. Subsection (d) of section 28B of chapter 35 of the General Laws, as amended by section 2 of chapter 806 of the acts of 1981, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- The proposed itemized budget as increased, decreased, altered and revised shall be finally adopted by an expenditure resolution by a majority vote of the advisory board as set forth in subsection (a) at a duly called meeting on or before April second and shall be the approved budget.

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

Approved July 6, 1982.

Chap. 245. AN ACT AUTHORIZING THE TOWN OF SCITUATE TO APPROPRIATE AND PAY A CERTAIN SUM OF MONEY TO DAVID E. HEALY, A POLICE OFFICER IN THE POLICE DEPARTMENT OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The town of Scituate is hereby authorized to

appropriate, and after such appropriation, the treasurer of said town is hereby authorized to pay, the sum of one thousand seven hundred and fifty dollars and twenty-two cents to David E. Healy in reimbursement of the legal expenses he incurred in successfully defending the charges brought against him as a police officer in the police department of said town.

SECTION 2. The action taken by the town of Scituate under Article 5 of the warrant for the special town meeting of said town, held on February first, nineteen hundred and eighty-two is hereby validated and confirmed to the same extent as though section one had been in full force and effect at the time of the posting of the warrant for said meeting.

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

Approved July 6, 1982.

Chap. 246. AN ACT AUTHORIZING THE TOWN OF BOXBOROUGH TO GRANT AN EASEMENT TO GERALD HINES DEVELOPMENT BOSTON, LTD. TO CONSTRUCT AND MAINTAIN SEWER LINES IN CERTAIN LAND HELD FOR CONSERVATION PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The town of Boxborough, acting through its conservation commission, with the approval of the secretary of environmental affairs, is hereby authorized to grant an easement to Gerald Hines Development Boston, Ltd. for the benefit of Lots 132, 133, 115 and 116 as shown on a plan entitled, "COMPILED PLAN OF LAND IN BOXBOROUGH, MASS. SHOWING PROPOSED SEWER EASEMENT, PREPARED FOR GERALD HINES DEVELOPMENT BOSTON, LTD.", SCALE 1" = 200', dated January 29, 1982 and last revised on April 14, 1982 by Miller & Nylander, 114 Waltham Street, Lexington, Mass., a copy of which is on file with the town clerk to lay, construct and maintain sewer lines in and over a parcel of land in Boxborough, Massachusetts known as "Wolf Swamp" acquired by the Town on August 7, 1974 for conservation purposes by deed recorded with Middlesex South District Registry of Deeds in Book 12680 at Page 698, shown as Lot 136 on above entitled plan said easement area being more fully described as follows:

Beginning at a point on said Plan N 85° 56' 41" E 407.96 feet

from a corner of two stone walls at the junction of Lots 113, 125, 132 and 136, then

N 85° 56' 41" E along the southerly side line of Lot 132 by a stone wall, twenty-six and 38/100 (26.38) feet to a point; then

S 36° 39' 21" W seven hundred eighty-one and 12/100 (781.12) feet to a point; then

S 43° 01' 35" W three hundred thirty-two and 88/100 (332.88) feet to a point, at land now or formerly of Assabet Beagle Club, Inc.; then

S 85° 10' 53" W by land now or formerly of Assabet Beagle Club, Inc. (Lot 207), twenty-nine and 80/100 (29.80) feet to a point; then

N 43° 01' 35" E three hundred fifty-three and 86/100 (353.86) feet to a point; then

N 36° 39' 21" E seven hundred sixty-two and 80/100 (762.80) feet to the point of beginning.

Containing 22,307 square feet, more or less, and a temporary easement in the land abutting the parcel described above to a distance of fifteen (15) feet from the easterly and westerly sidelines thereof to be used in connection with the initial construction and installation of said sewer lines in consideration for the grant to the town and upon its acceptance of a hiking trail easement across said Lot 133 at a suitable location selected by said Gerald Hines Development Boston, Ltd. allowing public access to said Lot 136; clear hiking trails within Lot 136 as specified by the conservation commission; and a deed conveying a parcel of land shown on said plan containing 208,954 square feet, more or less, and more fully described as follows:

Beginning at a point on the line dividing Lots 133 and 134 southerly 1527.16 feet from the southerly sideline of Massachusetts Avenue, then

S 11° 46' 15" W by land now or formerly of Roy & Doris Custance (Lot 134), forty-seven and 32/100 (47.32) feet to a drill hole; then

S 13° 46' 35" W five hundred seventy-nine and 29/100 (579.29) feet to a stake in stones; then

S 11° 28' 40" W eight hundred ninety and 60/100 (890.60) feet to an iron pipe; then

S 85° 51' 24" W sixty-six and 00/100 (66.00) feet to a point. Said last three (3) courses by land now or formerly of Town of Boxborough (Lot 136); then

N 04° 09' 33" E one thousand two hundred thirteen and 13/100 (1213.13) feet to a point on the southeasterly sideline of a sixteen and 50/100 (16.50) feet wide American Telephone and Telegraph Co. easement; then

N 47° 34' 44" E along the southeasterly sideline of said sixteen

and 50/100 (16.50) feet wide American Telephone and Telegraph Co. easement, four hundred ten (410.00) feet to the point of beginning.

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

Approved July 6, 1982.

Chap. 247. AN ACT RELATIVE TO THE LEASING POWERS OF THE NEW BEDFORD HARBOR DEVELOPMENT COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. Chapter 762 of the acts of 1957 is hereby amended by striking out section 5 and inserting in place thereof the following section:-

Section 5. The commission may sell, and in this connection enter into a purchase and sale agreement for the transfer of title, and may lease for a period not exceeding twenty years under such covenants and conditions as it may prescribe, industrial and commercial locations, storage facilities, wharves, piers, foreshores, bulkheads, docks, sheds, grain elevators and warehouses within its charge, and locations for use as condominiums, luxury apartments, and commercial buildings related thereto. The commission may lease sites as listed above for a longer period, provided every lease for such site for a period exceeding twenty years shall provide for a readjustment of the rental at intervals of not more than twenty years. No contract for the sale of any land, buildings or structures, and no lease for a term exceeding five years, shall be valid until approved by the mayor and city council. Subject to the foregoing provisions of this act, the commission may acquire, purchase, hold, sell, lease, sublease, and otherwise deal and dispose of any land or interest therein to such extent as may be necessary, useful, desirable or convenient in connection with the leasing or operation of any pier, wharf, dock, maintenance of the foreshores, operation of warehouses and industrial locations.

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

Approved July 6, 1982.

Chap. 248. AN ACT RELATIVE TO THE TIME WITHIN WHICH TO FILE A PETITION FOR AN ASSESSMENT OF DAMAGES.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 16 of chapter 79 of the General Laws, as appearing in chapter 797 of the acts of 1962, is hereby amended by striking out, in lines 2 and 6, the word "two" and inserting in place thereof, in each instance, the word:- three.

SECTION 2. The provisions of section sixteen of chapter seventy-nine of the General Laws, as amended by section one of this act, shall apply to petitions for the assessment of damages under section fourteen of said chapter seventy-nine on account of property taken or injured prior to, as well as on or after, its effective date.

Approved July 6, 1982.

Chap. 249. AN ACT RELATIVE TO THE INVESTMENTS OF LIFE COMPANIES.

Be it enacted, etc., as follows:

Section 63 of chapter 175 of the General Laws is hereby amended by adding the following paragraph:-

16. In any of the following investments; provided, however, that each such investment matures in two years or less from the date of acquisition:

(1) obligations, including certificates of deposit and bankers acceptances, of banks or trust companies incorporated and doing business under the laws of the United States or one of the states thereof which at the date of the investment have capital, surplus and undivided profits, as of the date of their most recent published financial statements, in excess of one hundred million dollars, including obligations of foreign branches of United States banks and United States branches or agencies of foreign banks if such banks meet the stated qualifications;

(2) commercial paper which at the date of the investment is rated, or guaranteed by a company whose commercial paper is rated, A-1 by Standard & Poor's Corporation, P-1 by Moody's Investors Service, Inc., or F-1 by Fitch's Investors Service or, if not rated, is issued by a company which at the date of the investment has an outstanding debt issue rated AAA or AA by Standard & Poor's or Aaa or Aa by Moody's;

(3) corporate obligations maturing in one year or less which at the date of the investment are rated A or higher by Standard

& Poor's or A or higher by Moody's; and
(4) repurchase agreements with respect to any of the foregoing obligations.

Approved July 6, 1982.

Chap. 250. AN ACT EXTENDING THE PERIOD OF TIME FOR THE CONVEYANCE OF CERTAIN LAND TO THE COUNTY COMMISSIONERS OF HAMPSHIRE COUNTY.

Be it enacted, etc., as follows:

The second paragraph of chapter 520 of the acts of 1976 is hereby amended by striking out, in line 7, the word "five" and inserting in place thereof the following word:- ten.

Approved July 6, 1982.

Chap. 251. AN ACT RESTORING A CERTAIN CASE TO THE CIVIL DOCKET OF THE SUPERIOR COURT.

Be it enacted, etc., as follows:

Nothwithstanding any provision of law or judicial decision to the contrary, the civil case of Anthony Spinelli vs. Commonwealth of Massachusetts, docket number 28087 of the superior court of Barnstable county shall be restored to the status of said case as of March thirty-first, nineteen hundred and sixty-five in said court.

Approved July 6, 1982.

Chap. 252. AN ACT RELATIVE TO CHILD CUSTODY.

Be it enacted, etc., as follows:

The first paragraph of section 31 of chapter 208 of the General Laws, as appearing in chapter 299 of the acts of 1981, is hereby amended by adding the following sentence:- When considering the happiness and welfare of the children the court may consider whether or not the child's present or past living conditions adversely affects his physical, mental, moral or emotional health

when making an order or judgement relative to the custody of said child.

Approved July 6, 1982.

Chap . 253. AN ACT RELATIVE TO THE VALIDATION OF ACTS PERFORMED BY CERTAIN PUBLIC OFFICIALS.

Be it enacted, etc., as follows:

Section 13 of chapter 30 of the General Laws, as most recently amended by section 11 of chapter 572 of the acts of 1980, is hereby further amended by striking out the third sentence.

Approved July 6, 1982.

Chap. 254. AN ACT FURTHER DEFINING DANGEROUS WEAPONS.

Be it enacted, etc., as follows:

Subsection (b) of section 10 of chapter 269 of the General Laws, as amended by section 1 of chapter 585 of the acts of 1975, is hereby further amended by inserting after the word "thrown", in line 14, the following words:- , or any armband, made with leather which has metallic spikes, points or studs or any similar device made from any other substance or a cestus or similar material weighted with metal or other substance and worn on the hand.

Approved July 6, 1982.

Chap. 255. AN ACT AUTHORIZING THE TOWN OF HANSON TO RECALL ELECTED OFFICIALS.

Be it enacted, etc., as follows:

SECTION 1. Any holder of an elective office in the town of Hanson 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 Hanson 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. Said 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 ten per cent of the 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 Monday 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 date 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. A majority of those voting at the recall election shall be sufficient to recall such elected officer.

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 hereinbefore provided. In case of machine voting, or punch card balloting, or other forms of balloting, appropriate provision shall be made to allow the same intent of the voter.

SECTION 7. No recall petition shall be filed against an officer of said town within six months after he takes office, nor in the case of an officer subjected to a recall election and not removed thereby, until at least six 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.

If a majority of the votes cast on the recall question is in the affirmative, then the candidate that received the highest number of votes in the special election to fill the vacancy shall be elected. If a majority of the votes on the question is in the negative, the ballots for candidates to fill the potential vacancy need not be counted.

Approved July 6, 1982.

Chap. 256. AN ACT EXEMPTING THE POSITION OF VETERANS' AGENT IN THE CITY OF SALEM FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

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

SECTION 2. The position of veterans' agent in the city of Salem shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 3. The mayor of the city of Salem shall appoint a veterans' agent who shall serve for a term of three years or until his successor is qualified.

SECTION 4. This act shall take effect upon its acceptance by the city of Salem.

Approved July 6, 1982.

Chap. 257. AN ACT AUTHORIZING THE ERECTION OF CERTAIN HIGHWAY SIGNS TO PROTECT CERTAIN BLIND, DEAF OR HANDICAPPED CHILDREN.

Be it enacted, etc., as follows:

Section 2 of chapter 85 of the General Laws, as most recently amended by chapter 234 of the acts of 1975, is hereby further amended by adding the following sentence:- The provisions of this section shall not apply to the installation by any city or town, on any way within its boundary, of signs warning motorists of the presence of blind, deaf or otherwise handicapped children in the vicinity.

Approved July 6, 1982.

Chap. 258. AN ACT FURTHER REGULATING PROPERTY TAX EXEMPTIONS FOR BLIND PERSONS.

Be it enacted, etc., as follows:

Section 5 of chapter 59 of the General Laws is hereby amended by inserting after Clause Thirty-seventh the following clause:-

Thirty-seventh A, Real property to the sum of five hundred dollars of the taxable valuation of real property taxes due, of a blind person who is a legal resident of the commonwealth, whether such property is owned by him separately or jointly or as a tenant in common; provided, however, that such property is occupied by such person as his domicile. No real property shall be exempt which has been conveyed to such blind person to evade taxation. This clause shall take effect upon its acceptance by any city or town. In those cities and towns which accept the provisions of this clause, the exemption provided in Clause Thirty-seventh shall not be applicable.

Approved July 6, 1982.

EMERGENCY LETTER - July 13, 1982 @ 12:52 P.M.

Chap. 259. AN ACT RELATIVE TO THE LARCENY OF CERTAIN LEASED OR RENTED PROPERTY.

Be it enacted, etc., as follows:

Chapter 266 of the General Laws is hereby amended by striking out section 87, as most recently amended by chapter 540 of the acts of 1975, and inserting in place thereof the following section:-

Section 87. Any person leasing or renting personal property who, with the intent to place such property beyond the control of the owner, conceals or aids or abets the concealment of such property or any part thereof, or fails or refuses to return such property to the owner within ten days after expiration of the lease or rental agreement, or sells, conveys or pledges such property or any part thereof without the written consent of the owner, shall be guilty of larceny of leased or rented personal property.

Any person convicted of larceny of leased or rented personal property shall be punished by a fine of not more than one thousand dollars or imprisonment of not more than one year, or both. A person found guilty of violating this section shall, in all cases upon conviction in addition to any other punishment, be ordered to make restitution to the owner for any financial loss.

It shall be prima facie evidence of intent to place such property beyond the control of the owner when a person in obtaining such property presents identification or information

which is materially false, fictitious, misleading or not current with respect to such person's name, address, place of employment or any other material matter or fails to return such property to the owner or his representative within ten days after proper notice to return such property. For purposes of this section proper notice shall be actual notice or a written demand sent by certified or registered mail to such person at the address given at the time of making the lease or rental agreement.

It shall be a defense to prosecution for conversion of leased or rented property that the defendant was unaware the property belonged to another or that he had a right to acquire or dispose of the property as he did.

Approved July 6, 1982.

Chap. 260. AN ACT AUTHORIZING A SEARCH WARRANT FOR A PERSON FOR WHOM AN ARREST IS OUTSTANDING

Be it enacted, etc., as follows:

The first paragraph of section 1 of chapter 276 of the General Laws, as appearing in section 1 of chapter 557 of the acts of 1964, is hereby amended by inserting after clause Fourth the following clause:-

Fifth, the body of a living person for whom a current arrest warrant is outstanding.

Approved July 6, 1982.

Chap. 261. AN ACT REVOKING THE ACCEPTANCE OF CERTAIN ACTION TAKEN BY THE TOWN OF WALPOLE RELATIVE TO THE POLICE CAREER INCENTIVE PAY PROGRAM.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section one hundred and eight L of chapter forty-one of the General Laws or of any other law to the contrary, all actions and votes of the town of Walpole under Article 1 of the special town meeting of said town held on May third, nineteen hundred and seventy-one are hereby revoked.

Approved July 6, 1982.

Chap. 262. AN ACT FURTHER REGULATING THE REVOCATION OF A LICENSE AND MOTOR VEHICLE OPERATOR REGISTRATION.

Be it enacted, etc., as follows:

Section 29 of chapter 90 of the General Laws is hereby amended by striking out the eighth sentence, as amended by chapter 364 of the acts of 1968, and inserting in place thereof the following sentence:- Every such officer, upon the request of the registrar, shall demand forthwith the license of any operator and the certificate of registration and may take into his possession the number plates of any motor vehicle situated in a city or town within such officer's jurisdiction when said license or certificate has been suspended or revoked by the registrar and shall forward the said license, certificate and plates to the registrar.

Approved July 6, 1982.

Chap. 263. AN ACT AUTHORIZING THE CITY OF LYNN TO APPROPRIATE A CERTAIN OVERLAY DEFICIT OVER A PERIOD OF YEARS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, the city of Lynn is hereby authorized to carry its overlay deficit, as it existed as of June thirtieth, nineteen hundred and eighty-two, and to appropriate said overlay deficit on the following ratio: one-fifth of said deficit in fiscal nineteen hundred and eighty-three, one-fifth of said deficit in fiscal nineteen hundred and eighty-four, one-fifth of said deficit in fiscal nineteen hundred and eighty-five, one-fifth of said deficit in fiscal nineteen hundred and eighty-six, and the remaining one-fifth of said deficit in fiscal nineteen hundred and eighty-seven.

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

Approved July 6, 1982.

Chap. 264. AN ACT FURTHER REGULATING THE MASSACHUSETTS HOUSING FINANCE AGENCY AND THE MASSACHUSETTS HOME MORTGAGE FINANCE AGENCY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to increase the availability of housing to the low and moderate income families of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 708 of the acts of 1966 is hereby amended by striking out paragraph (d), as amended by section 15 of chapter 1215 of the acts of 1973, and inserting in place thereof the following paragraph:-

(d) "Low income persons or families" shall mean those persons and families whose annual income is equal to or less than the maximum amount which would make them eligible for units owned or leased by the housing authority in the city or town in which the project or the residence for which the mortgage loan is sought is located or, in the event that there is no housing authority, that amount which is established as the maximum for eligibility for low-rent units by the department of community affairs.

SECTION 2. Said section 1 of said chapter 708 is hereby further amended by striking out paragraph (h), added by section 1 of chapter 643 of the acts of 1975, and inserting in place thereof the following paragraph:-

(h) "Moderate income persons or families" shall mean those persons or families other than low income persons or families whose annual income is less than the amount necessary to enable them to obtain and maintain decent, safe and sanitary housing without the expenditure of over twenty-five per cent of such income for housing expenses, including the provision of heat, electricity, hot water and an allowance for maintenance and repairs.

SECTION 3. Said section 1 of said chapter 708 is hereby further amended by adding the following two paragraphs:-

(j) "Mortgage lender" shall mean any bank, mortgage broker, mortgage company or mortgage banker, trust company, savings bank, credit union, national banking association, federal savings and loan association, or building and loan association maintaining an office in the commonwealth or an insurance company authorized to transact business in the commonwealth.

(k) "New residential mortgage" shall mean 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 if the proceeds of such loan shall be used for the purpose of erecting, acquiring or rehabilitating a residential building thereon, or for the purpose of purchasing a condominium unit or a cooperative share in a residential condominium or cooperative provided that each such mortgage loan made from the proceeds of a loan made by MHFA to such mortgage lender shall be made to an owner-occupant pursuant to paragraph (a) of section five.

SECTION 4. Section 2 of said chapter 708 is hereby amended by adding the following five paragraphs:-

It is hereby found that as a result of the continuing increases in the cost of construction or rehabilitation, municipal taxes, heating and electricity expenses, maintenance and repair expenses and the cost of land, low income persons and families and moderate income persons and families in many areas within the commonwealth, including areas which contained formerly stable neighborhoods, are unable to purchase, rehabilitate and maintain decent, safe and sanitary housing which provide an opportunity for home ownership either directly or through a condominium or cooperative form of ownership. The inability of such families to purchase and hold housing in the commonwealth results in the decline of new housing and in the decay of the existing housing stock and of existing neighborhoods with attendant increases in municipal costs for welfare, police and fire protection. The decline in new housing, together with the decay of existing housing stock, has produced a critical shortage of adequate housing in the commonwealth adversely affecting the economy of the commonwealth and the well-being of its residents. Private enterprise without the assistance contemplated by this act cannot achieve the construction or rehabilitation of any housing for persons and families of low or moderate income, and the alternative of forcing such persons or families to live in substandard housing is undesirable since it tends to decrease the interest of such persons or families in their communities, the maintenance of their property and the preservation of their neighborhoods.

A large and significant number of commonwealth residents have and will be subject to hardship in finding decent, safe and sanitary housing unless new facilities are constructed and existing housing, where appropriate, is rehabilitated. Unless the supply of housing and the ability of low income persons and families and moderate income persons and families to obtain mortgage financing is increased significantly and expeditiously, a

large number of residents of the commonwealth will be compelled to live in unsanitary, overcrowded and unsafe conditions to the detriment of the health, welfare and well-being of these persons and of the whole community of which they are a part. By increasing the housing supply of the commonwealth and the ability of low income persons and families and moderate income persons and families to obtain mortgage financing, the clearance, replanning, development and redevelopment of blighted areas will be aided, and the critical shortage of adequate housing will be ameliorated.

It is hereby found that a major cause of this housing crisis is the lack of funds at interest rates which are at a level at which low and moderate income persons and families can afford to own and maintain decent, safe and sanitary housing, and further, it is hereby found that an additional major cause of such a housing crisis is the lack of funds available to finance housing by the private mortgage lending institutions of the commonwealth. It is further found that this lack of funds has frustrated the maintenance, sale and purchase of existing residences in the commonwealth.

It is hereby further found that to aid in remedying these conditions, to promote the expansion of the supply of funds at low interest rates available for new residential mortgages for low income persons and families and moderate income persons and families and thereby help alleviate the shortage of adequate housing, a corporate agency of the commonwealth shall be created with power (i) to raise funds from private investors in order to make those funds available, through mortgage lending institutions, for new residential mortgage loans to low income persons and families and moderate income persons and families, (ii) to insure such new residential mortgage loans, and (iii) to provide technical assistance to low income persons and families and moderate income persons and families desiring such new residential mortgage loans. By utilizing such powers the agency created shall help develop the financial resources available to meet such housing needs.

It is hereby further found that the authority and powers conferred under this act and the expenditure of public monies pursuant thereto constitutes a serving of a valid public purpose and that the enactment of the provisions hereinafter set forth is in the public interest and is hereby so declared to be such as a matter of determination by the general court.

SECTION 5. Section 3 of said chapter 708 is hereby amended by striking out the second paragraph, as most recently amended by chapter 263 of the acts of 1979, and inserting in place

thereof the following paragraph:-

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 officiis, and seven 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, two shall be experienced in single-family residential development, 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. Each appointive member shall be appointed for a term of seven years, except that in making his initial appointments, the governor shall appoint three members to serve for terms of three, five, and six years, respectively, as he may designate. Each appointive member shall serve until his successor is appointed and duly qualified. Any person appointed to fill a vacancy shall serve only for the unexpired term. Any member shall be eligible for reappointment.

SECTION 6. Said section 3 of said chapter 708 is hereby amended by striking out the third paragraph, as amended by section 1 of chapter 709 of the acts of 1968, and inserting in place thereof the following paragraph:-

The governor shall designate one of the members as chairman of the MHFA who shall serve as such chairman during his term of office as a member. The MHFA shall annually elect one of its members as vice-chairman and shall also annually elect a secretary, a treasurer and such other officers as it may determine, none of whom need be members of MHFA. The secretary shall keep a record of the proceedings of the MHFA and shall be custodian of all books, documents, and papers filed with the MHFA and of its minute book and seal. He shall have authority to cause to be made copies of all minutes and other records and documents of the MHFA and to give certificates under the seal of the MHFA to the effect that such copies are true copies and all persons dealing with the MHFA may rely upon such certificates. The treasurer shall be the chief financial and accounting officer of the MHFA and shall be in charge of its funds, books of account, and accounting records.

SECTION 7. Said section 3 of said chapter 708 is hereby further amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

Five members of the MHFA shall constitute a quorum and the affirmative vote of five members shall be necessary for any

action taken by the MHFA. No vacancy in the membership of the MHFA shall impair the right of a quorum to exercise all the rights and perform all the duties of the MHFA.

SECTION 8. Section 4 of said chapter 708 is hereby amended by striking out clause (f) and inserting in place thereof the following clause:-

(f) Acquire, hold and dispose of personal and real property for its corporate purposes.

SECTION 9. Said section 4 of said chapter 708 is hereby further amended by striking out clause (r) and inserting in place thereof the following clause:-

(r) Accept gifts or grants or loans of, or act as an agent or conduit in administering the disbursement of funds or property or financial or other aid from any federal or state agency or private fund.

SECTION 10. Said section 4 of said chapter 708 is hereby further amended by adding after clause (v), added by section 9 of chapter 789 of the acts of 1981, the following clause:-

(w) Loan or grant any monies in its Working Capital Fund available to MHFA for its general purposes to the Massachusetts Home Mortgage Finance Agency to be used for its general purposes.

SECTION 11. Said chapter 708 is hereby further amended by inserting after section 4 the following section:-

Section 4A. Grant of Additional Powers. The MHFA is hereby also authorized to:

(a) Make loans to mortgage lenders under terms and conditions requiring the proceeds thereof to be used by such mortgage lenders for the making of new residential mortgages, all subject to the provisions of section five A.

(b) Provide technical assistance to potential borrowers from mortgage lenders, subject to the provision of section seven.

(c) Collect, enforce the collection of, and foreclose on any collateral securing its loans to mortgage lenders and acquire or take possession of such collateral and sell the same at public or private sales, with or without public bidding, and otherwise deal with such collateral as may be necessary to protect the interest of the MHFA therein, all subject to any agreement with bondholders or noteholders.

(d) Make and publish rules and regulations respecting the grant of loans under this act and the regulation of borrowers and any other regulations necessary to fulfill the purposes of

this act.

(e) Establish, and revise from time to time, and charge and collect fees and charges in connection with, loans made by the MHFA to mortgage lenders and in connection with MHFA's mortgage insurance program.

(f) Establish a program to insure loans made by mortgage lenders with the proceeds of loans made by MHFA to such mortgage lenders, subject to the provisions of section five B.

(g) Establish in areas covered by a neighborhood preservation program approved by the MHFA under section five A a program to encourage mortgage lenders to make loans within such areas to persons or families of low and moderate income who are, or intend to be, owner-occupants.

(h) 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 A. 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.

(i) Engage in or assist in the rehabilitation of housing or the development of home ownership under any federal program providing assistance for low or moderate income housing as from time to time may be established and funded by the federal government.

(j) Enter into contribution contracts with any federal or state agency or private fund, and contracts with owners or tenants of dwelling units, with respect to the making of federal or state rent subsidy payments.

(k) Do any and all things necessary or convenient to carry out its purposes and exercise the powers expressly given and granted in this act.

SECTION 12. Said chapter 708 is hereby further amended by inserting after section 5 the following three sections:-

Section 5A. Loans to Mortgage Lenders. The MHFA 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 MHFA shall by resolution determine to be necessary to assure payment of such loans and the interest thereon as the same become due.

The MHFA 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:

(a) Procedures for the submission of requests or the invitation of proposals for the making, purchasing or financing of new residential mortgages;

(b) 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;

(c) 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;

(d) Requirements as to purchase or loan commitments from MHFA to mortgage lenders with respect to new residential mortgages;

(e) 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;

(f) Schedules of any fees and charges necessary to provide expenses and reserves of MHFA;

(g) Procedures and other standards for foreclosure and subsequent resale;

(h) The time within which mortgage lenders must make commitments and disbursements for new residential mortgages;

(i) Any other matters related to the duties, and the exercise of the powers of the MHFA, and other regulations and restrictions governing the selection of mortgagors and the making, purchasing and financing of mortgage loans and security therefore as the MHFA shall deem advisable to accomplish the purposes of this act.

Such rules and regulations shall be designed to effectuate the general purposes of this act and the following specific objectives: (i) the expansion of the supply of funds in the commonwealth available for new residential mortgages; (ii) the provision of the additional housing needed to remedy the

shortage of adequate housing in the commonwealth and to eliminate the existence of a large number of substandard dwellings; and (iii) the effective participation by mortgage lenders in the program authorized by this act and the restriction of the financial return and benefit thereto from such program to that which is necessary and reasonable to induce such participation.

Loans to mortgage lenders shall be general obligations of the respective mortgage lenders owing the same and shall bear such date or dates, shall mature at such time or times, shall be evidenced by such note, bond or other certificate of indebtedness, shall be subject to prepayment, and shall contain such other provisions as the MHFA shall by resolution determine.

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 MHFA or loans to mortgage lenders made from the proceeds of any issue of bonds of the MHFA shall be at least sufficient so as to assure the payment of said bonds and the interest thereon as the same become due.

The MHFA shall require as a condition of each loan to a mortgage lender that such mortgage lender shall, on or prior to the ninetieth day or such earlier day as shall be prescribed by rules and regulations of the MHFA following the receipt of the loan proceeds, have entered into written commitments to make, and shall thereafter proceed as promptly as practicable to make and disburse from such loan proceeds new residential mortgages as defined in section one of this act to low income persons and families or moderate income persons or families, such mortgage loans to be an aggregate principal amount equal to the amount of such loan from the MHFA.

No new residential mortgage shall be purchased by MHFA unless the mortgage lender who made the new residential mortgage certifies to MHFA that the residential building securing such new residential mortgage is or will be owned and occupied by a person or family of low or moderate income or the mortgage lender is obligated by the terms of such purchase to re-invest the new proceeds thereof in new residential mortgages for persons or families of low or moderate income in an aggregate principal amount substantially equal to the amount of such net proceeds.

The MHFA shall from time to time adopt, modify, amend or repeal rules and regulations governing the making of new residential mortgage loans for the purpose of rehabilitation of dwellings of two or more units so as to afford protection to existing tenants. Such rules and regulations shall be designed

to effectuate the general purposes of this act and the following specific objectives: (i) insuring that tenants residing in such dwellings have income reasonably sufficient to pay any increase in rent resulting from such rehabilitation so that residential mortgage loans made with MHFA loan funds minimize residential displacement, unless the proceeds of such mortgage loans are to be used to alleviate conditions which violate the state sanitary code or applicable building or housing codes or to carry out essential maintenance; (ii) notification of tenants residing in such dwellings as to the repairs or improvements to be undertaken with the proceeds of such mortgage loans and the estimated increase in rent, if any, attributable to such repairs or improvements; and (iii) agreements between borrowers and tenants residing in such dwelling which limit rent increases during such reasonable periods as the MHFA may prescribe to those properly resulting from such mortgage loans or those necessitated by increases in property taxes, operating or maintenance expenses or additional capital improvement. Nothing in this act shall authorize a rent increase not otherwise authorized by law.

A district court or housing court within the jurisdiction in which a dwelling unit affected by an action, regulation or order of MHFA under this section is located shall have original jurisdiction over proceedings contesting such action, regulation or order and shall be authorized to take such action with respect thereto as is provided in the case of the superior court under the provisions of chapter two hundred and thirty-one A of the General Laws. All orders, judgments and decrees of such district court or housing court may be appealed as is provided in the case of a civil action in such district court or housing court.

It shall be the policy of MHFA in making loans to mortgage lenders to consider the ability of a mortgage lender to make loans consistent with the policies expressed in this act from existing reserves held by such mortgage lender for the purpose of making loans. MHFA shall require participating mortgage lenders to make periodic reports including but not limited to, information on the geographic distribution, terms and type, as in first or second lien, of mortgages made with proceeds of MHFA bonds, the distribution and terms of those mortgages insured by the MHFA, and individual citation as to where and by how much rent levels have been projected to increase by the mortgage lender and the borrower in the course of processing the loan. Such information shall be published by the MHFA and submitted annually to the general court and the department of community affairs. In addition, the MHFA may require as a condition to

mortgage lenders that in any city or town with an approved neighborhood preservation program proposed to MHFA by a city or town, an agreed upon dollar volume of bonding authorization as a minimum commitment shall be located in priority areas set forth in the neighborhood preservation program within an agreed upon time period, not greater than five years; provided, however, that local community organizations such as community action agencies or other recognized low income organizations shall be included in reviewing the neighborhood preservation program.

In proposing a neighborhood preservation program to the MHFA, a city or town, acting through the local chief executive, shall submit, in a manner as may be required by the MHFA, the following items:

(1) The degree of blight, decay or deterioration of housing accommodations, or the imminent threat of such blight, decay or deterioration within the area;

(2) The degree to which conventional financing or refinancing of repairs, remodeling or rehabilitation of such housing accommodation is available;

(3) The proportion of residential structures within the area which are owner-occupied;

(4) The degree to which the project income and the financial resources of owner-occupants, where relevant, of the housing accommodations within the area provide reasonable assurances of the economic feasibility of the financing of the repairs, remodeling or rehabilitation to be insured hereunder and;

(5) The proportion of residential structures in the area where rehabilitation work can be done with financing as provided herein, without necessitating a substantial increase in carrying costs and rental charges to any owner-occupant or tenant beyond their capacity to absorb, and the extent of suitable vacant housing in such an area.

Before giving approval of a neighborhood preservation program, the MHFA shall consider the expressed commitment of a city or town to provide a concentrated effort to enforce the building and housing codes within certain priority areas in such city or town, and the expressed commitment of a city or town to provide capital improvements and other city services to improve and restore such areas.

The MHFA may revoke its approval of a neighborhood preservation program if it determines that a city or town in which an area for said program is located has failed to initiate and continue tangible activity on such a program.

Before authorizing an applicant to proceed with a final application for a neighborhood preservation program, the MHFA shall submit the preliminary application to the secretary of

communities and development for review. The secretary shall review the appropriateness of the proposed program with regard to overall state and local growth and housing policy. If the secretary does not disapprove the application within thirty days the application shall be deemed to be approved for processing by the MHFA. In the event of a major change in the proposed neighborhood preservation program, including but not limited to significant changes in the proposed boundaries of the neighborhood area, the loan amount, or the state or federal subsidies requested, after the initial review by the secretary, the MHFA shall submit each proposed change to the secretary for his review. If the secretary does not disapprove the revision within thirty days, the revised application shall be deemed to be approved for processing by the MHFA.

The MHFA shall require the submission, by each mortgage lender to which the MHFA has made a loan, or from whom MHFA has purchased a new residential mortgage, of evidence satisfactory to the MHFA of the making of new residential mortgages as required by this section and prescribed by rules and regulations of the MHFA and in connection therewith may inspect the books and records of such mortgage lender.

The MHFA may require as a condition of any loans to mortgage lenders, or of any purchase of new residential mortgages from mortgage lenders, such representations and warranties as it shall determine to be necessary to secure such loans and carry out the purposes of the act.

Prior to issuing any notes or bonds to make loans pursuant to this section, the MHFA shall consult with the Massachusetts Home Mortgage Finance Agency advisory committee established pursuant to section fourteen of chapter eight hundred and forty-six of the acts of nineteen hundred and seventy-four.

Notwithstanding any provisions of chapter two hundred and sixty-eight A of the General Laws, a present or former employee of the commonwealth, or any political subdivision thereof, or of any state, county or municipal agency as defined in said chapter two hundred and sixty-eight A may be a mortgagor of a new residential mortgage hereunder.

Section 5B. Mortgage Insurance Program. MHFA may, pursuant to regulations adopted by it, establish a program of mortgage insurance to insure those loans made by mortgage lenders as a condition to the receipt of a loan from the MHFA under section five A and also to insure conventional mortgage loans to resident owners made for purposes of acquisition and rehabilitation or rehabilitation in areas designated for neighborhood preservation programs under said section five A.

Such sums as may be appropriated or otherwise acquired may

be used for the purpose of establishing a Mortgage Insurance Fund administered by the MHFA. Such sums, to the extent necessary, shall be applied to the payment of (i) claims made by lenders who have made new residential mortgages as a condition to the receipt of a loan from the MHFA under section five A and which new residential mortgages are in default and (ii) claims made by lenders of conventional mortgage loans, in default, made to resident owners for purposes of acquisition and rehabilitation in areas designated for neighborhood preservation programs under section five A. Claims shall be made against the mortgage insurance fund in accordance with procedures established by MHFA. Pursuant to this section, and to rules and regulations adopted by it, MHFA may have at any time a total amount of insurance risk outstanding not in excess of the amount contained in the fund multiplied by thirty. At such times as premiums and other sources of income to the fund provide adequate protection against potential losses, MHFA shall, to the extent it deems it prudent, return to the General Fund of the commonwealth from the Mortgage Insurance Fund all or a portion of such funds appropriated.

The commissioner of insurance shall prepare regulations to govern the issuance of mortgage insurance which shall be included without amendment in the regulations adopted by the MHFA pursuant to this section. To the full extent practicable said regulations shall require compliance with the general provisions of chapter one hundred and seventy-five of the General Laws.

Section 5C. Technical Assistance. The MHFA may, subject to appropriation by the general court or funds made available from any other public or private source, and pursuant to rules and regulations adopted by it, contract with nonprofit organizations incorporated under the laws of the commonwealth or qualified public agencies for technical assistance to potential borrowers from such mortgage lenders, including without limitation the following services:

(i) consultation as to the nature, extent and manner of new construction, or the repair, remodeling or rehabilitation financed hereunder and consultation regarding the nature, extent and manner of repairs required to ensure that the dwelling structure shall not contain a substantial violation of the housing or building codes after such work is completed;

(ii) consultation regarding the laws, rules, regulations and codes regulating the nature, extent and manner of undertaking such work;

(iii) consultation as to the contractors, subcontractors, individuals, or other entities to perform such work;

(iv) consultation as to the proper manner, mode and method of financing such work;

(v) consultation regarding the manner, method or mode by which such borrowers may undertake all or any portion of the work themselves;

(vi) consultation regarding the progress of the work, including technical assistance regarding the quality of such work;

(vii) consultation regarding debt consolidation, debt management and money management to ensure the stability and repayment of any mortgage insured hereunder;

(viii) consultation regarding ongoing management of the premises.

SECTION 13. Paragraph (b) of section 8 of said chapter 708 is hereby amended by striking out the sixth, seventh, eighth and ninth sentences, as amended by section 9 of chapter 632 of the acts of 1979, and inserting in place thereof the following five sentences:- The aggregate principal amount of notes and bonds of the MHFA issued to make mortgage loans pursuant to section five, outstanding at any one time shall not exceed the sum of one billion five hundred million dollars of which one hundred and 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 percentum 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 the 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. The aggregate principal amount of notes and bonds of the MHFA and the Massachusetts Home Mortgage Finance Agency issued to make loans pursuant to section five A of this chapter and chapter eight hundred and forty-six of the acts of nineteen hundred and seventy-four outstanding at any one time shall not exceed the sum of five hundred million dollars.

SECTION 14. Said section 8 of said chapter 708 is hereby amended by adding after paragraph (e), added by chapter 348 of the acts of 1981, the following paragraph:-

(f) The MHFA and the Massachusetts Home Mortgage Finance Agency shall be allocated, for purposes of Section 103A(g) of the Internal Revenue Code of 1954, as amended, one hundred per cent of the state ceiling applicable to the commonwealth for any calendar year of the aggregate amount of qualified mortgage bonds, as defined in said Section 103A(g). The MHFA shall establish the allocation of such aggregate amount between the MHFA and the Massachusetts Home Mortgage Finance Agency.

SECTION 15. Paragraph (a) of section 9B of said chapter 708 is hereby amended by striking out the first sentence, as amended by section 13 of chapter 632 of the acts of 1979, and

inserting in place thereof the following sentence:- The MHFA 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 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.

SECTION 16. Said chapter 708 is hereby further amended by inserting after section 9B the following section:-

Section 9C. Notwithstanding anything to the contrary, as security for the payment of bonds issued for the purpose of carrying out the provisions of section five A, the MHFA 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 MHFA authorizing issuance thereof, and any other monies which may be available to the MHFA for the purpose of such fund from any other source or sources. All monies held in a Capital Reserve Fund pursuant to this section, except as hereinafter provided, shall be used solely for the payment of the principal of bonds of the MHFA which are secured by such Capital Reserve Fund as the same become payable, 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 minimum requirement thereof established by resolution of the MHFA except for the purpose of paying the principal of and interest and premium on bonds secured by such fund becoming due and for the payment of which other monies of the MHFA are not available.

The MHFA shall not at any time issue bonds secured by a Capital Reserve Fund if following the issuance of such bonds the amount of the Capital Reserve Fund shall be less than the minimum requirement thereof established by the resolution of the MHFA providing for the issuance of bonds secured by such fund unless the MHFA, at the time of issuance of such bonds, shall deposit in such fund from the proceeds of the bonds so to be

issued, or otherwise, an amount which, together with the amount then in such fund, will not be less than the minimum requirement; provided that at no time shall the minimum requirement of a Capital Reserve Fund be established by the MHFA at an amount less than one-quarter of the maximum amount of interest becoming due in the current or any succeeding fiscal year of the MHFA or at an amount greater than the maximum amount of principal and interest becoming due in the current or any succeeding fiscal year of MHFA on all outstanding bonds which are secured by such Capital Reserve Fund.

In order to assure the maintenance of a Capital Reserve Fund at the minimum requirement thereof established by resolution of the MHFA, there shall be annually appropriated and paid to the MHFA for deposit in such Capital Reserve Fund such sum, if any, as shall be certified by the chairman of the MHFA to the governor as necessary to restore such Capital Reserve Fund to such minimum requirement. The chairman of the MHFA shall annually, on or before December first, make and deliver to the governor his certificate stating the amount, if any, required to restore a Capital Reserve Fund to the amount aforesaid and the amount so stated, if any, shall be appropriated and paid to the MHFA during the then current fiscal year of the commonwealth as soon as possible by the MHFA from monies in excess of the amount required to make and keep MHFA 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.

Notwithstanding the provisions of this section, the MHFA may create and establish a Capital Reserve Fund for any issue of bonds under such provisions as are necessary to comply with the provisions of Section 103A of the Internal Revenue Code of 1954, as amended.

SECTION 17. Section 13 of said chapter 708, as most recently amended by chapter 807 of the acts of 1973, is hereby further amended by adding the following 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 MHFA under this act, and may participate with the MHFA in making or acquiring new residential mortgages or jointly owned interests in new residential mortgages with the MHFA, and may otherwise transact business with the MHFA as contemplated herein.

SECTION 18. Said chapter 708 is hereby further amended by

inserting after section 16 the following section:-

Section 16A. The MHFA shall be liable on all claims made as a result of the activities, whether ministerial or discretionary, of any member, officer, or employee of the MHFA acting as such, except for willful dishonesty or intentional violation of the law, in the same manner and to the same extent as a private person under like circumstances; provided, however, that the MHFA shall not be liable to levy of execution on any real or personal property to satisfy judgment, for interest prior to judgment, for punitive damages or for any amount in excess of one hundred thousand dollars.

No person shall be liable to the commonwealth, to the MHFA or to any other person as a result of his activities, whether ministerial or discretionary, as a member, officer or employee of the MHFA except for willful dishonesty or intentional violation of the law; provided, however, that such person shall provide reasonable cooperation to the MHFA in the defense of any claim. Failure of such person to provide reasonable cooperation shall cause him to be jointly liable with the MHFA, to the extent that such failure prejudiced the defense of the action.

The MHFA may indemnify or reimburse any person, or his personal representative, for losses or expenses, including legal fees and costs, arising from any claim, action, proceeding, award, compromise, settlement or judgment resulting from such person's activities, whether ministerial or discretionary, as a member, officer, or employee of the MHFA; provided that the defense or settlement thereof shall have been made by counsel approved by the MHFA. The MHFA may procure insurance for itself and for its members, officers and employees against liabilities, losses and expenses which may be incurred by virtue of this section or otherwise.

No civil action hereunder shall be brought more than three years after the date upon which the cause thereof accrued.

SECTION 19. Chapter 846 of the acts of 1974 is hereby amended by striking out section 3, as most recently amended by section 8 of chapter 789 of the acts of 1981, and inserting in place thereof the following section:-

Section 3. Massachusetts Home Mortgage Finance Agency. There is hereby established in the department of community affairs a body politic and corporate known as the Massachusetts Home Mortgage Finance Agency, which shall not be subject to the supervision or control of the department of community affairs or of any department, commission, board or bureau or agency of the commonwealth except to the extent and in the manner provided in this act. The MHMFA is hereby constituted a public

instrumentality and the exercise by the MHMFA of the powers conferred by this act shall be deemed and held to be the performance of an essential governmental function.

The MHMFA shall consist of the nine members of the Massachusetts Housing Finance Agency, ex officiis.

The chairman of the Massachusetts Housing Finance Agency shall serve as chairman of the MHMFA, and the MHMFA shall annually elect one of its members as vice chairman and shall also annually elect a secretary, a treasurer, and such other officers as it may determine, none of whom need be a member of the MHMFA. The secretary shall keep a record of the proceedings of the MHMFA and shall be custodian of all books, documents, and papers filed with the MHMFA and of its minute book and seal. He shall have authority to cause to be made copies of all minutes and other records and documents of the MHMFA and to give certificates under the seal of the MHMFA to the effect that such copies are true copies and all persons dealing with the MHMFA may rely upon such certificates. The treasurer shall be the chief financial and accounting officer of the MHMFA and shall be in charge of its funds, books of account and accounting records. The executive director of the Massachusetts Housing Finance Agency shall serve as the executive director of the MHMFA.

Five members of the MHMFA shall constitute a quorum and the affirmative vote of five members shall be necessary for any action taken by the MHMFA. No vacancy in the membership of the MHMFA shall impair the right of a quorum to exercise all the rights and perform all the duties of the MHMFA.

The members, chairman and executive director of MHMFA shall serve without compensation but shall be reimbursed for their necessary expenses incurred in the discharge of their official duties. Notwithstanding the provisions of any other law, no officer or employee of the commonwealth or of any public instrumentality thereof shall be deemed to have forfeited or shall forfeit his office or employment by reason of his acceptance of compensation from MHMFA or employment therewith.

SECTION 20. Section 4 of said chapter 846 is hereby amended by adding the following clause:-

(y) Loan or grant any monies available to MHMFA for its general purposes to the Massachusetts Housing Finance Agency to be used for its general purposes.

SECTION 21. The ninth paragraph of section 5 of said chapter 846 is hereby amended by striking out the second sentence, as amended by section 8 of chapter 793 of the acts of

1979.

SECTION 22. Said ninth paragraph of said section 5 of said chapter 846 is hereby further amended by striking out the fifth sentence and inserting in place thereof the following sentence:- In addition, the MHMFA may require as a condition to mortgage lenders that in any city or town with an approved neighborhood preservation program proposed to MHMFA by a city or town, an agreed upon dollar volume of bonding authorization as a minimum commitment shall be located in priority areas set forth in the neighborhood preservation program within an agreed upon time period, not greater than five years; provided, however, that local community organizations such as community action agencies or other recognized low income organizations shall be included in reviewing the neighborhood preservation program.

SECTION 23. The second paragraph of section 8 of said chapter 846 is hereby amended by striking out the last sentence, as amended by section 13 of chapter 789 of the acts of 1981, and inserting in place thereof the following two sentences:- The aggregate principal amount of notes and bonds of the MHMFA and the Massachusetts Housing Finance Agency issued pursuant to section five A of chapter seven hundred and eight of the acts of nineteen hundred and sixty-six outstanding at any one time shall not exceed the sum of five hundred million dollars; 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. The notes and bonds issued pursuant to the provisions of this act may be issued in the discretion of the MHMFA with such terms as will cause the interest thereon to be subject to federal income taxation.

SECTION 24. Said section 8 of said chapter 846 is hereby further amended by striking out the last paragraph, added by section 14 of said chapter 789, and inserting in place thereof the following paragraph:-

The MHMFA and the Massachusetts Housing Finance Agency shall be allocated, for purposes of Section 103A(g) of the Internal Revenue Code of 1954 as amended, one hundred per cent of the state ceiling applicable to the commonwealth for any calendar year of the aggregate amount of qualified mortgage bonds, as defined in said Section 103A(g). The Massachusetts Housing Finance Agency shall establish the allocation of such aggregate amount between the MHMFA and the Massachusetts Housing Finance Agency.

SECTION 25. Said chapter 846 is hereby further amended by striking out section 10, as amended by section 15 of said chapter 789, 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 pursuant to this section, 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 become payable, 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 minimum requirement thereof established by resolution of the MHMFA, except for the purpose of paying the principal of and interest and premium on bonds secured by such fund becoming due and for the payment of which other monies of the MHMFA are not available.

The MHMFA shall not at any time issue bonds secured by a Capital Reserve Fund if following the issuance of such bonds the amount of the Capital Reserve Fund shall be less than the minimum requirement thereof established by the resolution of MHMFA providing for the issuance of bonds secured by such fund 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 minimum requirement; provided that at no time shall the minimum requirement of a Capital Reserve Fund be established by the MHMFA at an amount less than one-quarter of the maximum amount of interest becoming due in the current or any succeeding fiscal year of MHMFA or at an amount greater than the maximum amount of principal and interest becoming due in the current or any succeeding fiscal year of MHMFA on all outstanding bonds which are secured by such Capital Reserve Fund.

In order to assure the maintenance of a Capital Reserve Fund at the minimum requirement thereof established by the MHMFA, 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 such minimum requirement. 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.

Notwithstanding the provisions of this section, the MHMFA may create and establish a Capital Reserve Fund for any issue of bonds under such provisions as are necessary to comply with the provisions of Section 103A of the Internal Revenue Code of 1954, as amended.

SECTION 26. The last paragraph of section 11 of said chapter 846, added by section 16 of chapter 793 of the acts of 1979, is hereby amended by striking out clause (5) and inserting in place thereof the following clause:-

(5) the lien of such pledge shall be valid and binding against any and all parties having a claim of any kind, in tort, contract or otherwise, against MHMFA, irrespective of whether such parties have notice thereof.

SECTION 27. Said chapter 846 is hereby further amended by inserting after section 16 the following section:-

Section 16A. Claims Against the MHMFA. The MHMFA shall be liable on all claims made as a result of the activities, whether ministerial or discretionary, of any member, officer, or employee of the MHMFA acting as such, except for willful dishonesty or intentional violation of the law, in the same manner and to the same extent as a private person under like circumstances; provided, however, that the MHMFA shall not be liable to levy of execution on any real or personal property to satisfy judgment, for interest prior to judgment, for punitive damages or for any amount in excess of one hundred thousand dollars.

No person shall be liable to the commonwealth, to the MHMFA or to any other person as a result of his activities, whether ministerial or discretionary, as a member, officer or employee of the MHMFA except for willful dishonesty or intentional violation

of the law; provided, however, that such person shall provide reasonable cooperation to the MHMFA in the defense of any claim. Failure of such person to provide reasonable cooperation shall cause him to be jointly liable with the MHMFA, to the extent that such failure prejudices the defense of the action.

The MHMFA may indemnify or reimburse any person, or his personal representative, for losses or expenses, including legal fees and costs, arising from any claim, action, proceeding, award, compromise, settlement or judgment resulting from such person's activities, whether ministerial or discretionary, as a member, officer, or employee of the MHMFA; provided that the defense or settlement thereof shall have been made by counsel approved by the MHMFA. The MHMFA may procure insurance for itself and for its members, officers and employees against liabilities, losses and expenses which may be incurred by virtue of this section or otherwise.

No civil action hereunder shall be brought more than three years after the date upon which the cause thereof accrued.

Approved July 7, 1982.

Chap. 265. AN ACT PROVIDING PLANNING ASSISTANCE TO THE CITY OF SALEM.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 351 of the acts of 1981 is hereby amended by inserting after item 3722-9104 the following item:-

3722-9105 For a grant for planning activities in the city of Salem in connection with the recovery from the fire of February, nineteen hundred and eighty-two, said funds to be allocated by the mayor of said city; as he may see fit, to the planning department of the city of Salem, with the assistance of the Salem Redevelopment Authority, appropriation expires June thirtieth, nineteen hundred and eighty-three $100,000.00

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

Approved July 7, 1982.

Chap. 266. AN ACT PROVIDING FOR THE ISSUANCE OF TEMPORARY REGISTRATION PLATES

Be it enacted, etc., as follows:

Chapter 90 of the General Laws is hereby amended by inserting after section 2B the following section:-

Section 2D. The registrar is hereby authorized and empowered to design, issue and regulate the use of temporary registration plates. Such temporary plates may be issued to dealers, upon application accompanied by the proper fee, as shall be established by the registrar, for use by purchasers of motor vehicles; said plates shall be valid for not more than twenty days, pending receipt of registration plates issued under the provisions of section two. Satisfactory proof shall be furnished that a certificate, as defined in section thirty-four A, is in effect prior to the issuance of temporary plates.

The registrar is hereby empowered to issue and enforce regulations for the administration of this section.

Approved July 7, 1982.

Chap. 267. AN ACT PROVIDING FOR ABATEMENT OF TAXES CAUSED BY A FIRE IN THE CITY OF FALL RIVER ON MAY ELEVENTH, NINETEEN HUNDRED AND EIGHTY-TWO.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of sections two A and thirty-eight of chapter fifty-nine of the General Laws, the board of assessors of the city of Fall River may, for the fiscal year beginning July first, nineteen hundred and eighty-two, determine the valuation of property destroyed by the fire of May eleventh, nineteen hundred and eighty-two, immediately subsequent to said fire, for the purpose of granting abatements applied for under section fifty-nine of said chapter fifty-nine.

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

Approved July 6, 1982.

Chap. 268. AN ACT AUTHORIZING THE TOWN OF WESTPORT TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES TO THE OLDE SANFORD LIQUOR MART, INC.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the town of Westport may issue to The Olde Sanford Liquor Mart, Inc. 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.

(The foregoing was laid before the Governor of the 24th day of June, 1982 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. 269. AN ACT AUTHORIZING THE TOWN OF WINTHROP TO GRANT ADDITIONAL LIQUOR LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES TO TOWNE LIQUOR MART, INC., AND NAT'S DELICATESSEN & PACKAGE GOODS STORE, INC.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the town of Winthrop is hereby authorized to grant to Towne Liquor Mart, Inc., and Nat's Delicatessen & Package Goods Store, Inc. licenses for the sale of all alcoholic beverages not to be drunk on the premises under the provisions of section fifteen of said chapter one hundred and thirty-eight. Said licenses shall be subject to all the provisions of said chapter one hundred and thirty-eight except section seventeen.

(The foregoing was laid before the Governor of the 24th day of June, 1982 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. 270. AN ACT PROVIDING FOR AN ADEQUATE WATER SUPPLY FOR THE CITY OF BROCKTON.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to ensure an adequate supply of water to the residents of those communities, including the city of Brockton, served by the department of public works of the city of Brockton, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted etc., as follows:

SECTION 1. Notwithstanding the provisions of section two of chapter nine hundred and eighty-four of the acts of nineteen hundred and seventy-three or any other general or special law to the contrary, the city of Brockton acting through its department of public works, or through its legal counsel, may purchase or take by eminent domain under the provisions of chapter seventy-nine of the General Laws from the owners of record by deed approved as to form by the attorney general, land including all water rights in the town of Kingston for the purpose of providing an adequate long term water supply to the residents of the city of Brockton, and the residents of the towns of Avon, Abington, Hanson, Pembroke and Whitman served by the department of public works of the city of Brockton. Said land consists of three hundred acres more or less, as identified by plans recorded in the Plymouth county registry of deeds, plan book 3495, page 500. After the land has been acquired for the above purpose and the conditions of this act have been met, said city shall, within one year, commence the utilization of water from such site for delivery to the residents served by said department of public works upon the approval by the department of environmental quality engineering of the quality of such water. Said department of public works may erect on said property proper dams, pumps, pipes, buildings and related appurtenances as may be necessary for the establishment of the aforementioned system of water works, and may further make excavations and remove materials as deemed necessary after proper approval has been granted by said department of environmental quality engineering and the environmental impacts, if any, have been identified and minimized. Said department of public works may further negotiate for and obtain through purchase of agreement or by eminent domain under the provisions of said chapter seventy-nine all such easements and rights of ways as may be necessary for the installation and maintenance of pipes, conduits and related appurtenances as may be necessary for the provision of said water to said residents. No construction shall begin nor water be taken until an

environmental impact statement has been completed and plans for such work have been approved by the department of environmental quality engineering. Any such environmental impact report shall set forth the maximum amounts of water to be pumped from said property including, but not limited to, Pine brook, so-called.

SECTION 2. After an environmental impact report has been prepared by the city of Brockton under the provisions of sections sixty-one to sixty-two H, inclusive, of chapter thirty of the General Laws; and provided, that any adverse impacts are minimized, the department of public works of the city of Brockton may, for the purpose of increasing storage capacity, excavate and remove materials within the boundaries of Silver lake situated in the towns of Halifax, Kingston, Pembroke and Plympton. The department of environmental quality engineering shall monitor said excavation and removal of any materials from said lake.

SECTION 3. The amount of ground and surface water to be withdrawn for said land, shall be at rates and periods of time as determined by the commissioner of said department of environmental quality engineering, who shall, at least annually, review such determination.

Approved July 8, 1982.

Chap. 271. AN ACT RELATIVE TO THE ALLEVIATION OF THE FINANCIAL BURDEN IMPOSED ON THE CITY OF SALEM BY THE FIRE OF NINETEEN HUNDRED AND EIGHTY-TWO AND THE TOWN OF NEW BRAINTREE BY THE FIRE OF NINETEEN HUNDRED AND SEVENTY-SEVEN.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide funds immediately for the costs of public services destroyed by the fire of February, nineteen hundred and eighty-two in the city of Salem, and the town of New Braintree by the fire of nineteen hundred and seventy-seven therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

Be it enacted etc., as follows:

SECTION 1. To provide for the purpose of disaster relief and

to meet the expense of restoring and providing police, fire, public works and other public services destroyed by fire in the city of Salem the sum of four hundred thousand dollars is hereby made available for transfer by the secretary of administration to the mayor of said city.

To provide for the purpose of disaster relief and to meet the expense of restoring town offices, police, fire and other public services destroyed by fire in the town of New Braintree the sum of two hundred and seventy-five thousand dollars is hereby made available for transfer by the secretary of administration to the board of selectmen in said town.

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 purposes of meeting payments authorized by section one of this act, and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such times and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and ninety-seven.

SECTION 3. To meet the expenditures necessary in carrying out the provisions of section one of this act, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth to an amount to be specified by the governor from time to time.

All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, city of Salem Disaster Relief Loan, Act of 1982, or town of New Braintree Disaster Relief Loan, Act of 1982, and shall be issued 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, provided, however, that all such bonds shall be payable not later than June thirtieth, nineteen hundred and ninety-seven. All interest and payments on account of principal of such obligations shall be payable from the General 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.

Approved July 8, 1982.

Chap. 272. AN ACT RELATIVE TO THE ALLEVIATION OF THE FINANCIAL BURDEN IMPOSED ON THE CITY OF FALL RIVER BY THE FIRE OF NINETEEN HUNDRED AND EIGHTY-TWO.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide funds immediately for the costs of those public services destroyed by the fire of May, nineteen hundred and eighty-two in the city of Fall River, therefore it is hereby declared to be emergency law necessary for the immediate preservation of the public safety.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 351 of the acts of 1981 is hereby amended by inserting after item 3722-9105 the following item:-

3722-9106 For a grant to provide disaster relief to meet the expense of restoring and providing police, fire, public works, and other public services destroyed by the fire of May nineteen hundred and eighty-two in the city of Fall River; provided that the mayor of said city shall allocate the funds; and provided further that this appropriation shall expire June thirtieth nineteen hundred and eighty-three $221,000

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

Approved July 8, 1982.

Chap. 273. AN ACT PROVIDING FUNDS FOR RENTAL ASSISTANCE FOR FORMER RESIDENTS OF THE AREA AFFECTED BY THE FIRE IN THE CITY OF FALL RIVER.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 351 of the acts of 1981 is hereby amended by inserting after item 3722-9008 the following item:-

3722-9011 For a program of temporary rental assistance for the purpose of providing thirty-five units of temporary

rental assistance housing to certain residents affected by the fire of May, nineteen hundred and eighty-two in the city of Fall River; provided, that this item shall expire June thirtieth, nineteen hundred and eighty-three $175,000

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

Approved July 8, 1982.

Chap. 274. AN ACT PROVIDING PLANNING ASSISTANCE TO THE CITY OF FALL RIVER.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 351 of the acts of 1981 is hereby amended by inserting after item 3722-9104 the following item:-

3722-9105 For a grant for planning activities in the city of Fall River, said funds to be allocated by the mayor of said city, as he deems necessary; provided that such appropriation shall expire on June thirtieth, nineteen hundred and eighty-four $150,000

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

Approved July 8, 1982.

Chap. 275. AN ACT AUTHORIZING STUDENT EDUCATION LOANS AS PART OF CERTAIN LIFE INSURANCE POLICIES.

Be it enacted, etc., as follows:

Section 182 of chapter 175 of the General Laws, as most recently amended by chapter 381 of the acts of 1928, is hereby further amended by adding the following sentence:- Nothing in this chapter shall prevent any life company from making supplemental agreements, not specified in the policy, which give the policy owner or insured the right to borrow money from the life company in connection with a student loan insurance program, pursuant to United States Public Law 89-329, or

pursuant to any similar federal statute; provided, however, that such loans are to be made, issued, assumed or guaranteed by the United States of America or any instrumentality thereof, or by any state of the United States.

Approved July 8, 1982.

EMERGENCY LETTER - July 9, 1982 @ 10:02 A.M.

Chap. 276. AN ACT RELATIVE TO SAVINGS BANK LIFE INSURANCE.

Be it enacted, etc., as follows:

Chapter 178 of the General Laws is hereby amended by striking out section 10, as most recently amended by chapter 391 of the acts of 1976, and inserting in place thereof the following section:-

Section 10. The aggregate amount of savings bank life insurance which may be issued or in force at any time on any one life under life insurance policies issued by all savings and insurance banks shall not exceed an aggregate amount which would be equal to one thousand dollars in each such savings and insurance bank, exclusive of group insurance, payor insurance, dividends and profits. The aggregate amount of annual income which may be paid to any individual under all annuity contracts issued or in force by all savings and insurance banks shall not exceed an aggregate amount which would be equal to one thousand two hundred dollars in each such savings and insurance bank, exclusive of dividends or profits.

Approved July 8, 1982.

Chap. 277. AN ACT FURTHER REGULATING THE OFFICE OF INSPECTOR GENERAL.

Be it enacted etc., as follows:

SECTION 1. Chapter 12A of the General Laws is hereby further amended by striking out section 7, as appearing in section 1 of chapter 388 of the acts of 1980, and inserting in place thereof the following section:-

Section 7. The office of inspector general shall act to prevent and detect fraud, waste and abuse in the expenditure of public

funds, whether state, federal, or local, in programs and operations involving the procurement of any supplies, services, or construction, by agencies, bureaus, divisions, sections, departments, offices, commissions, institutions and activities of the commonwealth, including those districts, authorities, instrumentalities or political subdivisions created by the general court and including the cities and towns.

SECTION 2. The first paragraph of section 9 of said chapter 12A, as so appearing, is hereby amended by inserting after the word "correspondence", in line 4, the words:- including information relative to the purchase of services or anticipated purchase of services from any contractor by any public body.

SECTION 3. The second paragraph of said section 9 of said chapter 12A, as so appearing, is hereby amended by inserting after the word "assistance", in line 8, the words:- , including information relative to the purchase of services or anticipated purchase of services from any contractor by any public body.

Approved July 8, 1982.

Chap. 278. AN ACT RELATIVE TO THE MASSACHUSETTS CREDIT UNION SHARE INSURANCE CORPORATION.

Be it enacted, etc., as follows:

SECTION 1. Chapter 294 of the acts of 1961 is hereby amended by striking out section 1, as appearing in by section 1 of chapter 306 of the acts of 1973, and inserting in place thereof the following two sections:-

Section 1. Creation, purpose.- There is hereby constituted a corporation under the name of Massachusetts Credit Union Share Insurance Corporation, hereinafter referred to as the corporation, for the purpose of creating and maintaining a fund for the insurance of shares and deposits of members of the Central Credit Union Fund, Inc. and of credit unions doing business in Massachusetts which are established under the laws of the commonwealth or of the United States and which become regular or excess members of the corporation, as hereinafter provided.

Section 1A. Definitions.- In this act, unless the context otherwise requires, the following words shall have the following

meanings:-

"Excess member", an inactive member or a federally chartered credit union whose excess shares and deposits, as hereinafter defined, shall become insured by the corporation pursuant to section six D.

"Excess shares and deposits", the portions of the shares and deposits of a credit union in excess of those sums which from time to time may be insured by the Administrator of the National Credit Union Administration.

"Inactive member", a regular member which withdraws from regular membership as provided in section six C.

"Member", a regular member of the corporation as defined below, except where the context otherwise requires.

"Regular member", a state-chartered credit union which is admitted to regular membership in the corporation pursuant to section six A, and which thereafter maintains its membership in good standing, or which is readmitted to regular membership pursuant to section six G.

SECTION 2. Section 4 of said chapter 294 is hereby amended by striking out the first and second paragraphs, as so appearing, and inserting in place thereof the following two paragraphs:-

There shall be a board of fifteen directors of the corporation who shall be elected by the delegates of the members as follows:

(a) Eleven directors shall be elected from the member credit unions; provided however, that any person who is serving as a director on the effective date of this act shall be eligible to be re-elected to said office upon the expiration of his then current term of office and of each succeeding term, if any, notwithstanding that the re-election of said directors may result for the time being in a board of directors of more than fifteen persons.

(b) Of the total number of directors elected from the member credit unions, not more than one-third at any one time shall represent members in any one county of the commonwealth.

(c) There shall be four outside directors, as defined in subparagraph (d). Four such directors shall be elected at the first annual meeting following the effective date of this act to initial terms of office of such respective durations, not in any case to exceed three years, as shall be determined by the board of directors so that not more than two such terms shall expire in any year.

(d) Outside directors shall be elected from a list of persons nominated by member credit unions, none of whom shall be directors, officers, employees, or agents of a member credit

union or a director, trustee or other officer of any other financial institution. Each member credit union may nominate persons to be such a director by filing the name of such person with the board of directors not later than sixty days prior to the annual meeting; provided, however, that any such person shall be qualified by training and experience in one of the following fields: business judgment, insurance, investments, real estate, accounting or law.

Each director shall be elected for a three year term, except as otherwise provided in subparagraph (c). All directors shall be sworn and hold office until their successors are qualified. If a person elected does not within thirty days thereafter take the oath of office, his office shall thereupon become vacant. The directors shall fill any vacancies on the board until the next annual meeting. The directors may from time to time adopt such rules and regulations as they may deem necessary to effect the purposes of this act, provided that such rules and regulations shall not become effective until they have been approved by the commissioner, and for such purposes the commissioner may confer and advise with the directors and furnish them with such information as they may request.

SECTION 3. Said chapter 294 is hereby further amended by striking out sections 6A and 6B and inserting in place thereof the following seven sections:-

Section 6A. Regular Membership.- Any applicant for regular membership shall first give notice in writing to the corporation of its intention to become a member and shall submit such preliminary financial statements and other information concerning its assets, liabilities and affairs as the commissioner and the directors of the corporation may determine.

Before admission or readmission to regular membership in the corporation, an applicant shall be subject to such audit as the commissioner and the directors of the corporation determine to be necessary, the auditor to be approved by the directors of the corporation and the commissioner. The directors shall be the sole judges of the eligibility of each applicant for admission or readmission, with the approval of the commissioner.

Section 6B. Termination of Membership.- The insurance of a member by the corporation may be terminated by the directors of the corporation, with the approval of the commissioner, after a hearing to be held before the commissioner and a committee of said directors upon at least fifteen days prior notice, in the following circumstances:

(a) if a regular or excess member shall have failed to pay any assessment lawfully required under this act within fifteen

days after notice from the treasurer of the corporation that such payment is overdue; or,

(b) if a regular member has conducted its business in an unsafe or unsound manner, or has knowingly or negligently permitted any of its officers or agents to violate any provision of any law or regulation to which the member is subject.

In the event of termination of the insurance of a member, the commissioner may order the member to give such notice to its shareholders and depositors as he may require. In the event of failure to give the notice required to said shareholders and depositors as herein provided, the commissioner is authorized to give such notice in such manner as he may determine and for such purpose the member shall provide a list of all names and addresses of its depositors and shareholders to the commissioner.

Section 6C. Withdrawal from Regular Membership; Member Credit Union Becoming Insured Under Federal Credit Union Act; Inactive Membership.- Any member may withdraw from regular membership in the corporation pursuant to the provisions of paragraphs (a) and (b) and of section thirty-five of chapter one hundred and seventy-one of the General Laws. Upon such withdrawal, a member shall become an inactive member of the corporation.

(a) Except with the approval of at least two-thirds of the directors of the corporation, and subject to such conditions as they may approve, no member may withdraw from regular membership in the corporation so long as any financial assistance granted by the corporation to such member remains unpaid or has not been compromised or settled.

Subject to the preceding paragraph, when any regular member which has applied for insurance of its shares and deposits under the Federal Credit Union Act shall have received notice in writing from the Administrator of the National Credit Union Administration that it is insured by him, such member shall give written notice thereof to the corporation and shall file with it copies of said notice from the administrator and of the vote of its directors provided in section thirty-five of chapter one hundred and seventy-one of the General Laws.

On the effective date of such insurance by the administrator, the insurance of the shares and deposits of such member by the corporation shall terminate to the extent that such shares and deposits shall then or thereafter be insured by said administrator, and such inactive member shall not be liable for any further assessments required by sections seven or eight, except for any unpaid assessments then due and payable. An inactive member shall not be entitled to any of the rights and benefits of members except as expressly provided in subsection

(b) of this section.

(b) Upon the withdrawal of a regular member to inactive membership, the corporation shall retain all assessments theretofore paid to it by such member.

Thereafter, except as otherwise provided in section six F of this act, such inactive member shall be entitled (1) to receive such dividends, if any, on its retained assessments as may become payable to regular members pursuant to section seven and (2) to participate in the net assets of the share insurance fund in the event of the dissolution and liquidation of the corporation, in the manner and to the extent provided in section ten.

The provisions of this subsection shall apply to member credit unions which withdrew from the corporation prior to the effective date of this act.

Section 6D. Excess Insurance of Federally Insured Credit Unions; Excess Members.- The excess shares and deposits of excess members shall be insured in full by the corporation, subject to the following conditions and limitations:-

(a) Applications for excess membership shall be governed by the provisions of section six A of this act. If the applicant is then insured by the Administrator of the National Credit Union Administration, said administrator's certification of its sound and safe condition may be submitted in lieu of approval by the commissioner.

(b) Such excess member shall semi-annually pay to the corporation insurance assessments at the same percentage rates fixed for additional assessments of regular members under section eight, computed upon its excess shares and deposits as shown by a statement filed with the corporation and certified by an authorized officer of such excess member.

(c) Excess members of the corporation shall not have any of the rights and privileges of regular members except as expressly provided otherwise herein.

(d) Upon payment by the corporation of any excess share or deposit insured by the corporation in any excess member, the corporation shall be subrogated to the rights of the person to whom such insurance was so paid to receive the same distribution from the proceeds of assets and claims of such excess member as would have been payable to such person on a claim for the portion of such person's share or deposit so paid by the corporation, subject to the rights of the National Credit Union Administration.

(e) Notwithstanding any other provisions hereof, if the National Credit Union Administration is at any time a depositor in any excess member, either directly or through any other

governmental agency, the amounts deposited, directly or indirectly, by the National Credit Union Administration shall not be deemed insured to any extent by the corporation.

Section 6E. Contracts With National Credit Union Administration.- The corporation may make such contracts as it deems appropriate with the National Credit Union Administration in order to carry out the purpose of this act and of the Federal Credit Union Act.

Section 6F. Acquisition of Member by Other Financial Institutions; Termination of Membership.- In case any regular, inactive or excess member of the corporation shall be acquired by another financial institution by merger, consolidation, sale of assets or otherwise, the acquired member's membership in the corporation shall automatically terminate. If the acquiring financial institution is itself a regular member of the corporation, but not otherwise, the corporation shall continue to insure the shares and deposits so acquired, and the acquiring member shall succeed to the same rights with respect to the retained assessments of the acquired member as are provided to inactive members by paragraph (b) of section six C.

Section 6G. If at any time an excess or inactive member, except a federally-chartered credit union, which has theretofore been insured by the administrator of the National Credit Union Administration shall cease to be so insured, and upon compliance with the requirements of section six A, such excess or inactive member may be admitted or readmitted to regular membership in the corporation. Thereupon, all of the shares and deposits of such member theretofore insured by said administrator shall forthwith be insured by the corporation as provided in this act, and such member shall thereafter be entitled to all the rights, benefits and privileges and subject to all the obligations of a regular member the shares and deposits of which are fully insured by the corporation. Such member shall be credited with all assessments, if any, previously paid by it and retained by the corporation pursuant to paragraph (b) of section six C.

Each readmitted member shall pay to the corporation those assessments provided by sections seven and eight which would have been due and payable on the semi-annual assessment date next preceding its admission or readmission had the shares and deposits of such member been at such time fully insured by the corporation.

SECTION 4. Said chapter 294 is hereby further amended by striking out section 7, as most recently amended by chapter 427 of the acts of 1981, and inserting in place thereof the following section:-

Section 7. Initial Assessments; Semiannual and Annual Assessments; Excess Assessments; Refunds of Excess Assessments; Dividends; Examinations and Audits.- (a) For the purpose of carrying out the provisions of this act, in addition to the assessments hereinafter provided for, the directors of the corporation shall require each new regular member, but not a readmitted inactive member except as provided for in section six G, to pay over in cash to the corporation an initial assessment consisting of one per cent of its total member share and deposit balances as shown by its most recent June thirtieth or December thirty-first statement. This assessment shall be made within ten days after the acceptance of a member by the corporation. Such assessments may be charged by the member to its undivided earnings account or any other surplus accounts, or established as a prepaid asset to be charged against its undivided earnings account or other surplus accounts over a ten year period.

(b) (i) With respect to the six semiannual assessment dates next following the effective date of this act, the directors of the corporation shall declare growth assessments, consisting of the following percentages of each regular member's total share and deposit balances in excess of the highest amount of its share and deposit balances on which such member has theretofore paid a one per cent assessment:

(a) for the first and second semiannual assessment periods, three-fourths of one per cent;

(b) for the third and fourth semiannual assessment periods, one-half of one per cent;

(c) for the fifth and sixth assessment periods, one-fourth of one per cent.

Thereafter, no growth assessments shall be declared.

(ii) If at the close of any fiscal year of the corporation its total assets, valued in accordance with generally accepted accounting principles, shall be less than one and one-fourth per cent of the aggregate member share and deposit liabilities insured by the corporation, each member shall pay to the corporation a series of annual assessments, in addition to the assessments provided for above, in an amount not to exceed one-twelfth of one per cent of the member's share and deposit liabilities in any year. Said annual assessments shall continue until the total assets of the corporation shall be at least equal to one and one-fourth per cent of the aggregate insured share and deposit liabilities.

(c) The directors may also, subject to the approval of the commissioner following a hearing, and subject to the approval of a majority of the delegates present and voting representing

regular member credit unions who shall be given thirty days written notice of the purpose of a meeting called by the directors to obtain such approval, semiannually declare additional assessments of regular members, to be designated as "excess assessments," so as to maintain from time to time the aggregate assessment of each regular member under this section at a level not greater than two per cent of such member's share and deposit liabilities. With like approval the directors may, on the semiannual assessment dates, in lieu of declaring such an excess assessment, effect a uniform refund in whole or in part of the excess assessments.

(d) The directors may, with the approval of the commissioner, pay to the members a dividend computed on the aggregate of assessments paid by each member pursuant to this section.

(e) The corporation shall be subject to such examinations and audits to such extent and manner and at such times as the commissioner may determine. The cost of any such examination or audit, as well as the cost of administration of the fund, shall be borne by the corporation.

SECTION 5. Said chapter 294 is hereby further amended by striking out section 10, as appearing in section 4 of chapter 306 of the acts of 1973, and inserting in place thereof the following section:-

Section 10. Dissolution of the Corporation.- The directors of the corporation at a special meeting called for this special purpose and held in accordance with the by-laws and section five may determine by vote of four-fifths of all directors that as a fact the corporation is no longer needed for the insurance of shares and deposits of members. If such fact is so determined by the directors and also is determined by the commissioner then, by vote of four-fifths of all regular member delegates, at a meeting of delegates called for that special purpose, with the approval of the commissioner, the members may dissolve and liquidate the corporation. When voting for the purpose provided in this section, each regular member, by a delegate authorized by its board of directors, shall have one vote. Upon any dissolution and liquidation of the corporation, the directors of the corporation shall proceed to distribute to all of the then members including the regular, inactive and excess members as their interests may appear, the proceeds of the fund after payment of all losses, expenses and obligations of the corporation, in the following order of priority: First, in payment pro rata of the assessments referred to in section seven. Second, in payment pro rata of all assessments paid by

the then members under section eight. Third, the balance, if any, of the proceeds from such dissolution and liquidation shall be distributed pro rata to the then members.

SECTION 6. Section two of this act shall take effect on August first, nineteen hundred and eighty-three.

Approved July 8, 1982.

Chap. 279. AN ACT AUTHORIZING CITIES AND TOWNS TO CONTRACT WITH AN EXECUTIVE OR ADMINISTRATIVE OFFICER RELATIVE TO CONDITIONS OF EMPLOYMENT.

Be it enacted, etc., as follows:

Chapter 41 of the General Laws is hereby amended by inserting after section 108M the following section:-

Section 108N. Notwithstanding the provision of any general or special law to the contrary, any city or town acting through its board of selectmen or city council or mayor with the approval of the city council, as the case may be, may establish an employment contract for a period of time to provide for the salary, fringe benefits, and other conditions of employment, including but not limited to, severance pay, relocation expenses, reimbursement for expenses incurred in the performances of duties or office, liability insurance, and leave for its town manager, town administrator, executive secretary, administrative assistant to the board of selectmen or city manager, or the person performing such duties having a different title.

Said contract shall be in accordance with and subject to the provisions of the city or town charter and shall prevail over any conflicting provision of any local personnel by-law, ordinance, rule, or regulation. In addition to the benefits provided municipal employees under chapters thirty-two and thirty-two B, said contract may provide for supplemental retirement and insurance benefits.

Nothing contained in this section shall affect the appointment or removal powers of any city or town over its town manager, town administrator, executive secretary, administrative assistant to the board of selectmen or city manager, or such person performing such duties with a different title, nor shall it grant tenure to such officer, nor shall it abridge the provisions of section sixty-seven of chapter forty-four.

Approved July 8, 1982.

Chap. 280. AN ACT FURTHER REGULATING THE STANDARD FORM OF FIRE INSURANCE POLICY.

Be it enacted, etc., as follows:

Section 99 of chapter 175 of the General Laws is hereby amended by inserting after clause Twelfth the following clause:-

Twelfth A, Notwithstanding any other provision of this chapter, the commissioner may approve for use in the commonwealth a provision which changes the loss settlement clauses of the standard policy which requires coverage to the extent of actual cash value. Such changes must provide a reasonable, clearly specified coverage definition, and may be equivalent to, greater than or less than actual cash value.

Approved July 8, 1982.

Chap. 281. AN ACT REGULATING THE REQUIREMENT OF A BOND OF A NATURAL PARENT IN CERTAIN GUARDIANSHIP CASES.

Be it enacted, etc., as follows:

Section 2 of chapter 201 of the General Laws, as amended by section 1 of chapter 171 of the acts of 1958, is hereby further amended by inserting after the first sentence the following sentence:- If a bond is required for an appointment under the provisions of this section, a parent of a minor child may file a bond, without sureties, relative to his appointment as guardian of said child.

Approved July 8, 1982.

Chap. 282. AN ACT PROVIDING FOR ATTORNEY'S FEES IN CERTAIN CONTEMPT PROCEEDINGS IN THE PROBATE COURT.

Be it enacted, etc., as follows:

Section 34A of chapter 215 of the General Laws, as appearing in section 68 of chapter 400 of the acts of 1975, is hereby amended by adding the following two paragraphs:-

In entering a judgment of contempt for failure to comply with an order or judgment for monetary payment, there shall be a

presumption that the plaintiff is entitled to receive from the defendant, in addition to the judgment on monetary arrears, all of his reasonable attorney's fees and expenses relating to the attempted resolution, initiation and prosecution of the complaint for contempt. The contempt judgment so entered shall include reasonable attorney's fees and expenses unless the probate judge enters specific findings that such attorney's fee and expenses shall not be paid by the defendant.

Any monetary contempt judgment shall carry with it interest, from the date of filing the complaint, at the rate determined under the provisions of section six C of chapter two hundred and thirty-one of the General Laws.

Approved July 8, 1982.

Chap. 283. AN ACT EXTENDING THE TIME IN WHICH NOMINATION PAPERS FOR CITY AND TOWN OFFICERS MAY BE CERTIFIED BY LOCAL REGISTRARS.

Be it enacted, etc., as follows

SECTION 1. The second paragraph of section 7 of chapter 53 of the General Laws, as appearing in section 2 of chapter 927 of the acts of 1977, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Every nomination paper of a candidate for a city or town office shall be submitted to the registrars of the city or town where the signers appear to be voters on or before five o'clock post meridian of the fourteenth day preceding the day on which it must be filed with the city or town clerk.

SECTION 2. The first paragraph of section 46 of said chapter 53 is hereby amended by striking out the first sentence, as appearing in section 11 of said chapter 927, and inserting in place thereof the following sentence:- Every nomination paper of a candidate for a city or town office shall be submitted, on or before five o'clock post meridian of the fourteenth day preceding the day on which it must be filed, to the registrars of the city or town in which the signers appear to be voters.

Approved July 8, 1982.

Chap. 284. AN ACT RELATIVE TO THE APPOINTMENT OF THE TREASURER-COLLECTOR IN THE TOWN OF FRAMINGHAM.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the treasurer-collector of the town of Framingham shall be appointed for a term of three years by the board of selectmen of said town with the advise and consent of the finance committee of said town, and the person so appointed shall have all the powers and duties now or from time to time vested by the General Laws in the office of treasurer-collector.

Upon the appointment of a person for a third consecutive three year term, said person shall then serve until his resignation or removal for cause on written charges preferred against him by the board of selectmen and so proven after a public hearing. Said town may establish by by-law such qualifications for said office as deemed necessary and appropriate. Upon the qualification and appointment of the treasurer-collector pursuant to the authority contained in this act, the incumbent of the office of treasurer-collector of said town shall cease to exercise the powers and duties of treasurer-collector under his authority as provided in chapter seven hundred and ten of the acts of nineteen hundred and seventy-four.

SECTION 2. Any person serving as treasurer-collector for a third consecutive three year term on the effective date of this act shall be deemed to have been qualified and appointed under this act and shall be entitled to all of the benefits and privileges as provided in section one.

Approved July 8, 1982.

Chap. 285. RELATIVE TO HOSPITAL CHARGES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately establish charge controls for hospitals for fiscal year nineteen hundred and eighty-two, therefore 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 general or special law to the contrary, Sturdy Memorial Hospital is hereby exempted from the provisions of chapter four hundred and thirty-two of the

acts of nineteen hundred and eighty-one; provided, however, that said exemptions shall be effective only for those hospital charges issued between the effective date of this act and the end of said hospital's current budget year.

Approved July 9, 1982.

Chap. 286. AN ACT PROVIDING FINANCIAL ASSISTANCE TO CITIES, TOWNS AND DISTRICTS FOR WATER POLLUTION CONTROL PURPOSES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide financial assistance to cities, towns and districts for water pollution control purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 30A of chapter 21 of the General Laws, as appearing in section 4 of chapter 557 of the acts of 1979, is hereby amended by striking out, in line 5, the word "forty" and inserting in place thereof the following word:- fifty.

SECTION 2. Said section 30A, as so appearing, is hereby further amended by striking out, in line 15, the word "one" and inserting in place thereof the following word:- two.

SECTION 3. Section 33 of said chapter 21 of the General Laws, as most recently amended by section 6 of chapter 557 of the acts of 1979, is hereby further amended by striking out the second paragraph and inserting in place thereof the following two paragraphs:-

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; provided, that in the event the grant awarded by the federal government is less than seventy-five per cent of such eligible costs, the division may award a grant in such amount to assure that the public entity's share of the eligible costs of such project does not exceed ten per cent. Where, because the project entails the use of innovative or alternate technology, 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; provided, that in the event the grant awarded for such a project is less than eighty-five per cent, the division may award a grant in such amount to assure that public entity's share of the eligible costs of such project does not exceed six per cent.

In the event that the federal government does not award grants for the planning and design of such facilities, the division may advance such funds as may be necessary to enable the public entity to complete the eligible portions of said approved projects; provided, that funds advanced for planning and design shall be considered part of the total grant for said project, and the division shall deduct from the construction grant such sums as it deems necessary.

SECTION 4. Said chapter 21 is hereby further amended by striking out section 38, as most recently amended by chapter 678 of the acts of 1972, and inserting in place thereof the following section:-

Section 38. The director, from funds appropriated or provided by grants, with the approval of the commissioner, shall provide for the conduct of research and demonstration projects relating to water pollution control and other scientific and engineering studies relating to environmental quality. Such projects and studies may include, but shall not be limited to, new and improved methods of controlling and discharge of untreated or inadequately treated sewage, stormwater, or industrial, chemical, radioactive, flammable, toxic, explosive or other wastes hazardous to the public or the environment. The director may also contract for the development of comprehensive river basin, water quality management, or waste treatment management plans. The director shall provide for inservice training programs in methods of water pollution control, in accordance with the provisions of section twenty-eight A of chapter seven, and may conduct or support programs for the training of waste treatment plant operators. For the purposes of this section, the director may contract with any person, or any instrumentality or agency of the federal government or of any other state, or any interstate agency.

SECTION 5. Section 160 of chapter 111 of the General Laws, as most recently amended by chapter 526 of the acts of 1977, is hereby further amended by inserting at the end thereof the following paragraph:-

The department of environmental quality engineering shall establish a program to assist the cities, towns, and districts of the commonwealth to acquire, by purchase, gift, lease, eminent

domain, or otherwise, lands and waters and easements therein to protect and conserve groundwater aquifers and recharge areas, and land adjacent to, or nearby, such aquifers and recharge areas as it determines necessary to meet the future water resource needs of the commonwealth for municipal or regional water supply. The said department shall develop criteria and procedures for the administration of said program, subject to the approval of the water resources commission. No such city, town, or district shall receive such assistance hereunder unless such city, town, or district has adopted a comprehensive water resources management plan pursuant to regulations established by the water resources commission.

SECTION 6. Section 1 of chapter 687 of the acts of 1966, as most recently amended by section 13 of chapter 873 of the acts of 1967, is hereby further amended by striking out, in line 2, the words "natural resources" and inserting in place thereof the following words:- environmental quality engineering.

SECTION 7. Section 4 of chapter 648 of the acts of 1968 is hereby amended by striking out the first sentence, as most recently amended by section 4 of chapter 705 of the acts of 1979, 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 five 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 (14) 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 8. Said section 4 of said chapter 648 is hereby further amended by adding the following sentence:- For fiscal year nineteen hundred and eighty-four and subsequent years, funding for the expenditures authorized by said clause (14) shall be provided by the Water Pollution Control and Water Conservation Loan, Act of 1982.

SECTION 9. Section four of chapter seven hundred and forty-seven of the acts of nineteen hundred and seventy, added by chapter two hundred and thirty-eight of the acts of nineteen hundred and seventy-five, is hereby repealed.

SECTION 10. Said chapter 747 is hereby amended by striking out section 5, as most recently amended by section 5 of chapter

705 of the acts of 1979, and inserting in place thereof the following section:-

Section 5. To meet the expenditures necessary for carrying out the provisions of clause (14) of section twenty-seven of chapter twenty-one of the General Laws, the director of the division of water pollution control is authorized to expend a sum not to exceed five hundred thousand dollars in any one fiscal year and to meet the expenditures necessary for carrying out the provisions of section thirty-eight of chapter twenty-one of the General Laws. The director of the division of water pollution control is authorized to expend a sum not to exceed one million dollars in any one fiscal year. Said expenditures shall be made from the proceeds of the bonds authorized by section four of chapter six hundred and eighty-seven of the acts of nineteen hundred and sixty-six, as amended by section four of chapter eight hundred and seventy-three of the acts of nineteen hundred and sixty-seven, and when there are no funds available from such proceeds then the director is authorized to use funds from the proceeds of the bonds authorized by section three of this act. For the fiscal year nineteen hundred and eighty-four and subsequent years, funding for said expenditures shall be provided by the Water Pollution Control and Water Conservation Loan, Act of 1982.

SECTION 11. Section 6 of said chapter 747, added by section 9 of chapter 557 of the acts of 1979, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

From funds made available by bonds issued pursuant to this act, the director of the division of water pollution control 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-three, 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.

SECTION 12. The division of water pollution control in the department of environmental quality engineering is hereby authorized and directed to expend a sum, not to exceed two hundred and fifty million dollars, for the purpose of carrying out the provisions of the Massachusetts Clean Waters Act, as set forth in section fifty-three of chapter twenty-one of the General Laws. Funds provided in this act shall be in addition to funds

authorized by chapter six hundred and eighty-seven of the acts of nineteen hundred and sixty-six, by chapter seven hundred and forty-seven of the acts of nineteen hundred and seventy, and by chapter seven hundred and ninety-eight of the acts of nineteen hundred and seventy-nine. The director of said division is hereby authorized to expend a sum, not to exceed one million dollars, which shall be made available to the city known as the town of Methuen for the purposes of carrying out the provisions relating to water pollution control projects as provided in this act.

From funds made available by bonds issued pursuant to the provisions of sections twenty-one and twenty-two, the director of said division is authorized to make grants for the purposes of section thirty-three of chapter twenty-one of the General Laws.

From funds made available by bonds issued pursuant to the provisions of sections twenty-one and twenty-two, said director is authorized to expend a sum, not to exceed twelve million dollars in any fiscal year, in each of fiscal years nineteen hundred and eighty-four through nineteen hundred and eighty-nine, inclusive, for the purpose of making the grants authorized by section thirty A of said chapter twenty-one; provided, however, that any funds left unexpended in any fiscal year shall be carried over and shall be made available for expenditure in the subsequent fiscal year.

From funds made available by bonds issued pursuant to the provisions of sections twenty-one and twenty-two of this act, said director is authorized to expend a sum, not to exceed one million dollars in any one fiscal year, for the purpose of section thirty-eight of said chapter twenty-one; provided, that any funds left unexpended in any fiscal year shall be carried over and available for expenditure in the subsequent fiscal year.

From funds made available by bonds issued pursuant to the provisions of sections twenty-one and twenty-two, the director is authorized to expend a sum, not to exceed five hundred thousand dollars in any one fiscal year, for the purpose of carrying out the provisions of clause (14) of section twenty-seven of chapter twenty-one of the General Laws; provided, that any unexpended balance from any prior fiscal year and all sums recovered to reimburse the commonwealth under said clause (14) shall be carried over and also shall be available for expenditure in subsequent fiscal years.

From funds made available by bonds issued pursuant to the provisions of sections twenty-one and twenty-two, said director is authorized to expend a sum, not to exceed three million dollars in any one fiscal year, for the purpose of carrying out the provisions of section thirty-seven A of chapter twenty-one of

the General Laws; provided, that any funds left unexpended in any fiscal year shall also be available for expenditure in the subsequent fiscal year; and provided further, that the total amount of unexpended funds carried over in any one fiscal year shall not exceed five million dollars.

From funds made available by bonds issued pursuant to the provisions of sections twenty-one and twenty-two, the director is authorized and directed to expend a sum not to exceed seven hundred and fifty thousand dollars for the purpose of constructing facilities to treat effluents from the Charles M. McLaughlin Fish Hatchery, established by chapter six hundred and fifty-one of the acts of nineteen hundred and sixty-six, to conform to the requirements of discharge permits issued to said hatchery; provided, however, that said facilities be designed and constructed in accordance with plans approved by said division of water pollution control.

From funds made available by bonds issued pursuant to the provisions of sections twenty-one and twenty-two, said director may grant to any public entity which, as of the effective date of this act, has received a ninety per cent grant from said division, pursuant to the provisions of section fourteen of chapter five hundred and forty-six of the acts of nineteen hundred and seventy-three, a sum not to exceed five hundred thousand dollars to reimburse said public entity for ninety per cent of the cost of the design and construction of a facility to process sewage sludge into compost; provided, however, that the design and construction of said facility shall be subject to the approval of said division. Said facility shall be operated in accordance with requirements specified by said department.

From funds made available by bonds issued pursuant to the provisions of sections twenty-one and twenty-two, said director may increase, from forty per cent to fifty per cent, the amounts which have been granted public entities, under the authority of section thirty A of chapter twenty-one of the General Laws, for the construction of collection systems; provided, however, that said division may not so increase such a grant where the total amount received by the public entity from federal and state funds for such collection sewer project will exceed one hundred per cent of said construction costs. For the purposes of this section, the terms "public entity" and "collection system" shall be as defined in section twenty-six A of said chapter twenty-one of the General Laws.

SECTION 13. In making the grants authorized by the third paragraph of section ten, the director, as to twenty-five per cent of the sums available for expenditure in any one fiscal

year, 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, however, that for the purposes of this paragraph such projects may include interceptor sewers, and provided, further, that any funds designated for projects with such economic benefit left unexpended in any fiscal year shall be carried over and shall be available for expenditure for other collection sewer system projects in the subsequent fiscal year.

SECTION 14. For the purposes of developing ongoing programs of investigating and identifying sources of loss of potable water and for rehabilitating water supply distribution system, including cleaning and relining mains, laterals and associated distribution elements or replacement of the same, there is hereby made available the sum of sixty million dollars which shall be expended by cities, towns and 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 said cities, towns, and districts; and provided, further, that five per cent of said funds shall be set aside specifically for a program of 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 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 14A. 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 city, town, or district, the institution of an ongoing leak detection program, repair of leaks identified by leak detection programs, repair of distribution system to provide adequate pressure for fire protection and the repair of distribution systems to maintain public health standards, provided, further, that the said department shall consult with the water resources commission before establishing the criteria and priorities for the disbursement of such funds.

No city, town, or district shall receive such assistance unless such city, town, or district has adopted or is in the process of adopting a comprehensive water resources management plan pursuant to regulations established by the water resources commission.

SECTION 15. In developing standards and guidelines for the administration and disbursement of funds pursuant to sections twelve and thirteen, the department of environmental quality engineering shall establish procedures whereby the cities, towns, or districts that submitted applications pursuant to chapter eight hundred and five of the acts of nineteen hundred and seventy-nine shall have the opportunity to submit additional information to supplement and clarify those applications that were not awarded leak detection or system rehabilitation grants pursuant to said chapter eight hundred and five; provided, however, that such additional information shall be considered in the determination of grants to be made pursuant to sections fourteen and fourteen A. Any city, town, or district in the commonwealth shall be eligible to apply for said funds.

SECTION 16. For the purposes of developing new water conservation projects specifically designed to promote the utilization of less water supply in public buildings in the commonwealth, including the retrofit of water using fixtures in state, county, city, town, and district buildings with water conserving devices, projects which demonstrate the feasibility of devices or methods of decreasing the total amount of water used in public or private buildings, and projects which demonstrate the effectiveness of reusing grey water for non-potable uses, there is hereby made available the sum of two million five hundred thousand dollars which shall be expended by the division of capital planning, for grants to counties, cities, towns, and districts of the commonwealth, in conformity with standards and criteria established by the department of environmental quality engineering, and approved by the water resources commission; provided, however, that any such grants approved by the department and provided hereunder to cities, towns, or districts shall be matched by an equal sum appropriated by said cities, towns, and districts. No city, town, or district shall receive such assistance unless such city, town, or district has adopted or is in the process of adopting a comprehensive water resources management plan pursuant to regulations established by the water resources commission. Said funds granted to any city, town, or district, shall not be used to finance the costs of construction, reconstruction,

rehabilitation, or enlargement of any pipes, standpipes, reservoirs, filtration plants, filter beds, or administrative, garaging, or maintenance facilities, the maintenance of any of the foregoing or of any facility whose construction is financed wholly or in part by any grant funds, nor the acquisition or rental of land or any interest therein.

SECTION 17. The division of capital planning is hereby authorized and directed to develop and implement a plan for the retrofit, where necessary, of all water fixtures in state owned buildings with water conserving devices, consistent with the provisions contained in section sixteen.

SECTION 18. There is hereby made available the sum of ten million dollars, which shall be expended by the department of environmental quality engineering, for the purposes of devising solutions to the contamination of public sources of drinking water, including but not limited to conducting hydrological evaluations at sites of contamination to determine the appropriate treatment needs, the treatment of water supply at the site of contamination or at the source of supply, the augmentation of water supplies on a short term basis, and the management or alteration of the direction of contaminated groundwater flow.

SECTION 19. The department of environmental quality engineering shall establish standards and guidelines for the administration and expenditure of said funds as provided in section eighteen; provided, however, that said standards and guidelines shall be subject to the approval of the water resources commission. No city, town, or district shall receive such assistance unless such city, town, or district has adopted or is in the process of adopting a comprehensive water resources management plan pursuant to regulations established by the water resources commission.

SECTION 20. The department of environmental quality engineering is hereby authorized to expend a sum not to exceed ten million dollars for grants to cities, towns, and districts for the acquisition of lands and waters and easements by said cities, towns, and districts to protect and conserve groundwater aquifers and recharge areas, and surface or underground lands adjacent to such aquifers and recharge areas, for the protection of groundwater that is determined by the department to be of potential use for water supply purposes, consistent with section one hundred and sixty of chapter one hundred and eleven of the General Laws, as amended by section five of this act; provided,

however, that the department of environmental quality engineering shall establish standards and guidelines for the administration and disbursement of said funds and criteria for the receipt of such funds.

Expenditures for any such acquisition shall include not more than five hundred thousand dollars for expenses in connection therewith, including the cost of planning therefor and geological, hydrological and other studies. The department may enter into contracts with agencies of the United States to obtain federal grants or reimbursements under related federal programs.

SECTION 21. 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 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-eight. 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 payable from the General Fund.

SECTION 22. To meet the expenditures necessary in carrying out the provisions of this act, the state treasurer shall, upon the request of the governor, issue and sell bonds of the commonwealth to an amount in the aggregate not to exceed three hundred and thirty-three million, two hundred and fifty thousand dollars, to be specified by the governor from time to time.

All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Water Pollution Control and Water Conservation Loan, Act of 1982, and shall be issued 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, provided, however, that all such bonds be payable not later than June thirtieth, two thousand and seven. All interest and payments on account of principal of such obligations shall be payable from the General 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 23. Chapter 406 of the acts of 1978, as most recently amended by chapter 771 of the acts of 1979, is hereby further 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 one hundred million dollars for the purpose of carry 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. Said chapter 406 is hereby further amended by striking out the first paragraph of section 3 and inserting in place thereof the following paragraph:-

To meet a portion of the expenditures necessary in carrying out the provisions of section one of this act, or to refinance notes issued as provided in section two of this act, the state treasurer shall, upon request of the commissioner of the department of environmental quality engineering and with the approval of the governor, issue and sell at public or private sale bonds of the commonwealth, registered or with interest coupons attached, as the state treasurer may deem best, to an amount to be specified by the governor from time to time but no later than June thirtieth, nineteen hundred and ninety-three; provided, that in no event shall the amount of bonds authorized under this section exceed, in the aggregate, the sum of one hundred million dollars.

Approved July 9, 1982.

Chap. 287. AN ACT RELATIVE TO THE ACQUISITION BY THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT OF SOUTH CAPE BEACH IN THE TOWN OF MASHPEE.

Be it enacted, etc., as follows:

SECTION 1. Item 2120-8777 in section 4 of chapter 481 of the acts of 1976 is hereby amended by striking out the wording and inserting in place thereof the following wording:-

For the acquisition of land and waters in the town of Mashpee, including expenses in connection therewith; and for the development, redevelopment, construction, and improvement of outdoor recreation and conservation areas, including a four hundred car main parking area, transportation between main parking area and beach, an area to be designated for boat launching, parking facilities and appropriate support facilities at Waquoit Bay and the planning and design thereof, as authorized by chapter one hundred and thirty-two A of the General Laws; and provided further, that certain repairs and reconstruction to Great Oak road be made contingent upon at least fifty per cent reimbursement from the federal government and future maintenance of said road by said town; and provided further, that the town of Mashpee shall construct an adequate parking area at the New Town beach; to be in addition to any amounts previously appropriated for the general purpose of said chapter one hundred and thirty-two A and such funds as may from time to time be appropriated to the department of environmental management for said general purpose or for the acquisition of coastal lands.

SECTION 2. The purpose of this section is to implement and to comply in strict accordance with the agreement entered into by the town of Mashpee and the department of environmental management in June, nineteen hundred and eighty-one.

The department of environmental management reserves the right to transfer title, or lesser interest in land acquired for recreation or conservation purposes pursuant to item 2120-8777 of section four of chapter four hundred and eighty-one of the acts of nineteen hundred and seventy-six, to the town of Mashpee without further agreement, subject, however, to the provisions of Article XCVII of the Amendments to the Constitution, and provided, further, that the agreement relative to the use of such land executed between the department of environmental management and the town of Mashpee is approved by the attorney general. The town of Mashpee may transfer title, or lesser interest in, land used for recreation or conservation purposes to the department of environmental management without further agreement, subject, however, to the provisions of Article XCVII of the Amendments to the Constitution, and subject to said agreement being approved by

the attorney general. All such lands shall be used by the department of environmental management and the town of Mashpee only in accordance with said agreement. Except as provided for in section one, nothing in this act shall be construed to prevent the use of said land by the public. All laws relating to state forests and parks not inconsistent with this act shall remain in effect.

SECTION 3. A south cape beach state park advisory committee consisting of eleven voting members and four non-voting members is hereby established. Said voting membership of the committee shall consist of eight residents of the town of Mashpee to be appointed by the board of selectmen of the town and one resident each of the town of Sandwich, Falmouth and Barnstable to be appointed by those respective boards of selectmen. The non-voting membership of the committee shall consist of one representative each from the office of coastal zone management and the department of fisheries, wildlife and recreational vehicles to be appointed by their respective agency heads, together with the representative from the Third Barnstable representative district and the senator from the Cape and Islands senatorial district to the general court. All succeeding members shall be appointed in the same manner and the term of all voting members shall be three years. The committee shall advise the department of environmental management on care, maintenance, development and use of South Cape beach.

SECTION 4. The provisions of this act are hereby declared to be severable and if any provision or the application of such provision to any person or circumstance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed to affect the validity or constitutionality of any of the remaining provisions of said sections or the application of such provision to persons or circumstances other than those as to which it is held invalid. It is hereby declared to be the legislative intent that said sections would have been adopted had such invalid or unconstitutional provisions not been included therein.

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

Approved July 9, 1982.

Chap. 288. AN ACT AUTHORIZING THE TOWN OF WALPOLE TO ACQUIRE BY PURCHASE OR OTHERWISE OF CERTAIN RIGHTS OF WAY AND EASEMENTS IN

THE TOWN OF WALPOLE AS TO CERTAIN AGRICULTURAL LAND.

Be it enacted, etc., as follows:

SECTION 1. The town of Walpole, acting through its board of selectmen and sewer and water commissioners, is hereby authorized to acquire by purchase or otherwise rights of way and easements for the purpose of selling and supplying water for domestic or other purposes to the inhabitants of the town of Walpole within the following described area:

Description of Easement in the Commonwealth of Massachusetts, County of Norfolk, Town of Walpole on the westerly side of North Street over land owned by County of Norfolk and shown as Easement PE-2 on a plan by Cullinan Engineering Co., Inc., titled "Proposed Easements for Town of Walpole Over Land Owned by Boston Edison Company, County of Norfolk," and dated May 7, 1982, bounded and described as follows:

Beginning at a point on the westerly sideline of North Street (1937 County Layout) at the most easterly corner of the Easement to be described; said Easement being N 01° 58' 00" W and 116.01 feet from a point of tangency on the westerly sideline of North Street;

THENCE by the following three (3) courses through land now or formerly of County of Norfolk;

S 85° 57' 15" W, a distance of 822.80 feet to a point;

N 52° 07' 52" W, a distance of 318.50 feet to a point;

N 87° 32' 30" W, a distance of 25.89 feet to a corner of a wall at land now or formerly of Issac;

THENCE N 87° 32' 30" W along a stone wall and land now or formerly of Issac, a distance of 551.00 feet to a corner of walls at land now or formerly of the County of Norfolk;

THENCE by the following two (2) courses through land now or formerly of County of Norfolk,

N 87° 25' 40" W along a stone wall, a distance of 118.00 feet to a point in a wall;

AND N 59° 43' 52" W, a distance of 201.88 feet to a point in a wall at land now or formerly of Boston Edison Company;

THENCE N 03° 26' 30" W along a stone wall and land now or formerly of Boston Edison Company, a distance of 24.04 feet to a point at other land now or formerly of the County of Norfolk;

THENCE through land now or formerly of the County of Norfolk, the following five (5) courses:

S 59° 43' 52" E, a distance of 210.29 feet to a point;

S 87° 25' 40" E, a distance of 113.07 feet to a point;

S 87° 32' 30" E, a distance of 583.23 feet to a point;

S 52° 07' 52" E, a distance of 317.23 feet to a point;
N 85° 57' 15" E, a distance of 815.87 feet to a point on the westerly sideline of North Street;
THENCE S 01° 58' 00" E along the westerly sideline of North Street, a distance of 20.01 feet to the point of beginning.
The above-described Easement contains 40,777 square feet, more or less. Said Easement is also subject to an Easement of Boston Edison Company at the westerly end of the above-described Easement as shown on the aforementioned CULLINAN plan.
The aforedescribed land is now being used for agricultural purposes by the County of Norfolk and/or Norfolk County Agricultural High School.

SECTION 2. Any action taken by the town of Walpole pursuant to section one is hereby validated, confirmed as if this act was in effect at the time of the posting of the warrant for the special town meeting of the town of Walpole held on June twenty-eighth, nineteen hundred and eighty-two.

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

Approved July 9, 1982.

Chap. 289. AN ACT EXEMPTING CERTAIN POSITIONS IN THE TOWN OF FRANKLIN FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. All positions in the recreation department and in the department known as the council-on-aging in the town of Franklin 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 recreation department and the department known as the council-on-aging in the town of Franklin on the effective date of this act.

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

Approved July 9, 1982.

Chap. 290. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY TO THE TOWN OF ASHLAND

EASEMENTS IN CERTAIN LAND LOCATED IN ASHLAND STATE PARK FOR WATER SUPPLY AND DISTRIBUTION PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The division of capital planning and operations, acting for and on behalf of the commonwealth, is hereby authorized to convey to the town of Ashland easements in certain land located in Ashland state park, under the control of the department of environmental management, for water supply and distribution purposes. Said land being bounded and described as follows:

FIRST PARCEL:

The area shown as Parcel F, containing about 8,875 square feet, on a plan entitled "Plan for Access and Utility Taking, Commonwealth of Massachusetts, Department of Environmental Management", dated January 16, 1981, numbered ASH-070-010, and drawn by Haley and Ward, Inc., Engineers, Waltham, Mass., to be recorded with the Middlesex South District Registry of Deeds and according to said plan being bounded and described as follows:

Beginning at a point, marked by a stone bound, on the easterly sideline of Spring Street, a public way, said point being at the property division line between land, now or formerly of Eleanor M. Miranda, Lot number 5, and land of the Commonwealth of Massachusetts, Department of Environmental Management;

Thence running North 41°03'12" East, a distance of 84.50 feet in the property division line between said Miranda and the Department of Environmental Management to a point marked by a stone bound;

Thence turning and running North 29°24'59" East, a distance of 155.00 feet in the Northwesterly property line of said Miranda and land now or formerly of George H. Todd, Jr., said property line dividing the land of Miranda and Todd from further land of the Department of Environmental Management, to a point.

The portion of land is forty (40) feet Northwesterly of, and parallel to the above described lines and contains about 8,875 square feet.

SECOND PARCEL:

The area shown as Parcel E on a plan entitled "Land

Acquisition for Protection of Spring Street Gravel Walled Well", dated March 9, 1978, numbered ASH-070-012, and drawn by Haley and Ward, Inc., Engineers, Waltham, Massachusetts, to be recorded with the Middlesex South District Registry of Deeds, and according to said plan, being bounded and described as follows:

Beginning at a point, marked by a stone bound, said point being on the property division line between land of the Town of Ashland, land now or formerly of Trimont Bituminous Products Company, and land of the Department of Environmental Management;

Thence running South 53°43'42" East, a distance of 183.19 feet in the property division line between land of said Trimont Bituminous Products Company and land of the Department of Environmental Management to a point, marked by a stone bound;

Thence turning and running South 72°21'07" East, a distance of 114.78 feet to a point in the property division line, between land of said Trimont and said Department, to a point where the 400 foot protective radius line of the well intersects this course;

Thence turning and running in a generally Northerly direction on a 400 foot radius line from the well, about 510 feet, through land of the Department of Environmental Management, to a point, on the shoreline of the Ashland Reservoir;

Thence turning and running in a generally Northwesterly direction by the shoreline of the Ashland Reservoir, as it is shown on said plan, a distance of about 1,140 feet to a third point on the 400 foot protective radius line;

Thence turning and running in a generally Westerly direction on a continuance of the 400 foot radius line, a distance of about 75 feet through land of the Department of Environmental Management, to a point of intersection with the property division line between land, now or formerly, of Ingrid Kadlick and land of the Department of Environmental Management;

Thence turning and running South 59° 53' 12" East, a distance of 39.95 feet, in the property division line between land of said Kadlick and said Department, to a point marked by a stone bound;

Thence turning and running South 19° 51' 42" East, a distance of 94.90 feet in the property division line between further land of said Kadlick and said Department, to a point, marked by a stone bound;

Thence turning and running South 19°43'57" East, a distance of 140.07 feet, in the property division line between land of the Town of Ashland and further land of the Department of Environmental Management, to a point, marked by a stone bound;

Thence turning and running South 03°47'18" West, a distance of 302.73 feet, in the property division line between land of the Town of Ashland and further land of the Department, to the stone bound which marks the point of beginning.

The portion of land is shown as Parcel E on said plan and contains about 3.0 acres.

THIRD PARCEL:

The area shown as Parcel G on a plan entitled "Plan of Access and Utility Taking, Commonwealth of Massachusetts, Department of Environmental Management" dated June 6, 1979, numbered ASH-070-011, and drawn by Haley and Ward, Inc., Engineers, Waltham, Massachusetts, to be recorded with the Middlesex South District Registry of Deeds and according to said plan being bounded and described as follows:

Beginning at a point, marked by a stone bound, near the Northeasterly extremity of property now or formerly of Trimount Bituminous Products, Inc., at land of the Commonwealth of Massachusetts, Department of Environmental Management;

Thence running North 54°38'59" East, a distance of 108.78 feet, in the property division line between land of said Trimount and land of said Department, to a point, marked by a stone bound;

Thence turning and running North 27°15'00" East, a distance of 57 feet, through land of the Department of Environmental Management, to a point;

Thence turning and running North 57°00' West, a distance of 49.0 feet, through land of said Department to a point;

Thence turning and running North 80°00' West, distance of 117.0 feet, through land of said Department, to a point;

Thence turning and running North 86°00' West, a distance of about 37.0 feet, through land of said Department to a point on the 400 foot protective radius line for the Spring Street Well;

The portion of land is forty (40) feet Northeasterly of, and parallel to the five (5) courses described above, and contains about 16,160 square feet.

The easements shall be approved as to form by the Attorney General, and contain such provisions as the commissioner of environmental management shall determine including such terms and conditions which are necessary to comply with all laws in relation to the protection, preservation and development of state parks and all laws regarding public drinking water supply. Said easements shall be granted upon the express condition that the land shall be used for water supply purposes only and if said land ceases to be used as such, or if the water works are not

operative within two years, from recording of deed, said rights shall revert to the department of environmental management.

SECTION 2. The consideration for the easements described in section one shall be subject to an agreement between the division of capital planning and operations and the town of Ashland.

SECTION 3. Notwithstanding the easements provided for in section one, the commissioner of the department of environmental management shall maintain the supervision of the land.

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

Approved July 9, 1982.

Chap. 291. AN ACT AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO TRANSFER A PORTION OF RIVERFRONT PARK IN THE CITY OF LOWELL TO THE DEPARTMENT OF PUBLIC WORKS FOR HIGHWAY PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. 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 environmental management is hereby authorized to transfer the care, custody and control of the public lands hereinafter described, or such portions thereof as may be necessary, to the department of public works, and that the said department of public works is hereby authorized to divert said hereinafter described public lands from their present public uses to highway uses, as provided in section 2.

Said public lands to be so transferred consist of rectangular parcel of land shown on a map entitled "Parsons Brinckerhoff Preliminary Property Plan dated May 7, 1982," which map said department of public works is hereby directed to file with the office of the chief engineer of the said department, and which parcel is bounded and described as follows:

A certain parcel of land supposed to be owned by the Commonwealth of Massachusetts, department of environmental management, located forty-six (46) feet southerly of station 410+00 Pawtucket Boulevard baseline, in the City of Lowell, and bounded as follows:

Beginning at a point on Pawtucket Boulevard layout line

forty-six (46) feet right of station 404+00 Pawtucket Boulevard baseline; southerly by land now or formerly The Commonwealth of Massachusetts, department of environmental management ten (10) feet to a point about fifty-six (56) feet right of station 404+00 Pawtucket Boulevard baseline; northeasterly by land now or formerly of The Commonwealth of Massachusetts, department of environmental management about four hundred twenty-eight (428) feet to a point about fifty-six (56) feet right of station 408+28 Pawtucket Boulevard baseline; southeasterly by land now or formerly of the Commonwealth of Massachusetts, department of environmental management about two hundred twenty-two (222) feet to a point about two hundred forty-two feet (242) feet right of station 409+47 Pawtucket Boulevard baseline; northeasterly by land nor or formerly of the Commonwealth of Massachusetts, department of environmental management about one hundred (100) feet to a point about two hundred twenty-three (223) feet right of station 410+45 Pawtucket Boulevard baseline; northeasterly by land now or formerly of The Commonwealth of Massachusetts, department of environmental management about one hundred eighty-five (185) feet to a point about fifty-six (56) feet right of station 411+17 Pawtucket Boulevard baseline; northeasterly by land nor or formerly of The Commonwealth of Massachusetts, department of environmental management about eight hundred thirty-three (833) feet to a point about fifty-six (56) feet right of station 419+50 Pawtucket Boulevard baseline; northerly by land now or formerly of The Commonwealth of Massachusetts, department of environmental management about ten (10) feet to a point on said Pawtucket Boulevard layout line being forty-six (46) feet right of station 419+50 Pawtucket Boulevard baseline; thence westerly along said layout line about fifteen hundred fifty (1550) feet to the point of Beginning; containing about forty-nine thousand, eight hundred seventy-six (49,876) square feet of land (about one and fifteen hundredths (1.15 acres), more or less.

SECTION 2. The parcel of land described in section one shall be used by the department of public works for the approaches to a bridge over the Merrimack river from state highway route 113. In the event that said bridge is not constructed within three years of the transference to the department of public works, or in the event that it ceases to be used, said property shall revert to the department of environmental management.

SECTION 3. The provisions of sections sixty-two A through sixty-two H, inclusive, of chapter thirty of the General laws shall not apply to the construction and related activities

associated with the above proposed project.

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

Approved July 9, 1982.

Chap. 292. AN ACT AUTHORIZING THE CITY OF NEWTON TO SELL AND CONVEY A CERTAIN PARCEL OF LAND KNOWN AS THE EMERSON SCHOOL PROPERTY AND A PORTION OF PLAYGROUND LAND ADJACENT THERETO.

Be it enacted, etc., as follows:

SECTION 1. The city of Newton is hereby authorized to sell and convey a certain parcel of land for such consideration as deemed reasonable by the mayor and the board of aldermen of said city, containing approximately seventy-five thousand three hundred and five square feet in area, shown as a portion of section 51, block 8, lot 1 on the books of the assessors of said city. Said land is located at the intersection of High street and Pettee street in said city, and includes a portion of adjacent playground land, with improvements thereon, known as the Emerson School property, part of said parcel being originally acquired by said city for schoolhouse and school yard purposes.

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

Approved July 9, 1982.

Chap. 293. AN ACT EXEMPTING ALL POSITIONS AT THE RAY MEMORIAL LIBRARY IN THE TOWN OF FRANKLIN FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. All positions at the Ray Memorial Library in the town of Franklin 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 a position at the Ray Memorial Library in the town of Franklin on the effective

date of this act.

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

Approved July 9, 1982.

Chap. 294. AN ACT RELATIVE TO THE USE OF PROCEEDS OF SALE OF SCHOOL PROPERTY BY THE TOWN OF NEEDHAM.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section sixty-three of chapter forty-four or the provisions of any other general or special law to the contrary, the town of Needham is hereby authorized to expend for any governmental purpose, the proceeds from the sales of the Harris school, the Highland school, the Dwight school, the William Carter school and the Avery school, all located in said town, provided that there is no indebtedness outstanding on such properties at the time of sale by said town.

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

Approved July 9, 1982.

Chap. 295. AN ACT EXTENDING THE TIME WITHIN WHICH APPLICATIONS FOR CERTAIN ABATEMENTS OR EXEMPTION OF TAXES LEVIED IN THE YEAR NINETEEN HUNDRED AND EIGHTY-ONE MAY BE FILED.

Be it enacted, etc., as follows:

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to further regulate immediately the filing of real estate tax exemptions, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Notwithstanding the provisions of any law to the contrary applications for abatements and exemptions under the provisions of Clause Seventeenth C of section five of chapter fifty-nine of the General Laws on taxes levied in the year commencing on July

first, nineteen hundred and eighty-one, may be filed not later than December fifteenth, nineteen hundred and eighty-two.

Approved July 9, 1982.

Chap. 296. AN ACT AUTHORIZING CITIES AND TOWNS TO COMPENSATE THEIR SCHOOL COMMITTEE MEMBERS.

Be it enacted, etc., as follows:

Section 52 of chapter 71 of the General Laws, as amended by chapter 90 of the acts of 1932, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The school committee shall serve without compensation, except that a member of a school committee of a city, town, regional school district or superintendency union may be compensated for his services by a majority vote of the city council in a city having a Plan D or Plan E charter; in a city not having a Plan D or Plan E charter by vote of the city council, subject to the provisions of the charter of such a city; in a town by a majority vote at a town meeting; and in a regional school district or school superintendency by a majority vote of the voting member towns authorized at their respective town meetings, the amount of such compensation, in each case, to be set by the respective cities, towns or groups of towns.

Approved July 9, 1982.

Chap. 297. AN ACT RELATIVE TO ANNUAL REIMBURSEMENT OF THE COSTS OF CHEMICALS FOR THE OPERATION AND MAINTENANCE OF CERTAIN WATER POLLUTION ABATEMENT FACILITIES.

Be it enacted, etc., as follows:

Section 37 of chapter 21 of the General Laws is hereby amended by striking out the second and third paragraphs, added by chapter 510 of the acts of 1980, and inserting in place thereof the following paragraph:-

Any public entity which has contructed abatement facilities shall be eligible, subject to appropriation, for reimbursement of up to fifty per cent of the annual costs involved in the purchase of chemicals used for chlorination, sludge dewatering, odor

control and advanced waste treatment for phosphorous removal and nitrification during the operation and maintenance of said abatement facilities. Any such public entity seeking such reimbursement shall prior to the end of any calendar year submit a statement of the cost of such chemicals used by it for said facilities during the preceding fiscal year. The division shall verify the statements of costs submitted and report upon the same to the general court. Reimbursements under this program shall be paid from amounts appropriated therefor from the Local Aid Fund under the provisions of section eighteen A of chapter fifty-eight.

Approved July 9, 1982.

Chap. 298. AN ACT GOVERNING THE SELECTION AND MANAGEMENT OF JURORS IN MIDDLESEX COUNTY AND AUTHORIZING THE EXPANSION OF THE MIDDLESEX COUNTY JUROR SYSTEM TO ALL COUNTIES IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by striking out chapter two hundred and thirty-four A, added by section two of chapter four hundred and fifteen of the acts of nineteen hundred and seventy-seven, and inserting in place thereof the following chapter:-

CHAPTER 234A.
OFFICE OF JURY COMMISSIONER FOR THE COMMONWEALTH.

Section 1. This chapter shall apply in every county in the commonwealth which has been designated as a participating county as hereinafter provided. Middlesex county shall be a participating county as of the effective date of this chapter. The supreme judicial court shall designate such further participating counties and the dates on which the various sections of this chapter shall become applicable within such participating counties. The supreme judicial court shall make such designations in a manner that will expand the application of this chapter to all counties in an orderly, prudent, and expeditious manner.

Whenever any section of this chapter shall become applicable within a participating county, all provisions of law which are inconsistent with such section shall cease to be effective within

such participating county. Hereinafter in this chapter, the word "county" shall mean "participating county" unless specifically stated otherwise.

Section 2. The judicial districts for purposes of this chapter shall be the counties unless modified by the supreme judicial court. The supreme judicial court may, by rule of court, define judicial districts for purposes of this chapter which differ in geographical area and population from the counties in accordance with the following principles: a judicial district shall be the geographical area encompassing a designated list of cities and towns; a judicial district may be defined for, or associated with, a single court or court location, or it may be defined for, or associated with, several courts or court locations.

Every citizen shall have the opportunity to serve as a grand and trial juror in at least one judicial district. There shall be no proscription against citizens of certain cities and towns being eligible or subject to perform grand or trial juror service in more than one judicial district.

Section 3. Juror service in the participating counties shall be a duty which every person who qualifies under this chapter shall perform when selected. All persons selected for juror service on grand and trial juries shall be selected at random from the population of the judicial district in which they reside. All persons shall have equal opportunity to be considered for juror service. All persons shall serve as jurors when selected and summoned for that purpose except as hereinafter provided. No person shall be exempted or excluded from serving as a grand or trial juror because of race, color, religion, sex, national origin, economic status, or occupation. Physically handicapped persons shall serve except where the court finds such service is not feasible. The court shall strictly enforce the provisions of this section.

Section 4. As of the date of receipt of the juror summons, any citizen of the United States who is a resident of the judicial district or who lives within the judicial district more than fifty per cent of the time, whether or not he is registered to vote in any state or federal election, shall be qualified to serve as a grand or trial juror in such judicial district unless one of the following grounds for disqualification applies:-

1. Such person is under the age of eighteen years.
2. Such person is seventy years of age or older and indicates on the juror confirmation form an election not to perform juror service.
3. Such person is not able to speak and understand the English language.
4. Such person is incapable, by reason of a physical or

mental disability, of rendering satisfactory juror service. Any person claiming this disqualification must submit a letter from a registered physician stating the nature of the disability and the physician's opinion that such disability prevents the person from rendering satisfactory juror service. In reaching such opinion, the physician shall apply the following guideline: a person shall be capable of rendering satisfactory juror service if such person is able to perform a sedentary job requiring close attention for six hours per day, with short work breaks in the morning and afternoon sessions, for three consecutive business days. For the purposes of this section, "physician" shall include any accredited Christian Science practitioner.

5. Such person is solely responsible for the daily care of a permanently disabled person living in the same household and the performance of juror service would cause a substantial risk of injury to the health of the disabled person. Any person claiming this disqualification must submit a letter from a registered physician stating the name, address, and age of the disabled person, the nature of the daily care provided by the prospective juror, and the physician's opinion that the performance of juror service would cause a substantial risk of injury to the health of the disabled person. Any person who is regularly employed at a location other than that of his household shall not be entitled to this disqualification.

6. Such person is outside the judicial district and does not intend to return to the judicial district at any time during the following year.

7. Such person has been convicted of a felony within the past seven years or is a defendant in pending felony case or is in the custody of a correctional institution.

8. Such person has served as a grand or trial juror in any state or federal court within the or previous three calendar years or the person is currently scheduled to perform such service. Any person claiming this disqualification must submit a letter or certificate from the appropriate clerk of court or jury commissioner verifying such prior or pending juror service unless such service was performed or is pending in a court of the commonwealth.

Section 5. There shall be an office of jury commissioner for the commonwealth, hereinafter called the office. The office shall have authority to implement the provisions of this chapter in the participating counties. It shall be a department within the judicial branch and under the supervision and control of the supreme judicial court. The office, with the approval of the supreme judicial court, may establish branch offices for all regions of the commonwealth.

Section 6. A jury management advisory committee, consisting of six members, one of whom shall be appointed as chairman, shall be established as a standing committee of the supreme judicial court. The chairperson and committee members shall be appointed by the chief justice of the supreme judicial court and shall be chosen from among the justices of any trial or appellate court of the commonwealth.

The jury management advisory committee, hereinafter referred to as the committee, shall be authorized to assist and counsel the chief justice and the supreme judicial court in supervising the office of jury commissioner, to perform direct supervision of the office of jury commissioner pursuant to duties specified in this chapter and in matters delegated to the committee by the chief justice of the supreme judicial court. The committee is authorized to assist and counsel the office of jury commissioner in the implementation and administration of this chapter; to foster continuing study, research, and improvement of all aspects of the jury system; to encourage increased public interest and education in this field; to encourage improved cooperation and efficiency between the state and federal courts in matters of juror selection and management; and to encourage improved cooperation and efficiency between the judicial branch, other branches, and local units of government in the preparation and utilization of population lists and other materials. The committee may appoint such non-judicial members as it deems appropriate, provided, however, that these non-judicial members shall not vote on the official business of the committee. The office shall reimburse members of the jury management advisory committee for reasonable expenses incurred in the performance of their duties.

Section 7. The office of jury commissioner shall be composed of a jury commissioner and such staff positions as the jury commissioner, with the approval of the committee, shall find necessary for the implementation and administration of this chapter. The jury commissioner shall be appointed by the supreme judicial court for the term of five years. The salaries of all employees of the office, including the jury commissioner, shall be established pursuant to the classification and compensation plan applicable to employees of the supreme judicial court. The jury commissioner shall be the executive head of the office of jury commissioner.

Section 8. The supreme judicial court may make and amend rules of court not inconsistent with this chapter, designating the participating counties and regulating all aspects of the selection and management of grand and trial jurors. The jury commissioner, with the approval of the supreme judicial court,

may promulgate regulations setting forth policies, procedures, and forms for the selection and management of grand and trial jurors at local levels, in the juror pools, in courtrooms, and in other appropriate circumstances in furtherance of the ojectives of this chapter.

Section 9. The mayor, city manager, or other executive head of a city and the city clerk, jointly and severally, shall have the duty of fulfilling all obligations imposed upon such city under this chapter. The board of selectmen, town manager, or other executive head of a town and the town clerk, jointly and severally, shall have the duty of fulfilling all obligations imposed upon such town under this chapter. Obligations imposed upon cities and towns under this chapter shall include obligations established in the rules of the supreme judicial court and in the regulations of the jury commissioner made and duly promulgated under the provisions of this chapter. Cities and towns having boards of election commissioners or boards of registrars of voters may by letter to the jury commissioner signed by the executive head of the city or town delegate certain responsibilities under this chapter to such boards, but ultimate responsibility for compliance shall not be delegated.

Section 10. On or before the first day of June of each year, each city and town shall make a sequentially numbered list of the names, addresses, and dates of birth of all persons who were seventeen years of age or older as of the first day of January of the current year and who resided as of the first day of January of the current year in such city or town. The names of residents shall be listed and numbered, without duplication, in alphabetical order, one name to each number, along with such other information and in such form and format as shall be specified in the regulations of the jury commissioner. On or before the said date, each city and town shall submit one copy of this list to the office of jury commissioner and make a copy of such list available for inspection by members of the public. Hereinafter in this chapter, such list shall be referred to as the "numbered resident list" and a particular individual on such list shall be referred to as a "numbered resident". The cost of preparing the numbered resident list shall be paid by the city or town.

Section 11. On or before the first day of June of each year, each city and town having twenty thousand or more residents on its numbered resident list shall submit to the office of jury commissioner an automated copy of such list. Such automated copy, hereinafter in this chapter referred to as the "numbered resident file", shall be a data processing file contained on a magnetic computer tape or disk of such kind and in such format

as shall be specified in the regulations of the jury commissioner. Any city or town having less than twenty thousand residents on its numbered resident list may comply with this section. Any city or town that complies with this section shall have fulfilled all of its obligations for submission of population data to the office of jury commissioner for the current year. The cost of preparing the numbered resident file shall be paid by the city or town. The office of jury commissioner shall return said computer tapes to the cities and towns within a reasonable time.

Section 12. On or before the first day of July of each year, the office of jury commissioner shall determine the number of prospective jurors to be drawn from each city and town. This number shall be as nearly as possible equal to the ratio of the population of the city or town to the entire population of the judicial district in which the particular city or town is situated, multiplied by the total number of prospective jurors required for the judicial district. The total number of prospective jurors required for each judicial district shall be determined by the jury commissioner as a matter of discretion. The population of the cities, towns, and judicial districts required under this section shall be determined from the numbered resident lists.

Section 13. On or before the first day of July of each year, the office of jury commissioner shall randomly select prospective jurors for each city and town from the corresponding numbered resident list or numbered resident file as follows: The office shall generate a sequence or list of random numbers for each city or town. On or before the said date, the office shall mail to each city or town that has not submitted a numbered resident file under section eleven of this chapter the particular sequence of random numbers generated for that city or town. The number of random numbers in each sequence shall be equal to the total number of prospective jurors to be drawn from the corresponding city or town. No random number shall appear twice in the same sequence. No random number in any sequence shall be greater than the highest number or total number of residents on the numbered resident list for the corresponding city or town. Each random number in each sequence shall correspond to the numbered resident having the identical number on the numbered resident list or numbered resident file of the city or town. Each such numbered resident, so identified and selected, shall be a prospective juror of the city or town. The method of generation of random numbers shall be approved by the jury commissioner and shall be specified in the regulations of the jury commissioner. Technical data on the integrity of the random number generation method used under this section shall be compiled by the office of jury commissioner. Such data shall

be available to members of the public upon request.

Section 14. On or before the first day of August of each year, each city and town that has not submitted a numbered resident file pursuant to section eleven of this chapter shall submit to the office of jury commissioner a typewritten list of the randomly selected prospective jurors from such city or town. This list shall be typed on special forms, supplied by the office of jury commissioner without cost, in order that the list will be suitable for conversion into a data processing file by the office of jury commissioner. The content and format of such list and the special forms shall be specified in the regulations of the jury commissioner. The cost of typing the special forms shall be paid by the city or town. The cost of preparing a data processing file from the typewritten list shall be paid by the office of jury commissioner.

Section 15. On or before the first day of September of each year, the office of jury commissioner shall prepare the prospective juror list for each city and town. Each list shall contain the names, addresses, dates of birth, and related information for all randomly selected prospective jurors from the city or town. The list shall be in alphabetical order. The content and format of the prospective juror list shall be specified in the regulations of the jury commissioner. On or before the first day of October of each year, the office of jury commissioner shall mail two copies of the prospective juror list to each city and town. Each city and town shall make this list available for inspection by members of the public. The office of jury commissioner shall make the prospective juror list of any city or town available for inspection by members of the public upon request; provided, however, that such lists shall be available only to insure the integrity of the juror selection process and the accountability of the office of jury commissioner, and that the jury commissioner shall have discretionary authority to refuse to provide such lists for commercial or research purposes.

Section 16. On or before the first day of October of each year, the office of jury commissioner shall prepare the master juror list for each judicial district. The master juror list for a judicial district shall contain the aggregate of all prospective juror lists of cities and towns within the judicial district. Such list shall be randomly shuffled by the office of jury commissioner and stored as a data processing file on a magnetic tape or disk. After the random shuffling of the master juror list has occurred, the office of jury commissioner shall summon grand and trial jurors for a judicial district in sequence from the master juror list for the judicial district commencing with juror service to be

performed on the first business day in January of the succeeding calendar year, unless the supreme judicial court shall order otherwise.

The office of jury commissioner may inhibit the summoning of a person on the master juror list on the ground that such person has been determined to be not-qualified to perform juror service under section four of this chapter in the current or previous three calendar years. The content and form of the master juror list shall be specified in the regulations of the jury commissioner. The method of generation of random numbers and the method of randomly shuffling the master juror list shall be specified in the regulations of the jury commissioner.

Section 17. At least twelve weeks prior to the time when the services of grand or trial jurors are required, the clerk of each court requiring such jurors shall send or deliver a letter of venire to the office of jury commissioner. The letter of venire shall state the number of jurors required for grand jury service or for trial jury service, the court, and the judicial district. In the case of grand juror service, the letter shall state the beginning date and the estimated length of the term. In the case of a special grand jury, the letter may require the jury commissioner to summon jurors to appear for service forthwith or within a lesser period than would otherwise be required under this section. In the case of trial juror service, the letter shall state the period or periods of juror service to which the letter applies and the number of jurors required for each day during each period. The letter shall contain any further information which the jury commissioner deems appropriate.

Section 18. At least twelve weeks prior to the commencement of any term of grand or trial juror service, the jury commissioner shall determine, as a matter of discretion, the numbers of jurors to be summoned from each judicial district for grand and trial juror service. In making these discretionary determinations, the jury commissioner shall consider, among other factors, the experience of each court with respect to the numbers of grand and trial jurors who are impanelled or whose services are used during the impanelling process as compared to the numbers of jurors who are summoned.

Section 19. At least twelve weeks prior to the commencement of any term of grand or trial juror service, the office of jury commissioner shall summon by first-class mail, grand and trial jurors from the corresponding master juror list to appear for juror service within each judicial district. The summons shall state whether the anticipated service is that of a grand or trial juror, the beginning date of the term; the name, address, hour and room number, if any, of the courthouse or office to which

the juror is directed to report on the first day of service; the fact that a trial juror has the right to one postponement of his term of juror service for not more than one year; the fact that a knowing failure to obey the summons without justifiable excuse is a crime, which, upon conviction, may be punished by fine of not more than two thousand dollars; and such other information and instructions as are deemed appropriate by the jury commissioner.

Section 20. Enclosed with the juror summons shall be a notice of qualifications for juror service. A summary of section four of this chapter shall be included in the said notice. This notice shall contain any further information and directions that the jury commissioner deems appropriate.

Section 21. Enclosed with the juror summons shall be a juror confirmation form. When completed by the juror, this form shall certify whether or not the juror is qualified to serve as a trial or grand juror. The form shall contain the following: a place where the juror may insert the month, day, and year, and an alternate month, day, and year, to which the juror elects to postpone his juror service; a place where the juror may make or acknowledge a declaration that hardship would be imposed upon him if he were required to serve at the court location to which he was summoned; a place where the juror may designate a more convenient jury-trial location within the judicial district; a place where the juror may insert name and address corrections, if applicable; and such other information and instructions as the jury commissioner deems appropriate. The form shall also contain a place for the signature of the juror, and it shall be signed under the penalties of perjury.

Section 22. Enclosed with the juror summons shall be a confidential juror questionnaire. The information elicited by the questionnaire shall be such information as is ordinarily raised in voir dire examinations of jurors, including the juror's name, sex, age, residence, marital status, number and ages of children, education level, occupation, employment address, spouse's occupation, spouse's employment address, previous service as a juror, present or past involvement as a party to civil or criminal litigation, relationship to a police or law enforcement officer, and such other information as the jury commissioner deems appropriate. The questionnaire shall contain the prospective juror's declaration that the information supplied in the completed questionnaire is true to the best of his knowledge and that he understands that a wilful misrepresentation of a material fact therein is a crime, which, upon conviction, may be punished by a fine of not more than two thousand dollars. Immediately below such declaration, the questionnaire shall contain a place for the signature of the

juror. A notice of the confidentiality of the completed questionnaire shall appear prominently on the face of the questionnaire.

Section 23. Unless the court orders otherwise, the clerk of court or an assistant clerk shall provide copies of the appropriate completed questionnaires to the trial judge and counsel for use during voir dire. Except for disclosures made during voir dire or unless the court orders otherwise, the information inserted by jurors in the questionnaires shall be held in confidence by the court, the clerk or assistant clerk, the parties, trial counsel, and their authorized agents. Upon completion of voir dire, the parties and their counsel shall return all copies of the completed questionnaire to the clerk or the assistant clerk. The clerk of court shall retain in a secure place all original completed questionnaires for each impanelled jury and alternate jurors until final disposition of the case. These completed questionnaires shall not constitute a public record. All copies of juror questionnaire, other than the copy retained by the trial judge and the original retained by the clerk, shall be destroyed as soon as practicable after the completion of voir dire.

Section 24. Every grand or trial juror shall return the juror confirmation form, duly completed and signed, within ten days after receipt by him of the juror summons. The office of jury commissioner shall provide a prepaid and addressed envelope for this purpose. If the juror is unable to complete and sign the form, he may authorize person to complete and sign the form on his behalf. A notice of the juror's duty to return the completed confirmation form within ten days of its receipt shall appear prominently on the face of the confirmation form. Where a juror is unable to return a juror confirmation form because of its loss or destruction or where there is insufficient time for the juror to confirm by mail, the office of jury commissioner may accept an oral confirmation from the juror by telephone or in person. Such oral confirmation shall be as valid and binding as if the confirmation were made in writing.

Section 25. Any grand or trial juror from whom the office of jury commissioner has not received a duly completed and signed juror confirmation form by the eighth week preceding the term of service for which the juror was summoned shall be summoned a second time. The second summons shall have the same content and form as the first summons, except the words "Second summons" shall appear prominently on the face of the summons. The second summons shall be sent by first-class mail, registered mail, or served by a sheriff or constable. A juror confirmation form and questionnaire shall be enclosed with the second

summons. Any juror who receives a second summons shall return a duly completed and signed juror confirmation form within five days of its receipt.

Section 26. On or before the sixth week preceding any term of grand or trial juror service, the office of jury commissioner may summon additional grand or trial jurors if it appears from the returned juror confirmation forms that the number of previously summoned jurors who will report for service will be inadequate for the needs of the court. Any juror who is summoned under this section shall return a duly completed and signed confirmation form within ten days of its receipt by him. Any grand or trial juror summoned under the provision of this section from whom the office of jury commissioner has not received a duly completed and signed juror confirmation form by the third week preceding the term of service for which he was summoned shall be summoned a second time. The second summons shall have the same content and form as the first summons except the words "second summons" shall appear prominently on the face of the summons. The second summons shall be sent by first-class mail, registered mail, or served by a sheriff or constable. A juror who receives a second summons shall return a duly completed and signed juror confirmation form within five days of its receipt.

Section 27. The office of jury commissioner may summon additional grand and trial jurors to appear for juror service forthwith or at a time certain, with or without the right of postponement of juror service, with or without the opportunity to change the selection of the courthouse to which the juror has been assigned, in order to meet the urgent needs of the court. The office of jury commissioner shall employ whatever means of notice, including telephone notice, that is appropriate under the circumstances.

Section 28. The office of jury commissioner may cancel grand or trial juror service whenever it appears that the number of jurors scheduled to appear is in excess of the number reasonably required to conduct the business of the court without delay. The office of jury commissioner shall employ whatever means of notice, including telephone notice, that is appropriate under the circumstances. Any juror or standby juror whose service has been cancelled shall not be required to perform service at another time or place because of the cancellation, but such juror shall not be entitled to be disqualified under section four of this chapter if he should be randomly selected again within the succeeding three-year period.

Section 29. The office of jury commissioner may modify the date, location, or other condition of grand or trial juror service

in order to meet the urgent needs of the court. The office of jury commissioner shall employ whatever means of notice, including telephone notice, that is appropriate under the circumstances.

Section 30. The office of jury commissioner or the court may impose a standby status condition on any trial or grand juror before or during his term of service. A juror on whom such condition has been imposed shall be referred to as a standby juror. The standby juror shall be prepared to serve on each day of his term or service, but he shall not appear for service unless directed to do so in the following manner. The standby juror shall make telephone inquiry to a designated office or court after three o'clock in the afternoon on the court day preceding his term of service in order to obtain specific instructions as to whether or not he should appear for juror service on the following court day. A juror may be continued on standby status from day to day, but his term of service shall not be enlarged because of the standby condition unless the juror has been impanelled on a case or unless ordered by the court. The designated office or court may use an automatic telephone answering device for the purpose of giving instructions to and receiving messages from standby jurors. A notice of standby status may be enclosed with the juror summons or may be sent separately. Any other form of standby notice reasonably contemplated to give actual notice may be used. The court shall have discretionary authority to excuse a juror from the standby condition upon a showing of unusual hardship caused by the condition, but such juror shall serve or be available to serve without the standby condition unless further excused by the court. The office of jury commissioner or the court may order a standby juror to serve or to appear for service upon a date and time certain without the necessity of telephone inquiry by the standby juror. The office of jury commissioner or the court may make further modifications of the standby condition as are reasonably contemplated to facilitate the management of cases before the court.

Section 31. On the first day of his term of grand or trial juror service, each juror shall bring to court and present to the officer in charge of jurors his summons, his confidential juror questionnaire, duly completed and signed, and any subsequent notices of postponement or location transfer received by him. Notice of these duties shall appear prominently on the summons, questionnaire, and notice of postponement, respectively.

Section 32. Any juror or other person who wilfully misrepresents a material fact in the confidential questionnaire for the purpose of either avoiding or securing service as a grand or

trial juror shall be guilty of a crime, and, upon conviction, may be punished by a fine of not more than two thousand dollars.

Section 33. The court, the office of jury commissioner, and the clerk of court or assistant clerk shall have authority to inquire into the criminal history records of grand and trial jurors for the limited purpose of corroborating and determining their qualifications for juror service. Notwithstanding any other special or General Law to the contrary, the said authority shall include the right to request and receive such criminal history records and information from the criminal offender record information system as is necessary for the purpose of carrying out the provisions of this chapter. All criminal offender record information obtained under this section shall be held confidential by persons authorized hereunder.

Section 34. A trial juror shall have the right to one postponement of his term of juror service for not more than one year. The trial juror must exercise this right by duly completing and returning the juror confirmation form in which his election to postpone shall be indicated. The month and date, and an alternate month and date, to which the service is postponed shall be indicated in the confirmation form. The office of jury commissioner shall have authority to effectuate such first postponements. If the postponement date designated by a trial juror is improper, unavailable, or inconvenient for the court, the office of jury commissioner shall assign the alternate postponement date unless date is also improper, unavailable, or inconvenient in which case the office of jury commissioner shall assign a date of service which is reasonably close to the postponement date selected by the trial juror. The jury commissioner, with the approval of the jury management advisory committee, shall have discretionary authority to limit the numbers of postponements allowed each day in each courthouse in order to maintain the integrity of the demographic cross-sections appearing in the juror pools.

Section 35. Grand and trial jurors shall be summoned at random from the entire judicial district to perform juror service at any particular location within the judicial district, unless the supreme judicial court, by rule of court, orders otherwise. The office of jury commissioner and the court shall have discretionary authority to permit a juror to perform his juror service at a different jury-trial location within the judicial district upon a finding that hardship will be imposed upon the juror if he were required to serve at the original location. The jury commissioner, with the approval of the jury management advisory committee, shall have discretionary authority to limit the numbers of courthouse transfers allowed each day to or from each

courthouse in order to maintain the integrity of the demographic cross-sections appearing in the juror pools.

Section 36. Not later than two weeks after the receipt of the juror confirmation form containing an election to postpone or a request to transfer juror service to a different location, the office of jury commissioner shall send a notice to the juror by first class mail. This notice shall state the date of postponement, if any, effectuated by the office of jury commissioner. The notice shall also state whether or not the request for a location transfer has been allowed and the current location to which the juror is assigned. The juror shall appear for service on the date and at the location indicated in this notice without further summoning. Such notice shall contain a statement to this effect prominently on its face.

Section 37. The legislative, executive, and judicial departments of the commonwealth and of the United States shall not be impeded by the provisions of this chapter from freely exercising their independent powers and duties. Any of the following persons who has been summoned as a juror or who is performing juror service and who certifies in writing to the court that there is important business of the commonwealth or the United States which requires his presence away from the court during his term of service shall be granted, as a matter of right, an immediate postponement of his term of service as a grand or trial juror: the governor, the lieutenant-governor, councillors, other state constitutional officers, senators, representatives, and justices of the supreme judicial court; the president, vice president, other constitutional officers of the United States, senators, representatives, and justices of the supreme court. In the certificate to the court, the persons requesting the postponement shall state a period of time reasonably contemplated for the completion of such official business. The length of the postponement granted by the court shall not be less than the period stated in the certificate. Any person who qualifies under this section may request and shall receive any number of postponements.

Section 38. A grand or trial juror may be permitted by the court to be available for juror service or continued juror service upon telephone notice. A juror who agrees to be available on telephone notice shall provide to the court a telephone number and a named individual by which he may be notified with certainty during court hours to begin or resume his juror service not more than one hour after such notice has been given. Such juror shall conduct his affairs during court hours so that he shall insure his compliance with the conditions of telephone notice.

Section 39. The court or the office of jury commissioner shall have authority to defer or advance any term of grand or trial juror service upon a finding of hardship, inconvenience, or public necessity provided the juror recognizes his firm obligation to perform juror service on the new date. The court shall have authority to excuse a grand juror from juror service, in part or in full, upon a finding of hardship, inconvenience, or public necessity, taking into consideration the length of grand juror service. The court shall have authority to excuse a trial juror from juror service, in part or in full, upon a finding of extreme hardship; the court shall exercise this authority strictly. Notwithstanding the fact that a juror has been summoned as a grand or trial juror, with or without right of postponement of service, the court shall have the discretionary authority to require the juror to serve either as a grand or trial juror, immediately or at a future date, at the original court location or at a different court location. The court may impose reasonable conditions and limitations, including appropriate time limitations, upon a term of juror service. It shall be the policy of this chapter that every trial juror shall be prepared to serve three trial days; the court shall not grant term limitations of less than three trial days exept upon a finding that extreme hardship would be imposed upon the juror in the absence of such limitation. The court shall have the discretionary authority to dismiss a juror at any time in the best interests of justice. The court shall have authority to excuse and discharge an impanelled juror prior to jury deliberations after a hearing upon a finding of extreme hardship. The court shall have authority to excuse and discharge a juror participating in jury deliberations after a hearing only upon a finding of an emergency or other compelling reason. The court shall have authority to discharge an impanelled juror who has not appeared for juror service upon a finding that there is a stong likelihood that an unreasonable delay in the trial would occur if the court were to await the appearance of the juror. At any time during the trial, the court shall discharge any juror whose term limitation has expired upon the demand of the juror except where the court finds unusual circumstances; such discharge shall not be a ground for mistrial or objection by any party. The court may exercise any authority granted in this section at any time before or during a juror's term of service.

Section 40. In the event a trial is expected by the court to last more than three trial days, the trial judge shall announce this fact to jurors before the jury is impanelled. The trial judge may excuse a juror from performing his juror service on such an extended trial upon a finding of hardship, inconvenience, or

public necessity taking into consideration the expected length of the extended trial, but any juror so excused shall otherwise complete his term of juror service.

Section 41. The length of the term of service for trial jurors shall be one day unless a juror is assigned to or impanelled on an incompleted trial when the term ends or unless the court orders otherwise. Nothing in this section shall prevent a trial juror from serving or participating on more than one trial during his term, except that a trial juror who has participated in the rendering of a verdict shall not be required to participate in a second trial even though the juror may not have completed his first day of juror service at the time of commencement of the second trial. Jurors in the juror pool awaiting assignment to a trial shall be discharged as early in the afternoon as possible after it has been determined that their services as jurors will not be needed. The length of the term of service for grand jurors shall be three months unless the court enlarges such term. The court shall have authority to enlarge grand jurors' terms of service upon a finding that the efficient administration of justice requires such enlargement.

Section 42. The court shall take whatever actions are appropriate to enforce the provisions of this chapter. Upon a finding by the court that a juror will not appear to perform or complete juror service or in response to the court's order, the court may issue a warrant for the arrest of the juror or may take such other appropriate actions as are likely to compel the juror to appear before the court. Any grand or trial juror who fails to appear for juror service or who fails to perform any condition of his juror service shall be guilty of a crime, and upon conviction thereof, may be punished by a fine of not more than two thousand dollars.

Section 43. The office of jury commissioner may send a delinquency notice by certified or first-class mail or by delivery by a sheriff or constable to any grand or trial juror who has failed to appear for juror service based upon the records in the office of jury commissioner; provided, however, that the purpose of the delinquency notice shall be only to notify the juror of his delinquency status and to rectify the problem by appropriate means. The office of jury commissioner shall have discretionary authority to resolve problems with delinquent jurors or with jurors appearing to be delinquent in accordance with guidelines approved by the committee.

Section 44. The office of jury commissioner may prepare an application for the issuance of a criminal complaint against any grand or trial juror who has not been removed from delinquency status by the office of jury commissioner within thirty days after

the date of a delinquency notice sent to such juror. The application shall aver that the named person was duly selected and summoned to perform trial or grand juror service at a specified location on a specified date and that such person has failed to appear for jury service without justifiable excuse in violation of section forty-two. The information provided in the application shall be based upon the records of the office of jury commissioner. The application shall contain the name, address, and identification number of the juror and a summary of all official transactions between the juror and the office of jury commissioner that have occurred as of the date of the application. At the bottom of the application, there shall be a certificate signed by the legal counsel for the office of jury commissioner declaring that the information provided in the application is true and complete to the best of his knowledge and belief. The application shall contain such further information as deemed appropriate by the jury commissioner with the approval of the jury management advisory committee. The application may be submitted by mail or personal delivery to any superior or district court having criminal jurisdiction over such juror. The office of jury commissioner shall send a copy of this application to the juror by first-class or certified mail. The legal counsel or his delegate shall be authorized to represent the jury commissioner and the office of jury commissioner in all judicial proceedings arising out of any application for the issuance of a criminal complaint under this section or otherwise.

Section 45. The office of jury commissioner shall perform studies, foster research, and implement new procedures which are contemplated to accomplish the following: improvement of all aspects of the administration of jurors; reduction of the costs of selection, management, and compensation of jurors; monitoring and improvement of the integrity of jury pools and jury panels; more effective utilization of jurors in the jury pools; improved understanding by jurors of their duties and of the court's charge and instructions; providing for the reasonable comfort and convenience of jurors during their terms of service; and providing jurors with a heightened appreciation of the judicial system.

Section 46. The committee or the court may delegate to the jury commissioner of the office of jury commissioner such authority as is appropriate for the efficient administration of this chapter in accordance with guidelines approved by the committee or the court.

Section 47. The compensation and reimbursement policy of this chapter shall be to prevent financial hardship being imposed upon any juror because of performance of juror service insofar

as possible.

Where financial hardship exists, the court shall attempt to place the juror into the same financial position as such juror would have been were it not for the performance of juror service. The jury commissioner may issue regulations, not inconsistent with this chapter, further defining rights and obligations of jurors and employers with respect to compensation and reimbursements to jurors during such service.

Section 48. Each regularly employed trial or grand juror shall be paid regular wages by his employer for the first three days, or part thereof, of juror service. Regular employment shall include part-time, temporary, and casual employment as long as the employment hours of a juror reasonably may be determined by a schedule or by custom and practice established during the three-month period preceding the term of service of such juror. Each self-employed trial or grand juror shall compensate himself for the first three days, or part thereof, of juror service.

Section 49. The court shall have the authority to excuse an employer from the duty to compensate a juror-employee or to excuse a self-employed juror from the duty to compensate himself for the first three days, or part thereof, of trial or grand juror service upon a finding that extreme financial hardship would be imposed upon the employer or self-employed juror if such duty were not removed. If an employer or self-employed juror is so excused, the court shall award reasonable compensation in lieu of wages to the juror to be paid by the commonwealth for the first three days, or part thereof, of juror service. Such award shall not exceed fifty dollars per day of trial or grand juror service. The hearing on the employer's extreme financial hardship shall occur no later than thirty days after the tender of the juror service certificate to the employer.

Section 50. Each unemployed trial or grand juror upon application shall be reimbursed by the commonwealth for reasonable travel, child-care, and other necessary out-of-pocket expenses, except food, incurred during the first three days, or part thereof, of juror service. The office of jury commissioner, with the approval of the committee, shall establish guidelines for reimbursement of jurors under this section. Each reimbursement award falling outside such guidelines shall be approved by the court prior to such reimbursement. A reimbursement award under this section shall not exceed fifty dollars per day of juror service. Any juror who is not regularly employed, as provided in section forty-eight, including but not limited to retired persons, homemakers, students, and unemployed persons, shall be entitled to reimbursement upon application under this section. The application for reimbursement by a juror under this section

shall be made prior to or during the judicial discretion hearings on the first morning of the term of service of such juror. An unemployed trial or grand juror receiving benefits under the laws of employment security of this commonwealth shall not lose such benefits on account of his performance of the first three days of juror service.

Section 51. Each trial juror who serves more than three days shall be paid by the commonwealth for the fourth day of service and each day thereafter at the rate of fifty dollars per day of service. A trial juror receiving payment under this section shall not be entitled to additional reimbursement for travel or other out-of-pocket expenses.

Section 52. Upon the commencement of grand juror service, each grand juror shall complete and sign a financial questionnaire under the penalties of perjury. The completed questionnaire shall contain the financial data necessary for the determination of a daily compensation rate for the grand juror to be paid by the commonwealth for the fourth and subsequent days of grand juror service. The questionnaire shall indicate whether or not the grand juror is employed and, if so, the regular daily wages of the juror and the daily compensation the juror expects to receive from his employer while performing grand juror service. The questionnaire shall indicate travel expenses, if any, in excess of those ordinarily incurred by the juror, as a result of grand juror service. The questionnaire shall be in such form and shall contain such further information as deemed appropriate by the jury commissioner with the approval of the committee. The court, clerk of court, or assistant clerk may make inquiry to a grand juror's employer for the purpose of corroborating or clarifying information supplied by the grand juror or to ascertain relevant policies of the employer. The information supplied by grand jurors in these questionnaires shall be held confidential by the court, clerk of court, and assistant clerks. A grand juror shall notify the court if at any time during the period of his grand juror service the information provided by the juror in the financial question changes or becomes obsolete. A notice of this duty shall appear prominently on the questionnaire. The completed questionnaires shall be kept on file in the office of the clerk of court for one year after the discharge of the grand jury. Completed questionnaires shall not constitute a public record.

Section 53. On the first day of grand juror service, the court shall hold a private hearing with each impanelled grand juror. The purpose of this hearing shall be to determine a daily compensation rate for each grand juror, not exceeding fifty dollars per day of service, to be paid by the commonwealth to

the juror for the fourth and subsequent days of grand juror service. In this hearing the court shall consider the information contained in the grand juror financial questionnaire and other relevant information. For each day of service, a grand juror shall be entitled to receive, cumulatively from his employer and the commonwealth, an amount equal to the greater of the following two rates: fifty dollars per day or an amount not in excess of the regular daily wages plus daily travel expenses in excess of those ordinarily incurred by the juror; provided, however, that the contribution by the commonwealth to this amount shall not exceed fifty dollars per day.

Section 54. Each grand juror who serves more than three days shall be paid by the commonwealth for the fourth day of service and each day of service thereafter at the daily compensation rate for the particular grand juror determined under the section fifty-three.

Section 55. A juror, including a standby juror and a juror on telephone notice, shall not be compensated by the commonwealth or credited with a day of service except for days on which the juror actually appeared as directed to perform juror service, unless provided otherwise in this chapter. A juror who is absent from service because of serious illness or other compelling reason, as determined by the court or office of jury commissioner, shall be credited with a day of juror service. Jurors shall not be compensated by the commonwealth nor credited with a day of service for a holiday or for business day on which a trial has been adjourned except as hereinafter provided. An employed juror who will lose compensation for a holiday because he is performing juror service or who will not be permitted to return to work during an unexpected adjournment may be awarded credit for a day of service or may be awarded reasonable compensation, not exceeding fifty dollars per day, by the court upon a finding that financial hardship would be imposed upon the juror in the absence of such an award. An alternate juror shall receive the same payments and reimbursements from his employer and the commonwealth as a juror. A standby juror may be reimbursed by the court or the office of jury commissioner for reasonable telephone and travel expenses incurred as a result of the performance of the conditions of standby status even though the standby juror may not perform juror service. Such reimbursement shall not exceed fifty dollars per day.

Section 56. Notwithstanding other provisions of this chapter, the court shall have authority to make special awards of compensation and reimbursement to any juror or to any other person on behalf of a juror based on unusual circumstances, or

awards of compensation and reimbursement for the fair administration of this chapter. The court may provide for reasonable costs and expenses including food, lodging, transportation, and amenities of sequestered jurors. The court may make special arrangements for handicapped and elderly jurors or handicapped and elderly dependents of jurors. The court may provide for the security, comfort, or emergency medical services for jurors. The court may reimburse a juror for reasonable out-of-pocket expenses incurred because of personal injury or property loss suffered by the juror while performing juror service upon a finding that the commonwealth is liable therefor or that it is in the best interests of the administration of the jury system of the commonwealth to do so.

Section 57. The juror service certificate shall contain the name and address of the juror; the name, address, and judicial district of the court in which the juror service was performed; the week in which the certificate applies; the number of days of jurors service performed by the juror during the said week, and the specific dates thereof; the total compensation received by the juror from the commonwealth during the said week; a declaration of the duty of an employer to compensate a juror-employee for the first three days, or part thereof, of trial juror service and the right of an employer to be excused from such duty by the court upon showing of extreme financial hardship; and any other information which the jury commissioner deems appropriate. Each juror service certificate shall be completed in duplicate, one copy for the juror, one copy for the employer of the juror.

Section 58. Each week, the office of jury commissioner shall mail juror service certificates to those grand and trial jurors who have performed juror service during the previous week. A juror who seeks compensation from his employer for juror service shall tender the employer's copy of the service certificate to his employer as soon as practical after its receipt. A notice of this duty shall appear prominently on the certificate.

Section 59. Grand and trial jurors in participating counties shall receive compensation due from the commonwealth by check on a weekly basis. Each check shall include all compensation for juror services and authorized reimbursements incurred by the juror during the previous week. The office of jury commissioner shall prepare and mail these checks. The comptroller of the commonwealth shall establish a separate account for jurors compensation and reimbursements under this chapter. The office of jury commissioner shall draw upon this account for all checks issued under this section. The checks may be issued with data processing equipment, and a printed or stamped facsimile signature of the jury commissioner shall be authorized. No

check shall be valid if the amount is greater than three hundred and fifty dollars. The office of jury commissioner shall not be authorized to disburse monies for sequestered jurors expenses or other special awards ordered by the court; these disbursements shall be handled in the office of the clerk of court.

Section 60. Any employer who fails to compensate a juror-employee under the applicable provisions of this chapter and who has not been excused from such duty or compensation shall be liable to the juror-employee in tort. Upon the expiration of thirty days after the tender of the juror service certificate to the employer, the juror may commence a civil action in any superior or district court having jurisdiction over the parties. Extreme financial hardship on the employer shall not be a defense to this action. The court may award treble damages and reasonable attorney fees to the juror upon a finding of wilful conduct by the employer.

Section 61. Any willful violation of section sixty of this chapter by an employer shall also constitute a violation of this section. A juror seeking a civil remedy against an employer shall have an election to proceed either under section sixty or under this section. An employer shall not deprive a juror-employee of his employment or any incidents or benefits thereof, nor shall an employer harass, threaten, or coerce an employee because the employee has received a juror summons, responds thereto, performs any obligation or election of juror service as a grand or trial juror, or exercises any right under any section of this chapter. An employer shall not impose compulsory work assignments upon any juror-employee nor shall the employer do any other intentional act which will substantially interfere with the availability, effectiveness, attentiveness, or peace of mind of the employee during the performance of his juror service. Any employer who violates this section shall be guilty of a crime and, upon conviction, may be punished by a fine of not more than five thousand dollars. Any employer who violates this section also shall be liable in tort to the juror-employee. The juror-employee may commence a civil action in the superior court for such damages and injunctive relief as may be appropriate. The court may award treble damages and reasonable attorney's fees to the juror upon a finding of willful conduct by the employer. The legal counsel for the office of jury commissioner may submit an application for the issuance of a criminal complaint in any court of competent jurisdiction against an employer who has violated this section or section sixty.

Section 62. Not later than ten days prior to the term of service of each trial juror, the office of jury commissioner shall mail to each juror a copy of the trial juror's handbook. The

handbook shall notify the juror of his pending juror service. The handbook shall inform jurors in lay terminology of the nature and extent of their forthcoming duties and responsibilities. The handbook may introduce and orient jurors to basic trial procedures and legal terminology. The handbook shall contain maps and directions to the jury-trial locations and such other practical information as the jury commissioner deems appropriate. The full text of the handbook shall be specified in the regulations of the jury commissioner. Each trial juror shall read the handbook before he reports for juror service. The handbook shall be a public document. The jury commissioner may distribute copies of the handbook, and related educational materials, to public and private schools, civic organizations, the press, and others, in order to promote citizens awareness and understanding of all aspects of the juror system of this commonwealth. The jury commissioner may, with the approval of the committee, distribute or exhibit to jurors further educational materials, recordings, films, videotapes, lectures, and the like, as he deems appropriate to assist such persons in understanding and fulfilling their duties and obligations as jurors. Not later than ten days prior to each grand juror's term of service, the office of jury commissioner shall mail to each juror such educational materials and practical instructions as are deemed appropriate by the jury commissioner to assist grand jurors in carrying out their duties and responsibilities. These materials shall be approved by the committee. In the event of any conflict, the instructions or charge of the trial judge in a particular case shall be paramount and shall supersede the trial juror handbook or grand juror general information provided under this section.

Section 63. The office of jury commissioner, with the approval of the committee, may establish a sufficient number of telephone lines for the purposes of responding to juror inquiries, scheduling jurors' terms of service, disseminating general information and standby information to jurors, and for use in snow emergencies, other public emergencies, and personal problems and emergencies of jurors. Automatic telephone answering devices may be used where appropriate. These information lines may be toll-free where justified by the volume of use and public convenience. Juror information lines and automatic answering equipment may be located in juror pools or other appropriate locations outside of the office of jury commissioner.

Section 64. On the first morning of juror service, grand and trial jurors shall be oriented by the court as to their duties and responsibilities. The court may include such other general

information and instruction as it deems appropriate. The court may use a videotaped presentation for this orientation. In the event of any conflict, the instructions or charge of the trial judge in a particular case shall supersede the general information provided to jurors in the orientation program. The office of jury commissioner, with the approval of the committee, may prepare such videotaped materials and other materials as are appropriate for use in the juror orientation programs. The office of jury commissioner may permit juror orientation materials to be used for educational purposes by schools, civic organizations, the press, and other groups in order to foster improved public understanding of the jury system. Unless the court orders otherwise, members of the public may be present in the juror pool during juror orientation programs for educational purposes.

Section 65. Following the juror orientation program, a member of the court shall personally appear before the jurors and make a brief welcoming address. The office of jury commissioner, with the approval of the committee, may prepare suggested guidelines for the format and content of the welcome to the jurors. Unless the court orders otherwise, members of the public may be present in the juror pool during the welcoming address for educational purposes.

Section 66. Following the welcome to the jurors, the court shall hold a private hearing with each juror or employer of a juror who requests to be heard. The purpose of such hearings shall be to dispose of all urgent personal problems of jurors and employers as to possible excuses, postponements, limitations on length of juror service, compensation, reimbursement, qualifications for juror service, or any other condition of juror service. The office of jury commissioner, with the approval of the committee, may prepare suggested guidelines for the judicial discretion hearing. The court may permit observers in the judicial discretion hearing for educational purposes as long as the identities of jurors are kept confidential by such observers and the personal decorum of the hearing is not lost thereby.

Section 67. Not later than ten days in advance of scheduled appearances by jurors, the office of jury commissioner shall send or deliver to the appropriate clerks of court a list of the grand and trial jurors expected to appear for service in the respective courts. The list shall contain the name, address, and date of birth of each juror and such other information as the jury commissioner, with the approval of the committee, deems appropriate. Unless the court orders otherwise, the list shall be available upon request for inspection by parties, counsel, their agents, and members of the public.

Section 68. In every twelve-person jury case, the court shall impanel at least two additional jurors. In every six-person jury case, the court shall impanel at least one additional juror. Alternate jurors shall not be identified until immediately prior to jury deliberations in accordance with the following. If, at the time of the submission of the case by the court to the jury for its deliberations upon a verdict, more than the number of jurors required for deliberation are available, the court shall direct the clerk to place the names of all of the available jurors except the foreperson into a box or drum and to select at random the names of the appropriate number of jurors necessary to reduce the jury to the proper number of members required for deliberation in the particular case. The jurors so selected shall not be discharged, but shall be known as alternate jurors. The alternate jurors shall be kept separate from the jury in some convenient location, subject to the same rules and procedures as govern the jury during its deliberations, until the jury has agreed upon a verdict or has been otherwise discharged. If at any time after the submission of the case by the court to the jury for its deliberation upon a verdict, a juror is discharged by the court for any reason, the court shall direct the clerk to place all of the names of the alternate jurors in a box or drum and to select at random the name of an alternate juror. The alternate juror so selected shall take the place of the discharged juror on the jury. The jury, so constituted, shall begin its deliberations anew with full authority to render a verdict in the case. The court shall have jurisdiction to receive the verdict of the jury, as constituted under the provisions of this section, and shall have jurisdiction and full authority to render judgment in the case. Whenever it is appropriate for the court to direct a verdict, the court may do so without first reducing the number of jurors to the proper number required for deliberation in the case. Upon a finding of cause, the trial judge may impanel a lesser number of jurors than specified under this section. Nothing in this section shall prevent the court from rendering a valid judgment based upon a verdict rendered by fewer jurors than required under this section where all parties have by stipulation agreed to this procedure. Nothing in this section shall prevent the court from entering a valid judgment based upon a verdict rendered by fewer or more jurors than required under this section or based upon procedures other than that specified in this section where all parties have by stipulation agreed to such a number of jurors or to such procedures.

Section 69. A translator may assist a deaf juror during the juror orientation program, the juror's welcome, and the judicial discretion hearing. As a matter of discretion, the court may

permit a translator to assist a deaf juror during the trial after a determination of the competency of the translator. In the presence of the jury, the court shall instruct the translator to make true, literal and complete translations of all testimony and other relevant colloquy to the deaf juror to the best of his ability. The court may permit a translator to be present and assist a deaf juror during the deliberations of the jury. In the presence of the jury, the court shall instruct the translator to refrain from participating in any manner in the deliberations of the jury and to refrain from having any communications, oral or visual, with any member of the jury regarding the deliberations of the jury except for the literal translations of jurors' remarks made during deliberations. The verdict of the jury shall be valid notwithstanding the presence of the translator during deliberations.

Section 70. Upon motion of a party, or whenever the court deems it appropriate, the court shall include in its charge to the jury an instruction which in substance states that no duly impanelled trial juror is better qualified to determine the truth of the facts in controversy or to deliberate upon a verdict solely because of his occupation or reputation. The court shall have discretion to express this instruction in whatever language it deems appropriate and to supplement, elaborate, or explain this instruction to the jury with reference to the particular case being submitted to it. This section shall not be construed as a limitation in any way upon the authority of the court to make such further charges as are appropriate.

Section 71. Whoever is guilty of fraud in the processing or selection of jurors or prospective jurors either by causing any name to be inserted into any list wrongfully, or by causing any name to be deleted from any list wrongfully, including wrongful data entry or the altering of any data processing machine or any set of instructions or programs which control data processing equipment for such wrongful purpose, shall have committed the crime of jury tampering, and, upon conviction thereof, may be punished by a fine of not more than ten thousand dollars, or imprisonment for not more than two years, or both. This section shall not limit any other provisions of law concerning the crime of jury tampering.

Section 72. All official records and papers compiled and maintained by the office of jury commissioner shall be preserved for three years after the calendar year to which they apply. Official records shall include records in automated form on magnetic tapes and disks.

Section 73. A party may challenge the composition of the juror pool by a motion for appropriate relief. This challenge

shall be made and decided before any individual juror is examined, unless the court orders otherwise. The challenge shall be in writing, supported by affidavit, and shall specify the facts and demographic data constituting the ground of the challenge. The challenge shall be tried by the court and may, within the discretion of the court, be decided on the basis of the affidavits filed with the challenge. Upon the trial of such a challenge, witnesses may be examined on oath by the court and may be so examined by either party. If the challenge is sustained, the court shall discharge the entire juror pool.

Section 74. Any irregularity in compiling any list of jurors or prospective jurors; or any irregularity in qualifying, selecting, summoning, confirming, postponing, excusing, cancelling, instructing, impanelling, challenging, discharging, or managing jurors; or any irregularity in limiting any term of juror service, in length or other incident of the term; or the fact that a juror shall be found to be not qualified under section four of this chapter; or any defect in any procedure performed under this chapter shall not be sufficient to cause a mistrial or to set aside a verdict unless objection to such irregularity or defect has been made as soon as possible after its discovery or after it should have been discovered and unless the objecting party has been specially injured or prejudiced thereby.

Section 75. The use of data processing equipment, methods, services, forms, and electronic telecommunications systems by the office of jury commissioner for the implementation and administration of this chapter shall be specifically authorized. The office of jury commissioner may establish an on-line interactive data processing system in some or all of the participating counties. The office of jury commissioner, with the approval of the committee and with authorized approvals of representatives of the executive branch, may share in the use of the TELPAC telecommunications system of the commonwealth. The data processing center in the judicial branch, if possible, shall provide without cost to the office of jury commissioner such data processing capacity, file storage, and related services and supplies with highest priority access during regular business hours as shall be adequate for the orderly implementation and administration of this chapter in all participating counties. In the event the data processing center is unable to provide the aforementioned data processing services, the office of jury commisioner may, with the approval of the committee, procure these data processing services, in part or in full, from another governmental agency or from a private source, with or without the necessity for purchasing such services.

Section 76. The jury commissioner, may in accordance with

applicable procurement laws and regulations of the commonwealth, enter into contracts for purchasing or procuring services, equipment, forms, and supplies, including services from the United States postal service, as are necessary or appropriate for the implementation and administration of this chapter.

Section 77. The jury commissioner, with the approval of the committee, may 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, staff assistance, equipment, and supplies in connection with any provisions of this chapter or for the general improvement of the jury system; provided, however, that the jury commissioner shall in applying for grants from any department, agency, or subdivision of the federal government comply with section six B of chapter twenty-nine. Such funds shall be deposited with the state treasurer and may be expended by the office of jury commissioner in accordance with the conditions of such gift, grant, contribution, or bequest, without specific appropriation.

Section 78. Each court that receives jurors under this chapter shall make a commitment of certain resources and good will for the efficient and courteous management of jurors. The court shall have a juror-pool room, jury boxes, deliberation rooms, and restroom facilities that are adequate in size, secure, clean, light, adequately heated and ventilated, and comfortable. An adequate full-time staff and emergency backup staff shall be specially trained and assigned to supervise jurors and to work cooperatively with and under the guidance of the office of jury commissioner. The juror-pool staff shall be provided with reasonable secretarial services, postage, office supplies, and telephone service. The court and its staff shall attempt to improve juror utilization and management. Attendance, compensation, utilization, and management data shall be provided in a timely manner to the office of jury commissioner. The court shall summon only the minimum number of jurors necessary, cancel jurors as soon as it has been determined that scheduled jurors are not needed, and discharge jurors as early in the day as possible after it has been determined that their services will not be required. The court and its staff shall take all reasonable steps to maximize the comfort and convenience of jurors while performing juror service including, but not limited to, the following: providing parking spaces for jurors where possible; providing separate juror entrances and exits where possible; providing safe and comfortable furniture for jurors;

providing for adequate lunch and coffee breaks for jurors and arranging for food and beverages to be available for purchase by jurors during these breaks; providing reasonable access to telephones for the personal and business needs of jurors; adopting special plans and procedures for sequestered jurors; establishing snow emergency procedures; and handling juror inquiries and problems in a courteous and efficient manner. The court shall insure that jurors are properly orientated and welcomed. The court and its staff shall insure that jurors are reasonably informed of matters which are of proper concern to them. The court shall be willing to participate in research and other public-education programs to the extent possible.

Section 79. On or before the first day of April of each year, the jury commissioner shall issue an annual report for the previous calendar year. The report shall contain a narrative of significant developments in the administration of this chapter in the participating counties. The report may contain recommendations for the improvement of the juror selection and management systems of the commonwealth. The report shall contain demographic and financial data and data on juror management and jurors' satisfaction with the jury system. The report may contain such further matter as deemed appropriate by the jury commissioner or the jury management advisory committee. The report shall be a public document. The report may be incorporated in the annual report of the chief administrative justice of the trial court of the commonwealth.

Section 80. On or before the first day of June of each year, the jury commissioner, with the approval of the jury management advisory committee, may convene a conference with representatives of the cities and towns of the participating counties and other participants. The purpose of this conference shall be to facilitate the administration of this chapter at the local level. The office of jury commissioner shall pay all reasonable costs of the annual conference.

SECTION 2. Whenever the provisions of chapter two hundred and thirty-one A of the General Laws or amendments thereof shall be implemented in a county, the office of jury commissioner with the approval of the jury management advisory committee may for a reasonable period subsequent to the effective date of such implementation continue to use existing administrative procedures and materials in order to facilitate an orderly transition, to exhaust present inventories, or to avoid additional costs.

SECTION 3. The office of jury commissioner for Middlesex county, established under the provisions of chapter four

hundred and fifteen of the acts of nineteen hundred and seventy-seven, shall become the office of jury commissioner for the commonwealth.

SECTION 4. The jury commissioner for Middlesex county, appointed under the provisions of chapter four hundred and fifteen of the acts of nineteen hundred and seventy-seven, shall hold the office of jury commissioner for the commonwealth until such time as a jury commissioner for the commonwealth is appointed under the provisions of chapter two hundred and thirty-one A of the General Laws.

SECTION 5. Present members of the jury management advisory committee, created pursuant to an order of the supreme judicial court and appointed by said court, may continue to hold their offices without reappointment until the supreme judicial court deems it appropriate to do otherwise.

SECTION 6. If any provision of this act or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provisions or application, and, to this end, the provisions of this act shall be severable.

Approved July 9, 1982.

Chap. 299. AN ACT RELATIVE TO CIVIL ACTIONS BROUGHT AGAINST A PUBLIC EMPLOYEE.

Be it enacted, etc., as follows:

SECTION 1. Chapter 12 of the General Laws is hereby amended by striking out section 3E, inserted by section 2 of chapter 806 of the acts of 1979, and inserting in place thereof the following section:-

Section 3E. Upon the filing with the attorney general of a written request by an officer or employee of any agency within the executive office of human services or the department of education, that the attorney general defend him in any action alleging an intentional or unintentional tort or other wrongful act or omission, or violation of the civil rights of any person under any federal or state law, arising out of the operation of said agencies within the executive office of human services or of the department of education, 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.

SECTION 2. The provisions of section one of this act shall apply to actions pending or commenced on or after the effective date of this act.

Approved July 9, 1982.

Chap. 300. AN ACT RELATIVE TO THE TRANSFER OF ESSEX COUNTY SUPERIOR COURTHOUSE AT LAWRENCE TO THE COMMONWEALTH, AND FOR THE RECONSTRUCTION, RENOVATION, EQUIPPING AND MAINTAINING OF SAID COURTHOUSE.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Essex are hereby authorized to transfer to the division of capital planning and operations all right, title and interest held by said county in a certain parcel of land and building known as the Lawrence Superior Court building at 40 Appleton street in the city of Lawrence, said land and building also known as the Essex County Superior Court Department of the Trial Court building, at Lawrence. Said division shall reconstruct, renovate, equip and maintain said land and building; provided, however, that said county commissioners pay over to the commonwealth, the sum of four hundred thousand dollars toward the cost of said reconstruction, renovation, equipment and maintenance.

SECTION 2. For the purposes authorized by section one, the treasurer of Essex 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, four hundred thousand dollars, and may issue bonds and notes of the county therefor, which shall bear on their face the words, Essex County Superior Court Department, at Lawrence, Reconstruction, Renovation, Equipment and Maintenance and Loan, Act of 1982. 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 such 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.

Approved July 9, 1982.

Chap. 301. AN ACT PROVIDING THE LOCATION OF CERTAIN ABSENT PARENTS AND THE ESTABLISHMENT AND ENFORCEMENT OF CERTAIN CHILD SUPPORT ORDERS.

Be it enacted, etc., as follows:

SECTION 1. Clause (11) of subsection (b) of section 21 of chapter 62C of the General Laws, added by section 5 of chapter 403 of the acts of 1980, is hereby amended by inserting after the word "assessed", in line 7, the words:- , or the disclosure to the commissioner of public welfare or his designee of information as provided in section three A of chapter one hundred and eighteen.

SECTION 2. Chapter 118 of the General Laws is hereby amended by inserting after section 3 the following section:-

Section 3A. For the purpose of locating, establishing and enforcing the liability of any person who is legally obligated by court order or otherwise to support his spouse or children and who is obligated to pay such support either to the department, pursuant to section twenty-one of chapter eighteen or to individuals on whose behalf the department is giving aid in the enforcement of support obligations pursuant to Title IV-D of the Social Security Act, the department shall have access to the following information in accordance with the following conditions and requirements:

(a) The department may request from any employer whom the department has reason to believe employs a person described above, information concerning the dates and amounts of compensation paid to such person and the persons' last known address, social security number, and available health or medical insurance benefits. The department shall not inquire of an employer concerning any such person more than once every four months. Employers shall respond to such requests fully and in writing,

but may limit their responses to the period beginning four months before the date of the request. No employer who complies with this section shall be liable in any civil or criminal action or proceeding brought by the employee on account of such compliance. Any employer who, without reasonable cause, fails to comply with such requests or who willfully renders false information in reply to such requests, pursuant to this paragraph, shall be liable for a penalty of one hundred dollars per violation.

(b) The department may request from the department of revenue state income tax information concerning any person described above. The commissioner of the department of revenue, upon written request, shall furnish to the commissioner of the department or his designee, the address, filing status, amounts, nature, and sources of income, including names and addresses of all employers, and the number of dependents reported on the most recent return filed by any individual with respect to whom child support obligations are sought to be established or enforced pursuant to section twenty-one of chapter eighteen or pursuant to the provisions of part D of Title IV of the Social Security Act. Such information shall be available only for the purposes of, and to the extent necessary in establishing and collecting child support obligations from, and locating, individuals owing such obligations.

Approved July 9, 1982.

Chap. 302. AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO CONVEY TO RALPH VIGEANT A CERTAIN PARCEL OF LAND SITUATED IN THE CITY OF MARLBOROUGH.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan district commission, acting in the name and on behalf of the commonwealth, is hereby authorized to convey to Ralph Vigeant, by a deed approved as to form by the attorney general and at a price to be negotiated by the parties, all the right, title and interest which the commission or the commonwealth has in a certain parcel of land acquired for water supply purposes and under the control of the metropolitan district commission located on the Westerly side of Mill Street, shown as parcel #35 on sheet #104 of the 1981 City of Marlborough's Assessor's Sheets; containing 0.78 acres; more definitely described as follows:

Beginning at a point on a curve on the Westerly sideline of Mill Street, located 404.71 feet northwest of a stone found in said sideline just above the intersection of Mill and Maple Streets, thence:

S49°-51'-15"W a distance of 147.45 feet by land of G. Bonazzoli and Sons; n or f, thence:

Northerly 399.86 feet on a curve to the right with a radius of 1407.69 feet, by land of said Bonazzoli and Sons (formerly part of the N.Y., N.H. & Hartford R.R. right of way) to an angle point, thence:

N52°-29'-45"E 37.60 feet, by land of Edmee P. & Cecile L. Vigeant to a point in the Westerly sideline of Mill Street, thence:

S34°-06'-00"E 186.70 feet on said sideline to a point, thence:

Southeasterly 196.80 feet on said sideline on a curve to the left with a radius of 512.52 feet to the point of beginning.

SECTION 2. No conveyance shall be made under the provisions of section one until a fair and independent appraisal by three disinterested appraisers of said property has been made.

Approved July 9, 1982.

Chap. 303. AN ACT AUTHORIZING PERSONS IN THE PUBLIC SCHOOLS TO USE SUCH FORCE AS IS NECESSARY TO PROTECT PUPILS, OTHER PERSONS, AND THEMSELVES FROM ASSAULTS.

Be it enacted, etc., as follows:

Chapter 71 of the General Laws is hereby amended by striking out section 37G, inserted by section 1 of chapter 107 of the acts of 1972, and inserting in place thereof the following section:-

Section 37G. (a) The power of the school committee or of any teacher or any other employee or agent of the school committee to maintain discipline upon school property shall not include the right to inflict corporal punishment upon any pupil.

(b) The provisions of this section shall not preclude any member of the school committee or any teacher or any employee or agent of the school committee from using such reasonable force as is necessary to protect pupils, other persons, and themselves from an assault by a pupil. When such an assault has occurred, the principal shall file a detailed report of such with the school committee.

Approved July 9, 1982.

Chap. 304. AN ACT RELATIVE TO THE PROCEDURE FOR THE APPEAL OF SUMMARY PROCESS CASES.

Be it enacted, etc., as follows:

SECTION 1. Section 103 of chapter 231 of the General Laws, as amended by section 103 of chapter 377 of the acts of 1975, is hereby further amended by adding the following sentence:-

This section and sections one hundred and four to one hundred and ten, inclusive, shall not apply to actions or counterclaims under the provisions of chapter two hundred and thirty-nine.

SECTION 2. Section 3 of chapter 239 of the General Laws, as amended by section 1 of chapter 463 of the acts of 1960, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

In case of appeal from the district court on either or both issues involved or on any counterclaim, the appeal shall be to the superior court under section five and section ninety-seven of chapter two hundred and thirty-one.

SECTION 3. Said chapter 239 is hereby further amended by striking out section 5, as most recently amended by section 1 of chapter 655 of the acts of 1977, and inserting in place thereof the following section:-

Section 5. If either party appeals from a judgment of the superior court, a housing court, or a district court in an action under this chapter, including a judgment on a counterclaim, such party shall file a notice of appeal with said court within ten days after the entry of said judgment. No execution upon a judgment rendered pursuant to section three shall issue until the expiration of ten days after the entry of said judgment.

In an appeal of a judgment of a district court, other than an appeal governed by the provisions of the next paragraph, the appellant shall, before any appeal under this section is allowed, file in the district court a bond payable to the appellee in the penal sum of one hundred dollars, with such surety or sureties as approved by the court, or secured by cash or its equivalent deposited with the clerk, conditioned to satisfy any judgment for costs which may be entered against such appellant in the superior court within thirty days after the entry thereof.

Except as provided in section six, the defendant shall, before any appeal under this section is allowed from a judgment of the superior court, a housing court, or a district court, rendered for the plaintiff for the possession of the land or tenements

demanded in a case in which the plaintiff continues at the time of establishment of bond to seek to recover possession, give bond in such sum as the court orders, payable to the plaintiff, with sufficient surety or sureties approved by the court, or secured by cash or its equivalent deposited with the clerk, in a reasonable amount to be fixed by the court. In an appeal from a judgment of a district court such bond shall be conditioned to enter the action in the superior court at the return day next after the appeal is taken. In an appeal from a judgment of the superior court or a housing court such bond filed shall be conditioned to enter the action in the appeals court. Appeals from judgments of the superior court or a housing court shall otherwise be governed by the Massachusetts Rules of Appellate Procedure. Such bond shall also be conditioned to pay to the plaintiff, if final judgment is in plaintiff's favor, all rent accrued at the date of the bond, all intervening rent, and all damage and loss which the plaintiff may sustain by the withholding of possession of the land or tenements demanded and by any injury done thereto during such withholding, with all costs, until delivery of possession thereof to such plaintiff.

In appeals from a district court the deposit shall be transmitted by the clerk of the district court with the papers to the clerk of the superior court, who shall thereupon deliver a receipt therefor to such clerk of the district court, but in such appeals from a judgment of the superior court or a housing court the deposit shall not be transmitted to the appeals court unless specifically requested by said appeals court. The superior court or a housing court may give directions as to the manner of keeping such deposit. Upon final judgment for the plaintiff, all money then due to him may be recovered in an action on the bond provided for in the third paragraph of this section.

A party may make a motion to waive the appeal bond provided for in this section if he or she is indigent as provided in section twenty-seven A of chapter two hundred and sixty-one. Such motion shall, together with a notice of appeal and any supporting affidavits, be filed within the time limits set forth in this section. The court shall forthwith make a decision on the motion. The court shall require any person for whom the bond or security provided for in the third paragraph has been waived to pay in installments as the same becomes due, pending appeal, all or any portion of any rent which shall become due after the date of such waiver. If such motion is made, no execution shall issue until the expiration of six days from the court's decision on the motion or until the expiration of the time specified in this section for the taking of appeals, whichever is later.

Any party aggrieved by the denial of a motion to waive the

bond or who wishes to contest the amount of periodic payments required by the court may seek review of such decision as hereinafter provided. If such motion was made in the superior court or a housing court, the request for review shall be to the single justice of the appeals court at the next sitting thereof. If such motion was made in any district or municipal court, the request for review shall be to the superior court then sitting in the same county or, if not so sitting, to the superior court sitting in the nearest county or in Suffolk county. The court receiving the request shall review the findings, the amount of bond or deposit, if any, and the amount of periodic payment required, if any, as if it were initially deciding the matter, and said court may withdraw or amend any finding or reduce or rescind any amount of bond, deposit or periodic payment when in its judgment the facts so warrant.

Any party to the action may file a request for such review with the clerk of the court originally hearing the request to waive bond within the time period provided in this section for filing notice of appeal, or within six days after receiving notice of the decision of the court on the motion to waive bond, whichever is the later. Said court shall then forward the motion, the court's findings and any other documents relevant to the appeal to the clerk of the court reviewing such decision who, upon receipt thereof, shall schedule a speedy hearing thereon and send notice thereof to the parties. Any request for review filed pursuant to this section shall be heard upon statements of counsel, memoranda and affidavits submitted by the parties. Further testimony shall be taken if the reviewing court shall find that the taking of further testimony would aid the disposition of the review.

Upon the rendering of a decision on review, the reviewing court shall give notice of the decision to the parties and the defendant shall comply with the requirements of such decision within five days after receiving notice thereof. If the defendant fails to file with the clerk of the court rendering the judgment, the amount of bond, deposit or periodic payment required by the decision of the reviewing court within five days from receipt of notice of said decision, the appeal from the judgment shall be dismissed. Where a defendant seeks review pursuant to this section, no execution shall issue until the expiration of five days from the date defendant has received notice of the decision of the reviewing court.

Approved July 9, 1982.

Chap. 305. AN ACT PROVIDING FOR CIVIL PENALTIES IN RELATION TO THEFT OF ELECTRICITY OR GAS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 164 of the General Laws is hereby amended by inserting after section 127 the following section:-

Section 127A. Whoever unlawfully and intentionally injures or destroys, or suffers to be injured or destroyed, any meter, pipe, conduit, wire, line, pole, lamp or other apparatus belonging to a corporation, including municipal corporations which own municipal lighting plants engaged in the manufacture or sale of electricity or gas or to any person, or unlawfully and intentionally prevents an electric or gas meter from duly registering the quantity of electricity or gas supplied, or in any way interferes with its proper action or just registration, or, without the consent of such corporation or person, unlawfully and intentionally diverts or suffers to be diverted any electric current from any wire or gas from any pipe of such corporation or person, or otherwise unlawfully and intentionally uses or causes to be used, without the consent of such corporation or person, any electricity or gas manufactured or distributed by such corporation, or charged to such person shall be liable to such corporation or person for triple the amount of damages sustained thereby or one thousand dollars whichever is greater. Damages shall include the value of the electricity or gas used and the cost of equipment repair and replacement. Any damages assessed under the provisions of this section in excess of the actual damages sustained by the corporation or person manufacturing, distributing or selling such electricity or gas shall be paid to the commonwealth.

SECTION 2. Section 5A of chapter 260 of the General Laws, inserted by section 1 of chapter 432 of the acts of 1975, is hereby amended by inserting after the word "forty C", in line 10, the words:- ; section one hundred and twenty-seven A of chapter one hundred and sixty-four.

Approved July 9, 1982.

Chap. 306. AN ACT AUTHORIZING THE OFFICE OF THE INSPECTOR GENERAL TO APPOINT ROBERT J. PATENAUDE AS AN INVESTIGATOR.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section three of chapter three hundred and eighty-eight of the acts of nineteen hundred

and eighty, the office of the inspector general is hereby authorized to appoint Robert J. Patenaude to a position as an investigator in said office.

Approved July 9, 1982.

Chap. 307. AN ACT RELATIVE TO CERTIFICATES OF TITLE OF MOTOR VEHICLES.

Be it enacted, etc., as follows:

Chapter 90D of the General Laws is hereby amended by striking out section 1, as most recently amended by section 1 of chapter 392 of the acts of 1975, and inserting in place thereof the following section:-

Section 1. In this chapter, except when the context otherwise requires, the following words shall have the following meanings:-

"Dealer", any person who is engaged principally in the business of buying, selling, or exchanging vehicles and who has a place of business within the commonwealth.

"Identifying number", the numbers, and letters if any, designated by the registrar for the purpose of identifying the vehicle.

"Implement of husbandry", a vehicle designed and adapted primarily for agricultural, horticultural or livestock raising operations or for lifting or carrying an implement of husbandry.

"Motor vehicles" or "Vehicles", all vehicles constructed and designed for propulsion by power other than muscular power including such vehicles when pulled or towed by another motor vehicle, except railroad and railway cars, vehicles operated by the system known as trolley motor or trackless trolley under chapter one hundred and sixty-three or section ten of chapter five hundred and forty-four of the acts of nineteen hundred and forty-seven, vehicles running only upon rails or tracks, vehicles used for other purposes than the transportation of property and incapable of being driven at a speed exceeding twelve miles per hour and which are used exclusively for the building, repair and maintenance of highways or designed especially for use elsewhere than on the travelled part of ways, wheelchairs owned and operated by invalids and vehicles which are operated or guided by a person on foot. The definition of "Motor vehicles" shall not include motorized bicycles. In doubtful cases, the registrar may determine whether or not any particular vehicle is a motor vehicle as herein defined. If he determines that it should be so classified, he may require that it be registered under this chapter, but such determination shall not be admissible as evidence

in any action at law arising out of the use or operation of such vehicle previous to such determination.

"Owner", a person, other than a lien holder, having title to a vehicle. The term includes a person entitled to use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security and a bailee of any description.

"Registrar", the registrar of motor vehicles or his duly authorized agents.

"Special mobile equipment", vehicles exempt from registration by the registrar under the provisions of section nine of chapter ninety.

"Supporting documents", any written document or form submitted to the registrar of motor vehicles as evidence of ownership, liens or any other information required under the provisions of this chapter.

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

Approved July 9, 1982.

Chap. 308. AN ACT DESIGNATING THE STATE HIGHWAY ROUTE 140 BY-PASS IN THE CITY OF GARDNER AS THE VIETNAM VETERANS' MEMORIAL BY-PASS.

Be it enacted, etc., as follows:

The State highway Route 140 by-pass in the city of Gardner shall be designated and known as the Vietnam Veterans Memorial by-pass. A suitable marker bearing said designation shall be erected thereat by the department of public works in accordance with the standards of said department.

Approved July 9, 1982.

Chap. 309. AN ACT RELATIVE TO NORTHAMPTON STATE HOSPITAL.

Be it enacted, etc., as follows:

Notwithstanding any provision of law to the contrary, the buildings presently on the site of the Northampton State Hospital shall not be used to house prisoners from a county jail or house of correction.

Approved July 10, 1982.

Chap. 310. AUTHORIZING AND DIRECTING THE METROPOLITAN DISTRICT COMMISSION TO CONVEY TO THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY CERTAIN PARCELS OF LAND IN THE CITY OF BOSTON FOR CONSTRUCTION OF THE SOUTHWEST CORRIDOR.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize and direct the metropolitan district commission to convey land to the Massachusetts Bay Transportation Authority so that construction may proceed on the Southwest Corridor, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan district commission is hereby authorized and directed to convey to the Massachusetts Bay Transportation Authority for such consideration and upon such terms as the commission may determine and as agreed upon by the Authority all its right, title and interest in and to certain parcels of land located in the city of Boston shown as Parcels Numbered SW532 and SW533 in Plan Number 64112 and recorded in Suffolk Registry Books 7412, Pages 600 and 7481, Page 300, bounded and described as follows:-

Beginning at a point "P1" on the plan which point is located at the intersection of the southeasterly side line of Lamartine Street with the northeasterly side of Boylston Street; thence running along said Lamartine Street north 24°-24'-07.0" east, two hundred thirty-four and fifty-five hundredths (234.55) feet to a point "P2" on the plan; thence running along land now or formerly of the Massachusetts Bay Transporation Authority south 65°-35'-53.0" east, one hundred one (101.00) feet to a point

"P3" on the plan; thence running again along land now or formerly of the Massachusetts Bay Transportation Authority south 21°-28'-36.8" west, two hundred twenty-three and three hundredths (223.03) feet to a point "P4" on the plan; thence running along said Boylston Street north 71°-35'-53.0" west, one hundred thirteen (113.00) feet to the point of beginning at said point "P1".

Containing about twenty-four thousand four hundred twenty-eight (24,428) square feet of land more or less.

SECTION 2. The metropolitan district commission is authorized and directed to convey to the Massachusetts Bay Transportation Authority for such consideration and upon such terms as the commission may determine and as agreed upon by the Authority all its right, title and interest in and to a certain parcel of land located in the city of Boston shown as Parcel Number SW732 in Plan Number RW-64113 and recorded in Suffolk Registry Book 6725, Page 232, bounded and described as follows:-

Beginning at a point "P10" on the plan which point is located about forty (40) feet more or less northeast of the northeasterly side line of St. Ann Street; thence running north 30°-27'-32.2" east, two hundred forty-eight and twelve hundredths (248.12) feet to a point "P11" on the plan; thence running along lands now or formerly of the Commonwealth of Massachusetts (Department of Public Works) and Massachusetts Bay Transportation Authority north 89°-23'-10.0" east, two hundred forty-two and fifty-eight hundredths (242.58) feet to a point "P12" on the plan; thence running south 26°-53'-39.1" west, two hundred thirty-nine and fifty-five hundredths (239.55) feet to a point "P13" on the plan; thence running along land now or formerly of the city of Boston south 89°-22'-30.0" west, two hundred sixty (260.00) feet to the point of beginning at said point "P10".

Containing about one and twenty-three hundredths (1.23) acres of land more or less.

SECTION 3. The metropolitan district commission is authorized and directed to convey to the Massachusetts Bay Transportation Authority for such consideration and upon such terms as the commission may determine and as agreed upon by the Authority as a temporary surface easement a certain parcel of land located in the city of Boston, shown as Parcel Number SW732A in Plan Number RW-64113 and recorded in Suffolk Registry Book 6725, Page 232, bounded and described as follows:-

Beginning at a point which is located about seventy-seven (77) feet more or less east of the southwesterly side line of

Washington Street; thence running by land now or formerly of Massachusetts Bay Transportation Authority south 87°-27'-12.0" east, about one hundred sixty-four (164) feet more or less; thence again by land of now or formerly of Massachusetts Bay Transportation Authority by a curve to the right of seven thousand three hundred thirty-six (7,336) feet radius, about ninety-two (92) feet more or less; thence by land now or formerly of Commonwealth of Massachusetts (Metropolitan District Commission) south 01°-56'-12.0" west, about two hundred seven (207) feet more or less; thence by four courses by land now or formerly of city of Boston by a curve to the left of one thousand four hundred seventy-one (1,471) feet radius, about sixty-two (62) feet more or less, by a curve to the left of fifteen (15) feet radius, about thirty-one (31) feet more or less, by a curve to the left of one hundred four (104) feet radius, about thirty-two (32) feet more or less, and south 50°-39'-35.0" east, about thirty-five (35) feet more or less to a point on the northerly side line of Morton Street; thence south 39°-20'-25.0" west, about forty (40) feet more or less to the southerly side line of Morton Street; thence by five courses by land now or formerly of city of Boston north 50°-39'-35.0" west, about thirty-five (35) feet more or less, by a curve to the left of four hundred fifty (450) feet radius, about sixty-six (66) feet more or less, by a curve to the left of one hundred eighty (180) feet radius, about eighty-seven (87) feet more or less, north 86°-48'-05.0" west, about thirteen (13) feet more or less, and by a curve to the left of fifteen (15) feet radius, about twenty-four (24) feet more or less to a point on the easterly side line of Orchardhill Road; thence north 86°-48'-05.0" west, about twenty-two (22) feet more or less to the westerly side line of Orchardhill Road; thence by land now or formerly of City of Boston by a curve to the left of fifteen (15) feet radius, about twenty-four (24) feet more or less; thence again by land now or formerly of City of Boston north 86°-48'-05.0" west, about eighty-nine (89) feet more or less; thence by land now or formerly of City of Boston and Standard Oil Company of New York by a curve to the left of one hundred fifty (150) feet radius, about one hundred fifty (150) feet more or less; thence by lands now or formerly of Standard Oil Company of New York and Blaidsell south 35°-48'-25.0" west, about thirty-two (32) feet more or less to a point on the southerly side line of Washington Street; thence north 54°-11'-24.0" west, about one hunded forty-six (146) feet more or less; thence north 35°-48'-30.0" east, about ten (10) feet more or less; thence by lands of City of Boston south 89°-22'-30.0" west, about fifty-nine (59) feet more or less; thence by land now or formerly of Commonwealth

of Massachusetts (Metropolitan District Commission) north 26°-53'-39.1" east, about fifty-one (51) feet more or less; thence again by land now or formerly of Commonwealth of Massachusetts (Metropolitan District Commission) north 66°-27'-41.0" east, about four hundred forty-two (442) feet more or less to the point of beginning.

Containing about two and ninety-six hundredths (2.96) acres of land more or less.

SECTION 4. The metropolitan district commission is authorized and directed to convey to the Massachusetts Bay Transportation Authority for such consideration and upon such terms as the commission may determine and as agreed upon by the Authority as a permanent transportation easement a certain parcel of land located in the city of Boston, shown as Parcel Number SW732B in Plan Number RW-64113 and recorded in Suffolk Registry Book 6725, Page 232, bounded and described as follows:

Beginning at a point "P14" on the plan which point is located about seventy-seven (77) feet more or less east of the southwesterly side line of Washington Street; thence south 66°-27'-41.0" west, four hundred forty-one and seventy-four hundredths (441.74) feet to a point "P15" on the plan; thence running north 26°-53'-39.1" east, one hundred forty-four (144.00) feet to a point "P16" on the plan; thence running south 23°-53'-11.1" east, twenty-five and sixteen hundredths (25.16) feet to a point "P17" on the plan; thence running north 66°-27'-41.0" east, two hundred forty-five (245.00) feet to a point "P18" on the plan; thence running south 58°-20'-40.0" east, twenty (20.00) feet to a point "P19" on the plan; thence by a curve to the left of eight (8.00) feet radius, seventeen and twenty-six hundredths (17.26) feet to a point "P20" on the plan; thence south 87°-27'-12.0" east, eighty-two (82.00) feet to the point of beginning at said point "P14".

Containing about fifty-four hundredths (0.54) of an acre of land more or less.

SECTION 5. The metropolitan district commission is authorized and directed to convey to the Massachusetts Bay Transportation Authority for such consideration and upon such terms as the commission may determine and as agreed upon by the Authority as a temporary surface easement a certain parcel of land located in the city of Boston shown as Parcel Number SW732C in Plan Number RW-64113 and recorded in Suffolk Registry Book 6725, Page 232, bounded and described as follows:-

Beginning at a point which is located about five (5) feet more or less northeast of the northwesterly side line of Washington

Street; thence running south 58°-20'-40.0" east, about forty-one (41) feet more or less; thence by three courses by land now or formerly of Commonwealth of Massachusetts (Metropolitan District Commission) south 66°-27'-41.0" west, about two hundred forty-five (245) feet more or less, north 23°-53'-11.1" west, about twenty-five (25) feet more or less, and north 26°-53'-39.1" east, about forty-five (45) feet more or less; thence by lands now or formerly of Massachusetts Bay Transportation Authority and Metropolitan Coal Company north 55°-44'-24.0" east, about sixty-four (64) feet more or less; thence by land now or formerly of Metropolitan Coal Company by a curve to the right of one hundred (100) feet radius, about fifty-nine (59) feet more or less; thence again by land now or formerly of Metropolitan Coal Company north 89°-23'-10.0" east, about forty-one (41) feet more or less; thence again by land now or formerly of Metropolitan Coal Company and Washington Street north 85°-00'-51.0" east, about thirty-two (32) feet more or less to the point of beginning.

Containing about twenty-nine hundredths (0.29) of an acre of land more or less.

SECTION 6. The metropolitan district commission is authorized and directed to convey to the Massachusetts Bay Transportation Authority for such consideration and upon such terms as the commission may determine and as agreed upon by the Authority as a temporary surface easement a certain parcel of land located in the city of Boston, shown as Parcel Number SW732D in Plan Number RW-64113 and recorded in Suffolk Registry Book 6725, Page 232, bounded and described as follows:

Beginning at a point which is located on the northeasterly side line of St. Ann Street; thence running south 80°-36'-00.0" west, about sixty (60) feet more or less to the northwesterly side line of St. Ann Street; thence running by four courses by land now or formerly of Commonwealth of Massachusetts (Department of Public Works) by a curve to the left of fifteen (15) feet radius, about twenty-five (25) feet more or less; south 73°-14'-50.0" west, about fifty (50) feet more or less, south 73°-23'-18.0" west, about ninety-three (93) feet more or less, and south 73°-17'-34.0" west, about seventy-two (72) feet more or less to a point on the southeasterly side line of South Street; thence running north 20°-46'-15.0" west, about fifty-two (52) feet more or less to a point on the northeasterly side line of South Street; thence running by three courses by land now or formerly of city of Boston (Arnold Arboretum) north 12°-25'-49.0" east, about one hundred eighty-five (185) feet more or less, by a curve to the left of one hundred twenty-six

(126) feet radius, about one hundred fifty-one (151) feet more or less, and by another curve to the left of eight hundred forty-nine (849) feet radius, about sixty (60) feet more or less; thence running by seven courses by land now or formerly of Commonwealth of Massachusetts (Metropolitan District Commission) north 30°-29'-00.0" east, about one hundred sixty-three (163) feet more or less, south 50°-09'-08.0" east, about twenty-five (25) feet more or less, by a curve to the right of eight hundred sixty (860) feet radius, about sixty-one (61) feet more or less, south 56°-22'-50.0" east, about one hundred twenty (120) feet more or less, by a curve to the left of fifteen (15) feet radius, about thirty-three (33) feet more or less, south 30°-47'-00.0" west, about one hundred sixty (160) feet more or less, and south 44°-40'-20.3" east, about two hundred sixty-seven (267) feet more or less; thence running by two courses by land now or formerly of city of Boston south 89°-22'-30.0" west, about twenty (20) feet more or less, and south 09°-24'-00.0" east, about thirty-six (36) feet more or less to the point of beginning.

Containing about two and seven hundredths (2.07) acres of land more or less.

SECTION 7. The metropolitan district commission is authorized and directed to convey to the Massachusetts Bay Transportation Authority for such consideration and upon such terms as the commission may determine and as agreed upon by the Authority as a permanent transportation easement a certain parcel of land located in the city of Boston, shown as Parcel Number SW732E in Plan Number RW-64113 and recorded in Suffolk Registry Book 6725, Page 232, bounded and described as follows:-

Beginning at a point "P28" on the east side line of South Street; thence running south 01°-18'-50.0" east, twenty (20) feet to a point "P21"; thence running by a curve to the left of eighty-two and four hundredths (82.04) feet radius, about thirty-four and eighteen hundredths (34.18) feet to a point "P22"; and running by another curve to the left of one hundred six and thirty-two hundredths (106.32) feet radius, thirty and twenty hundredths (30.20) feet to a point "P23"; thence running south 61°-27'-18.0" east, one hundred four and thirty-seven hundredths (104.37) feet to a point "P24"; thence running by a curve to the left of seventy-five and two hundredths (75.02) feet radius, thirty-eight and eighteen hundredths (38.18) feet to a point "P11"; thence running south 30°-27'-32.2" west, two hundred forty-eight and twelve hundredths (248.12) feet to a point "P10"; thence running north 44°-40'-20.3" west, two hundred sixty-six and fifty-six hundredths (266.56) feet to a point "P25"; thence running north 30°-47'-00.0" east, one

hundred sixty (160.00) feet to a point "P26"; thence running north 01°-20'-05.0" west, ten and eighty-three hundredths (10.83) feet to a point "P27"; thence running north 88°-41'-53.0" east, sixty (60.00) feet to the point of beginning at said point "P28".

Containing about one and twenty-three hundredths (1.23) of an acre of land more or less.

SECTION 8. The metropolitan district commission is authorized and directed to convey to the Massachusetts Bay Transportation Authority for such consideration and upon such terms as the commission may determine and as agreed upon by the Authority all its right, title and interest in and to a certain parcel of land located in the city of Boston shown as Parcel Number SW617 in Plan Number RW-6411 and recorded in Suffolk Registry Book 7428, Page 73, bounded and described as follows:-

Beginning at a point "P5" on the plan which point is located about one hundred ninety (190) feet more or less northeast of the intersection of the northeasterly side line of Green Street with the northwesterly side line of Oakdale Street; thence running along said Oakdale Street north 24°-57'-44.1" east, one hundred nine and sixty-nine hundredths (109.69) feet to a point "P6" on the plan; thence running again along said Oakdale Street north 18°-55'-20.6" east, forty-one and forty hundredths (41.40) feet to a point "P7" on the plan at the intersection of said Oakdale Street with Oakdale Terrace, a private way; thence running along said Oakdale Terrace north 60°-21'-27.2" west, one hundred (100.00) feet to a point "P8" on the plan; thence running along land now or formerly of the Commonwealth of Massachusetts (Metropolitan District Commission), south 29°-38'-32.8" west, one hundred fifty (150.00) feet to a point "P9" on the plan; thence running again along said land now or formerly of the Commonwealth of Massachusetts (Metropolitan District Commission) south 60°-21'-27.2" east, one hundred sixteen and sixty-five hundredths (116.65) feet to the point of beginning at said point "P5".

Containing about sixteen thousand four hundred eighty-seven (16.487) square feet of land more or less.

SECTION 9. The metropolitan district commission is authorized and directed to convey to the Massachusetts Bay Transportation Authority for such consideration and upon such terms as the commission may determine and as agreed upon by the Authority as temporary surface easement a certain parcel of land located in the city of Boston shown as Parcel Number SW617A in Plan Number RW-64111 and recorded in Suffolk Registry Book 7428,

Page 73, bounded and described as follows:-

Beginning at a point located at the intersection of the southeasterly side line of Lamartine Street with the northwesterly side line of Green Street; thence running by five courses along land now or formerly of the Commonwealth of Massachusetts (Metropolitan District Commission) south 66°-00'-00" east, about two hundred six (206) feet more or less, north 24°-57'-44" east, about one hundred eleven (111) feet more or less, north 65°-02'-16" west, about fifty-two (52) feet more or less, north 12°-19'-51" east, about seventy-one (71) feet more or less, north 29°-38'-32.8" east, about one hundred forty-four (144) feet more or less to a point on the southwesterly corner of Oakdale Terrace; thence running along the south side line of Oakdale Terrace south 60°-21'-27.2" east, about thirty-five (35) feet more or less; thence turning and running south 29°-38'-32.8" west, about one hundred fifty (150) feet more or less, thence turning and running south 60°-21'-27.2" east, about one hundred seventeen (117) feet more or less to a point on the northerly side line of Oakdale Street; thence turning and running along said Oakdale Street south 24°-57'-44.1" west, about one hundred ninety (190) feet more or less to a point at the intersection of the northwesterly side line of Oakdale Street with the northeasterly side line of Green Street; thence turning and running along said Green Street north 60°-12'-06.3" west, about two hundred ninety-one (291) feet more or less to the point of beginning.

Containing about twenty-six thousand seven hundred two (26,702) square feet of land more or less.

Approved July 13, 1982.

Chap. 311. AUTHORIZING AND DIRECTING THE STATE TREASURER TO PAY A CERTAIN SUM OF MONEY TO THE CITY OF TAUNTON TO ENABLE SAID CITY TO SATISFY AN OUTSTANDING JUDGMENT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately enable the state treasurer to pay a certain sum of money to the city of Taunton, therefore 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 enabling the city of Taunton to satisfy an outstanding judgment, the state treasurer is hereby authorized and directed to pay to said city the sum of one million five hundred thousand dollars, which shall be in addition to all other sums said city shall be entitled to receive from the commonwealth. Said amount shall be repaid to the commonwealth in equal installments of one hundred and fifty thousand dollars over a period of ten years commencing with fiscal year nineteen hundred and eighty-four by way of a deduction of said amount from the first local aid distribution said city is entitled to receive in each of said years.

SECTION 2. For the purpose of carrying out the provisions of section one, one million five hundred thousand dollars is hereby appropriated from the Local Aid Fund.

Approved July 13, 1982.

Chap. 312. ESTABLISHING THE MASSACHUSETTS TECHNOLOGY PARK CORPORATION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide immediately for the establishment of the Massachusetts Technology Park Corporation, therefore, it is hereby declared to be an emergency law necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by inserting after chapter 40I the following chapter:-

Chapter 40J.
Massachusetts Technology Park Corporation.

Section 1. It is hereby found (1) that throughout the history of Massachusetts, the economic development of the commonwealth and the prosperity and welfare of our people have depended, to a great degree, upon the continued ability of the commonwealth's fine colleges and universities to provide the most advanced education and practical training opportunities in emerging areas of science and technology, and that (2) this wealth of educational resources has attracted, to the commonwealth, some of the best minds from throughout the nation and from

throughout the world, and that (3) great numbers of talented individuals, having furthered their education in the commonwealth, have been induced to concentrate their subsequent business and industrial operations in Massachusetts by the proximity of the same educational institutions with which they were familiar and which produced the similarly educated graduates so necessary to the successful growth and expansion of innovative business and industry in a variety of areas, including, historically, textiles, medical research and manufacturing and the provision of medical services, computers and manufacturing of solid-state electronics equipment employing semi-conductor and microelectronic technologies, and that (4) the ability of our colleges and universities to provide educational and practical training opportunities, coupled with the concentration of business and industry in the commonwealth, have engendered many new and rewarding employment opportunities for the citizens of the commonwealth, increased the tax base, avoided increased welfare and unemployment costs and furthered the general welfare of the commonwealth, but that (5) the burgeoning growth of the particularly dynamic field of semi-conductor and microelectronic technologies and the intense competition among participants in that field have also spawned a critical demand for a continuous supply of qualified engineers and technicians to occupy key positions in business and industry which require practical training and knowledge of the latest developments in that rapidly evolving area, and that (6) as a result of this demand, business and industry in the field of semi-conductor and microelectronic technologies are unable to obtain appropriately skilled employees to maintain and expand operations within the commonwealth, and our people are and will continue to be denied many significant employment opportunities, and that (7) the loss of economic and employment activity from the commonwealth erodes the tax base, leads to unemployment and underemployment of our people, increases welfare and unemployment costs and threatens the general welfare of the entire commonwealth, and that (8) both the basic training of new engineers and technicians and the retraining of existing personnel to meet the constantly changing requirements for effective and productive work in the field of semi-conductor and microelectronic technologies require an educational and training facility which contains design, fabrication and testing equipment to permit students to acquire essential practical experience.

Such a facility is presently unavailable to our colleges and universities, and it is further found that (9) the commonwealth's post-secondary educational institutions are not able, even with the assistance provided through existing state and federal

programs, to finance the establishment and operation of the type of facility necessary for the development of combined academic and practical training programs sufficient to satisfy employment needs. The buildings and equipment necessary for such a facility require capital expenditures which are prohibitive to the commonwealth's post-secondary educational institutions, particularly in this era of diminishing public support for higher education. Further, the costs associated with maintaining and replacing such facilities and equipment in a manner consistent with developing technology are often themselves beyond the means of those institutions.

It is further found, however, that on the basis of satisfactory evidence that (10) many of the commonwealth's post-secondary institutions will participate in the use of such a facility if it is established and will commit themselves to continuing the facility's operations. Institutions which have expressed such an interest at present are Boston University, University of Lowell, Northeastern University, Southeastern Massachusetts University, Tufts University, University of Massachusetts, Worcester Polytechnic Institute and the Massachusetts Institute of Technology, and that (11) business and industry in the field of semi-conductor and microelectronic technologies are confronted with the competitive market pressures of a private enterprise system which prevent the use of their facilities in the initial and continuing training and education of technical personnel with respect to the latest developments in that area. There is, however, satisfactory evidence that business and industry in that field will participate in the programs of such a facility if it is established and will commit themselves to continuing the facility's operations.

It is further found that (12) it is an important government function to increase opportunities for gainful employment for our people, to assist in promoting a productive and expanding industrial base within the commonwealth capable of meeting the needs and demands of a modern economy, to assist post-secondary educational institutions to assume an active role in achieving these goals, and otherwise to improve the prosperity and general welfare of the inhabitants of the commonwealth.

Because it may reasonably be anticipated that the pattern of events which has given rise to the need for a partnership of government and industry and education to create a training facility for semi-conductor and microelectronic technologies will recur in other technologies, and because it is appropriate to utilize the skills and experience which will be developed in responding to the present need to meet such future needs, it is

further found that (13) the The Massachusetts Technology Park Corporation, hereinafter referred to as the corporation, hereby created, be authorized, after having satisfied itself that the microelectronic facility is operational, to establish further similar centers to support those other technologies in which a need equal to that which has been found to exist in these findings is found to exist by the corporation.

Therefore, it is found that it is in the public interest of the commonwealth to promote the prosperity and general welfare of its citizens, a public purpose for which public money may be expended, by creating the corporation to establish and operate one or more educational centers containing design, fabrication and testing facilities and equipment for post-secondary academic and practical training programs urgently required to satisfy the education and employment needs of business and industry and the people of the commonwealth.

Section 2. The following terms as used in this chapter shall have the following meanings, except where the context clearly indicates otherwise:-

"Board", the board of directors of the Massachusetts Technology Park Corporation.

"Center", a facility established by the Massachusetts Technology Park Corporation pursuant to the provisions of this chapter.

"Corporation", the Massachusetts Technology Park Corporation.

"Current expenses", as applied to a center or any portion thereof created pursuant to the provisions of this chapter, the amount of reasonable and necessary expenses for the administration and operation of a center after the center has become operational.

"Participating business", a private business corporation, partnership, firm or entity within the commonwealth engaged in or proposing to engage in the business of the design or manufacture of semi-conductor and microelectronic components, or of products of another technology which may come within the ambit of this chapter pursuant to the provisions of section six, which has undertaken to support and participate in the programs of the Corporation in a manner approved by the board.

"Participating institution", a state or independent, non-profit post-secondary educational institution within the commonwealth offering instruction in semi-conductor and microelectronic technologies, or in a field of study or an area of technology which may come within the ambit of this chapter pursuant to the provisions of section six, which has undertaken to support and participate in the programs of the corporation in a manner approved by the board.

"Post-secondary educational institution", a state or independent, non-profit post-secondary educational institution within the commonwealth offering instruction in semi-conductor and microelectronic technologies, or in a field of study or an area of technology which may come within the ambit of this chapter pursuant to section six.

"Project cost", as applied to a center or any portion thereof created pursuant to the provisions of this chapter, embraces all or any part of the cost of construction, acquisition, alteration, enlargement, reconstruction and remodeling of a center, including all lands, structures, real or personal property, rights, rights of way, air rights, franchises, easements and interests acquired or used in connection with a center, 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, financing charges, interest prior to, during and for a period after completion of such construction and acquisition, amounts reasonably required to make the center operational, the cost of architectual, engineering, financial and legal services, plans, specifications, studies, surveys, estimates of costs and revenues, administrative expenses, expenses necessary or incident to determining the feasibility or practicability of constructing the center and such other expenses as may be necessary or incident to the construction and acquisition of the center.

"Semi-conductor and microelectronic technologies", that portion of the solid-state electronics field concerned with the design and manufacture of semi-conductors and microelectronic components, and the various sciences and technologies which support the solid-state electronics industry, including technologies concerned with computer-aided design/computer-aided manufacture and successor technologies.

"Start-up expenses", as applied to a center or any portion thereof created pursuant to the provisions of this chapter, embraces all or any part of the expenses for the administration and operation of a center incurred in the establishment of a center prior to the time the center becomes operational.

Section 3. There is hereby created a body, politic and corporate, to be known as the Massachusetts Technology Park Corporation hereinafter referred to as the corporation. The corporation is hereby constituted a public instrumentality of the commonwealth and the exercise by the corporation of the powers conferred in this chapter shall be deemed and held to be an essential governmental function. The corporation is hereby placed in the executive office of manpower affairs but shall not be subject to the supervision or control of said office or of any

board, bureau, department or other agency of the commonwealth except as specifically provided in this chapter.

The corporation shall be governed and its corporate powers exercised by a board of directors, which shall consist of the secretary of manpower affairs, the secretary of administration, and the chancellor of the board of regents of higher education; or their designees, and sixteen persons appointed by the governor, eight of whom shall be chief executive officers of post-secondary educational institutions or distinguished faculty members of their electronics engineering faculties, or other appropriate faculties, and among the eight shall be at least three representatives of public post-secondary educational institutions, and eight of whom shall be chief executive officers or chairpersons or chief engineers of businesses concerned with the design and manufacture of semi-conductor or microelectronics components or products of another technology which may come within the ambit of this chapter pursuant to the provisions of section six. Each director appointed by the governor shall serve for a term of five years and thereafter until his or her successor is appointed, except that in making the initial appointments the governor shall appoint four directors to serve for one year, three to serve for two years, three to serve for three years, three to serve for four years, and three to serve for five years. Any person appointed to fill a vacancy on the board shall be appointed in a like manner and shall serve for the unexpired term of the predecessor director. Any director shall be eligible for reappointment. Any director may be removed by the governor for cause. Ten directors shall constitute a quorum and the affirmative vote of a majority of the directors present and eligible to vote at a meeting shall be necessary for any action to be taken by the board. The directors shall serve without compensation, but each director shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties. The board shall meet at least four times in each year and shall have final authority over the activities of the corporation.

The board shall annually elect from among its members a chairperson and a vice-chairperson, and may designate a treasurer and a secretary, who need not be members of the board. The secretary shall keep a record of the proceedings of the corporation and shall be the custodian of all books, documents, and papers filed with the corporation, and its official seal. The secretary shall cause copies to be made of all minutes and other records and documents of the corporation and shall certify that such copies are true copies and all persons dealing with the corporation may rely upon such certification. The

treasurer shall be the chief financial and accounting officer of the corporation and shall be in charge of its funds, books of account, and accounting records. The chairperson and the vice-chairperson, together with the secretary of manpower affairs, and two individuals elected annually by the board from among its members, one of whom shall be a board member from a post-secondary educational institution and one of whom shall be a board member from a business, shall constitute the executive committee of the board. The executive committee shall have all the powers of the board between the meetings of the board, to be exercised in accordance with by-laws established by the board. The executive committee shall meet as often as deemed necessary by the committee. times in each year and shall have final authority over the activities of the corporation.

The provisions of chapter two hundred and sixty-eight A shall apply to all directors, officers and employees of the corporation except that the corporation may purchase from, sell to, borrow from, contract with or otherwise deal with any organization in which any director of the corporation is in any way interested or involved; provided, however, that such interest or involvement is disclosed in advance to the directors and recorded in the minutes of the proceedings of the corporation; and provided, further, that no director having such an interest or involvement may participate in any decision relating to such organization.

Neither the corporation nor any of its officers, directors, agents, employees, consultants or advisors shall be subject to the provisions of sections three B of chapter seven, sections nine A, forty-five, forty-six and fifty-two of chapter thirty, chapter thirty-one, or sections twenty-seven and twenty-seven A to twenty-seven E, inclusive, of chapter one hundred and forty-nine; provided, however, that in purchasing products or services, the corporation shall at all times follow generally accepted good business practices.

All officers and employees of the corporation having access to its cash or negotiable securities shall give bond to the corporation at its expense, in such amount and with such surety as the board may prescribe. The persons required to give bond may be included in one or more blanket or scheduled bonds.

Directors and officers who are not regular, compensated employees of the corporation shall not be liable to the commonwealth, to the corporation or to any other person as a result of their activities, whether ministerial or discretionary, as such directors or officers except for willful dishonesty or intentional violations of law. The board of the corporation may purchase liability insurance for directors, officers and employees and may indemnify said persons against the claims of others.

Section 4. The corporation shall have the following powers:-

(a) to make, amend and repeal by-laws, rules and regulations for the management of its affairs;

(b) to adopt an official seal;

(c) to sue and be sued in its own name;

(d) to make contracts and execute all instruments necessary or convenient for the carrying on of its business;

(e) to acquire, own, hold, dispose of and encumber personal or real property of any nature or any interest therein in the exercise of its powers and performance of its duties under this chapter;

(f) to enter into agreements or transactions with any federal, state or municipal agency or other public institution or with any private individual, partnership, firm, corporation, association or other entity;

(g) to appear in its own behalf before boards, commissions, departments, or other agencies of federal, state or municipal government;

(h) to appoint officers in addition to those directors elected by the board and to engage and employ employees, including legal counsel, consultants, agents and advisors, and prescribe their duties and fix their compensation;

(i) to establish advisory boards to expand the participation and to draw on the experience of representatives from all aspects of the technology involved in a center or a proposed center including supporting organizations and industries such as finance and education;

(j) to procure insurance against any losses in connection with its property in such amounts, and from such insurers, as may be necessary or desirable;

(k) to invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in such investments as may be lawful for fiduciaries in the commonwealth pursuant to sections thirty-eight and thirty-eight A of chapter twenty-nine.

(l) to accept, hold, use, apply and dispose of any and all donations, grants, bequests and devises, conditional or otherwise, of money, property, services or other things of value which may be received from the United States or any agency thereof, any governmental agency, any institution, person, firm or corporation, public or private, such donations, grants, bequests and devises to be held, used, applied or disposed of for any or all of the purposes specified in this chapter and in accordance with the terms and conditions of any such grant. Receipt of each such donation or grant shall be detailed in the annual report of the corporation; such annual report shall

include the identity of the donor or lender, the nature of the transaction and any conditions attaching thereto;

(m) to formulate plans for the establishment of centers pursuant to the provisions of this chapter, and to construct, reconstruct, remodel, maintain, manage, lease, as lessee or lessor, such centers, and to enter into contracts for the management and operation of such centers and to engage in any activity reasonably related thereto;

(n) to establish rules and regulations for the use by participating businesses and participating institutions of a center established pursuant to the provisions of this chapter;

(o) to determine the manner of support and participation in the programs of the corporation which are required of participating businesses and participating institutions, to enter into contracts or agreements setting forth the terms and conditions of such support and participation, and to determine and designate those businesses and institutions which qualify as participating businesses and institutions;

(p) to fix and revise from time to time and charge rents and collect rates, rents, fees and charges for the use of a center or any portion thereof by participating institutions or participating businesses, or any other user;

(q) to prepare, publish and distribute, with or without charge as the corporation may determine, such technical studies, reports, bulletins and other materials regarding its facilities and activities as it deems appropriate;

(r) to provide, or make available, educational, training, testing and ancillary fabrication facilities and equipment, and to sell or otherwise dispose of products fabricated thereby and services available therefrom in furtherance of the purposes specified in this chapter;

(s) to exercise any other powers of a corporation organized under chapter one hundred and fifty-six B; and,

(t) to do any and all things necessary or convenient to carry out the purposes of this chapter.

Section 5. There is hereby established a fund for carrying out the purposes of this chapter, hereinafter referred to as the "center fund", to which shall be credited the proceeds of any bonds or notes of the commonwealth issued for this purpose, and any appropriations authorized by the general court specifically designated to be credited to the center fund.

The corporation shall hold the center fund in an account or accounts separate from other funds. All appropriations, grants and other funds received by the corporation and not specifically designated to be credited to the center fund, including all rates, rents, fees and charges collected by the corporation, and the

proceeds of all investments, including the proceeds of investments of the center fund, may be used to pay for the start-up expenses, project costs and current expenses of the corporation.

Unless otherwise specified, all monies of the corporation, from whatever source, derived shall be paid to the treasurer of the corporation. Said monies shall be deposited in the first instance by the treasurer in one or more national banks, trust companies or banking companies in compliance with section thirty-four of chapter twenty-nine. Funds in such accounts shall be paid out on the warrant or other order of the treasurer of the corporation or of such other person or persons as the board may authorize to execute such warrant or warrants.

The corporation shall draw upon the center fund, as provided pursuant to section six of this chapter, to meet the start-up expenses and project costs of acquiring, owning and operating, or of contracting with third parties to acquire, own and operate lands, buildings, facilities and equipment for centers within the meaning of this chapter; provided, however, that the first center so established shall be for the training and education of students in semi-conductor and microelectronics technologies, including, but not limited to, a design, fabrication and testing facility, to be known as the Massachusetts Microelectronics Center to afford opportunities for practical training in state-of-the-art semi-conductor and microelectronics technologies; provided, further, that the corporation shall not utilize the principal of the center fund to support current expenses of the Massachusetts Microelectronics Center or of any other center established pursuant to this chapter.

If the board determines that participating businesses and participating institutions have failed to provide support to a center in a manner required by the board, which support includes the provision by participating businesses of the equipment and machinery necessary and appropriate to ensure that the center is maintained at a level consistent with developing technology and the provision by both participating businesses and participating institutions of qualified individuals from among the employees thereof to serve from time to time as instructors at the center, the board shall report this fact to the general court, which may dissolve the corporation and direct the dissolution of its assets or take such other action as it deems appropriate.

No monies shall be credited to the center fund in support of a particular center unless and until the plan and findings required pursuant to section six of this chapter have been received and approved in writing by the house and senate committees on ways

and means.

In formulating plans for the establishment of centers pursuant to the provisions of his chapter, the corporation shall be authorized to consult with and utilize the services of the Government Land Bank established pursuant to chapter two hundred twelve of the acts of nineteen hundred and seventy-five, as amended, for such technical assistance as the board deems necessary or appropriate to the effective discharge of the corporation's responsibilities relative to the acquisition, construction, reconstruction and remodeling of facilities required for such centers.

Section 6. The corporation shall establish a center, and take any and all actions necessary or appropriate thereto, including disbursing available funds from the center fund to meet the project costs and start-up expenses of such a center, only after (a) formulation of a detailed plan for the creation and operation of such a center; provided that the plan shall be supported by independently verifiable information; and provided further that the plan shall include but not be limited to:

(1) a detailed description of the proposed center, including an analysis of all lands, structures, facilities, machinery and equipment reasonably necessary for the successful operation thereof; an analysis of the feasibility of utilizing surplus state real property for such a center; and a statement of the proposed project costs reasonably associated with establishing such a center, with a detailed breakdown of such project costs, including and estimate of the cost to the commonwealth of the debt service on any bonds or notes issued or to be issued in support of such a center;

(2) a statement of the proposed annual start-up expenses, project costs and current expenses of the center for the first five years of its existence, including a detailed breakdown of such costs and expenses, with a reasonable projection of that portion of said costs and expenses which the corporation expects to meet through assistance provided by participating businesses, rates, rents, fees and charges imposed upon users and support from any other source; and

(3) a description of the assistance to be provided to the corporation in support of the center by participating businesses and participating institutions, with evidence of such assistance and the terms and conditions thereof, if any;

(4) a description of the public benefits to be engendered by the center, including particularly an analysis of increased and enhanced employment and educational opportunities;

(5) a description of the proposed activities of the center, including the proposed utilization thereof by participating

businesses and participating institutions;

(6) a proposal for a capital outlay appropriation from the commonwealth in support of the establishment of the center and such annual maintenance appropriations as may reasonably be required for the successful operation of the center; and

(b) the board has approved the establishment of the center described in the plan, having found and incorporated in its minutes that:

(1) the center as proposed in the plan will substantially further the basic purpose of this chapter to provide for the establishment and operation of centers for the education of qualified persons in a developing technology offering substantial employment opportunities in the commonwealth;

(2) there is no reasonable expectation that the center as proposed in the plan will duplicate the actual or proposed facilities or programs of a post-secondary educational institution or consortium of such institutions located within the commonwealth, or, to the extent that a possibility for such duplication may be found to exist, the center as proposed in the plan may reasonably be characterized as enhancing or supplementing the ability of such an institution or consortium of institutions to conduct such actual or proposed facilities or programs;

(3) the establishment and operation of the center as proposed in the plan are beyond the financial means of any single post-secondary educational institution or consortium of such institutions located in the commonwealth, either because the capital costs or operating costs associated therewith are prohibitive or because the capital costs or operating costs associated with maintaining such a center at a level consistent with developing technology are prohibitive;

(4) The corporation has received appropriate commitments from participating businesses and participating institutions to support the center and to maintain a continuing effort to support the center; provided, that the commitments from participating businesses for project costs and start-up expenses shall be for support which, in the aggregate, is equivalent in value to the amount of the proposed disbursement from the center fund and which support includes provision of the equipment and machinery necessary and appropriate to establish the center as provided in the plan; provided, further, that the commitments from participating businesses to maintain a continuing effort to support the center shall include commitments to provide the equipment and machinery necessary and appropriate to ensure that the center is maintained at a level consistent with developing technology; provided, further, that the commitments

from both participating businesses and participating institutions to maintain a continuing effort to support the center shall include commitments to provide qualified individuals from among the employees thereof to serve from time to time as instructors at the center; provided further, that the provision of equipment, machinery, instructors and support of any other kind by participating businesses and participating institutions shall be at no charge to the corporation; and provided, further, that the value of said equipment, machinery, instructors and other support shall be determined by the executive director of the corporation.

(c) submission by the board of the plan and findings formulated pursuant to this section to the governor, the president of the senate and the speaker of the house of representatives, the chairman of the senate committee on ways and means and the chairman of the house committee on ways and means.

Section 7. (a) The board shall select a qualified individual to act as executive director and shall delegate to the executive director full authority to manage the affairs of the corporation and the Massachusetts Microelectronics Center. The executive director shall serve at the pleasure of the board. The executive director shall present to the board for its approval annual budgets, staffing plans, operating plans and production plans. The executive director shall supervise the employees of the corporation and the Massachusetts Microelectronics Center and shall have the power to hire and fire them. The executive director shall serve as chief liaison officer to the participating businesses and participating institutions in order to enhance their support of and participation in the affairs of the Massachusetts Microelectronics Center. The executive director shall provide that the resources of the Massachusetts Microelectronics Center are made available to participating institutions in a nondiscriminatory manner.

(b) If, pursuant to section six, the board establishes additional centers, it shall determine whether or not to appoint individual executive directors with similar authority for such centers, in view of the technology in question.

Section 8. The corporation annually shall submit a complete and detailed report of the center's activities within ninety days after the end of the fiscal year to the clerk of the house of representatives and to the clerk of the senate.

Section 9. The books and records of the corporation shall be subject to an annual audit by the auditor of the commonwealth.

Section 10. The provisions of this chapter being necessary for the welfare of the commonwealth and its inhabitants shall be

liberally construed to effect its purpose.

SECTION 2. The provisions of this chapter are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

SECTION 3. It is intended that the corporation created pursuant to the provisions of this chapter shall be an educational organization as described in 26 USC Section 170 (b) (1) (A) (ii) and an institution of higher education as defined in 26 USC Section 3304 (f).

Approved July 13, 1982.

Chap. 313. PROVIDING ADDITIONAL ASSISTANCE TO CITIES AND TOWNS IN FINANCING THE CONSTRUCTION OF OFF-STREET PARKING FACILITIES IN COMMERCIAL AREA REVITALIZATION DISTRICTS.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 1 of chapter 487 of the acts of 1980, as most recently amended by section 1 of chapter 784 of the acts of 1981 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

In addition to any authority otherwise granted by law, any city or town having a population exceeding twenty thousand according to the most recent national census or any city or town with a population of less than twenty thousand according to the last national census which in the opinion of the secretary of communities and development is a regional center providing commercial facilities for a regional market may undertake a project for the purpose of providing public off-street parking facilities within a predominately commercial area as provided in a commercial area revitalization plan established under the provisions of clause (k) of subsection (2) of section twelve of chapter forty D of the General Laws, hereinafter called a commercial area revitalization district; provided further that all cities and towns may undertake a project for the purpose of providing public-off street parking in areas which, in the judgment of the secretary of transportation and construction, the construction of such off-street parking facilities would

substantially increase the usage of public transportation and car pooling and would also meet parking needs for commercial, medical, human services or governmental purposes.

SECTION 2. The second paragraph of section 1 of said chapter 487 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The mayor of any city, or in a city with a Plan D or Plan E charter, the city manager, or the board of selectmen, or the town council in a town may designate or establish an agency, board, commission, department, or authority in the city or town hereinafter called the agency, to act on behalf of the city or town to develop and implement said project; provided however that the mayor of the city of New Bedford may designate the Southeastern Regional Transit Authority as an agency for the purposes of this act.

SECTION 3. Subsection (d) of section 1 of said chapter 487 is hereby amended by striking out the last sentence thereof and inserting in place thereof the following sentence:- Said leases shall be for such duration and upon such terms as shall be determined by the agency which shall also set forth regulations with respect to the use, operation and occupancy of the property demised; provided, however, that any rate schedule, other than a rate schedule contained in a lease or parking agreement entered into pursuant to an urban development action grant agreement or similar agreement with the United States of America or Commonwealth of Massachusetts or a department thereof, shall be reviewed and approved annually by the agency.

SECTION 4. Section 2 of said Chapter 487 is hereby amended by striking out the first two sentences and inserting in place thereof the following two sentences:-

The secretary of administration hereinafter called the secretary, is hereby authorized to establish a program to assist cities and towns in undertaking any project to provide public off-street parking facilities in commercial area revitalization districts and in areas in which, in the judgment of the Secretary of Transportation and Construction, the construction of such off-street parking facilities would substantially increase the usage of public transportation and car pooling and would also meet parking needs for commercial, medical, human services or governmental purposes pursuant to section one of this act. Said secretary may, from funds provided, provide grant funds to any city or town in an amount determined equitable by said secretary to undertake such a project; provided, however that said project

has been approved by said secretary, and the secretary of transportation and construction, and provided further that the amount of such grant shall not exceed seventy per cent of the cost of undertaking a project.

SECTION 5. Section 4 of said chapter 487 of the acts of 1980 is hereby amended by striking out the first sentence as appearing in section 3 of chapter 784 of the acts of 1981, and inserting in place thereof the following sentence:- To meet the expenditures necessary in carrying out the provisions of this act, the state treasurer shall, upon the request of the governor, issue and sell at public or private sale, bonds or notes 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 forty-five million dollars.

SECTION 6. The secretary of environmental affairs is hereby authorized to expend a sum not exceeding five million dollars to assist cities and towns in the acquisition of land pursuant to the provision of section eleven E of chapter one hundred and thirty-two A of the General Laws. The amount hereby appropriated shall be in addition to any funds previously appropriated for this purpose.

SECTION 7. The secretary of environmental affairs is hereby authorized to expend a sum not exceeding twenty million dollars to acquire agricultural preservation restrictions pursuant to sections eleven A through eleven D of chapter one hundred and thirty-two A of the General Laws. The amount hereby appropriated shall be in addition to any funds previously appropriated for this purpose.

SECTION 7A. The secretary of environmental affairs is hereby authorized to expend a sum not exceeding six hundred thousand dollars to assist cities and towns in the purchase of the "Tenney Estate," owned by Saint Basils Salvatorian Fathers; and provided further that said secretary may also expend an amount not to exceed twenty-five thousand dollars to assist cities and towns with a development reuse plan for said "Tenney Estate."

SECTION 7B. The secretary of environmental affairs is hereby authorized to expend a sum not exceeding three million dollars to assist cities and towns in the acquisition of land pursuant to the provision of section eleven of chapter one

hundred and thirty-two A of the General Laws. The amount hereby appropriated shall be in addition to any funds previously appropriated for this purpose.

SECTION 8. To meet the expenditures necessary in carrying out the provisions of sections six, seven, seven-A, and seven-B of this act, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth to an amount to be specified by the governor from time to time.

All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, "Open Space Preservation Loan, Act of 1982", and shall be issued 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, provided, however that all such bonds shall be payable not later than June thirtieth, two thousand and five. All interest and payments on account of principal of such obligations shall be payable from the General 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 9. The department of environmental management is hereby authorized to expend a sum not exceeding five million dollars for acquisition and development of land fronting on saltwater, whether containing beaches or otherwise, for the purposes of continuing a long-term program of providing and ensuring public access to undeveloped saltwater front properties. No such land shall be acquired until after a public hearing has been held in the city or town in which such land is situated and notice of such hearing has been given to the mayor and city council or board of selectmen, planning board and conservation commission if any. No such funds shall be used to acquire land now owned by a corporation, trustee or other person for conservation purposes nor to acquire land owned by the commonwealth or any of its subdivisions.

SECTION 10. The department of environmental management is hereby authorized to expend a sum not exceeding five hundred thousand dollars for the acquisition and development of land to initiate and continue a program for public bicycle paths and hiking trails.

SECTION 11. The department of environmental management is hereby authorized to expend a sum not exceeding five million

dollars for the acquisition of land to continue a program for the protection of the state park system through the acquisition of lands within or adjacent to existing state parks, state forests, and state reservations.

SECTION 11A. Section 10 of chapter 784 of the acts of 1981 is hereby repealed.

SECTION 11B. Section 11 of chapter 784 of the acts of 1981 is hereby repealed.

SECTION 12. The department of environmental management is hereby authorized to acquire by gift, or to expend a sum not exceeding five million dollars for the acquisition of that property known as the Mosley Estate in the city of Newburyport, or portions thereof, and such adjacent land and water as it deems necessary.

The department of environmental management shall hold and develop said area for purposes of conservation and under the provisions of chapter one hundred and thirty-two A of the General Laws and said department shall insofar as practicable maintain said lands in their natural state. No actions except those essential to the quiet enjoyment of the land and facilities by the people shall be permitted thereon.

SECTION 13. The department of environmental management is hereby authorized to expend a sum not exceeding one million dollars for the acquisition, development and redevelopment of freshwater swimming areas in the counties of Middlesex and Essex.

SECTION 14. To meet the expenditures necessary in carrying out the provisions of sections nine, ten, eleven, twelve, and thirteen, the state treasurer shall, upon the request of the governor, issue and sell bonds of the commonwealth to an amount to be specified by the governor from time to time.

All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, "State Recreation Areas Loan, Act of 1982", and shall be issued 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, provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and five. All interest and payments on account of principal of such obligations shall be payable from the State Recreation Areas Loan 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.

Approved July 13, 1982.

EMERGENCY LETTER - July 13, 1982 @ 2:43 P.M.

Chap. 314. PROVIDING A BROADER REVENUE BASE FOR HEALTH SERVICES ASSOCIATED WITH THE PROVISION OF SPECIAL EDUCATION.

Be it enacted, etc., as follows:

Section 5 of chapter 71B of the General Laws is hereby amended by striking out the first paragraph of section 5, as most recently amended by section 123 of chapter 351 of the acts of 1981, and inserting in place thereof the following paragraph:-

Section 5. Any school committee which provides or arranges for the provision of special education pursuant to the provisions of section three shall pay for such special education personnel, materials and equipment, tuition, room and board, transportation, rent and consultant services as are necessary for the provision of special education; provided, however, that the school committee shall not be obligated to pay for health care goods or services to the extent that these constitute medically necessary treatment for disease, illness, injury, or bodily dysfunction which would be covered by a third party payor but for a school-aged child's eligibility for such goods and services under this chapter; and provided, further, that the determination of medical necessity shall be made by the third party payor under its standard program of utilization review, that the school-aged child with special needs or his parent or guardian if he is a minor shall have the right to freedom of choice in the selection of the provider of health care goods and services, and that the provider of health care goods and services does not have a direct or indirect financial relationship to the school committee. Where no such third party payor is available, school committees are not relieved of their responsibilities under this chapter.

Approved July 13, 1982.

Chap. 315. AUTHORIZING AND DIRECTING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A CERTAIN PARCEL OF TAUNTON

STATE HOSPITAL LAND TO THE TOWN OF RAYNHAM AS A SITE FOR A SANITARY LANDFILL.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the transfer of a certain parcel of Taunton state hospital land to the town of Raynham as a site for a sanitary landfill, therefore 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 division of capital planning and operations, as provided in section ten of chapter five hundred and seventy-nine of the acts of nineteen hundred and eighty, acting in the name and on behalf of the commonwealth, is hereby authorized and directed to lease to the town of Raynham, upon application of said town, for a period of ninety-nine years, by lease approved as to form by the attorney general for consideration of one dollar, a certain tract of land in said Raynham under the control of the department of mental health for use as a landfill site, situated partly in the swamp and partly on the plain, south of the Fowling Pond, bounded as follows:-

Commencing at the northeasterly corner of land now or formerly of H. H. Williams; thence north 70° west by said land of Williams about sixty (60) rods; thence north 12° east by land now or formerly of Joseph A. Hall thirty (30) rods; thence south 66° east by land now or formerly of Horace Dean and E. G. Dean sixty-four (64) rods and ten (10) links; thence south 21° west by land formerly owned by Horatio Leonard twenty-four (24) rods and eight (8) links to the point of beginning; containing eleven (11) acres, more or less.

For a more particular description of this parcel, see a plan entitled "Plan of land in Raynham, Mass. drawn for Town of Raynham, Scale 1"=50', October 28, 1980", drawn by Hayward Boynton & Williams, Inc. and recorded in the Bristol County Northern District Registry of Deeds Plan Book , Page

Approved July 13, 1982.

Chap. 316. MAKING AVAILABLE APPROPRIATIONS TO FUND A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE MASSACHUSETTS BOARD OF REGENTS OF HIGHER EDUCATION AND THE UNIVERSITY OF MASSACHUSETTS PATROLMEN'S ASSOCIATION.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 351 of the acts of 1981 is hereby amended by inserting after item 1599-3110 the following item:-

1599-3112 For a reserve to meet the cost of salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the Massachusetts board of regents of higher education and the University of Massachusetts Patrolmen's Association, provided that the commissioner of Administration is hereby authorized to transfer from the sum provided to other items of appropriation such amounts as are necessary to meet the cost of said adjustments and benefits for fiscal years nineteen hundred and eighty-one and nineteen hundred and eighty-two where the amounts otherwise available are insufficient for the purpose; provided said adjustments may be paid during fiscal year nineteen hundred and eighty-three; and provided that 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; and provided further, that copies of each said collective bargaining agreement together with an analysis of all cost items contained in said agreement and all changes to be made in the schedules of permanent and temporary positions required by said agreement, shall be filed with the house and senate committees on ways and means prior to the transfer or allocation of any amounts necessary to meet with the cost of said adjustments and benefits; and provided further, that no transfers shall be made without the prior approval of the house and senate committees on ways and means; and provided further that this appropriation shall expire June thirtieth, nineteen hundred and eighty-three.

SECTION 2. From the unexpended balance remaining in item 1599-2095 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one, the sum of seventy-three thousand, two hundred dollars is hereby transferred to item 1599-3312 and made available for the payment of salary adjustments and other economic benefits under said agreement for the nineteen hundred and eighty-one and nineteen hundred and eighty-two fiscal years, and to meet the costs of

salary adjustments and other economic benefits necessary to provide equal salary adjustments or benefits to employees employed in "confidential" positions which would otherwise be covered by this collective bargaining agreement.

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

Approved July 13, 1982.

Chap. 317. AUTHORIZING THE CITY OF REVERE TO BORROW MONEY FOR THE PAYMENT OF UNPAID BILLS INCURRED BY THE SCHOOL DEPARTMENT IN A PREVIOUS FISCAL YEAR.

Be it enacted, etc., as follows:

SECTION 1. The city of Revere may borrow from time to time such sums of money as may be necessary, not exceeding, in the aggregate, three hundred thousand dollars, and may issue bonds or notes therefor, for the purpose of paying unpaid bills incurred by the school department of said city in the fiscal year ended June thirtieth, nineteen hundred and eighty-one in excess of the appropriations for such fiscal year. Such bonds or notes shall bear on their face the words City of Revere, School Funding Loan, Act of 1982. 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 limit prescribed by section ten of chapter forty-four of the General Laws but, except as provided herein, shall be subject to the applicable provisions of said chapter forty-four.

SECTION 2. No bill shall be paid from the proceeds of the bonds authorized by section one unless and until certificates relating thereto shall have been signed and filed with the city auditor as provided in section sixty-four of chapter forty-four of the General Laws.

SECTION 3. The order adopted by the city council of the city of Revere on May seventeenth, nineteen hundred and eighty-two and approved by the mayor on May twentieth, nineteen hundred and eighty-two authorizing the borrowing of three hundred thousand dollars for the purposes stated in section one is hereby validated and confirmed and the city treasurer, with the approval of the mayor, is hereby authorized to issue bonds or

notes pursuant to said order and this act, notwithstanding that this act was not in effect at the time of the introduction and adoption of said order.

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

Approved July 13, 1982.

Chap. 318. RELATIVE TO LIFE INSURANCE COMPANY SEPARATE ACCOUNTS.

Be it enacted, etc., as follows:

SECTION 1. The sixth paragraph of section 132F of chapter 175 of the General Laws, as appearing in section 2 of chapter 161 of the acts of 1967, is hereby amended by inserting after the word "account", in line 8, the following words:- ; provided, however, that such guaranteed separate account need not comply with the requirement of paragraph 14A of section sixty-three to the effect that not more than one-half of the reserve of any domestic stock or mutual life company shall be invested in corporate obligations authorized under said paragraph 14A.

SECTION 2. The fourth paragraph of section 132G of said chapter 175, as appearing in section 21 of chapter 391 of the acts of 1968, is hereby amended by inserting after the word "account", in line 11, the following words:- ; provided, however, that such guaranteed separate account need not comply with the requirement of paragraph 14A of section sixty-three to the effect that not more than one-half of the reserve of any domestic stock or mutual life company shall be invested in corporate obligations authorized under said paragraph 14A.

Approved July 13, 1982.

Chap. 319. RELATIVE TO PROPERTY TAX EXEMPTIONS FOR CERTAIN MOBILE HOMES.

Be it enacted, etc., as follows:

Section 5 of chapter 59 of the General Laws is hereby amended by striking out clause Thirty-sixth, as amended by section 1 of chapter 464 of the acts of 1968, and inserting in place thereof

the following clause:-

Thirty-sixth, Mobile homes located in mobile home parks subject to the monthly license fee provided for under section thirty-two G of chapter one hundred and forty and mobile homes deemed, by section 514 of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, not to be located or present in or have a situs in such city or town for the purposes of taxation in respect to personal property, and for the purposes of this clause, a mobile home shall include, but not be limited to, normal repairs and domiciliary additions and that repairs and domiciliary additions shall include, but not be limited to, repair replacement of existing masonry, addition or replacement of new ceiling, wall floor surfacing, air conditioning installation, or any domiciliary attachment.

Approved July 13, 1982.

Chap. 320. RELATING TO THE APPOINTMENT AND REMOVAL OF STATE DEPARTMENT HEADS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of the second paragraph of section twenty-two of chapter six of the General Laws, the supervisor of benefits shall be appointed and may be removed and her salary shall be determined by the commissioner of veterans' services with the approval of the secretary of human services.

SECTION 2. Notwithstanding the provisions of section twenty-four of said chapter six, the commissioner of veterans' services, with the approval of the secretary of human services, shall appoint and may remove a deputy and a second deputy commissioner of veterans' services who shall devote their whole time to the duties of their office.

SECTION 3. Notwithstanding the provisions of section seventy-five of said chapter six, the Massachusetts Rehabilitation Commission shall be under the direction, supervision and control of a commissioner of rehabilitation, in sections seventy-five to eighty-four, inclusive, of said chapter six, called the commissioner, who shall be appointed and may be removed by the secretary of human services, with the approval of the governor.

SECTION 4. Notwithstanding the provisions of section

seventy-six of said chapter six, there shall be an advisory council to the Massachusetts rehabilitation commission consisting of fourteen members to be appointed by the secretary of human services, with the approval of the governor; and provided, further, that said secretary shall, with the approval of the governor, appoint another member to fill the unexpired term of a member of said council.

SECTION 5. Notwithstanding the provisions of section eighty-four H of said chapter six, twelve members shall be appointed by the secretary of human services, with the approval of the governor, to the statewide advisory council to the office of deafness, nine of whom shall be deaf persons selected from a list submitted by one or more organizations serving the deaf; two of whom shall be parents selected from a list submitted by one or more organizations of parents of deaf persons and the other shall be a licensed physician specializing in otolaryngology.

SECTION 6. Notwithstanding the provisions of the second paragraph of section one hundred and twenty-nine of said chapter six, the commissioner for the blind shall be appointed and may be removed by the secretary of human services, with the approval of the governor.

SECTION 7. Notwithstanding the provisions of the third paragraph of said section one hundred and twenty-nine, the advisory board to the Massachusetts commission for the blind shall consist of five persons, qualified by training, experience or demonstrated interest in the amelioration of the condition of the blind, to be appointed by the secretary of human services, with the approval of the governor; and provided, further, that the chairman of said board shall notify the secretary of human services that a vacancy exists.

SECTION 8. Notwithstanding the provisions of section two of chapter seventeen of the General Laws, the commissioner of public health shall be appointed and may be removed by the secretary of human services, with the approval of the governor.

SECTION 9. Notwithstanding the provisions of section three of chapter eighteen of the General Laws, the commissioner of public welfare shall be appointed and may be removed by the secretary of human services, with the approval of the governor.

SECTION 10. Notwithstanding the provisions of section six of said chapter eighteen, there shall be in the department of public

welfare, a state advisory board consisting of the commissioner, who shall serve as ex officio, and twenty-five members to be appointed by the secretary of human services, with the approval of the governor, not more than eight of whom shall be providers of assistance, and not more than eight of whom shall be recipients of assistance; provided, further, the board shall meet at least ten times a year upon call of the chairman, who shall be designated by the secretary of human services, with the approval of the governor, and shall meet at any time upon call of the secretary or the commissioner; and provided, further, the chairman shall notify the secretary of human services that a vacancy exists on said board.

SECTION 11. Notwithstanding the provisions of section one of chapter eighteen A of the General Laws, the commissioner of youth services shall be appointed and may be removed by the secretary of human services, with the approval of the governor.

SECTION 12. Notwithstanding the provisions of section three of said chapter eighteen A, the commissioner of youth services, with the approval of the secretary of human services, shall appoint a deputy commissioner who shall not be subject to the provisions of chapter thirty-one of the General Laws and to whom the provisions of section nine A of chapter thirty of the General Laws shall not apply, but who shall possess the same qualifications required of the commissioner, except that he shall have had not less than five years experience in work related to juvenile delinquency, of which at least two shall have been as an administrator.

SECTION 13. Notwithstanding the provisions of section nine of said chapter eighteen A, there shall be in the department of youth services, an advisory committee consisting of the commissioner of youth services, the commissioner of welfare, the director of the office of children, the commissioner of mental health, the commissioner of education, the chairman of the parole board, the commissioner of correction, the commissioner of probation, the commissioner of rehabilitation, the chairman of the Massachusetts commission against discrimination, the executive secretary of the Massachusetts Society for the Prevention of Cruelty to Children, and the executive secretary of the Massachusetts Committee on Children and Youth, all of whom shall serve as ex officiis and nine other persons to be appointed by the secretary of human services with the approval of the governor; provided, further, that any vacancy shall be filled by the secretary of human services, with the approval of the

governor; and provided further, that the secretary with the approval of the governor, shall appoint from the members of said committee a chairman and a vice chairman.

SECTION 14. Notwithstanding the provisions of section six of chapter eighteen B of the General Laws, the department of social services shall be under the direction, supervision and control of a commissioner of social services, who shall be appointed and may be removed by the secretary of human services, with the approval of the governor.

SECTION 15. Notwithstanding the provisions of section two of chapter nineteen of the General Laws, the commissioner of mental health shall be appointed and may be removed by the secretary of human services, with the approval of the governor.

SECTION 16. Notwithstanding the provisions of section three of said chapter nineteen, the commissioner of mental health shall appoint, with the approval of the secretary of human services, a person qualified to serve as deputy commissioner of mental health.

SECTION 17. Notwithstanding the provisions of section eleven of said chapter nineteen, there shall be in the department of mental health, an advisory council for the planning, construction, operation or utilization of community mental health centers, consisting of the commissioners of mental health, public health, social services, and public welfare, ex officiis, and twelve persons to be appointed by the secretary of human services with the approval of the governor, who shall include representatives of nongovernmental organizations or groups, of agencies of the commonwealth concerned with planning, construction, operation or utilization of community mental health centers or other mental health facilities including representatives of consumers of the services provided by such centers and facilities who are familiar with the need for such services.

SECTION 18. Notwithstanding the provisions of section twelve of said chapter nineteen, there shall be in the department of mental health, an advisory council for the planning, construction, operation or utilization of facilities for the mentally retarded, consisting of the commissioners of mental health, public health, social services and public welfare, ex officiis, and twelve persons to be appointed by the secretary of human services with the approval of the governor, who shall include representatives of agencies of the commonwealth concerned with

planning, construction, operation or utilization of facilities for the mentally retarded and of non-governmental organizations or groups concerned with education, employment, rehabilitation, welfare and health and including representatives of consumers of the services provided by such facilities.

SECTION 19. Notwithstanding the provisions of section sixteen of said chapter nineteen, there shall be in the department of mental health, a mental health advisory council consisting of thirty persons to be appointed by the secretary of human services with the approval of the governor, of whom at least half shall be members of community mental health and retardation area boards, and of the remaining half at least seven shall be appointed to represent one of the following professions and groups:- state level medical, psychological, nursing, educational, social work, occupational therapy, or bar associations, state level associations for mental health and for mental retardation, industrial and labor groups and the clergy.

SECTION 20. Notwithstanding the provisions of section one of chapter twenty-seven of the General Laws, the commissioner of correction shall be appointed and may be removed by the secretary of human services with the approval of the governor.

SECTION 21. Notwithstanding the provisions of section two of said chapter twenty-seven, the commissioner of correction shall, with the approval of the secretary of human services, appoint and may, with like approval, remove a deputy commissioner for institutional services, a deputy commissioner for classification and treatment, a deputy commissioner for personnel and training, and a deputy commissioner for community services, the positions of deputy commissioner shall be classified in accordance with section forty-five of chapter thirty of the General Laws and the salary shall be determined in accordance with section forty-six C of said chapter thirty and each shall devote his full time during business hours to the duties of his office.

SECTION 22. Notwithstanding the provisions of section three of said chapter twenty-seven, there shall be in the department of correction, an advisory committee on correction consisting of the commissioner of correction, the chairman of the parole board and the commissioner of probation, ex officio, and nine members, at least one of whom shall be a representative of labor, to be appointed by the secretary of human services with the approval of the governor; and provided, further, that said committee shall meet at least twice a year upon the call of the chairman,

who shall be designated by the secretary of human services, with the approval of the governor, and shall meet at any time upon call of the secretary of human services.

SECTION 23. Notwithstanding the provisions of section three of chapter twenty-eight A of the General Laws, there shall be an office for children under the exclusive supervision and control of a director who shall be appointed and may be removed by the secretary of human services with the approval of the governor.

SECTION 24. Notwithstanding the provisions of section eight of said chapter twenty-eight A, there shall be a state-wide advisory council to the office of children, to consist of the secretaries of the executive offices of human services, manpower affairs, communities and development or their designees, twelve members appointed by the secretary of human services with the approval of the governor, and sixteen members elected by the local councils for children established under section seven; and provided further, that the chairman of said council shall be appointed by the secretary of human services, with the approval of the governor, from the appointed or elected members and shall serve as chairman at the pleasure of the secretary of human services, provided that no member may serve as chairman for more than six years.

SECTION 25. This act shall take effect as of July first nineteen hundred and eighty-two, and shall become inoperative on June twenty-eighth, nineteen hundred and eighty-three; provided that any person then serving in a position or on the board, commission, committee or council affected by this act shall continue to serve until the expiration of his term, or until he sooner, resigns, dies or is removed for cause, and his successor shall be appointed in the manner provided in this act.

Approved July 13, 1982.

Chap. 321. MAKING CERTAIN PERSONNEL CHANGES IN THE SUPERIOR COURT OF BRISTOL COUNTY AND THE DISTRICT COURT OF LOWELL.

Be it enacted, etc., as follows:

SECTION 1. 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 "Bristol, five assistant clerks," and inserting in place thereof the following line:- Bristol, seven assistant clerks.

SECTION 2. The seventh paragraph, under the caption SUPERIOR COURT DEPARTMENT FOR CIVIL BUSINESS IN THE COUNTY OF SUFFOLK, of section 94 of chapter 221 of the General Laws, as amended by section 21 of chapter 632 of the acts of 1981, is hereby further amended by striking out the line reading

"Bristol	Eighty-two per cent
First Assistant Clerk	of the salary of the clerk"

SECTION 3. The fourth paragraph of section 10 of chapter 218 of the General Laws, as appearing in section 176 of chapter 478 of the acts of 1978, is hereby amended by striking out the line reading "district court of Lowell".

SECTION 4. The fifth paragraph of said section 10 of said chapter 218, is hereby amended by adding the following line:- district court of Lowell.

SECTION 5. Clause (6) of section 62 of said chapter 218, as appearing in chapter 731 of the acts of 1974, is hereby amended by striking out the line reading "district court of Lowell".

SECTION 6. Clause (2) of section 62 of said chapter 218 is hereby amended by adding the following line:- district court of Lowell.

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

Approved July 14, 1982.

EMERGENCY LETTER - July 22, 1982 @ 1:09 P.M.

Chap. 322. FURTHER REGULATING CERTAIN FREE PUBLIC LIBRARIES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate certain free public libraries, therefore 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 78 of the General Laws is hereby amended by adding the following two sections:-

Section 33. The board of trustees of a free public library in any city or town, or in the absence of such board, the city or town official possessing the appointive powers of such board, shall establish a written policy for the selection of library materials and the use of materials and facilities in accordance with standards adopted by the American Library Association. No employee shall be dismissed for the selection of library materials when the selection is made in good faith and in accordance with the approved policy adopted pursuant to the provisions of this section.

Section 34. The board of trustees of a free public library in any city or town, or in the absence of such board, the city or town official possessing the appointive powers of such board shall, except in the case of those employees subject to the provisions of chapter one hundred and fifty E, execute a written employment contract with an employee of said library outlining the basic conditions of employment, including but not limited to the establishment of a probationary period and the procedure for dismissal during this period and the establishment of a procedure which specifies the cause for dismissal after the completion of such probationary period.

Approved July 14, 1982.

Chap. 323. AUTHORIZING THE TOWN OF LANESBOROUGH TO PAY A CERTAIN UNPAID BILL.

Be it enacted, etc., as follows:

SECTION 1. The town treasurer of the town of Lanesborough, is hereby authorized to pay to the Pittsfield Pipers, Inc., from available funds, the sum of fifteen thousand six hundred and forty-seven dollars and fourteen cents for emergency repairs of the boilers at the Lanesborough elementary school located in said town, and the contract entered into by said town and said corporation is hereby confirmed, ratified, and validated, notwithstanding the failure of said town to comply with the provisions of section forty-four A of chapter one hundred and forty-nine and section thirty-nine M of chapter thirty of the General Laws.

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

Approved July 14, 1982.

Chap. 324. RELATIVE TO THE COMPENSATION OF THE MEMBERS OF THE CIVIL SERVICE COMMISSION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is relative to the compensation of the members of the civil service commission, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 41 of chapter 7 of the General Laws, as appearing in section 3 of chapter 767 of the acts of 1981, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:- The positions of chairman and each other member of the commission shall be classified in accordance with section forty-five of chapter thirty and the salaries shall be determined in accordance with section forty-six C of said chapter thirty.

SECTION 2. This act shall take effect as of January fifth, nineteen hundred and eighty-two.

Approved July 14, 1982.

Chap. 325. AUTHORIZING THE TOWNS OF BUCKLAND AND SHELBURNE TO PROVIDE FUNDS FOR THE RESTORATION OF THE BRIDGE OF FLOWERS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the towns of Buckland and Shelburne are hereby authorized to raise, appropriate or otherwise provide funds for the restoration of the bridge over the Deerfield river, known as the Bridge of Flowers.

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

Approved July 14, 1982.

Chap. 326. AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO LEASE CERTAIN PREMISES WITHIN THE GREAT BROOK FARM

STATE PARK, IN CARLISLE, FOR ESTABLISHMENT AND OPERATION OF AN INTERPRETIVE FARM.

Be it enacted, etc., as follows:

The commissioner of the department of environmental management is hereby authorized to lease for a period of ten year term or more, a portion of land on Great Brook Farm state park, for the establishment and operation of interpretive farm facilities, provided, however, that said lease shall contain a fair rental fee as determined by the said commissioner, and provided further that the renewal date for such lease shall be not less than one year prior to the end of the lease period. The holder of such lease shall be given the opportunity to meet the highest bid which has been accepted as valid, when such leases are being renewed. The use of any and all buildings and equipment to be utilized in connection with the aforesaid lease or any renewal thereof shall be subject to the approval of the said commissioner.

Said portion of land in Great Brook Farm state park is composed of 120 acres, more or less and is located in the town of Carlisle. Said land shall be delineated on a plan on file within the department of environmental management entitled "Land to be leased for the establishment and operation of interpretive farm facilities located on Great Brook Farm state park".

Approved July 14, 1982.

Chap. 327. PROHIBITING THE ARBITRARY DENIAL OF RESIDENTIAL MORTGAGE LOANS ON THE BASIS OF THE LOCATION OF THE PROPERTY TO BE MORTGAGED AND ENCOURAGING THE ESTABLISHMENT OF REVIEW BOARDS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 167 of the General Laws is hereby amended by adding after section 72, added by section 8 of chapter 795 of the acts of 1981, the following section:-

Section 73. Cities and towns shall encourage the formation of a dispute mechanism, hereinafter called a mortgage review board, to review denied residential mortgage loans of participating mortgagees.

Such board shall be voluntary and consist of an equal number of mortgagees and community representatives.

The mortgage review board shall meet at least twice each month to review each residential mortgage denial that an applicant believes was denied on the basis of the location of the property. Any applicant whose residential mortgage loan is denied by a participating mortgagee shall be instructed, in writing, by said mortgagee of his right to appeal the denial to the mortgage review board.

Said board shall review such submitted mortgage applications, make recommendations and advise the applicants, in writing, within seventy-five days of such appeal, and if such board fails to complete said action within said seventy-five days, the applicant will be considered to have exhausted his administrative remedies; provided, however, that in order to be applicable to section sixty-four of chapter one hundred and eighty-three said board must be approved by the commissioner of banks; and provided, further, that the decision of the board shall not be binding on the participating mortgagee or the applicant.

SECTION 2. Chapter 183 of the General Laws is hereby amended by adding the following section:-

Section 64. No mortgagee doing business in the commonwealth shall discriminate, on a basis that is arbitrary or unsupported by a reasonable analysis of the lending risks associated with a residential mortgage transaction, in the granting, withholding, extending, modifying or renewing, or in the fixing of the rates, terms, conditions or provisions of any residential mortgage loan or in any written application therefor on residential real property of four or fewer separate households occupied or to be occupied in whole or in part by the applicant, that is within the reasonable service area of such mortgagee, on the basis such property is located in a specific neighborhood or geographical area; provided, however, that it shall not be a violation of this section if the residential mortgage loan is made pursuant to a specific public or private program, the purpose of which is to increase the availability of mortgage loans within a specific neighborhood or geographical area. Nor shall any mortgagee doing business in the commonwealth use lending or underwriting standards, policies, systems or practices, that discriminate in practice or that discriminate in effect, on a basis that is arbitrary or unsupported by a reasonable analysis of the lending risks associated with a residential mortgage transaction. The preceding sentence shall not preclude a mortgagee from:

(a) requiring reasonable and uniformly applied application fees,

(b) utilizing income standards which are reasonable in relation to the amount of the loan requested and which shall be disclosed to each prospective applicant, or

(c) uniformly refusing to accept applications because of a lack of lendable funds.

Nor shall any mortgagee make any oral or written statement, in advertising or otherwise, to applicants or prospective applicants that would discourage in an arbitrary manner or in a manner that is unsupported by a reasonable analysis of the lending risks associated with a residential mortgage transaction, a reasonable person from making or pursuing an application.

The mortgagee shall inform each applicant in writing of the specific reasons for any adverse action on the application for such mortgage loan or for an extension, modification, or renewal of such loan. If the reason for any adverse action taken by a mortgagee is based in whole or in part on the location or condition of the collateral property, the mortgagee shall inform the applicant in writing of the estimated market value of the subject property on which it relied and the lending standards which it used in taking such adverse action. A mortgagee shall not be liable to any seller or agent of the seller of such property on account of the disclosure of the market value of such property estimated according to a reasonable appraisal rendered to the lender as part of the application process.

For the purposes of this section, adverse action shall mean refusal either to grant financing at the terms and for the amount requested or to make a counter offer acceptable to the applicant.

Nothing contained in this section shall preclude a mortgagee from considering sound underwriting practices and the credit-worthiness of the applicant in the contemplation of any such loan. Such practices shall include the following:

(a) the willingness and the financial ability of the borrower to repay the loan;

(b) the market value of any real estate proposed as security for any loan;

(c) diversification of the mortgagee's investment portfolio; and

(d) the exercise of judgement and care under the circumstances then prevailing, which men of prudence, discretion and intelligence exercise in the management of their affairs.

Any person claiming to have been aggrieved as a result of a violation of this section may bring a civil action in the district court, or housing court where applicable, of the county in which the particular mortgagee involved is located; provided, however, that if a mortgage review board is established pursuant to section seventy-three of chapter one hundred and sixty-seven in

the city, town or area in which the real property is located and said mortgagee is a participating mortgagee, a person must exhaust his administrative remedies through the board before bringing action before such court; and provided, further, that said action shall be filed within one year of the alleged violation.

Upon a finding that a mortgagee has committed a violation of this section, the court may award actual damages or punitive damages in the amount of five thousand dollars, whichever is greater, but in no event less than two thousand five hundred dollars, and may, in its discretion, award court costs and attorney's fees.

If the court finds as a fact that any person claiming to have been aggrieved by this section has intentionally misrepresented a material fact in the mortgage application or if the court finds as a fact that the suit is frivolous, the court may award actual damages or punitive damages in the amount of five hundred dollars, whichever is greater, to the mortgagee, and may in its discretion award court costs and attorney's fees.

SECTION 3. No rules, regulations or other orders shall be promulgated under the provisions of this act except regulations which the commissioner of banks is hereby authorized to promulgate relating to approval of the mortgage review boards referred to in section one.

Approved July 14, 1982.

Chap. 328. FURTHER REGULATING THE PROCEDURE FOR CIVIL CONTEMPTS IN THE PROBATE COURT.

Be it enacted etc., as follows:

Section 34 of chapter 215 of the General Laws, as most recently amended by section 3 of chapter 522 of the acts of 1979, is hereby further amended by adding the following sentence:- At the hearing of a complaint for civil contempt, the defendant shall have the burden of proving his or her inability to comply with the pre-existing order or judgment of which the complaint alleges violation.

Approved July 14, 1982.

Chap. 329. AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO GRANT CERTAIN EASEMENTS ON, OVER AND ACROSS CERTAIN LAND IN THE TOWN OF HARWICH FOR

THE TRANSMISSION OF ELECTRIC POWER TO THE COMMONWEALTH ELECTRIC COMPANY.

Be it enacted, etc., as follows:

SECTION 1. The division of capital planning and operations, in the name and on behalf of the commonwealth, is hereby authorized to grant to the Commonwealth Electric Company, an electric corporation organized and existing under the laws of the commonwealth, an easement approved as to form by the attorney general for the construction, maintenance and operation of towers, poles and wires for the transmission of electricity on, over, and across, including buried counterpoise wires, land of the commonwealth in the town of Harwich under the control of the department of environmental management. Said land contained in the easement area consists of four strips being not more than one hundred and seventy-five feet in width containing eight and ninety-four one-hundredths acres more or less, is bounded and described as follows:

Parcel I A triangular shaped parcel of land situation southeast of land marked "N/F Norman C. & Hazel W. Robbins" as shown on a plan of land to be hereinafter described and generally north of land marked "N/F Heirs of Jacob Smith," as shown on said plan, described as follows:

Beginning at a point at the intersection of the northerly easement line and a southwesterly bound of land of grantor, said point being the westerly corner of Parcel I.

Thence running S 80° 38' 20" E 175 feet± to a point;

Thence turning and running in a Southwesterly direction 120 feet± to a point between the northerly and southerly easement lines;

Thence turning and running in a Northwesterly direction 135 feet± to the point of beginning.

Containing 0.16 acres± according to said plan and being shown thereon as land of "Commonwealth of Massachusetts."

Parcel II A triangular shaped parcel of land situated to the east of Parcel I above-described, described as follows:

Beginning at a point at the intersection of the northerly easement line and a southwesterly bound of land of grantor, said point being the westerly corner of Parcel II;

Thence running S 80° 38' 20" E 100 feet± to a point;

Thence turning and running in a Southwesterly direction 75 feet± to a point, said point being the northwesterly corner of a parcel of land marked "N/F Charles W. & Rebecca W. Hamilton" as shown on said plan;

Thence turning and running in a Northwesterly direction 75

feet± to the point of beginning.

Containing 0.06 acres±, according to said plan and being shown thereon as land of "Commonwealth of Massachusetts."

Parcel III Beginning at a point, being the northwesterly corner of Parcel III, said point being 325 feet± northwest of the southeasterly corner of land marked "N/F Charles W. & Rebecca W. Hamilton" as shown on said plan;

Thence running S 86° 07' 52" E, 310 feet± to a point;

Thence turning and running S 57° 09' 32" E 570 feet± to a point;

Thence turning and running N 38° 23' 01" E 420 feet± to a point;

Thence turning and running in a Southeasterly direction 180 feet± to a point;

Thence turning and running S 38° 23' 01" W 540 feet± to a point;

Thence turning and running N 57° 09' 32" W 675 feet± to a point;

Thence turning and running N 86° 07' 52" W 100 feet± to a point;

Thence turning and running in a Northwesterly direction 240 feet± to the point of beginning.

Containing 5.62 acres± according to said plan and being shown thereon as land of "Commonwealth of Massachusetts".

Parcel IV Beginning at a point, being the Southeasterly corner of Parcel IV said point being a corner of land marked "N/F Kenneth W. & Helen W. Thompson" as shown on said plan;

Thence running S 51° 11' 40" W 670 feet± to a point;

Thence turning and running S 38° 23' 01" W 75 feet± to a point;

Thence turning and running in a Northwesterly direction 180 feet± to a point;

Thence turning and running N 38° 23' 01" E 50 feet± to a point;

Thence turning and running N 51° 11' 40" E 705 feet± to a point;

Thence turning and running in a Southeasterly direction 180 feet± to the point of beginning.

Containing 3.10 acres± according to said plan and being shown thereon as land of "Commonwealth of Massachusetts".

The above-described parcels are shown on a plan entitled "COM/Electric Cape and Vineyard Division, Plan of Proposed Easement Crossing Land of Commonwealth of Massachusetts, Hawksnest State Park, Harwich, Massachusetts" dated February 23, 1982, revised February 17 and February 23, 1982, by Braman Engineering Company, Civil Engineers & Surveyors.

SECTION 2. The consideration for said easement provided for in section one shall be the fair market value of such easement as established by the department of environmental management.

Approved July 14, 1982.

Chap. 330. AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO SELL AND CONVEY A CERTAIN PARCEL OF LAND TO THE TOWN OF SAUGUS.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the division of capital planning and operations is hereby authorized to sell and convey the following described parcel of land to the town of Saugus including all buildings, structures or other appurtenances thereon under the control of the metropolitan district commission and located in said town. Said parcel is more particularly bounded and described as follows:

Beginning at a point on the southwesterly property line of the Breakheart Reservation site and said point also being on the northwesterly street line of Forest Street;

Thence N24°-21'-32"W, along side of line of Forest Street 119.36 Feet to a point;

Thence N23°-33'-34"W, along side of Forest Street 294.589 Feet to a point;

Thence N69°-55'-32"E, a distance of 158.903 Feet to a point;

Thence S56°-44-46"E, a distance of 68.785 Feet to a point;

Thence N86°-44'-05"E, a distance of 270.640 Feet to a point;

Thence S57°-40'-32"E, a distance of 165.340 Feet to a point;

Thence S14°-05'-09"E, a distance of 178.190 Feet to a point;

Thence S72°-52'-18"W, a distance of 257.06 Feet to a point;

Thence S74°-06'-36"W, a distance of 136.940 Feet to a point;

Thence S72°-27'-49"W, a distance of 121.350 Feet to the point of beginning at Forest Street.

The above described parcel is shown on a plan titled: Metropolitan District Commission, Parks Division, Breakheart Reservation, Park Parcel, Dated February 3, 1982, and contains 4.286 Acres of land.

Said sale or conveyance shall be upon such terms and for such consideration as is acceptable to the division of capital planning and operations.

Approved July 14, 1982.

Chap. 331. FURTHER CLARIFYING THE EMPLOYMENT SECURITY LAW.

Be it enacted, etc., as follows:

Section 28A of chapter 151A of the General Laws, as amended by section 29 of chapter 720 of the acts of 1977, is hereby further amended by adding the following subsection:-

(d) with respect to any services described in subsections (a) and (b) benefits shall not be paid as specified in subsections (a), (b), and (c) to any individual who performed such services in an educational institution while in the employ of an educational service agency, and for the purpose of this clause the term "educational service agency" means a governmental agency or governmental entity, including an educational collaborative board established by section four E of chapter forty, which is established and operated exclusively for the purpose of providing such services to one or more educational institutions.

Approved July 14, 1982.

EMERGENCY LETTER - July 15, 1982 @ 10:22 A.M.

Chap. 332. RELATIVE TO THE MASSACHUSETTS CONSUMER CREDIT DISCLOSURE LAW.

Be it enacted, etc., as follows:

SECTION 1. Section 48 of chapter 93 of the General Laws is hereby amended by striking out subsection K, added by section 1 of chapter 235 of the acts of 1981, and inserting in place thereof the following subsection:-

K. This section shall not apply to a transaction in which the buyer is accorded the right to rescission by the provisions of chapter one hundred and forty D, or in which the buyer has initiated the transaction 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 2. Chapter 140 of the General Laws is hereby amended by striking out section 114B, as most recently amended

by section 1 of chapter 384 of the acts of 1981, and inserting in place thereof the following section:-

Section 114B. Notwithstanding the provisions of sections one hundred and one hundred and fourteen A, a creditor may charge a daily, monthly or other periodic rate of finance charge on loans made pursuant to any open end credit plan as defined by section one of chapter one hundred and forty D, equivalent to but not in excess of an annual percentage rate of eighteen per cent determined in accordance with paragraph (2) of subsection (a) of section five of chapter one hundred and forty D. A finance charge not in excess of fifty cents for a monthly or longer billing cycle or the pro rata part of fifty cents for a billing cycle shorter than monthly may be assessed if the finance charge otherwise assessable is less than fifty cents. For the purpose of this section, a billing cycle shall be considered to be monthly if the billing dates are on the same day of each month or do not vary by more than four days therefrom. No creditor shall impose a delinquency charge, late charge, or similar charge on loans made pursuant to such an open end credit plan.

A finance charge imposed on a transaction subject to this section but not subject to the provisions of the first paragraph of section twenty of chapter one hundred and forty D shall be computed on (i) the previous balance after deducting all payments on account received by the creditor during the cycle and all credits to the account during the cycle applicable to any transaction reflected in the previous balance; or (ii) the average daily balance determined by adding the daily balances on the account for each day in the billing cycle and dividing the total by the number of days in the billing cycle; or (iii) daily balances.

SECTION 3. Section 1 of chapter 140D of the General Laws, as appearing in section 2 of chapter 733 of the acts of 1981, is hereby amended by inserting after the definition of "Adequate notice" the following definition:-

"Advertisement", a commercial message in any medium that promotes, directly or indirectly, a credit transaction.

SECTION 4. Chapter 167 of the General Laws is hereby amended by striking out section 67, as most recently amended by section 2 of chapter 160 of the acts of 1979, and inserting in place thereof the following section:-

Section 67. 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 the last known address of such depositor or shareholder; 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 D unless the written notice required by section twenty-three of said chapter one hundred and forty D has been given. A depositor or shareholder to whom such notice has not been sent shall be entitled to recover the amount of any actual damages.

SECTION 5. Section 70 of said chapter 167 is hereby amended by striking out clause (6), as appearing in section 1 of chapter 335 of the acts of 1980, and inserting in place thereof the following clause:-

(6) methods of disclosure to the mortgagor of the terms and conditions of the loan as required under the provisions of chapter one hundred and forty D.

SECTION 6. Said chapter 167 is hereby further amended by striking out section 72, added by section 8 of chapter 795 of the acts of 1981, and inserting in place thereof the following section:-

Section 72. Any advertisement, within the commonwealth, in a language other than English made by a bank, a national banking association, savings or loan association or a federally chartered credit union authorized to do business in the commonwealth or a creditor to aid, promote or assist directly or indirectly any deposit or credit account offered by such bank, national banking association, savings and loan association, federal credit union or creditor shall state in such other language what language the forms associated with the opening and maintenance of such account are in.

For the purposes of this section, "advertisement" and "creditor" shall mean an advertisement and creditor as defined in section one of chapter one hundred and forty D.

SECTION 7. Section 1 of chapter 167B of the General Laws, as appearing in section 2 of chapter 530 of the acts of 1981, is hereby amended by striking out the definition of "Account" and inserting in place thereof the following definition:-

"Account", demand deposit, negotiable withdrawal order account, savings deposit, share account or other consumer asset account, other than an occasional or incidental credit balance in an open end credit plan as defined in chapter one hundred and

forty D, established primarily for personal, family or household purposes, but such terms does not include an account held by a financial institution pursuant to a bona fide trust agreement.

SECTION 8. Section 18 of said chapter 167B, as so appearing, is hereby amended by striking out subsection (c) and inserting in place thereof the following subsection:-

(c) In the event of a transaction which involves both an unauthorized electronic fund transfer and an extension of credit as defined in chapter one hundred and forty D pursuant to an agreement between the consumer and the financial institution to extend such credit to the consumer in the event the consumer's account is overdrawn, nothing in this section imposes liability upon a consumer for an unauthorized electronic fund transfer in excess of his liability for such a transfer under other applicable law or under any agreement with the consumer's financial institution.

SECTION 9. Section 60 of chapter 183 of the General Laws, as amended by section 2 of chapter 335 of the acts of 1980, is hereby further amended by striking out clause (7) and inserting in place thereof the following clause:-

(7) methods of disclosure to the mortgagor of the terms and conditions of the loan as may be required under the provisions of chapter one hundred and forty D.

SECTION 10. Chapter 184 of the General Laws is hereby amended by striking out section 17B, as most recently amended by chapter 107 of the acts of 1978, and inserting in place thereof the following section:-

Section 17B. Every application for a mortgage loan on real estate consisting of a dwelling house with accommodations for four or less separate households and occupied or to be occupied in whole or in part by the obligor on the mortgage debt shall be made on a printed form which shall contain the following two statements in type of at least two points larger than the other type used on said application:

(1) The responsibility of the attorney for the mortgagee is to protect the interest of the mortgagee.

(2) The mortgagor may, at his own expense, engage an attorney of his own selection to represent his own interests in the transaction.

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

as defined in section one of chapter one hundred and forty D:

(a) The approximate expiration date of the note.

(b) The rate of interest charged.

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

A printed copy of the above statements and information shall be given to the mortgagor at the time of making the application.

SECTION 10A. Section 3 of chapter 255D of the General Laws is hereby amended by adding the following two paragraphs:-

The licensee shall keep and use within the commonwealth such books, accounts and records as shall enable the commissioner to determine whether such licensee is complying with the provisions of this chapter and with the rules and regulations lawfully made by the commissioner hereunder. Every licensee shall preserve such books, accounts and records, including cards used in a card system, if any, for at least two years after making the final entry in respect to any retail installment sale agreement, revolving credit agreement, or any sale made pursuant thereto.

Any licensee neglecting to make an annual report required by regulation, or failing to amend such report within fifteen days after notice from the commissioner shall, unless such neglect or failure is due to justifiable cause and not due to willful neglect, pay to the commonwealth five dollars for each day during which such neglect or failure continues.

SECTION 11. Chapter 260 of the General Laws is hereby amended by striking out section 5A, inserted by section 2 of chapter 432 of the acts of 1975, and inserting in place thereof the following section:-

Section 5A. Actions arising on account of violations of any law intended for the protection of consumers, including but not limited to the following: chapter seventy-five C; chapter seventy-five D; section seven N of chapter ninety; sections twenty-one, twenty-one D, twenty-eight, forty-eight, forty-nine, sixty-nine, and seventy of chapter ninety-three; chapter ninety-three A; sections forty-six A to forty-six R, inclusive, and sections ninety-six to one hundred and fourteen B, inclusive, of chapter one hundred and forty; chapter one hundred and forty D; chapter one hundred and seventy-six D; sections fourteen, fifteen B, fifteen C, and eighteen of chapter one hundred and eighty-six; sections thirteen I, thirteen J, and thirteen K of chapter two hundred

and fifty-five; chapter two hundred and fifty-five B; chapter two hundred and fifty-five C; and chapter two hundred and fifty-five D; whether for damages, penalties or other relief and brought by any person, including the attorney general shall be commenced only within four years next after the cause of action accrues.

Approved July 14, 1982.

Chap. 333. FURTHER REGULATING CHARGES FOR THE STORAGE OF NON-COMMERCIAL PASSENGER MOTOR VEHICLES WHEN STORED BY ORDER OF A POLICE OR OTHER PUBLIC AUTHORITY.

Be it enacted, etc., as follows:

SECTION 1. Section 22D of chapter 40 of the General Laws is hereby amended by striking out the fourth sentence, as most recently amended by chapter 438 of the acts of 1971, and inserting in place thereof the following sentence:- Liability may be imposed for the reasonable cost of such removal, and for 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 twenty-five dollars, and that the liability so imposed for storage shall not exceed ten dollars for any twenty-four hour period and five dollars for any lesser period.

SECTION 2. Section 120D of chapter 266 of the General Laws, inserted by section 1 of chapter 537 of the acts of 1974, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

In addition to any other penalty provided by law, the registered owner of a vehicle illegally parked or standing on a private way or upon improved or enclosed property shall be liable for charges for the removal and storage of such vehicle; provided, however, that the liability so imposed shall not exceed the following, and provided, further, that the vehicle has been removed after compliance with the provisions of this section:

(1) the maximum amount for towing or transportation of motor vehicles established by the department of public utilities for motor vehicles towed away other than during snow removal operations when such towing is ordered by the police or other public authority under the provisions of section six C of chapter one hundred and fifty-nine B; and

(2) the maximum charge for storage of non-commercial passenger motor vehicles with a maximum capacity of nine persons, shall be twenty dollars per day or any portion thereof, with a minimum charge of ten dollars.

A person lawfully holding a vehicle removed under the provisions of this section may hold such vehicle until the registered owner pays the removal and storage charges.

Approved July 14, 1982.

Chap. 334. RELATIVE TO THE STANDARD VALUATION OF LIFE INSURANCE POLICIES.

Be it enacted, as follows:

SECTION 1. Section 9 of chapter 175 of the General Laws is hereby amended by striking out subdivisions 1 to 7, inclusive, and inserting in place thereof the following seven subdivisions:-

1. The commissioner shall each year compute the reserve liability or net value on December thirty-first of the preceding year of every life company authorized to transact business in the commonwealth with respect to the policies or contracts hereinafter described in this subdivision and issued by such company prior to January first, nineteen hundred and forty-eight, in accordance with the following rules:

First, The net value of all outstanding policies of life insurance issued before January first, nineteen hundred and one, shall be computed upon the basis of the "Combined Experience" or "Actuaries' of Table" of mortality, with interest at four per cent per annum.

Second, The net value of all outstanding policies of life insurance issued after December thirty-first, nineteen hundred, shall be computed upon the basis of the "American Experience Table" of mortality, with interest at three and one-half per cent per annum; but any life company may at any time elect to have the net value of such policies computed with interest at three per cent or two and one-half per cent and thereupon the net value of said policies shall be computed upon the basis of the "American Experience Table" of mortality, with interest at three per cent or two and one-half per cent per annum, as the case may be, and any life company receiving premiums by weekly payments may elect to have the net value of such weekly payment business or any portion thereof computed upon any table showing a higher rate of mortality approved by the commissioner.

Third, The net value of all outstanding total and permanent disability provisions incorporated in, or supplementary to, policies or contracts shall be computed on the basis of "Hunter's Disability Table", or any similar table approved by the commissioner, with interest not exceeding three and one-half per cent per annum; provided, that in no case shall said net value be less than one-half of the net annual premium computed on such table for the disability benefit.

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.

Fifth, The net value of all outstanding group life policies written as yearly renewable term insurance shall be computed on a basis not lower than the "American Men Mortality Table", with interest at not more than three and one-half per cent per annum.

Sixth, Such tables or other bases as the commissioner approves shall be used for any kind of annuity, pure endowment, or insurance benefit or option, including without limitation any accident or sickness benefit, which the company is authorized to write and for the valuation of which specific provision is not made in this subdivision.

The net value of any class or classes of policies or contracts described in this subdivision 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 in accordance with the foregoing rules.

2. The commissioner shall each year compute the reserve liability or net value on December thirty-first of the preceding year of every life company authorized to transact business in the commonwealth with respect to the policies or contracts hereinafter described in this subdivision and issued by such company on and after January first, nineteen hundred and forty-eight, so that such reserve liability shall be at least equal to the amount computed in accordance with the minimum standard

prescribed in this subdivision.

(a) Except as otherwise provided in paragraph (b) and subdivision 2A, 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.

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 and prior to the operative date of subdivision 6A of section 144; 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 calculated according to an age not more than six years younger than the actual age of the insured; and for such policies issued on or after the operative date of subdivision 6A of section one hundred and forty-four (i) the "Commissioners 1980 Standard Ordinary Mortality Table", or (ii) at the election of the company for any one or more specified plans of life insurance, the "Commissioners 1980 Standard Ordinary Mortality Table with Ten-Year Select Mortality Factors", or (iii) any ordinary mortality table, adopted after 1980 by the National Association of Insurance Commissioners, that is approved by regulation promulgated by the Commissioner for use in determining the minimum standard of valuation for such policies.

Second, For all industrial life insurance policies issued on the standard basis, excluding any total and permanent disability and accidental death benefits in such policies, the "1941 Standard Industrial Mortality Table" shall be used for such policies issued prior to January first, nineteen hundred and sixty-eight and the Commissioners 1961 Standard Industrial Mortality Table shall be used for such policies issued on or after said date the "Commissioners 1961 Standard Industrial Mortality Table" or any

industrial mortality table, adopted after 1980 by the National Association of Insurance Commissioners, that is approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for such policies.

Third, For individual annuity and pure endowment contracts, excluding any total and permanent disability and accidental death benefits in such policies, the "1937 Standard Annuity Mortality Table" or, at the option of the company, the "Annuity Mortality Table for 1949, Ultimate" or any modification of either of these tables approved by the commissioner.

Fourth, For group annuity and pure endowment contracts, excluding any total and permanent disability and accidental death benefits in such policies, the "Group Annuity Mortality Table for 1951", any modification of such table approved by the commissioner, or, at the option of the company, any of the tables or modifications of tables specified for individual annuity and pure endowment contracts.

Fifth, For total and permanent disability benefits incorporated in, or supplementary to, ordinary policies or contracts, for policies or contracts issued on or after January first, nineteen hundred and sixty-six, the tables of "Period 2 Disablement Rates and the 1930 to 1950 Termination Rates of the 1952 Disability Study of the Society of Actuaries", with due regard to the type of benefit or any tables of disablement rates and termination rates, adopted after 1980 by the National Association of Insurance Commissioners, that are approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for such policies; for policies or contracts issued on or after January first, nineteen hundred and sixty-one, and prior to January first, nineteen hundred and sixty-six, either such tables or, at the option of the company, the "Class (3) Disability Table (1926)"; and for policies or contracts issued prior to January first, nineteen hundred and sixty-one, the "Class (3) Disability Table (1926)". Any such table shall, for active lives, be combined with a mortality table permitted for calculating the reserves for life insurance policies.

Sixth, For accidental death benefits in, or supplementary to, all policies, for policies issued on or after January first, nineteen hundred and sixty-six, the "1959 Accidental Death Benefits Table" or any accidental death benefits table, adopted after 1980 by the National Association of Insurance Commissioners, that is approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for such policies; for policies issued on or after January first, nineteen hundred and sixty-one, and prior to January first, nineteen hundred and sixty-six, either such table

or, at the option of the company, the "Inter-Company Double Indemnity Mortality Table"; and for policies issued prior to January first, nineteen hundred and sixty-one, the "Inter-Company Double Indemnity Mortality Table". Either table shall be combined with a mortality table permitted for calculating the reserves for life insurance policies.

Seventh, Such tables or other bases as the commissioner approves shall be used for all outstanding group life policies, policies of life insurance issued on the substandard basis and any kind of annuity, pure endowment or insurance benefit or option, including without limitation any accident or sickness benefit, which the company is authorized to write and for the valuation of which specific provision is not made in this subdivision.

(b) Except as provided in subdivision 2A, 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 Commissioner's 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 benefits 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 benefits in such contracts, the "1971 Individual Annuity Mortality Table" or any individual annuity mortality table, adopted after 1980 by the National Association of Insurance Commissioners, that is approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for such contracts, or any modification of these tables 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 individual annuity mortality table, adopted after 1980 by the National Association of Insurance Commissioners, that is approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for such contracts, or any modification of these tables 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 interest 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 group annuity mortality table, adopted after 1980 by the National Association of Insurance Commissioners, that is approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for such annuities and pure endowments, or any modification of these tables approved by the commissioner, and seven and one-half per cent interest per annum.

2A (a) The interest rates used in determining the minimum standard for the valuation of:

(1) all life insurance policies issued in a particular calendar year, on or after the operative date of subdivision 6A of section one hundred and forty-four,

(2) all individual annuity and pure endowment contracts issued in a particular calendar year on or after January first, nineteen hundred and eighty-three,

(3) all annuities and pure endowments purchased in a particular calendar on or after January first, nineteen hundred and eighty-three under group annuity and pure endowment contracts, and

(4) the net increase, if any, in a particular calendar year after January first, nineteen hundred and eighty-three, in amounts held under guaranteed interest contracts shall be the calendar year statutory valuation interest rates as defined in

this subdivision.

(b) The calendar year statutory valuation interest rates, I, shall be determined as follows and the results rounded to the nearer one-quarter of one per cent:

(1) for life insurance,

$$I = .03 + W (R_1 - .03) + W/2 (R_2 - .09);$$

(2) For single premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and from guaranteed interest contracts with cash settlement options,

$$I = .03 \text{ ff } W (R - .03)$$

where R_1 is the lesser of R and .09, R_2 is the greater of R and .09, R is the reference interest rate defined in this subdivision, and W is the weighting factor defined in this subdivision,

(3) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on an issue year basis, except as stated in clause (2), the formula for life insurance stated in clause (1) shall apply to annuities and guaranteed interest contracts with guarantee durations in excess of ten years and the formula for single premium immediate annuities stated in clause (2) shall apply to annuities and guaranteed interest contracts with guarantee duration of ten years or less,

(4) For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the formula for single premium immediate annuities stated in clause (2) shall apply.

(5) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a change in fund basis, the formula for single premium immediate annuities stated in clause (2) shall apply.

However, if the calendar year statutory valuation interest rate for any life insurance policies issued in any calendar year determined without reference to this sentence differs from the corresponding actual rate for similar policies issued in the immediately preceding calendar year by less than one-half of one per cent, the calendar year statutory valuation interest rate for such life insurance policies shall be equal to the corresponding actual rate for the immediately preceding calendar year. For purposes of applying the immediately preceding sentence, the calendar year statutory valuation interest rate for life insurance policies issued in a calendar year shall be determined for nineteen hundred and eighty, using the reference interest rate defined in nineteen hundred and seventy-nine, and shall be determined for each subsequent calendar year regardless of when subdivisions 6A of section one hundred and forty-four becomes

operative.

(c) The weighting factors referred to in the formulas stated above are given in the following tables:

(1) Weighting Factors for Life Insurance:

Guarantee Duration (Years)	Weighting Factors
10 or less	.50
More than 10, but not more than 20	.45
More than 20	.35

For life insurance, the guarantee duration is the maximum number of years the life insurance can remain in force on a basis guaranteed in the policy or under options to convert to plans of life insurance with premium rates or nonforfeiture values or both which are guaranteed in the original policy;

(2) Weighting factor for single premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and guaranteed

interest contracts with cash settlement options:

.80

(3) Weighting factors for other annuities and for guaranteed interest contracts, except as stated in clause (2), shall be as specified in tables (i), (ii), and (iii), according the rules and definitions in (iv), (v) and (vi):

(i) For annuities and guaranteed interest contracts valued on an issue year basis:

Guarantee Duration Years	Weighting Factor for Plan Type A	B	C
5 or less:	.80	.60	.50
More than 5, but not more than 10:	.75	.60	.50
More than 10, but not more than 20:	.65	.50	.45
More than 20:	.45	.35	.35

	Plan Type A	B	C
(ii) For annuities and guaranteed interest contracts valued on a change in fund basis, the factors shown in (i) increased by:	.15	.25	.05

Plan Type	A	B	C
(iii) For annuities and guaranteed interest contracts valued on an issue			

year basis other than those with no cash settlement options, which do not guarantee interest on considerations received more than one year after issue or purchase and for annuities and guaranteed interest contracts valued on a change in fund basis which do not guarantee interest rates onconsiderations received more than twelve months beyond the valuation date, the factors shown in (i) or derived in (ii) increased by:	.05	.05	.05

(iv) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, the guarantee duration is the number of years for which the contract guarantees interest rates in excess of the calendar year statutory valuation interest rate for life insurance policies with guarantee duration in excess of twenty years. For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the guarantee duration is the number of years from the date of issue or date of purchase to the date annuity benefits are scheduled to commence.

(v) Plan type as used in the above tables is defined as follows:

Plan Type A: At any time policyholder may withdraw funds only (1) with an adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurance company, or (2) without such adjustment but in installments over five years or more, or (3) as an immediate life annuity, or (4) no withdrawal permitted.

Plan Type B: Before expiration of the interest rate guarantee, policyholder may withdraw funds only (1) with an adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurance company, or (2) without such adjustment but in installments over five years or more, or (3) no withdrawal permitted. At the end of interest rate guarantee, funds may be withdrawn without such adjustment in a single sum or installments over less than five years.

Plan Type C: Policyholder may withdraw funds before expiration of interest rate guarantee in a single sum or installments over less than five years either (1) without adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurance company, or (2) subject only to a fixed surrender charge stipulated in the contract as a percentage of the fund.

(vi) A company may elect to value guaranteed interest contracts with cash settlement options and annuities with cash settlement options on either an issue year basis or on a change in fund basis. Guaranteed interest contracts with no cash settlement options and other annuities with no cash settlement options must be valued on an issue year basis. As used in this subdivision, an issue year basis of valuation refers to a valuation basis under which the interest rate used to determine the minimum valuation standard for the entire duration of the annuity or guaranteed interest contract is the calendar year valuation interest rate for the year of issue or year of purchase of the annuity or guaranteed interest contract, and the change in fund basis of valuation refers to a valuation basis under which the interest rate used to determine the minimum valuation standard applicable to each change in the fund held under the annuity or guaranteed interest contract is the calendar year valuation interest rate for the year of the change in the fund.

(d) The Reference Interest Rate referred to in paragraph (b) of this subdivision shall be defined as follows:

(1) For all life insurance, the lesser of the average over a period of thirty-six months and the average over a period of twelve months, ending on June thirtieth of the calendar year next preceding the year of issue, of Moody's Corporate Bond Yield Average - Monthly Average Corporates, as published by Moody's Investors Service, Inc.

(2) For single premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, the average over a period of twelve months, ending on June thirtieth of the calendar year of issue or year of purchase, of Moody's Corporate Bond Yield Average - Monthly Average Corporates, as published by Moody's Investors Service, Inc.

(3) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a year of issue basis, except as stated in paragraph (2), with guarantee duration in excess of ten years, the lesser of the average over a period of thirty-six months and the average over a period of twelve months, ending on June thirtieth of the calendar year of issue or purchase, of Moody's Corporate Bond Yield Average - Monthly Average Corporates, as published by Moody's Investors Service, Inc.

(4) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a year of issue basis, except as stated in paragraph (2), with guarantee duration of ten years or less, the average

over a period of twelve months, ending on June thirtieth of the calendar year of issue or purchase, of Moody's Corporate Bond Yield Average - Monthly Average Corporates, as published by Moody's Investors Service, Inc.

(5) For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the average over a period of twelve months, ending on June thirtieth of the calendar year of issue or purchase, of Moody's Corporate Bond Yield Average - Monthly Average Corporates, as published by Moody's Investors Service, Inc.

(6) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a change in fund basis, except as stated in paragraph (2), the average over a period of twelve months, ending on June thirtieth of the calendar year of the change in the fund, of Moody's Corporate Bond Yield Average - Monthly Average Corporates, as published by Moody's Investors Service, Inc.

(e) In the event that Moody's Corporate Bond Yield Average - Monthly Average Corporates is no longer published by Moody's Investors Service, Inc., or in the event that the National Association of Insurance Commissioners determines that Moody's Corporate Bond Yield Average - Monthly Average Corporates as published by Moody's Investors Service, Inc. is no longer appropriate for the determination of the reference interest rate, then an alternative method for determination of the reference interest rate, which is adopted by the National Association of Insurance Commissioners and approved by regulation promulgated by the commissioner, may be substituted.

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 premiums, 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 beneifts provided for by the policy and the excess of (a) over (b), as follows:

(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.

Provided that for any life insurance policy issued on or after January first, nineteen hundred and eighty-six for which the contract premium in the first policy year exceeds that of the second year and for which no comparable additional benefit is provided in the first year for such excess and which provides an endowment benefit or a cash surrender value or a combination thereof in an amount greater than such excess premium, the reserve according to the commissioners reserve valuation method as of any policy anniversary occurring on or before the assumed ending date defined herein as the first policy anniversary on which the sum of any endowment benefit and any cash surrender value then available is greater than such excess premium shall, except as otherwise provided in subdivision 6, be the greater of the reserve as of such policy anniversary calculated as described in the preceding paragraph and the reserve as of such policy anniversary calculated as described in that paragraph, but with (i) the value defined in clause (a) of that paragraph being reduced by fifteen per cent of the amount of such excess first year premium, (ii) all present values of benefits and premiums being determined without reference to premiums or benefits provided for by the policy after the assumed ending date, (iii) the policy being assumed to mature on such date as an endowment, and (iv) the cash surrender value provided on such date being considered as an endowment benefit. In making the above comparison the mortality and interest bases stated in subdivisions 2 and 2A shall be used.

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 considerations, 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, 6 and 7A and the mortality table or tables and the rate or rates of interests 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 on computing any nonforfeiture benefits thereunder.

5. Any company which at any time has adopted any basis of valuation for any class or classes of policies or contracts or for any benefit or option, whether or not specific provision is made therefor in subdivision 1 or 2, shall not thereafter adopt, without the approval of the commissioner, any basis of valuation producing lower reserves for such class or classes or for such benefit or option.

6. If, in the case that 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 valuation 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. The minimum valuation standards of mortality and rate of interest referred to in this subdivision 6 are those standards stated in subdivisions 2 and 2A.

Provided that for any life insurance policy issued on or after January first, nineteen hundred and eighty-six for which the gross premium in the first policy year exceeds that of the second year and for which no comparable additional benefit is provided in the first year for such excess and which provides an endowment benefit or a cash surrender value or a combination thereof in an amount greater than such excess premium, the foreging provisions of this subdivision 6 shall be applied as if the method actually used in calculating the reserve for such policy were the method described in subdivision 3, ignoring the second paragraph of subdivision 3. The minimum reserve at each policy anniversary of such a policy shall be the greater of the minimum reserve calculated in accordance with subdivision 3, including the second paragraph of that subdivision, and the minimum reserve calculated in accordance with this subdivision 6.

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.

7A. In the case of any plan of life insurance which provides for future premium determination, the amounts of which are to be determined by the insurance company based on then estimates of future experience, or in the case of any plan of life insurance or annuity which is of such a nature that the minimum reserves cannot be determined by the methods described in subdivisions 3, 3A and 6, the reserves which are held under any such plan must:

(a) be appropriate in relation to the benefits and the pattern of premiums for that plan, and

(b) be computed by a method which is consistent with the principles of this Standard Valuation Law, as determined by regulations promulgated by the commissioner.

SECTION 2. Said chapter 175 is hereby further amended by striking out section 144, as most recently amended by section 13 of chapter 642 of the acts of 1970, and inserting in place thereof the following section:-

Section 144. 1. In the event of default in the payment of any premium on any policy of life insurance issued or delivered in the commonwealth by any life company, the holder thereof may elect by a writing filed with the company at its home office within sixty days after the due date of the defaulted premium and prior to the death of the insured, to (a) surrender the policy and receive its value in cash, provided that, except as provided in section one hundred and forty-six, premiums have been paid for at least three full years, or (b) take a specified paid-up nonforfeiture benefit effective from the due date of the premium in default. In lieu of such specified paid-up nonforfeiture benefit, the company may substitute, upon proper request not later than sixty days after the due date of the premium in default, an actuarially equivalent alternative paid-up benefit which provides a greater amount or longer period of death benefits or, if applicable, a greater amount or earlier payment of endowment benefits.

The policy shall provide that a specified paid-up nonforfeiture benefit shall become effective as specified in the policy unless the holder thereof elects another available option prior to the death of the insured and not later than sixty days after the due

date of the premium in default.

2. Any cash surrender value available under the policy in the case of a default in the payment of a premium due on any anniversary of the policy shall be an amount not less than the excess, if any, of the present value, on such anniversary of the future guaranteed benefits which would have been payable if there had been no default, including any existing paid-up additions, over the sum of (a) the then present value of the adjusted premiums as defined in subdivisions 5 and 6A, corresponding to the premiums which would have fallen due on and after such anniversary, and (b) the amount of any existing indebtedness to the company on the policy or secured thereby; provided, however, that for any policy issued on or after the operative date of subdivision 6A as defined therein, which provides supplemental life insurance or annuity benefits at the option of the insured and for an identifiable additional premium by rider or supplemental policy provision, the cash surrender value referred to in the first paragraph of this subdivision shall be an amount not less than the sum of the cash surrender value as defined in such paragraph for an otherwise similar policy issued at the same age without such rider or supplemental paragraph for a policy which provides only the benefits otherwise provided by such rider or supplemental policy provision; provided, further that for any family policy issued on or after the operative date of subdivision 6A as defined therein, which defines a primary insured and provides term insurance on the life of the spouse of the primary insured expiring before the spouse's age seventy-one, the cash surrender value referred to in the first paragraph of this subdivison shall be an amount not less than the sum of the cash surrender value as defined in such paragraph for an otherwise similar policy issued at the same age without such term insurance on the life of the spouse and the cash surrender value as defined in such paragraph for a policy which provides only the benefits otherwise provided by such term insurance on the life of the spouse.

3. Any paid-up nonforfeiture benefit available under the policy upon default in the payment of a premium due on any policy anniversary shall be such that its present value as of such anniversary shall be at least equal to the cash surrender value then provided for by the policy or, if none is provided for, that cash surrender value which would have been required by this section in the absence of the provision therein that premiums shall have been paid for at least a specified period.

4. Any cash surrender value or other nonforfeiture benefit available upon default in the payment of a premium due at any time other than on an anniversary of the policy shall be

consistent with the values provisions of, subdivision 2, with allowance for the lapse of time and the payment of fractional premiums beyond the last preceding anniversary.

The cash surrender value of any paid-up additions, other than paid-up term additions, shall be not less than the amounts used to purchase them.

Any paid-up nonforfeiture benefit under any policy on which the premiums, except as provided in section one hundred and forty-six, were paid for at least three full years, and every policy which by its terms has become fully paid-up, shall have a cash surrender value payable upon written application and surrender of the policy to the company at its home office within thirty days after any anniversary of the policy. Any cash surrender value available under any paid-up insurance or under any paid-up nonforfeiture benefit, whether or not such cash surrender value is required by this paragraph, shall be an amount not less than the present value on said anniversary of the future guaranteed benefits provided for by the policy, including any paid-up additions thereto, less any indebtedness to the company on the policy or secured thereby.

5. This subdivision shall not apply to policies issued on or after the operative date of subdivision 6A as defined therein. Except as provided in the third paragraph of this subdivision, the term "adjusted premiums", as used in this section shall mean such uniform percentage of the respective premiums specified in the policy for each policy year, excluding any extra premiums charged because of impairments or special hazards, that the present value, at the date of issue of the policy, of all such adjusted premiums shall be equal to the sum of (1) the then present value of the future guaranteed benefits provided for by the policy; (2) two per cent of the amount of insurance, if the insurance be uniform in amount, or of the equivalent uniform amount, as hereinafter defined, if the amount of insurance varies with duration of the policy; (3) forty per cent of the adjusted premium for the first policy year; (4) twenty-five per cent of either the adjusted premium for the first policy year or the adjusted premium for a whole life policy of the same uniform or equivalent uniform amount with uniform premiums for the whole of life issued at the same age for the same amount of insurance whichever is less; provided, that in applying the percentages specified in clauses (3) and (4), no adjusted premium shall be deemed to exceed four per cent of the amount of insurance or uniform amount equivalent thereto. The adjusted premium shall be computed on an annual basis. The date of issue of a policy for the purpose of this section shall be the date as of which the rated age of the insured is determined.

The term "equivalent uniform amount", as used in this section, shall be deemed to be the uniform amount of insurance provided by an otherwise similar policy, containing the same endowment benefit or benefits, if any, issued at the same age and for the same term, the amount of which does not vary with the duration and the benefits under which have the same present value at the date of issue as the benefits under the policy; provided, however, that in the case of a policy providing a varying amount of insurance issued on the life of a child under age ten, the equivalent uniform amount may be computed as though the amount of insurance provided by the policy prior to the attainment of age ten were the amount provided by such policy at age ten.

The adjusted premiums for any policy providing term insurance benefits by rider or supplemental policy provision shall be equal to (a) the adjusted premiums for an otherwise similar policy issued at the same age without such term insurance benefits, increased, during the period for which premiums for such term insurance benefits are payable, by (b) the adjusted premiums for such term insurance, the foregoing items (a) and (b) being calculated separately and as specified in the first two paragraphs of this subdivision except that, for the purposes of clauses (2), (3) and (4), the amount of insurance or equivalent uniform amount of insurance used in the computation of the adjusted premiums referred to in (b) shall be equal to the excess of the corresponding amount determined for the entire policy over the amount used in the calculation of the adjusted premiums in (a).

6. (a) This paragraph shall not apply to ordinary policies issued on or after the operative date of subdivision 6A as defined therein. All adjusted premiums and present values referred to in this section, except as otherwise provided in paragraph (b) and as provided in section one hundred and forty-six, shall be computed on the basis of the "Commissioners 1941 Standard Ordinary Mortality Table", and at the rate of interest, not exceeding three and one-half per cent per annum, specified in the policy for the computation of the cash surrender values and other nonforfeiture benefit; 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 three years younger than the actual age of the insured; and provided, that in calculating the present value of any extended term insurance with accompanying pure endowment, if any, the rates of mortality assumed may be not more than one hundred and thirty per cent of the rates according to such applicable table of mortality; 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.

(b) This paragraph shall not apply to ordinary policies issued on or after the operative date of subdivision 6A as defined therein. In the case of policies or 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 or 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 but 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 calculated 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.

(c) All values referred to in this section may be computed on the assumption that any death benefit is payable at the end of the policy year in which death occurs.

6A. (a) This subdivision shall apply to all policies issued on or after the operative date of this subdivision 6A as defined herein. Except as provided in paragraph (g) of this subdivision, the adjusted premiums for any policy shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year, excluding amounts payable as extra premiums to cover impairments or special hazards and also excluding any uniform annual contract charge or policy fee specified in the policy in a statement of the method to be used in calculating the cash surrender values and paid-up nonforfeiture benefits, that

the present value, at the date of issue of the policy, of all adjusted premiums shall be equal to the sum of (i) the then present value of the future guaranteed benefits provided for by the policy; (ii) one per cent of either the amount of insurance, if the insurance be uniform in amount, or the average amount of insurance at the beginning of each of the first ten policy years; and (iii) one hundred and twenty-five per cent of the nonforfeiture net level premium as hereinafter defined; provided, however, that in applying the percentage specified in clause (iii) no nonforfeiture net level premium shall be deemed to exceed four per cent of either the amount of insurance, if the insurance be uniform in amount, or the average amount of insurance at the beginning of each of the first ten policy years. The date of issue of a policy for the purpose of this subdivision shall be the date as of which the rated age of the insured is determined.

(b) The nonforfeiture net level premium shall be equal to the present value, at the date of issue of the policy, of the guaranteed benefits provided for by the policy divided by the present value, at the date of issue of the policy, of an annuity of one per annum payable on the date of issue of the policy and on each anniversary of such policy on which a premium falls due.

(c) In the case of policies which cause on a basis guaranteed in the policy unscheduled changes in benefits or premiums, or which provide an option for changes in benefits or premiums other than a change to a new policy, the adjusted premiums and present values shall initially be calculated on the assumption that future benefits and premiums do not change from those stipulated at the date of issue of the policy. At the time of any such change in the benefits or premiums the future adjusted premiums, nonforfeiture net level premiums and present values shall be recalculated on the assumption that future benefits and premiums do not change from those stipulated by the policy immediately after the change.

(d) Except as otherwise provided in paragraph (g) the recalculated future adjusted premiums for any such policy shall be such uniform percentage of the respective future premiums specified in the policy for each policy year, excluding amounts payable as extra premiums to cover impairments and special hazards, and also excluding any uniform annual contract charge or policy fee specified in the policy in a statement of the method to be used in calculating the cash surrender values and paid-up nonforfeiture benefits, that the present value, at the time of change to the newly defined benefits or premiums, of all such future adjusted premiums shall be equal to the excess of (A) the sum of (i) the then present value of the then future guaranteed

benefits provided for by the policy and (ii) the additional expense allowance, if any, over (B) the then cash surrender value, if any, or present value of any paid-up nonforfeiture benefit under the policy.

(e) The additional expense allowance, at the time of the change to the newly defined benefits or premiums, shall be the sum of (i) one per cent of the excess, if positive, of the average amount of insurance at the end of each of the first ten policy years subsequent to the change at the beginning of each of the first ten policy years subsequent to the time of the most recent previous change, or, if there has been no previous change, the date of issue of the policy; and (ii) one hundred and twenty-five per cent of the increase, if positive, in the nonforfeiture net level premium.

(f) The recalculated nonforfeiture net level premium shall be equal to the result obtained by dividing (A) by (B) where (A) equals the sum of (i) the nonforfeiture net level premium applicable prior to the change times the present value of an annuity of one per annum payable on each anniversary of the policy on or subsequent to the date of the change on which a premium would have fallen due had the change not occurred, and (ii) the present value of the increase in future guaranteed benefits provided for by the policy; and

(B) equals the present value of an annuity of one per annum payable on each anniversary of the policy on or subsequent to the date of change on which a premium falls due.

(g) Notwithstanding any other provisions of this subdivision to the contrary, in the case of a policy issued on a substandard basis which provides reduced graded amounts of insurance so that, in each policy year, such policy has the same tabular mortality cost as an otherwise similar policy issued on the standard basis which provides higher uniform amounts of insurance, adjusted premiums and present values for such substandard policy may be calculated as if it were issued to provide such higher uniform amounts of insurance on the standard basis.

(h) All adjusted premiums and present values referred to in this section shall for all policies of ordinary insurance be calculated on the basis of (i) the Commissioner 1980 Standard Ordinary Mortality Table of (ii) at the election of the company for any one or more specified plans of life insurance, the Commissioners 1980 Standard Ordinary Mortality Table with Ten-Year Select Mortality Factors and shall for all policies issued in a particular calendar year be calculated on the basis of a rate of interest not exceeding the nonforfeiture interest rate as defined in this subdivision for policies issued in that calendar

year; provided, however, that:

(1) At the option of the company, calculations for all policies issued in a particular calendar year may be made on the basis of a rate of interest not exceeding the nonforfeiture interest rate, as defined in this subdivision, for policies issued in the immediately preceding calendar year.

(2) Under any paid-up nonforfeiture benefit, including any paid-up dividend additions, any cash surrender value available, whether or not required by subdivision 1, shall be calculated on the basis of the mortality table and rate of interest used in determining the amount of such paid-up nonforfeiture benefit and paid-up dividend additions, if any.

(3) A company may calculate the amount of any guaranteed paid-up nonforfeiture benefit including any paid-up additions under the policy on the basis of an interest rate no lower than that specified in the policy for calculating cash surrender values.

(4) In calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners 1980 Extended Term Insurance Table for policies of ordinary insurance.

(5) For insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on appropriate modifications of the aforementioned tables.

(6) Any ordinary mortality tables, adopted after 1980 by the National Association of Insurance Commissioners, that are approved by regulation promulgated by the commissioner for use in determining the minimum nonforfeiture standard may be substituted for the Commissioners 1980 Standard Ordinary Mortality Table with or without Ten-Year Select Mortality Factors or for the Commissioners 1980 Extended Term Insurance Table.

(i) The nonforfeiture interest rate per annum for any policy issued in a particular calendar year shall be equal to one hundred and twenty-five per cent of the calendar year statutory valuation interest rate for such policy as defined in the standard Valuation Law, rounded to the nearer one quarter of one per cent.

(j) Notwithstanding any other provision in this code to the contrary, any refiling of nonforfeiture values or their methods of computation for any previously approved policy form which involves only a change in the interest rate or mortality table used to compute nonforfeiture values shall not require refiling of any other provisions of that policy form.

(k) After the effective date of this subdivision 6A, any

company may file with the commissioner a written notice of its election to comply with the provisions of this subdivision after a specified date before January first, nineteen hundred and eighty-nine, which shall be the operative date of this subdivision for such company. If a company makes no such election, the operative date of this subdivision for such company shall be January first, nineteen hundred and eighty-nine.

6B. In the case of any plan of life insurance which provides for future premium determination, the amounts of which are to be paid-up nonforfeiture benefit including any paid-up additions under the policy on the basis of an interest rate no lower than that specified in the policy for calculating cash surrender values.

(4) In calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners 1980 Extended Term Insurance Table for policies of ordinary insurance.

(5) For insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on appropriate modifications of the aforementioned tables.

(6) Any ordinary mortality tables, adopted after 1980 by the National Association of Insurance Commissioners, that are approved by regulation promulgated by the commissioner for use in determining the minimum nonforfeiture standard may be substituted for the Commissioners 1980 Standard Ordinary Mortality Table with or without Ten-Year Select Mortality Factors or for the Commissioners 1980 Extended Term Insurance Table.

(i) The nonforfeiture interest rate per annum for any policy issued in a particular calendar year shall be equal to one hundred and twenty-five per cent of the calendar year statutory valuation interest rate for such policy as defined in the standard Valuation Law, rounded to the nearer one quarter of one per cent.

(j) Notwithstanding any other provision in this code to the contrary, any refiling of nonforfeiture values or their methods of computation for any previously approved policy form which involves only a change in the interest rate or mortality table used to compute nonforfeiture values shall not require refiling of any other provisions of that policy form.

(k) After the effective date of this subdivision 6A, any company may file with the commissioner a written notice of its election to comply with the provisions of this subdivision after a specified date before January first, nineteen hundred and eighty-nine, which shall be the operative date of this subdivision

for such company. If a company makes no such election, the operative date of this subdivision for such company shall be January first, nineteen hundred and eighty-nine.

6B. In the case of any plan of life insurance which provides for future premium determination, the amounts of which are to be determined by the insurance company based on then estimates of future experience, or in the case of any plan of life insurance which is of such a nature that minimum values cannot be determined by the methods described in subdivisions 1, 2, 3, 4, 5, 6 and 6A, then:

(a) the commissioner must be satisfied that the benefits provided under the plan are substantially as favorable to policyholders and insureds as the minimum benefits otherwise required by subdivisions 1 to 6A, inclusive;

(b) the commissioner must be satisfied that the benefits and the pattern of premiums of that plan are not such as to mislead prospective policyholders or insureds;

(c) the cash surrender values and paid-up nonforfeiture benefits provided by such plan must not be less than the minimum values and benefits required for the plan computed by a method consistent with the principles of this Standard Nonforfeiture Law for Life Insurance, as determined by regulations promulgated by the commissioner.

7. Any additional benefits payable (i) under accidental death or total and permanent disability benefit provisions incorporated in, or supplementary to a policy of life insurance of (ii) as reversionary annuity or deferred reversionary annuity benefits under a policy of life insurance, or (iii) as term insurance benefits provided by a rider or supplemental policy provision, to which provision this section would not apply if it were evidenced by a separate policy, or (iv) as term insurance on the life of a child or on the lives of children provided in a policy on the life of a parent of the child, if such term insurance expires before the child's age is one, and has not become paid-up by reason of the death of a parent of the child, and (v) any other benefits additional to life insurance and endowment benefits, and premiums for all such additional benefits, hereinbefore described, shall be disregarded in computing adjusted premiums and cash surrender values and other nonforfeiture benefits under this section, and no such additional benefits shall be required to be granted in connection with any nonforfeiture benefits.

7C. This subdivision, in addition to all other applicable subdivisions of this law, shall apply to all policies issued on or after January first, nineteen hundred and eighty-six. The cash surrender values available under such policies shall be

essentially in compliance with this subdivision. Any cash surrender value available under the policy in the event of default in a premium payment due on any policy anniversary shall be in an amount which does not differ by more than two-tenths of one per cent of either the amount of insurance, if the insurance be uniform in amount, or the average amount of insurance at the beginning of each of the first ten policy years, from the sum (a) the greater of zero and the basic cash value hereinafter specified and (b) the present value of any existing paid-up additions less the amount of any indebtedness to the company under the policy.

The basic cash value shall be equal to the present value, on such anniversary, of the future guaranteed benefits which would have been provided for by the policy, excluding any existing paid-up additions and before deduction of any indebtedness to the company, if there had been no default, less the then present value of the nonforfeiture factors, as hereinafter defined, corresponding to premiums which would have fallen due on and after such anniversary; provided, however, that the effects on the basic cash value of supplemental life insurance or annuity benefits or of family converage, as described in subdivision 2 or 5, whichever is applicable, shall be the same as are the effects specified in subdivision 2 or 5, whichever is applicable on the cash surrender values defined in that subdivision.

The nonforfeiture factor for each policy year shall be an amount equal to a percentage of the adjusted premium for the policy year, as defined in subdivision 5 or 6A, whichever is applicable. Except as is required by the next succeeding sentence of this paragraph, such percentage:

(a) must be the same percentage for each policy year between the second policy anniversary and the later of (i) the fifth policy anniversary and (ii) the first policy anniversary at which there is available under the policy a cash surrender value in an amount, before including any paid-up additions and before deducting any indebtedness, of at least two-tenths of one per cent of either the amount of insurance, if the insurance be uniform in amount, or the average amount of insurance at the beginning of each of the first ten policy years; and

(b) must be such that no percentage after the later of the two policy anniversaries specified in the preceding item (a) may apply to fewer than five consecutive policy years.

Provided, that no basic cash value may be less than the value which would be obtained if the adjusted premiums for the policy, as defined in subdivision 5 or 6A, whichever is applicable, were substituted for the nonforfeiture factors in the calculation of the basic cash value.

All adjusted premiums and present values referred to in this subdivision shall for a particular policy be calculated on the same mortality and interest bases as are used in demonstrating the policy's compliance with the other subdivisions of this section. The cash surrender values referred to in this subdivision shall include any endowment benefits provided for by the policy.

Any cash surrender value available other than in the event of default in a premium payment due on a policy anniversary, and the amount of any paid-up nonforfeiture benefit available under the policy in the event of default in a premium payment shall be determined in manners consistent with the manners specified for determining the analogous minimum amounts in subdivisions 1, 2, 3, 6A and 7. The amounts of any cash surrender values and of any paid-up nonforfeiture benefits granted in connection with additional benefits such as those listed as items (i) to (v), inclusive, in subdivision 7 shall conform with the principles of this subdivision.

8. Except as provided in subdivision 9, this section shall not apply to any of the following:

(a) contracts of reinsurance,

(b) policies of group life insurance; or

(c) annuity or pure endowment contracts of any kind with or without return of premiums or premiums and interest, whether simple or compound, or to survivorship annuity contracts;

(d) any term policy of uniform amount, which provides no guaranteed nonforfeiture or endowment benefits, or renewal thereof, of twenty years or less expiring before age seventy-one, for which uniform premiums are payable during its entire term,

(e) term policy providing for a decreasing amount of insurance, which provides no guaranteed nonforfeiture or endowment benefits, on which each adjusted premium computed as in this section, is less than the adjusted premium, so computed, on a term policy of uniform amount, or renewal thereof, which provides no guaranteed nonforfeiture or endowment benefits, issued at the same age and for the same initial amount of insurance and for a term of twenty years or less expiring before age seventy-one, for which uniform premiums are payable during the entire term of the policy.

(f) policy, which provides no guaranteed nonforfeiture or endowment benefits, for which no cash surrender value, if any, or present value of any paid-up nonforfeiture benefit, at the beginning of any policy year, calculated as specified in subdivisions 2 to 6A, inclusive, exceeds two and one-half per cent of the amount of insurance at the beginning of the same

policy year.

For purposes of determining the applicability of this section, the age at expiry for a joint term life insurance policy shall be the age at expiry of the oldest life.

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.

10. Nothing in this section shall be construed to prohibit the inclusion of a provision in a policy that any cash surrender value shall be payable with the written assent of the person to whom the policy is payable.

11. Nothing in this section shall apply to group annuity contracts as defined in section one hundred and thirty-two A or to individual contracts on a variable basis; provided, that such individual contracts specify, in a manner satisfactory to the commissioner, the nature and the basis of the ascertainment of the rights of the holder, in the event of the nonpayment of any premium or consideration.

Approved July 14, 1982.

Chap. 335. PROVIDING FOR ACCELERATED HIGHWAY, BRIDGE AND ECONOMIC DEVELOPMENT PROGRAM FOR THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith funding for the development, construction, reconstruction and improvement of the commonwealth's highway and bridge network, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The department of public works, hereinafter referred to as the department is hereby authorized and directed to expend a sum not to exceed seventy-five million dollars for

the following purposes:

(a) a sum not to exceed ten 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; 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; provided further, that in the case of any state highway or other bridge crossing over a railroad right of way, the department shall seek the input of any railroad company operating on said track of a desirable clearance between said track and the state highway bridge, but said clearance shall be at the discretion of the department; provided, further, that the department may enter upon any lands or premises of a railroad company for such purposes as they may deem necessary or convenient to carry out the provisions of this act; provided, further that the department shall develop and utilize wherever feasible a standard bridge design for reconstruction of such bridges; and provided further that said funds shall not be expended prior to commitment of not less than five hundred thousand dollars of the one million dollars authorized for engineering expenses under the provisions of paragraph (b) of Section sixteen of Chapter seven hundred and thirty-two of the acts of nineteen hundred and eighty-one for the purposes of this paragraph.

(b) a sum not to exceed sixty million dollars for the design and construction, repair and improvement to non-federally reimbursable projects; provided however that a sum not to exceed thirty million dollars of said sixty million dollars shall be expended for the design and construction of roads, roadways and any other related public works facilities deemed necessary for economic development by the secretary of transportation upon the petition of an appropriate local executive governmental body and in accordance with the provisions of paragraph (c) of section 17 of chapter 732 of the acts of 1981 and any rules or regulations promulgated in accordance with said provisions.

(c) a sum not to exceed five million dollars for projects for construction and reconstruction of town and county ways; provided; that the department of public works shall certify to

the comptroller the amount to be apportioned to each city and town upon receipt by the department of certification from each city or town's chief public works official that sufficient expenditures from already available local highway aid funds are being expended on said city or town's local highway system to adequately maintain said system and to prevent and repair the occurrence of deteriorated road surfaces including "pot-holes" so-called on said system, said amount to be equal to twenty-five per cent of the amount distributed to each city and town pursuant to the provisions of paragraph (f) of section 2A of chapter 480 of the acts of 1979; and provided further that said apportionments shall be a direct grant to each city or town so certified and shall not require the prior expenditure of any funds by any city or town to be eligible for receipt of these funds.

SECTION 2. To meet the expenditures necessary in carrying out the provisions of section one of this act, the state treasurer shall, upon request of the governor issue and sell bonds of the commonwealth to an amount to be specified by the governor from time to time, but not exceeding in the aggregate, the sum of seventy-five million dollars, 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, section nine of chapter three hundred and fifty-six of the acts of nineteen hundred and seventy-seven, sections one and two A of chapter four hundred and eighty of the acts of nineteen hundred and seventy-nine and sections fifteen and seventeen of chapter seven hundred and thirty-two of the acts of nineteen hundred and eighty-one.

All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Highway and Bridge Improvement Loan, Act of 1982, and shall be issued 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, provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand seven. All interest and payments on account of principal of such obligations shall be payable from the Highway Fund.

Bonds and the interest thereon issued under the authority of

this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

SECTION 3. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purpose of meeting payments authorized by section one 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 fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and ninety-five.

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.

SECTION 4. Any amounts made available by section one of this act shall be available for expenditure until June thirtieth nineteen hundred and eighty-six.

SECTION 5. For the reimbursment of the cities and towns of Ashland, Cohasset, Dover, Duxbury, Hanover, Hull, Lynnfield, Marshfield, Medfield, Middleton, Millis, North Reading, Norwell, Pembroke, Rockland, Scituate, Sherborn, Stoneham, Sudbury, Sudbury, Topsfield, Wakefield, Wayland, Wenham, Peabody and any other city or town which may be subject to the following assessment charges but which has no commuter bus or rail service with pickup and delivery points within the boundaries of the city or town, and excluding any city or town which may be reimbursed within this act for the same assessment charges described herein, for assessment charges authorized under sections eight, eight A and nine of chapter one hundred and sixty-one A of the general laws, and as reduced by state contract assistance authorized under sections six and seven of chapter eight hundred and twenty-five of the acts of nineteen hundred and seventy-four, and as appearing on the notice to assessors, as authorized by sections twenty and twenty-one of chapter fifty-nine of the general laws, for the fiscal year nineteen hundred and eighty-two; and, provided, further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-three.

$4,000,000

Local Aid Fund	100.00%

SECTION 6. To meet the cost of the expenditures authorized by section five of this act there is hereby appropriated from the Local Aid Fund and other funds as specified therein the sum of four million dollars.

Approved July 15, 1982.

Chap. 336. AUTHORIZING ESTIMATED TAX PAYMENTS IN CERTAIN CITIES AND TOWNS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize estimated tax payments in certain cities and towns, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, any city or town undertaking a general revaluation of its property under a program approved by the commissioner of revenue for completion and implementation for fiscal year nineteen hundred and eighty-three and, providing that the commissioner of revenue is satisfied that full and fair valuations shall be established prior to February first, nineteen hundred and eighty-three for certification under paragraph (c) of section two A of chapter fifty-nine of the General Laws and, providing that said commissioner certifies, in writing, that these conditions have been met, is hereby authorized to issue a notice of estimated tax in lieu of the actual assessment and issuance of the tax bill, and require the payment of such estimated tax, which shall in no event exceed fifty per cent of the tax payable during the preceding fiscal year. Upon the completion of such revaluation, but no later than April first, nineteen hundred and eighty-three, the assessors of such city or town shall establish the tax rate for fiscal year nineteen hundred and eighty-three. Payment of the balance of such tax bill, after credit is given for the estimated tax payment previously made, shall represent the second payment upon such bill that is payable on or before May first, nineteen hundred and eighty-three without the payment of interest.

All provisions of law regarding the procedures for issuing, mailing and collecting tax assessments upon real and personal

property and betterment assessments shall be applicable to the notice of estimated tax provided hereunder, including the payment of interest under section fifty-seven of said chapter fifty-nine. To the extent that any rights or remedies under law accrue from the date that the tax bill is issued, only the tax bill issued upon the establishment of the tax rate for fiscal year nineteen hundred and eighty-three shall govern such rights or remedies.

The provisions of section twenty-one C of said chapter fifty-nine shall apply to the tax rate for fiscal year nineteen hundred and eighty-three established by such city or town.

Approved July 15, 1982.

Chap. 337. RELATIVE TO THE TERMS OF CERTAIN BONDS AND NOTES TO BE ISSUED BY THE COMMONWEALTH.

Whereas, The deferred operation of this act would cause great inconvenience to the issuance of bonds and notes by the commonwealth, therefore it is hereby declared to be an emergency law, necessary for immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under section ten of chapter five hundred and nineteen of the acts of nineteen hundred and seventy-four, if issued after January first, nineteen hundred and eighty-two, shall be issued and may be renewed one or more times for terms not exceeding one year and the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and eighty-five, as recommended by the governor in a message to the general court dated April twenty-ninth, nineteen hundred and eighty-two, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 2. Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under section nine of chapter four hundred and eighty-one of the acts of nineteen hundred and seventy-six, if issued after

January first, nineteen hundred and eighty-two, shall be issued and may be renewed one or more times for terms not exceeding one year and the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and eighty-five, as recommended by the governor in a message to the general court dated April twenty-ninth, nineteen hundred and eighty-two, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 3. Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under section nine of chapter nine hundred and twenty of the acts of nineteen hundred and seventy-seven, if issued after January first, nineteen hundred and eighty-two, shall be issued and may be renewed one or more times for terms not exceeding one year and the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and eighty-five, as recommended by the governor in a message to the general court dated April twenty-ninth, nineteen hundred and eighty-two, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 4. Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under section ten of chapter five hundred and thirteen of the acts of nineteen hundred and seventy-eight, if issued after January first, nineteen hundred and eighty-two, shall be issued and may be renewed one or more times for terms not exceeding one year and the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and eighty-five, as recommended by the governor in a message to the general court dated April twenty-ninth, nineteen hundred and eighty-two, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 5. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under sections nine and twelve of chapter four hundred and eighty of the acts of nineteen hundred and seventy-nine, if issued after January first, nineteen hundred and eighty-two, shall be issued for maximum terms of twenty years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and five, as recommended by the governor in a

message to the general court dated April twenty-ninth, nineteen hundred and eighty-two, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 6. Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under section two of chapter seven hundred and twenty-eight of the acts of nineteen hundred and eighty-one shall be issued and may be renewed one or more times for terms not exceeding one year and the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and ninety-one and the bonds which the state treasurer is authorized to issue under section three of said act shall be issued for maximum terms of ten years; provided, however, that all such bonds shall be payable by June thirtieth, nineteen hundred and ninety-six, as recommended by the governor in a message to the general court dated April twenty-ninth, nineteen hundred and eighty-two, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 7. Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under section twenty-five of chapter seven hundred and thirty-two of the acts of nineteen hundred and eighty-one shall be issued and may be renewed one or more times for terms not exceeding one year and the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and ninety-four, the bonds which the state treasurer is authorized to issue under sections twenty-four, twenty-seven and thirty-five of said act shall be issued for maximum terms of twenty years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and six, and the bonds which the state treasurer is authorized to issue under section thirty-four of said act shall be issued for maximum terms of ten years; provided, however, that all such bonds shall be payable by June thirtieth, nineteen hundred and ninety-six, as recommended by the governor in a message to the general court dated April twenty-ninth, nineteen hundred and eighty-two, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 8. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to

issue under sections seven and eight of chapter seven hundred and forty of the acts of nineteen hundred and eighty-one shall be issued for maximum terms of thirty years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and eleven, as recommended by the governor in a message to the general court dated April twenty-ninth, nineteen hundred and eighty-two, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 9. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section three of chapter seven hundred and forty-two of the acts of nineteen hundred and eighty-one shall be issued for maximum terms of ten years; provided, however, that all such bonds shall be payable by June thirtieth, nineteen hundred and ninety-three, as recommended by the governor in a message to the general court dated April twenty-ninth, nineteen hundred and eighty-two, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 10. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under sections six, nine and eleven of chapter seven hundred and eighty-four of the acts of nineteen hundred and eighty-one shall be issued for maximum terms of twenty years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and five, as recommended by the governor in a message to the general court dated April twenty-ninth, nineteen hundred and eighty-two, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 11. Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under section twenty-one of chapter seven hundred and eighty-nine of the acts of nineteen hundred and eighty-one shall be issued and may be renewed one or more times for terms not exceeding three years, including any such renewals, the bonds which the state treasurer is authorized to issue under section sixteen of said act shall be issued for maximum terms of twenty years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and six, and the bonds which the state treasurer is authorized to issue under said section twenty-one shall be issued for maximum terms of forty years, all

as recommended by the governor in a message to the general court dated April twenty-ninth, nineteen hundred and eighty-two, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

Approved July 15, 1982.

Chap. 338. RELATIVE TO THE OLD KING'S HIGHWAY REGIONAL HISTORIC DISTRICT AND THE OLD KING'S HIGHWAY REGIONAL DISTRICT COMMISSION IN BARNSTABLE COUNTY.

Be it enacted, etc., as follows:

SECTION 1. Chapter 470 of the acts of 1973 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. Purpose.- The purpose of this act is to promote the general welfare of the inhabitants of the applicable regional member towns so included, through the promotion of the educational, cultural, economic, aesthetic and literary significance through the preservation and protection of buildings, settings and places within the boundaries of the regional district and through the development and maintenance of appropriate settings and the exterior appearance of such buildings and places, so as to preserve and maintain such regional district as a contemporary landmark compatible with the historic, cultural, literary and aesthetic tradition of Barnstable county, as it existed in the early days of Cape Cod, and through the promotion of its heritage.

SECTION 2. Section 3 of said chapter 470, as most recently amended by section 2 of chapter 436 of the acts of 1978, is hereby further amended by inserting before the definition of "Building" the following definition:-

"Architect", shall include a graduate of an architectural school who need not be registered as an architect under the provisions of chapter one hundred and twelve of the General Laws, such architect may serve on a committee as its architect member.

SECTION 3. Said section 3 of said chapter 470 is hereby further amended by striking out the definition of "Exterior architectural feature" and inserting in place thereof the following definition:-

"Exterior architectural feature", the architectural style and

general arrangement of such portions of the exterior of a building or structure so designed to be subject to view from a way or public place; including kind, color and texture of the building materials of such portion or type of all windows, doors, lights and signs and other fixtures to such portion.

SECTION 4. The first paragraph of section 5 of said chapter 470 is hereby amended by striking out, in line 5, the words "towns of Bourne, Harwich and" and inserting in place thereof the words:- town of.

SECTION 5. The third paragraph of section 10 of said chapter 470 is hereby amended by adding the following sentence:- The committee shall consider the energy advantage of any proposed solar or wind device.

SECTION 6. The fourth paragraph of section 10 of said chapter 470, as amended by section 12 of chapter 845 of the acts of 1975, is hereby further amended by adding the following sentence:- In the event of a tie vote, the certificate shall be considered denied unless the committee votes to defer action until the next committee meeting.

SECTION 7. Said section 10 of said chapter 470 is hereby further amended by adding the following paragraph:-

The committee may approve exterior architectural features which do not comply with the technical and dimensional requirements and specifications of the state building code, provided the committee finds that the approval of the features will not pose a serious hazard to the health and safety of persons using the structure or building.

SECTION 8. The fifth paragraph of section 11 of said chapter 470, as appearing in section 13 of said chapter 845 of the acts of 1975, is hereby amended by striking out, in lines 2 and 3, the words "southern appellate division district" and inserting in place thereof the words:- appellate division.

Approved July 15, 1982.

Chap. 339. PROVIDING CREDITABLE SERVICE FOR OUT-OF-STATE TEACHERS AT PUBLIC ACADEMIES.

Be it enacted, etc., as follows:

Subdivision (4) of section 3 of chapter 32 of the General Laws, as most recently amended by chapter 886 of the acts of 1971, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- Any member in service, or any member inactive on authorized leave of absence of the teachers' retirement system, or any member in service, or any member inactive on authorized leave of absence of any other contributory retirement system who is employed in a teaching position or as a principal, supervisor or president in a school or college, or employed in the department of education as supervisor of teachers or of educational methods, who had rendered service in any other state for any previous period as a teacher, principal, supervisor or superintendent in the public day schools or other day school under exclusive public control and supervision, or in a public academy, or as a teacher, principal, supervisor or president in a state normal school, state teachers college or like institution, or other college under exclusive public control and supervision, or in a public academy, or who was employed in a state department of education as supervisor of teachers or of educational methods, may, before the date any retirement allowance becomes effective for him, pay into the annuity savings fund of the system in one sum, or in instalments, upon such terms and conditions as the board may prescribe, an amount equal to that which would have been withheld as regular deductions from his regular compensation for such previous period, or most recent portion thereof, as he may elect, had such service been rendered in a public school of the commonwealth and had he been a member of the teachers' retirement system during the period the service was rendered; provided, that for such service which was rendered prior to July first, nineteen hundred and fourteen, payment shall be made equal to the regular deductions which would have been withheld from his regular compensation if the teachers' retirement system, as established by chapter eight hundred and thirty-two of the acts of nineteen hundred and thirteen, had been in effect during the period the service was rendered, and the interest to July first, nineteen hundred and fourteen, shall be computed at the rate of three per cent.

Approved July 15, 1982.

Chap. 340. AUTHORIZING THE COUNTY COMMISSIONERS OF FRANKLIN COUNTY TO ESTABLISH A PROGRAM FOR THE DISPOSAL OF SOLID WASTE.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Franklin, subject to the provisions of chapters thirty-four and thirty-five of the General Laws, are hereby authorized to establish a comprehensive program for the disposal of solid waste within said county. Such program shall include provisions for selecting the site and establishing the transfer stations, and for the processing, separating, recovery, recycling, energy recovery, baling, and final disposal of non-utilized materials by sanitary landfill, or any other processing or disposal method. Such program may include all transfer and hauling of solid waste to serve any town within said county or any city or town without said county.

SECTION 2. The board of selectmen of each town in the county of Franklin and in the towns of Athol, Petersham, Phillipston and Royalston in the county of Worcester may, on a date prior to December first, nineteen hundred and eighty-three to be determined by the county commissioner of the county of Franklin, call and hold a special town meeting for the purpose of determining if said town shall participate in the program established in section one; except, that in a town in which the site of such station is proposed to be located shall have up to five days after the date determined by the county commissioners in which to hold such meeting.

SECTION 3. The county commissioners are hereby authorized to cause plans and specifications to be prepared for such facilities and to enter into contracts for the design, construction and operation on a cost-per-tonnage or other basis, or to contract for use of facilities within or without said county; or to construct and operate such facilities; or to obtain control of municipal solid waste from participating towns. Said county commissioners are hereby authorized to acquire land for such transfer, processing or disposal facilities by lease, purchase or by eminent domain under the provisions of chapter seventy-nine of the General Laws; provided, however, that the town in which said land is located has voted to participate in the program by vote of the special meeting held under the provisions of section two. Said county may assess capital and operating costs on the authorized users of said facilities, in whole or in part, by direct charges to such users based upon the tonnage received or other basis.

SECTION 4. For the purposes authorized by sections one and

three, the 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 shall be necessary, not exceeding in the aggregate fifteen million dollars for planning, site acquisition and development including off-site developments deemed necessary to complement the site, construction or purchase of fixed and moveable capital equipment, architectural, engineering, legal and other necessary professional services fees deemed appropriate by the county commissioners of Franklin county to implement this act. Bonds or notes of said county shall bear on their face the words, "Franklin County Regional System for Solid Waste Management Program Act of 1982". 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. Said county may sell said securities at public or private sale, upon such terms and conditions as said county commissioners may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

Approved July 15, 1982.

Chap. 341. PROVIDING FOR THE INCLUSION OF THE DEPARTMENT OF YOUTH SERVICES IN THE STATE ADMINISTRATIVE PROCEDURE ACT.

Be it enacted, etc., as follows:

Chapter 30A of the General Laws is hereby amended by inserting after section 1A the following section:-

Section 1B. The department of youth services shall be subject to sections one to eight, inclusive, and shall not otherwise be subject to this chapter, notwithstanding the exclusion of said department from the definition of the word "agency" in section one.

Approved July 15, 1982.

Chap. 342. AUTHORIZING AND DIRECTING THE STATE ART COMMISSION TO ERECT A PLAQUE IN THE STATE HOUSE HONORING POLISH-AMERICAN CITIZENS OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

The state art commission is hereby authorized and directed to erect a plaque in an area of the state house to be designated by said commission, in tribute to the patriotism and significant contributions to the welfare of the commonwealth by citizens of Polish descent. Such plaque to be of a size and content to be determined by the commission.

Approved July 15, 1982.

Chap. 343. RELATIVE TO THE RETIREMENT COMPENSATION FOR AGNES LOYOLA MADDEN.

Be it enacted, etc., as follows:

Notwithstanding any provision of law to the contrary the teachers retirement board is hereby authorized and directed to establish the retirement date of Agnes Loyola Madden, a former employee of the Central Berkshire Regional School District, as June thirtieth, nineteen hundred and eighty and to compensate her for monthly retirement benefits from that date.

Approved July 15, 1982.

Chap. 344. AUTHORIZING SHARED ELDERLY HOUSING BY SPECIAL PERMIT.

Be it enacted, etc., as follows:

Section 9 of chapter 40A of the General Laws, as amended by section 5 of chapter 508 of the acts of 1980, is hereby further amended by inserting after the sixth paragraph the following paragraph:-

Zoning ordinances or by-laws may also provide for the use of structures as shared elderly housing upon the issuance of a special permit. Such zoning ordinances or by-laws shall specify the maximum number of elderly occupants allowed, not to exceed a total number of six, any age requirements and any other conditions deemed necessary for the special permits to be granted.

Approved July 15, 1982.

Chap. 345. RELATIVE TO THE INDEMNIFICATION OF MEMBERS OF THE STATE POLICE AND THE METROPOLITAN DISTRICT POLICE FOR ACTIONS OCCURRING WITHIN THE SCOPE OF THEIR OFFICIAL DUTIES.

Be it enacted, etc., as follows:

Chapter 258 of the General Laws is hereby amended by inserting after section 9 the following section:-

Section 9A. If, in the event a suit is commenced against a member of the state police or the metropolitan district police, by reason of a claim for damages resulting from an alleged intentional tort or by reason of an alleged act or failure to act which constitutes a violation of the civil rights of any person under federal or state law, the commonwealth, at the request of the affected police officer, shall provide for the legal representation of said police officer.

The commonwealth shall indemnify members of the state police and the metropolitan district police, respectively, from all personal financial loss and expenses, including but not limited to legal fees and costs, if any, in an amount not to exceed one million dollars arising out of any claim, action, award, compromise, settlement or judgement resulting from any alleged intentional tort or by reason of an alleged act or failure to act which constitutes a violation of the civil rights of any person under federal or state law; provided, however, that this section shall apply only where such alleged intentional tort or alleged act or failure to act occurred within the scope of the official duties of such police officer.

No member of the state police or the metropolitan district police shall be indemnified for any violation of federal or state law if such member acted in a wilful, wanton or malicious manner.

Approved July 15, 1982.

Chap. 346. 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 COMMISSION POLICE OFFICERS SUBORDINATE TO THE RANK OF CAPTAIN.

Be it enacted, etc., as follows:

Chapter 1078 of the acts of 1973 is hereby amended by striking out section 8A, inserted by section 3 of chapter 594 of the acts of 1979, and inserting in place thereof the following section:-

Section 8A. The provisions of section four B of this act shall cease to be operative on June thirtieth, nineteen hundred and eighty-five and any arbitration proceeding pending on June thirtieth, nineteen hundred and eighty-five shall be completed under the provisions of said section four B.

Approved July 15, 1982.

Chap. 347. AN ACT PROVIDING FOR A CAPITAL OUTLAY PROGRAM TO EXPAND AND UPGRADE CERTAIN CORRECTIONAL FACILITIES.

Be it enacted, etc., as follows:

SECTION 1. To provide for a program of expansion, construction, reconstruction, alteration and improvement of various correctional institutions and properties, the sums set forth in section two, inclusive, of this act, for the several purposes and subject to the conditions in said section two, inclusive, are hereby made available, subject to the provisions of law regulating the disbursement of public funds and the approval thereof.

SECTION 2.

Item DEPARTMENT OF YOUTH SERVICES.

4202-8831 For a reserve for the provision of repairs, renovations and maintenance at various secure facilities in the department of youth services provided, that the expenditure of funds appropriated herein shall be subject to the approval by the commissioner of administration and pursuant to schedules approved by the house and senate committees on ways and means $139,414

J. J. Connelly Youth Center.

4221-8831) For additional renovations and improvements, including
)

4221-8791) the cost of furnishings and equipment, to be in addition to the amount appropriated in item 4221-8791 of chapter five hundred and thirteen of the acts of nineteen hundred and seventy-eight $915,000

DEPARTMENT OF CORRECTION.

4311-8831 For replacement, renovation and improvement to farm buildings at MCI Shirley, Southeastern Correctional Center and Northeast Correctional Center including improving mechanical, electrical, plumbing, the acquisition of livestock, plus cost of furnishings and equipment $1,528,200

4311-8832 For feasibility studies and for the preparation of plans for the department of corrections, provided that said studies shall be pursuant to schedules approved by the commissioner of administration and finance and the house and senate committees on ways and means; and provided further, that copies of said studies, including cost estimates, upon completion, shall be submitted to the house and senate committees on ways and means; and provided further, that no funds shall be expended for the development of plans except as approved by the house and senate committees on ways and means subsequent to the receipt of said studies, including cost estimates $100,000

4311-8833 For a reserve for the provisions of repairs, renovations and improvements, including, but not limited to, plumbing, electrical and safety improvements at various buildings and institutions in the department of corrections; the amounts are 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 the said commissioner and certification by the house and senate committees on ways and means $1,243,000

4311-8834 For a reserve for the excavation, reconstruction and paving of certain roads, parking lots and security areas in the department of correction in-

cluding, but not limited to, Shirley/Lancaster, Framingham, South Middlesex Pre-Release, Plymouth, Walpole and NCCI Gardner 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 $400,000

4311-8835 For the cost of certain equipment within the department of correction provided that the amounts are 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 $296,386

Massachusetts Correctional Institution at Bridgewater.

4312-8831) For the construction of a new building for sexually
) dangerous persons, a main kitchen and warehouse,
4312-8801) repairs and improvements to existing treatment center for sexually dangerous persons, the demolition of certain buildings, the extension of certain utilities; and including the cost of furnishings and equipment; to be in addition to the funds appropriated in item 4312-8801 of section two of chapter seven hundred and ninety-eight of the acts of nineteen hundred and seventy-nine $8,250,000

MCI Walpole.

4313-8831) For renovations and improvements including cell block
) lighting, painting, repair or replacement of cat-
4313-8811) walks and security screens, plus renovating staff dining exhaust system to be in addition to the funds appropriated in item 4313-8811 of chapter five hundred and seventy-eight of the acts of nineteen hundred and eighty $1,000,000

MCI Norfolk.

4316-8831) For renovations and improvements to update certain
) buildings to meet latest codes and Public Health,
4316-8795) Public Safety and ACA standards; to be in addition to the funds appropriated in item 4316-8795 of chapter five hundred and thirteen of the acts of nineteen hundred and seventy-eight $1,369,000

4316-8832 For the removal and replacement of electrified barbed wiring system on perimeter wall and a study to determine the present condition of wall $100,000

4316-8833) For the installation of sprinkler, smoke exhaust and
) alarm systems, renovations in certain housing
1102-9791) units, garage and the cost of equipment; to be in addition to the funds appropriated in item 1102-8791 of chapter five hundred and thirteen of the acts of nineteen hundred and seventy-eight $775,000

Boston State Hospital.

4342-8831) For the relocation of Boston State Pre-Release Center
) from the West side to the East side of Boston State
4342-8801) campus, including all necessary renovations for security including the cost of furnishings and equipment, to be in addition to the funds to be transferred from item 4342-8801, section two, chapter seven hundred and ninety-eight of the acts of nineteen hundred and seventy-nine $570,500

MCI Shirley.

4343-8831 For construction, renovation, alterations, site, security and utility improvements including demolition and the cost of furnishings and equipment; provided that one hundred and fifty thousand dollars of said funds shall be used to develop a communication system coordinating the police and fire departments of the town of Shirley and MCI-Shirley $10,950,000

Southeastern Correction Center.

4344-8831) For the construction of a medium security prison,
) with built in future expansion capabilities,
4344-8811) including demolition and the costs of furnishings
) and equipment and utilities; to be in addition to
4344-8781) the funds appropriated in item 4344-8781 of section three of chapter nine hundred and twenty of the acts of nineteen hundred and seventy-seven $26,475,000

MCI Plymouth.

4345-8811 Item 4345-8811 of chapter five hundred and thirty-seven of the acts of nineteen hundred and eighty is hereby amended by striking out the wording and inserting in place thereof the following: for the construction of a dormitory and a kitchen dining facility, and improvements and demolitions of the existing facility; including the cost of furnishings and equipment.

Middlesex County Courthouse.

4346-8831) Item 4346-8801 of section two of chapter seven hundred and ninety-eight of the acts of nineteen hundred
4346-8801) and seventy-nine is hereby amended by striking out the item in its entirety, including the title, wording and the funding and inserting in place thereof the following:-

Middlesex County Courthouse.

4346-8832) For the renovations, alterations, fire detection and suppression systems, and security improvements to
4346-8801) the Middlesex County Courthouse $4,300,000

North Central Correctional Institute.

4348-8831 For renovation, construction alterations, site, security and utility improvements including demolition and the cost of furnishing and equipment $7,480,000

SECTION 3. 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 bonds of the

commonwealth to an amount to be specified by the governor from time to time, but not exceeding, in the aggregate, the sum of $65,892,000.

All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Capital Outlay Loan-Correctional Facilities, Act of 1982, and shall, in accordance with the recommendations which the governor shall submit pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, be issued for maximum terms not exceeding twenty years and be payable not later than June thirtieth, two thousand and seven. All interest and payments on account of principal of such obligations shall be payable from the General Fund. Bonds issued under the authority of this section and the interest thereon shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

SECTION 4. 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. In accordance with the recommendations which the governor shall submit pursuant to Section 3 of Article LXII of the Amendments to the constitution of the commonwealth, such notes shall be issued and may be renewed one or more times for terms not exceeding one year and the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and eighty-seven.

SECTION 5. The secretary of human services hereinafter called the secretary, is hereby authorized and directed to establish a program to assist counties in undertaking feasibility studies and any project to acquire land, including buildings thereon, to construct, design, plan, reconstruct, rehabilitate, renovate, modernize, finish or expand a facility to be used as a jail, a house of correction or any other correctional facility.

The secretary may under the provisions of this act, provide grant funds to such counties for projects authorized by this section provided however no grant shall be made without the approval of the secretary of administration, house committee on ways and means, and the senate committee on ways and means.

When in making the grants authorized by this section, if the secretary approves a grant for the acquisition of land, the planning and construction of a jail in the town of Dartmouth, the secretary shall also approve a grant of not less than eight

million four hundred thousand dollars for the design and construction of an interceptor sewer to service the facilities on the property where the facility is to be constructed, and to include the design and construction for an addition to the present sewerage treatment plant, and the interceptor sewerage needs of that section of the town of Dartmouth along Faunce Corner Road, through which the interceptor sewer runs, including the acquisition of such additional land and interests therein as may be necessary for the installation of said interceptor sewer, 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 three independent appraisals of the value of the property has been made by qualified disinterested appraisers; and provided further, however, that notwithstanding any general or special law to the contrary, any land taken by eminent domain proceedings or any interest therein so taken for jail purposes under this section which are determined to be not needed for said purposes, shall be conveyed for the sum of one dollar to the Town of Dartmouth Industrial Development Commission.

SECTION 6. The secretary shall establish rules and regulations which shall govern the application for and distribution of grant funds under the provisions of this act. Any such rules or regulations, or any amendment or repeal of any such rules or regulation shall, after compliance with all applicable provisions of chapter thirty A of the General Laws, be filed with the clerk of the house of representatives and the clerk of the senate. Any such regulation may require a commitment on the part of the county to accept persons who are housed in state correctional facilities.

Such regulations shall require that all construction and design of facilities undertaken by counties pursuant to this act shall be in accordance with the provisions of chapter 579 of the acts of 1980; provided, that the county commissioners convey to the commonwealth sufficient land, by a deed approved by the commissioner of corrections and the commissioner of administration and finance, on which to construct said facility, and upon completion thereof shall be operated and maintained by the county as county house of correction.

SECTION 7. Any county, except Suffolk or Nantucket, may, by a vote of the county commissioners make application to the secretary for financial assistance in undertaking a project described in section five. In Suffolk said application shall be

made by the Mayor and in Nantucket the Board of selectmen shall make said appointment. The application shall include the proposed cost of the project, the proposed location of such project and any such other information specified by such rules or regulations. The amount of assistance for any project shall not exceed one hundred per cent of the total cost of any one project.

In determining the level of such funding the secretary shall consider among others, the following factors: (a) the existing space available in the county (b) the condition of existing facilities (c) current inmate population (d) existence of separate facilities to house male and female inmates and (e) recent legislation which may affect inmate population.

The secretary shall make a determination with one hundred and eighty days from the date of application. Upon the approval of said application, the secretary shall notify the county as to the amount of state aid for such projects.

SECTION 8. To meet the expenditures necessary in carrying out the provisions of sections five through seven of this act, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth to an amount to be specified by the governor from time to time, but not exceeding, in the aggregate, the sum of fifty million dollars.

All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Capital Outlay Loan-County Correctional Facilities, Act of 1982, and shall be in accordance with recommendations of the governor submitted pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, be issued for maximum terms not exceeding twenty years and be payable not later than June thirtieth, two thousand and seven. All interest and payments on account of principal of such obligations shall be payable from the General Fund. Bonds issued under authority of this section and the interest thereon shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

SECTION 9. Notwithstanding any provision of chapter thirty-one of the General Laws or any other general or special law to the contrary, first preference for all permanent or temporary entry-level positions at the northern Worcester correctional center, located at the site of the former Gardner State Hospital shall be given to those persons determined by the commissioner of correction to be residents of the Greater Gardner area, provided that such persons are otherwise qualified for such positions.

SECTION 10. Notwithstanding any provision of chapter thirty-one of the General Laws or any other general or special law to the contrary, first preference for all permanent or temporary entry-level positions at the correctional facility known as M.C.I. Shirley shall be given to those persons determined by the commissioner of correction to be residents of the towns of Ayer, Groton, Harvard, Lancaster, Lunenburg, Pepperell, Shirley, and Townsend, provided that such persons are otherwise qualified for such positions.

Approved July 15, 1982.

EMERGENCY LETTER July 16, 1982 @ 12:06 P.M.

Chap. 348. AN ACT AUTHORIZING JOHN NICASTRO, HOWARD K. EATON, KENNETH CANDEIAS, ROGER V. CARROLL, RAYMOND BAKER, DEBRA DiPADUA AND JOHN D. KENT TO BECOME OFFICERS OF THE DIVISION OF STATE POLICE NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section nine A of chapter twenty-two of the General Laws or any other general or special law to the contrary, regulating the maximum age for enlistment as an officer of the division of state police, John Nicastro, Howard K. Eaton, Kenneth Candeias, Roger V. Carroll, Raymond Baker, Debra DiPadua and John D. Kent shall be eligible for enlistment as officers in said division of state police, provided they meet all other requirements.

Approved July 15, 1982.

EMERGENCY LETTER July 16, 1982 @ 12:06 P.M.

Chap. 349. AN ACT FURTHER DEFINING APPEALS PROCEDURES WITH REGARD TO SCENIC AND RECREATIONAL RIVERS.

Be it enacted, etc., as follows:

Section 17B of chapter 21 of the General Laws is hereby

amended by adding the following two paragraphs:-

The superior court, upon a complaint in the nature of a civil action shall have the jurisdiction to determine whether an order promulgated under this section constitutes a taking without compensation. Such determination shall be independent of any determination by the court of the reasonableness of the exercise of the police power under this section. Said superior court is hereby authorized to hear a complaint of any person having a recorded interest in land or a class action under Rule 23 of the Massachusetts Rules of Civil Procedure and may award damages under the provisions of chapter seventy-nine by reason of the adoption of the order, whether or not such order is determined to be unreasonable.

If the court determines that such order is unreasonable, and if the commissioner shall petition under the provisions of chapter seventy-nine for a taking by eminent domain, the court shall have the power to award damages to the person having the recorded interest in land affected by such order or make such general award of damages relative to a class of land owners who qualify under said Rule 23.

(The foregoing was laid before the Governor on the second day of July, 1982 and after ten days it had "the force of law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time)

Chap. 350. AN ACT AUTHORIZING THE TOWN OF MANCHESTER TO ISSUE TO BROWN'S FRUIT AND GROCERY, INC. A LICENSE FOR THE SALE OF ALL 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 licensing authority of the town of Manchester is hereby authorized to issue to Brown's Fruit and Grocery, Inc. d/b/a Brown's Market, a license for the sale of all alcoholic beverages not to be drunk on the premises 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 said section seventeen.

(The foregoing was laid before the Governor on the second Day of July, 1982 and after ten days it had "the force of law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

Chap. 351. AN ACT DIRECTING THE BOARD OF SELECTMEN OF THE TOWN OF BARNSTABLE TO GRANT CERTAIN ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the board of selectmen of the town of Barnstable, acting as the licensing authority of said town, is hereby authorized and directed to grant licenses under section fifteen of said chapter one hundred and thirty-eight for the annual sale of all alcoholic beverages not to be drunk on premises to all existing seasonal all alcoholic not to be drunk on premises license holders, which licenses shall be subject to the provisions of said chapter one hundred and thirty-eight, except as provided in said section seventeen. No seasonal all alcoholic beverage not to be drunk on premises license shall be issued by said authority until its estimate of any temporary increased resident population, as provided in said section seventeen, exceeds that number which would otherwise permit the issuance of ten such seasonal licenses. Such licenses may then be issued by said authority under the provisions of with said chapter one hundred and thirty-eight for those additional units of temporary increased resident population.

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

(The foregoing was laid before the Governor on the second day of July, 1982 and after ten days it had "the force of law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

Chap. 352. AN ACT RELATIVE TO THE DUE DATES OF CERTAIN MOTOR FUEL AND SPECIAL FUELS TAX RETURNS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for a change in the due dates of certain motor fuel and special fuels tax returns, therefore 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 16 of chapter 62C of the General Laws is hereby amended by striking out paragraph (a), as amended by section 3 of chapter 577 of the acts of 1980, and inserting in place thereof the following paragraph:-

(a) Every distributor and unclassified exporter, as defined in paragraphs (c) and (j) of section one of chapter sixty-four A, shall, on or before the twentieth day of each month file with the commissioner a return stating the number of gallons and the selling price of fuel sold by him in the commonwealth or exported or caused to be exported from the commonwealth during the preceding calendar month and such other information as the commissioner may deem necessary.

Every unclassified importer, as defined in paragraph (i) of section one of chapter sixty-four A, shall, on or before the twentieth day of each month file with the commissioner a return stating the number of gallons of fuel imported or caused to be imported into the commonwealth during the preceding calendar month, and such other information as the commissioner may deem necessary, including information relative to the cost of such fuel by type.

SECTION 2. Said section 16 of said chapter 62C is hereby further amended by striking out paragraphs (e) and (f), as appearing in section 22 of chapter 415 of the acts of 1976, and inserting in place thereof the following two paragraphs:-

(e) Every person licensed under chapter sixty-four E, other than a user, shall, on or before the twentieth day of each month file with the commissioner a return stating the number of gallons of special fuels sold or used by him in the commonwealth during the preceding calendar month, and such further information as the commissioner may deem necessary, including information relative to the cost and gross receipts from the purchase and sale of such fuel by type.

(f) Every person licensed under chapter sixty-four F shall, on or before the twentieth day of April, July, October and January of each year, file with the commissioner a return stating the number of gallons of fuel and special fuels used by him in

the commonwealth during the preceding calendar quarter, and such further information as the commissioner may deem necessary.

SECTION 3. Section sixteen A of said chapter sixty-two C is hereby repealed.

SECTION 4. Section 1 of chapter 64A of the General Laws is hereby amended by striking out paragraphs (k) and (l), added by section 5 of chapter 577 of the acts of 1980, and inserting in place thereof the following two paragraphs:-

(k) "Average price", the weighted average selling price per gallon of fuel exclusive of federal and state motor fuel taxes imposed thereon sold by licensees, as determined by the commissioner on a consistent basis from information furnished by distributors, unclassified exporters and unclassified importers with their monthly returns and from other statistical data reflecting the average level of such prices at the time such determination is made.

(l) "Tax per gallon", ten per cent of the average price, as determined by the commissioner for each calendar quarter, computed to the nearest tenth of a cent per gallon.

SECTION 5. Said chapter 64A is hereby further amended by striking out section 3, as most recently amended by section 6 of said chapter 577, and inserting in place thereof the following two sections:-

Section 3. Every distributor, unclassified importer and unclassified exporter shall keep a complete and accurate record of all sales of fuel, including the name and address of the purchaser, the place and date of delivery, the gross receipts and number of gallons for each type of fuel sold, and a complete and accurate record of the number of gallons imported, produced, refined, manufactured, compounded or exported and the date of importation, production, refining, manufacturing, compounding or exporting. Every distributor, unclassified importer and unclassified exporter shall also deliver with every consignment of fuel to a purchaser within the commonwealth a written statement containing the date of purchase, the names of the purchaser and seller, the number of gallons delivered, and shall retain a duplicate of each statement. Said records and said written statements shall be in such form as the commissioner shall prescribe and shall be preserved by said distributors, said unclassified importers, said unclassified exporters and said purchasers respectively, for a period of three years and shall be offered for inspection at any time upon oral or written demand

by the commissioner or his duly authorized agents.

Section 3A. The commissioner shall, before the commencement of each calendar quarter, determine the average price of fuel and the tax per gallon to be applicable for each of the three months in the ensuing calendar quarter; and shall notify every distributor, unclassified importer and unclassified exporter of the tax per gallon that shall apply for such calendar quarter.

SECTION 6. Said chapter 64A is hereby further amended by striking out section 4, as most recently amended by section 7 of said chapter 577, 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 an exise at the tax per gallon determined by the commissioner upon 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 paragraph (a) of section sixteen of chapter sixty-two C, every unclassified importer shall pay to the commissioner an exise at the tax per gallon determined by the commissioner upon each gallon of fuel imported or caused to be imported during the calendar month covered by the return.

SECTION 7. Section 7A of said chapter sixty-four A, as most recently amended by section 155 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:- Any person engaged in the business of farming who shall buy any fuel on which an excise has been paid or is chargeable under this chapter and who, having consumed the same for farm purposes and is entitled to a refund of the federal gasoline tax paid on account of such fuel pursuant to section sixty-four hundred and twenty of the Federal Internal Revenue Code, shall be reimbursed the amount of said excise in the manner and subject to the conditions herein provided.

SECTION 8. Said chapter 64A is hereby further amended by striking out section 13, as most recently amended by section 8 of chapter 577 of the acts of 1980, and inserting in place thereof the following section:-

Section 13. All sums received under the excise imposed in section four, and relative 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) Sixty-nine and eighty-five 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) Fifteen per cent 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, provided, 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, further, that said one-half of said amount shall not be subject to assessment under the provisions of section twenty of chapter fifty-nine.

(d) Fifteen per cent shall be credited to the General Fund and used solely for the payment of cost of construction, reconstruction, operation, maintenance and repair of mass transportation lines and for other mass transportation purposes.

SECTION 9. Section 1 of chapter 64E of the General Laws is hereby amended by striking out paragraph (k) and (l), added by section 9 of said chapter 577, and inserting in place thereof the following paragraph:-

(k) "Liquified gas", that type of special fuels which is a combustible gas and exists in the gaseous state at a temperature of 60° Fahrenheit and a pressure of 14.7 pounds per square inch absolute.

SECTION 10. Said chapter 46E is hereby further amended by striking out section 3, as amended by section 1 of chapter 382 of the acts of 1957, and inserting in place thereof the following section:-

Section 3. Each licensee shall keep a complete and accurate record of all purchases, sales and use of special fuels, including the name and address of the person accepting delivery of said special fuels to be used in a vehicle for the propulsion over the highways, its place and date of delivery, the gross sales price or cost and the number of gallons of each type of special fuels

purchased, sold and used and the complete and accurate record of the number of gallons imported, produced, refined, manufactured or compounded and the date of the importation, production, refining, manufacturing or compounding.

Every licensee shall also present with every consignment of special fuels or delivery of the same to any person other than himself a written statement containing the date of the sale or use within the commonwealth, the date of delivery, the name of the person making the delivery and the name of the person receiving the same, the gross sales price and the number of gallons of each type of special fuel delivered and shall retain a duplicate of each such statement. In the case of use of special fuels by the licensee himself, he shall keep an accurate record of all the deliveries received by him and the names and addresses of the persons from whom he received the same, giving the dates of deliveries, the cost of each type of special fuels delivered and the number of gallons of each type involved in each delivery.

Such records and written statements shall be in such form as commissioner shall prescribe and shall be preserved by said licensees for a period of three years and shall be offered for inspection at any time upon oral or written demand by the commissioner or his duly authorized agent.

SECTION 11. Said chapter 64E is hereby further amended by striking out section 4, as most recently amended by section 10 of chapter 577 of the acts of 1980, 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 an excise at the tax per gallon determined by the commissioner under chapter sixty-four A upon each gallon of special fuels sold or used by him in the commonwealth during the calendar month covered by the return. Notwithstanding the foregoing, the tax per gallon payable upon each gallon of liquified gas shall be separately determined by the commissioner utilizing the same procedures as those used for fuel under chapter sixty-four A and such tax per gallon as so determined shall apply to each gallon of liquified gas sold or used by a licensee in the commonwealth during the calendar month covered by the return.

SECTION 12. Section 5 of said chapter 64E is hereby amended by adding the following paragraph:-

Reimbursement under this section shall include special fuels bought by any person engaged in the business of farming on which an excise has been paid or is chargeable under this

chapter where such special fuel is consumed for farm purposes and is eligible for refund of the federal special fuels tax paid on account of such fuel pursuant to section sixty-four hundred and twenty of the Federal Internal Revenue Code.

SECTION 13. Section 3 of chapter 64F of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 11 of said chapter 577 of the acts of 1980, 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 tax per gallon determined by the commissioner under chapter sixty-four A.

SECTION 14. Said chapter 64F is hereby further amended by striking out section 6, as most recently amended by section 8 of chapter 481 of the acts of 1979, 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 tax per gallon determined by the commissioner under chapter sixty-four A for such calendar quarter on each gallon of fuel and special fuels used by him in the commonwealth during the calendar quarter covered by the return.

SECTION 15. Section thirteen of chapter five hundred and seventy-seven of the acts of nineteen hundred and eighty is hereby repealed.

SECTION 16. This act shall apply to taxes imposed and collected under chapters sixty-four, sixty-four E and sixty-four F of the General Laws on or after July first, nineteen hundred and eighty-two.

Approved July 20, 1982.

Chap. 353. AN ACT RELATIVE TO THE REFUNDING OF CERTAIN BOND ANTICIPATION NOTES BY THE CITY OF CAMBRIDGE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section seventeen A of chapter forty-four of the General Laws to the contrary, the treasurer of the city of Cambridge with the approval of the city manager, is hereby authorized to issue bond anticipation notes of the city from time to time, in the total principal amount of three million nine hundred thousand dollars, payable in not more than four years from the dates of the original notes being refunded, in order to pay bond anticipations notes of the city issued for school and surface drainage purposes and originally dated June thirtieth, nineteen hundred and eighty. Notes issued under this act payable in less than four 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 four years. A temporary loan refunded under this act may be converted into a serial loan in the same principal 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 July 20, 1982.

Chap. 354. AN ACT AUTHORIZING THE CITY OF SOMERVILLE TO ESTABLISH AN OVERLAY RESERVE OVER A THREE YEAR PERIOD FOR CERTAIN TAX ABATEMENTS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the city of Somerville, acting through its mayor and board of assessors, is hereby authorized to raise in its tax levy in three installments, commencing in fiscal year nineteen hundred and eighty-two and ending in fiscal year nineteen hundred and eighty-four, an overlay reserve for tax abatements and statutory exemptions of four million and one hundred thousand dollars in a manner specified in sections two, three and four of this act.

SECTION 2. The city shall raise in its tax levy for fiscal

year nineteen hundred and eighty-two, an overlay reserve for tax abatements and statutory exemptions of two million and nine hundred thousand dollars.

SECTION 3. The city shall raise in its tax levy for fiscal year nineteen hundred and eighty-three, an additional six hundred thousand dollars for its fiscal year nineteen hundred and eighty-two overlay reserve for tax abatements and statutory exemptions, less any fiscal year nineteen hundred and eighty-two overlay deficit raised in the fiscal year nineteen hundred and eighty-three tax levy.

SECTION 4. The city shall raise in its tax levy for fiscal year nineteen hundred and eighty-four, an additional six hundred thousand dollars for its fiscal year nineteen hundred and eighty-two overlay deficit raised in the fiscal year nineteen hundred and eighty-four tax levy.

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

Approved July 20, 1982.

Chap. 355. AN ACT MAKING AVAILABLE APPROPRIATIONS TO FUND A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE MASSACHUSETTS TRIAL COURT AND THE OFFICE AND PROFESSIONAL EMPLOYEES INTERNATIONAL UNION, LOCAL 6 (PROFESSIONAL UNIT).

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 351 of the acts of 1981 is hereby amended by inserting after item 1599-3310 the following item:-

1599-3311 To provide for the cost of salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the Massachusetts trial courts and the Office and Professional Employees International Union, Local 6 (Professional Unit), provided that the commissioner of administration is hereby authorized to transfer from the sum provided to other items of appropriation such amounts as are necessary to meet the cost of said adjustments

and benefits for fiscal years nineteen hundred and eighty-one and nineteen hundred and eighty-two where the amounts otherwise available are insufficient for the purpose; provided said adjustments may be paid during fiscal year nineteen hundred and eighty-three, and provided that 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; and provided, further, that copies of each said collective bargaining agreement together with an analysis of all cost items contained in said agreement and all changes to be made in the schedules of permanent and temporary positions required by said agreement, shall be filed with the house and senate committees on ways and means prior to the transfer or allocation of any amounts necessary to meet with the cost of said adjustments and benefits; and provided, further, that no transfers shall be made without the prior approval of the house and senate committees on ways and means, and provided further that this appropriation shall expire June thirtieth, nineteen hundred and eight-three.

SECTION 2. From the unexpended balance remaining in item 1599-2095 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one, the sum of two hundred fifty-three thousand, one hundred and fifty-eight dollars is hereby transferred to item 1599-3311 and made available for the payment of salary adjustments and other economic benefits under said agreement for the nineteen hundred and eighty-one and nineteen hundred and eighty-two fiscal years, and to meet the costs of salary adjustments and other economic benefits necessary to provide equal salary adjustments or benefits to employees employed in "confidential" positions which would otherwise be covered by this collective bargaining agreement.

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

Approved July 20, 1982.

Chap. 356. AN ACT RELATIVE TO THE NEW ENGLAND EDUCATION LOAN MARKETING CORPORATION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to increase immediately the availability of funds through the New England Education Loan Marketing Corporation for the making of loans under the federally-guaranteed student loan programs, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. It is hereby found and declared that programs of guaranteed and insured loans to or for the benefit of students which rely upon the participation of private lenders have provided and continue to provide substantial assistance to the citizens of the commonwealth and others in enabling students to pursue programs of postsecondary education beneficial to themselves and to the commonwealth generally. It is hereby further found and declared that the success of guaranteed and insured loan programs for students has been of significant benefit to the banking community and to the economy of the commonwealth. In order to assure the continued viability of such guaranteed and insured loan programs for students, it is necessary and desirable to provide an efficient, stable secondary market to which such loans may be sold, transferred or pledged in exchange for funds with which the original lender can continue or increase participation in the program. It is hereby found and declared that a secondary market for guaranteed and insured loans to or for the benefit of students is in the best interests of the banking community, the commonwealth and, most particularly, students in that necessary and related financial transactions will be made with the assistance of local institutions and firms, lenders will be assured of access to a secondary market upon terms and conditions reflective of the traditional and evolving banking practices of the region and students and their families will receive better and more efficient servicing of their loans by an entity responsive to the educational and economic climate of the region.

SECTION 2. Chapter fifteen B of the General Laws is hereby repealed.

SECTION 3. The following words and phrases, as used in this act, shall, unless the context otherwise requires, have the following meanings:

"Board", the board of directors of the Corporation.

"Code", the Internal Revenue Code of 1954.

"Corporation", The New England Education Loan Marketing Corporation created by section four of this act.

"Former act", chapter fifteen B of the General Laws, inserted by section one hundred and ninety-one of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one.

"Guaranty agency", any agency of any state, or any nonprofit private institution or organization, which has entered into an agreement with the Secretary of Education pursuant to Section 428 of the Higher Education Act.

"Higher education act", the Higher Education Act of 1965 and the regulations promulgated thereunder, or any successor provisions of comparable import.

"Initial board", the board of directors described in paragraph (b) of section four of the former act as constituted upon the date of approval of this act.

"Secretary of education", the Secretary of the United States Department of Education, or any predecessor or successor officer, board, body, commission or agency under the Higher Education Act.

SECTION 4. There is hereby created a private, nonprofit corporation to be known as The New England Education Loan Marketing Corporation. The corporation is established and shall operate exclusively for the purpose of acquiring student loan notes incurred under the Higher Education Act and shall devote any income, after payment of expenses, debt service and the creation of reserves for the same, to the purchase of additional student loan notes, all within the meaning of Section 103(e) of the Code; provided, however, that the corporation shall have authority to operate for such other purposes, and shall have authority to devote its income as aforesaid for such other purposes, as said Section 103(e), or a successor provision of comparable import, may allow, as said Section 103(e) or such successor provision may be amended from time to time, to the extent that such purposes do not preclude the corporation from being an organization described in Section 501(c) (3) of the Code or a successor provision of comparable import. The corporation shall not engage in any activities which would preclude it from being an organization described in Section 501(c) (3) of the Code or a successor provision of comparable import. For the purposes of Section 435(g) (1) (F) of the Higher Education Act, the corporation shall be deemed to be an agency of the commonwealth functioning as a secondary market.

SECTION 5. The corporation shall be governed by a board of

directors, which shall exercise and be responsible for the management of all of the affairs of the corporation, including the making, amending and altering of by-laws, and the members of which shall constitute the members of the corporation. The board may delegate to any committee of the board or to any officer of the corporation any action which the board is empowered to take. The board shall consist of not less than fifteen nor more than twenty-one members, one-third or, if the total membership of the board is not divisible by three, approximately one-third of whom shall be representative of lending institutions, one-third of whom shall be representative of educational institutions and one-third of whom shall be representative of the general public. The corporation shall be governed until July first, nineteen hundred and eighty-three by the initial board. Members of the initial board shall be eligible for reappointment to successive terms on the board, provided that after July first, nineteen hundred and eighty-three no more than three members of the board may also concurrently be members of the board of directors of the Massachusetts Higher Education Assistance Corporation. After the expiration of the term of the initial board, members of the board shall serve for such terms as may be established by bylaw. Members of the board shall be eligible for reappointment to successive terms. Members of the board shall serve without compensation but shall be reimbursed for all expenses reasonably incurred by them in the performance of their duties. The board, including the initial board, shall elect its own successors and fill all vacancies, provided that if at any time there are no directors, a court of competent jurisdiction may be petitioned to appoint successor directors. After the effective date of this act, the initial board may vote to confirm and validate the actions, including organizational details, taken pursuant to the former act prior to the date of such vote and thereupon any such act shall be deemed to be a valid and binding act of the corporation as of the date of any such act.

SECTION 6. The corporation shall be subject to, and shall have the powers and privileges conferred by the provisions of, chapter one hundred and eighty of the General Laws and section nine A and paragraphs (e) to (j), inclusive, (l), (n), (o) and (p), of section nine of chapter one hundred and fifty-six B of the General Laws, except insofar as said provisions are inconsistent with or otherwise limited or restricted by the provisions of this act. The corporation may exercise the foregoing powers to perform all actions necessary or convenient to effect its purposes. The corporation shall have no stock.

Without limiting the generality of the foregoing, the corporation is expressly authorized to incur liabilities; to issue bonds, notes and other evidences of indebtedness; to acquire student loan notes, without regard to the place of origination of any such notes or to the location or residency of the maker, seller, purchaser or assignee of any such notes or to the location of any educational institution, incurred under the Higher Education Act, to pay expenses and debt service and create reserves for the same, all within the meaning of Section 103(e) of the Code; to encumber and otherwise create and grant liens on and security interests in its properties and assets, whether real, personal or mixed; to pledge, assign and otherwise create and grant liens on and security interests in its revenues; and to enter into contracts and agreements and execute instruments with any person or persons or public or private entity or entities, including without limitation the Secretary of Education and any guaranty agency, relative to the guaranty, insurance, purchase, sale, servicing, processing, pledging or assignment of any such student loan note incurred under the Higher Education Act or otherwise in furtherance of its purposes. The corporation may purchase, receive, take or otherwise acquire, own, hold, sell, lend, exchange, transfer or otherwise dispose of, pledge, use and otherwise deal in and with its own bonds, notes and other evidences of indebtedness.

SECTION 7. Notwithstanding the provisions of chapter one hundred and six of the General Laws, any pledge of, or grant of a lien on or security interest in, the revenues or other properties of the corporation in a resolution authorizing the issuance of bonds, notes or other evidences of indebtedness or in a trust agreement securing the same shall be valid and binding from the time when such pledge or grant shall be made, such revenues or other properties shall immediately be subject to the lien of any such pledge or grant without any physical delivery thereof or further act and any such lien shall be valid and binding against all parties having claims of any kind, in tort, contract or otherwise, against the corporation, irrespective of whether such parties have notice thereof. Neither any such resolution or trust agreement nor any financing statement, continuation statement or other instrument by which a pledge or security interest may be created or by which the interest of the corporation in any revenues or other properties may be assigned need be filed in any public records in order to perfect the security interest or lien thereof as against third parties.

SECTION 8. Bonds, notes and other evidences of

indebtedness issued by the corporation are hereby made securities in which all insurance companies, trust companies, savings banks, co-operative banks, credit unions, banking associations, investment companies, other financial institutions, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them.

SECTION 9. The corporation shall not be required to pay any taxes upon its property or income or be subject to the provisions of chapter sixty-three of the General Laws or to any other taxes measured by its property or income. Bonds, notes and other evidences of indebtedness issued by the corporation, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation within the commonwealth.

SECTION 10. The provisions of chapter one hundred and ten A of the General Laws shall not apply to securities issued by the corporation.

SECTION 11. The corporation shall establish and maintain proper accounting and related records and shall prepare and issue a written report annually, a copy of which shall be provided to the governor and to the clerks of the house and senate within ninety days after the end of the fiscal year of the corporation. The corporation shall not be required to file reports with the attorney general or the state secretary.

SECTION 12. The corporation shall not voluntarily dissolve, or otherwise terminate its existence, so long as any of its debt obligations shall be outstanding. Upon dissolution, liquidation or other termination of the corporation, all rights and properties of the corporation shall pass to and be vested in the commonwealth, subject to the rights of lienholders and other creditors, unless the by-laws provide that they may be distributed among one or more organizations described in Section 501(c) (3) of the Code or a successor provision of comparable import.

SECTION 13. Chapter 15C of the General Laws is hereby amended by striking out section 3, as appearing in chapter 803 of the acts of 1981, and inserting in place thereof the following section:-

Section 3. In this chapter, the following words and terms shall, unless the context otherwise requires, have the following meanings:-

(a) "Authority", the College Student Loan Authority established by section four.

(b) "Authority loans", loans by the authority from the proceeds of bonds for the purpose of funding education loans.

(c) "Bonds" or "revenue bonds", revenue bonds or notes of the authority issued under the provisions of this chapter, including revenue refunding bonds or notes.

(d) "Bond resolution", the resolution or resolutions of the Authority and the trust agreement, if any, authorizing the issuance of and providing for the terms and conditions applicable to bonds.

(e) "Borrower", a student or any person who has received or agreed to pay an education loan on behalf of a student.

(f) "Default insurance", insurance, letters of credit, standby credit agreements, take-out commitments, agreements or other forms of credit insuring against default or guaranteeing timely payment with respect to education loans, Authority loans or bonds.

(g) "Default reserve fund", a fund established pursuant to a bond resolution for the purpose of securing education loans, authority loans or bonds.

(h) "Education loan", a loan to a borrower to finance or refinance a student's attendance at an institution for higher education made by or on behalf of such an institution or by a financial institution which loan is made from or in anticipation of an Authority loan or purchased by the Authority.

(i) "Loan funding deposit", monies or other property deposited by or on behalf of an institution for higher education with the Authority, guarantor or a trustee for the purpose of (a) providing security for bonds, (b) funding a default reserve fund, (c) acquiring default insurance, or (d) defraying costs of the Authority, such monies or properties to be in such amounts as deemed necessary by the Authority or guarantor as a condition for such institution's participation in the Authority's programs.

(j) "Institution for higher education", a nonprofit degree-granting educational institution within the commonwealth, whether public or private, authorized by law to provide a program of education beyond the high school level.

(k) "Participating institution for higher education", an institution for higher education which, pursuant to the provisions of this chapter, undertakes the financing directly or indirectly of education loans as provided in this chapter.

(l) "Parent", any parent, legal guardian or sponsor of a student at an institution for higher education.

(m) "Education loan series portfolio", all education loans made

by or on behalf of a specific institution for higher education or participations therein by the Authority and one or more financial institutions which are funded in whole or in part from the proceeds of an authority loan to such institution out of the proceeds of a related specific bond issue through the Authority.

SECTION 14. Section 4 of said chapter 15C, as so appearing, is hereby amended by adding the following paragraph:-

(h) Notwithstanding any provision of chapter two hundred and sixty-eight A, 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 and sixty-eight A may be a borrower of an education loan. Nor shall participating institutions for higher education be subject to the provisions of section ninety-six of chapter one hundred and forty.

SECTION 15. Section 5 of said chapter 15C, as so appearing, is hereby amended by striking out paragraph (j) and inserting in place thereof the following paragraph:-

(j) to contract with a guarantor to provide security for the payment of education loans through the issuance of default insurance or letters of credit or other credit arrangements or to provide a guarantee of payment covering all or a portion of each education loan made by or on behalf of the Authority or by or on behalf of an institution for higher education from the proceeds of an Authority loan.

SECTION 16. Said section 5 of said chapter 15C, as so appearing, is hereby further amended by striking out paragraph (l) and inserting in place thereof the following two paragraphs:-

(l) to purchase education loans from or to make Authority loans to participating institutions for higher education or financial institutions and require that the proceeds of such Authority loans be used for making education loans, funding reserves, providing for capitalized interest and paying other costs and fees involved in making education loan or issuing bonds.

(l½) to sell education loans or Authority loans to such buyers on such terms and in such amounts as the Authority may determine.

SECTION 17. Paragraph (c) of section 10 of said chapter 15C, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The revenue bonds or notes shall be authorized by

resolution of the members of the Authority and shall bear such date or dates and mature at such time or times not exceeding thirty years from the date of issuance from their respective dates, bear interest at such rate or rates, payable at such time or times, be in such denominations, be in such form either coupon or registered, carry such registration or conversion privileges, be executed with manual or facsimile signatures in such manner, be payable in lawful money of the United States at such place or places, and be subject to such terms of redemption, as such resolution or resolutions may provide.

SECTION 18. Paragraph (d) of said section 10 of said chapter 15C, as so appearing, is hereby amended by striking out clause (1) and inserting in place thereof the following clause:- (1) pledging all or any part of the authority loans, education loans or revenues derived from the Authority loans and education loans with respect to which such bonds or notes are to be issued.

SECTION 19. Said paragraph (d) of said section 10 of said chapter 15C, as so appearing, is hereby further amended by striking out clause (10) and inserting in place thereof the following clause:- (10) the procedure, if any, by which the terms of any contract with bondholders, bonds may be amended.

SECTION 20. Section 11 of said chapter 15C, as so appearing, is hereby amended by striking out the second sentence.

SECTION 21. Section 13 of said chapter 15C, as so appearing, is hereby amended by striking out the first two sentences and inserting in place thereof the following sentence:- The Authority shall fix, revise, charge and collect fees and is empowered to contract with any person, partnership, association or corporation, or other body, public or private, in respect thereof such that the fees and other amounts payable with respect to any program or programs of the Authority shall be sufficient at all times, (a) to pay or provide for the administrative costs and expenses of such program, (b) to pay the principal of, the premium, if any, and the interest on outstanding bonds or notes of the Authority issued in respect of such program to the extent that other revenues of the Authority pledged for the payment of the bonds or notes are insufficient to pay the bonds or notes as they become due and payable, (c) to create and maintain reserves which may but need not be required or provided for in the bond resolution relating to such

bonds or notes of the Authority, and (d) to establish and maintain whatever education loan servicing, control, or audit procedures are deemed to be necessary or appropriate to the operations of the Authority.

SECTION 22. The third sentence of said section 13 of said chapter 15C, as so appearing, is hereby amended by striking out, in line 3, the word "shall" and inserting in place thereof the word:- may.

SECTION 23. Section 18 of said chapter 15C, as so appearing, is hereby amended by inserting after the word "seventeen", in line 2, the words:- or as provided in any bond resolution applicable to any bonds of the Authority.

SECTION 24. Section 20 of said chapter 15C, as so appearing, is hereby amended by striking out the first and second sentences and inserting in place thereof the following sentence:- The Authority shall keep an accurate account of all its activities and of all its receipts and expenditures and shall annually make a report thereof as of the end of its fiscal year to its members, to the governor and to the state auditor, such reports to be in a form prescribed by the members, with the written approval of said auditor.

SECTION 25. The second paragraph of section 22 of said chapter 15C, as so appearing, is hereby amended by striking out, in line 14, the word "financial" and inserting in place thereof the word:- financing.

SECTION 26. Said chapter 15C is hereby further amended by adding the following two sections:-

Section 27. Upon dissolution, liquidation or other termination of the Authority, all rights and properties of the Authority shall pass to and be vested in the commonwealth, subject to the rights of lienholders and other creditors. In addition, any net earnings of the Authority, beyond that necessary for retirement of any indebtedness or to implement the public purpose or purposes or program of the commonwealth, shall not inure to the benefit of any person other than the commonwealth.

Section 28. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

SECTION 26A. Section 96 of chapter 140 of the General Laws,

as most recently amended by section 1 of chapter 964 of the acts of 1980, is hereby amended by adding the following paragraph:-

The provisions of this section and of sections ninety-six A to one hundred fourteen, inclusive, shall not apply to loans to any student, or to any parent, legal guardian or sponsor of a student, made by any non-profit, public or independent post-secondary educational institution within the commonwealth authorized by law to grant degrees, by the commonwealth or by any agency or instrumentality thereof; provided, that such institutions may not take, receive, reserve, or charge interest, expenses and other consideration for making or securing a loan of six thousand dollars or less in excess of those permitted by section one hundred.

SECTION 27. Sections one to twelve, inclusive, of this act shall take effect as of July first, nineteen hundred and eighty-one.

Approved July 20, 1982.

Chap. 357. AN ACT INCORPORATING CERTAIN RECURRING BUDGETARY PROVISIONS INTO THE GENERAL LAWS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately incorporate certain recurring budgetary provisions into the General Laws, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 28 of chapter 7 of the General Laws, as most recently amended by section 7 of chapter 767 of the acts of 1981, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Subject to approval of the commissioner of administration and the governor, the said administrator shall make, and from time to time may amend, rules which shall regulate vacation leave, sick leave and other leave with pay and overtime compensation, maintenance charges, or payments in lieu thereof, travel and meals for persons traveling within or without the commonwealth, for permanent and temporary employees and for officers other than those exempted by such rules; provided, however, that

such rules regulating sick leave shall provide that any such officer or employee who, while in the performance of duty, shall receive bodily injuries resulting from acts of violence of any patient or prisoner in his custody, and who as a result of such injury shall be entitled to weekly cash benefits under chapter one hundred and fifty-two, may be paid the difference between such benefits and his regular pay, without use of any sick leave credit to which he may have been entitled prior to such injury, and notwithstanding the fact that such injury shall be for less than eight days duration; and provided, further, that rules and rates established pursuant to the provisions of this section relative to the reimbursement for the expenses of meals for persons traveling within or without the commonwealth at the expense thereof shall apply to all offices, departments, boards, commissions, and other agencies of the commonwealth which receive state appropriations. Such rules regulating vacation leave and sick leave shall provide that employees be credited with all prior service performed by them while employed by or attached to the general court or either branch thereof, as though such prior service were performed in the service of the department in which they are employed; provided, however, that such credit shall not be given to any such employee re-entering the service of the commonwealth after having been separated from such service for a period in excess of three years. In the event of a conflict between the terms of a collective bargaining agreement and any rule or regulation made pursuant to this paragraph, the terms of the collective bargaining agreement shall prevail.

SECTION 2. Said chapter 7 is hereby further amended by striking out section 29, as amended by section 4 of chapter 580 of the acts of 1945, and inserting in place thereof the following section:-

Section 29. Any agency of the commonwealth, including the board of education and the department of education, which receives an appropriation of state funds 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.

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. This section shall not apply to publications issued by the officers of either branch of the general court, or issued under special authority given by the general court, or to the regular annual reports of the attorney general, state treasurer, state auditor or state secretary, or to reports of capital trials prepared by the attorney general under section eleven of chapter twelve, or to publications prepared by the state secretary in conformity with sections two and four of chapter five.

SECTION 3. Said chapter 7 is hereby further amended by inserting after section 43G the following two sections:-

Section 43H. The director of facilities management shall report quarterly to the house and senate committees on ways and means any lease negotiated or any agreement providing for a tenancy at will or other rental of space, and any renewal or extension thereof, which has been signed by the executive or administrative head of a state department, court, commission or board or which has been approved by the state superintendent of state office buildings and by the commissioner of administration; provided, however, that said quarterly report shall include by agency, the amount and location of such rental space, any new or additional space, the duration of the lease or agreement, the cost per square foot of such rental space, any increase or decrease in said cost, and the cost of the preceding lease or agreement.

Section 43I. 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 civil penalty at the rate of ten dollars per square foot annually for the period of such use.

SECTION 4. Chapter 19 of the General Laws is hereby amended by inserting after section 14F the following section:-

Section 14G. The commissioner shall identify patients at institutions subject to the control of the department who are eligible for federal veterans' benefits and shall take such steps necessary to assist said patients in collecting said benefits. Said commissioner shall promulgate rules and regulations necessary to identify such patients at such institutions who are eligible for federal veterans' benefits and to collect said benefits. Said commissioner shall report to the clerks of the house and senate on or before January first of each year, 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 5. Chapter 19A of the General Laws is hereby amended by inserting after section 4 the following section:-

Section 4A. The department shall establish a sliding fee scale to provide home care services for certain persons whose income exceeds the limits established under Title XX of the Social Security Act. On July first of each year, the department shall increase the financial eligibility limits for home services, including the sliding fee scale, by a percentage equal to the percentage increase in federal social security benefits for that fiscal year. The department shall forward to the house and senate committees on ways and means on or before March first of each year, a full report on the status of the home care program audit.

SECTION 6. Chapter 29 of the General Laws is hereby amended by inserting after section 12 the following two sections:-

Section 12A. Beginning June first of any year, obligations may be incurred against appropriation accounts or subsidiary accounts for items to be delivered or for services to be rendered on or after the beginning of the next fiscal year; provided, however, that said obligations are in accordance with law and the amounts thereof do not exceed one-twelfth of the appropriation account or subsidiary account for the current fiscal year.

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, however, that during the month of June the comptroller may prepare warrants and the

state treasurer may advance funds to the department of public welfare for the purpose of making payments on and after July first as authorized by chapter six hundred and fifty-eight of the acts of nineteen hundred and sixty-seven; and provided further that said payments are in accordance with law and the amounts thereof do not exceed the amount of the appropriation account or subsidiary account, provided, however, that no funds shall be expended until such funds have been appropriated. The certified copies of the schedules provided for in section twenty-seven shall be filed with the comptroller and the budget director as of June first. Where the allotment of an appropriation account or subsidiary account is required by law, such allotment shall be made as of June first.

Section 12B. Notwithstanding the provisions of any general or special law to the contrary, the fiscal year for the payment of classified personal services shall begin on the Sunday following the last Saturday of June, or on July first if said last Saturday occurs on June thirtieth, and shall end on the last Saturday in June of the following calendar year.

SECTION 7. Said chapter 29 is hereby further amended by inserting after section 19 the following section:-

Section 19A. Whenever a provision of a general appropriation act provides 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 such act, 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 8. Section 27 of said chapter 29 is hereby amended by striking out the second sentence, as appearing in chapter 45 of the acts of 1950, and inserting in place thereof the following sentence:- Appropriations by the general court, and any allotments by the governor, shall be expended only in the amounts prescribed in the subsidiary accounts, if any, established for the several appropriation accounts in schedules established by, and on file with, the joint committees on ways and means; provided, however, that amounts prescribed in subsidiary accounts for personal services 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 9. Section 25 of chapter 30 of the General Laws is hereby amended by adding the following paragraph:-

In the case of allowable expenses incurred in the operation of private motor vehicles used in the performance of official duties, the maximum reimbursement shall not exceed a maximum established by the commissioner of administration. Said maximum shall be equivalent to the maximum reimbursement payable to state employees who are covered under a collective bargaining agreement for which an appropriation has been made by the general court. Said commissioner shall adjust said maximum, if such adjustment is required, on July first of each year and shall file a notice of such adjustment with the house and senate committees on ways and means at least ninety days prior to said date.

SECTION 10. Section 45 of said chapter 30, as most recently amended by section 72 of chapter 699 of the acts of 1981, is hereby further amended by inserting after paragraph (4) the following paragraph:-

(4A) No part of the sums appropriated for any agency or subdivision of a department 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 such agency or subdivision of a department except such temporary positions as may be authorized under paragraph (4). 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 such additional temporary personnel. The provisions of this paragraph shall not apply to positions essential for the care of patients or inmates in institutions or to positions essential for the educational programs 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 nor to a position required to correct an inequity determined as provided in sections fifty-three and fifty-six. Under no circumstances shall excess quota positions be authorized without prior approval by the house and senate committees on ways and means.

SECTION 11. Chapter 32 of the General Laws is hereby amended by inserting after section 23 the following section:-

Section 23A. All monies appropriated by the general court 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.

SECTION 12. Section 8 of chapter 32A of the General Laws is hereby amended by adding the following paragraph:-

Every department, board, or agency of the commonwealth shall, on or before August first of each year, file with the 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 of each year, true copies shall be filed with the commission no later than sixty calendar days from the effective date thereof. If a secretariat, department, board or agency fails to file a copy of such contract, or fails to respond to a reasonable inquiry by said commission, the 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 premiums as provided in this section.

SECTION 13. Chapter 71B of the General Laws is hereby amended by adding the following section:-

Section 15. When a mentally retarded person receives special education in a public school, the administrator of special education in the city or town, one year prior to the graduation from high school or twenty-second birthday of such person, whichever first occurs, shall notify the department of mental health of the expected completion of such person's special education program. Upon graduation or upon attaining age twenty-two years, whichever first occurs, copies of such person's school records shall be forwarded to and maintained by said department.

SECTION 14. Chapter 73 of the General Laws is hereby amended by inserting after section 14 the following section:-

Section 14A. The trustees shall transfer to the General Fund

each fiscal year from the monies received from the operation of projects of the Massachusetts State College Building Authority an amount sufficient to meet the estimated cost of heat, light, power and other services furnished to such projects as well as the estimated costs of employee fringe benefits to be furnished to said projects by the commonwealth. The amount of said monies shall be determined by the trustees and approved by the commissioner of administration. Said commissioner shall notify the house and senate committees on ways and means of the amount of money to be transferred at least thirty days prior to the date of such transfer.

SECTION 15. Chapter 75A of the General Laws is hereby amended by striking out section 9, as appearing in section 7 of chapter 1175 of the acts of 1973, and inserting in place thereof the following section:-

Section 9. The trustees shall transfer to the General Fund each fiscal year from the monies received from the operation of projects constructed by the University of Lowell Building Authority an amount sufficient to meet the estimated cost of utilities to be furnished to such projects. The amount of said monies shall be determined by the trustees and approved by the commissioner of administration. Said commissioner shall notify the house and senate committees on ways and means of the amount of money to be transferred at least thirty days prior to the date of such transfer.

SECTION 16. Chapter 111 of the General Laws is hereby amended by inserting after section 69J the following section:-

Section 69K. The commissioner shall identify patients at institutions subject to the control of the department who are eligible for federal veterans' benefits and shall take such steps necessary to assist said patients in collecting said benefits. Said commissioner shall promulgate rules and regulations necessary to identify such patients at such institutions who are eligible for federal veterans' benefits and to collect said benefits. Said commissioner shall report to the clerks of the house and senate on or before January first of each year, 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 the provisions of this section, and the cost to the commonwealth of collecting said benefits.

SECTION 17. Said chapter 111 is hereby further amended by inserting after section 71 the following section:-

Section 71A. The administrator of any facility licensed pursuant to section seventy-one shall deposit in an individual, interest-bearing account of any bank organized and existing under the laws of the commonwealth funds of any person who is an inpatient or resident at such facility if such administrator agrees to manage such funds at the request of such person, or the fiduciary of such person, or if the administrator is a fiduciary for such person. The words "fiduciary" and "funds" shall have the same meanings found in section one of chapter one hundred and twenty-three. The interest earned by any such funds so deposited will be credited to the individual account of such person. The department shall promulgate rules and regulations to implement the provisions of this section.

SECTION 18. Section 4 of chapter 115 of the General Laws is hereby amended by adding the following paragraph:-

Veterans agents shall 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 if agreed to by an applicant. The veterans agent shall file the application for the veteran if the veteran selects assistance under said chapter one hundred and eighteen E. The application shall be processed through the said department. Said applicant shall be duly advised of his entitlement to veterans benefits or benefits from public assistance.

SECTION 19. The first paragraph of section 20 of chapter 118E of the General Laws, as most recently amended by section 3 of chapter 758 of the acts of 1975, is hereby further amended by adding the following two sentences:- The department may establish regulations which provide exceptions to the ninety day billing limitation. Said regulations shall not permit payment of such 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 20. Section 32 of chapter 123 of the General Laws is hereby amended by adding the following paragraph:-

The secretary of human services shall establish a billing and collection system within the department for the collection of said charges including, but not limited to, third party payments, in accordance with a schedule of charges established by the department.

SECTION 21. This act shall take effect as of July first, nineteen hundred and eighty-two.

Approved July 20, 1982.

Chap. 358. AN ACT AUTHORIZING AN ADDITIONAL TIME PERIOD FOR THE CITY OF NEWTON TO ACT ON TAX ABATEMENTS FOR FISCAL YEAR NINETEEN HUNDRED AND EIGHTY-TWO.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section sixty-three of chapter fifty-nine of the General Laws or any other general or special law to the contrary, if the board of assessors of the city of Newton fail to take action on an application for abatement for taxes levied for fiscal year nineteen hundred and eighty-two for a period of six months following the filing thereof, such board shall, within ten days after such period, notify the applicant of such inaction in writing.

SECTION 2. Notwithstanding the provisions of section sixty-four of chapter fifty-nine of the General Laws or any other general or special law to the contrary, for taxes levied for fiscal year nineteen hundred and eighty-two, whenever the board of assessors for the city of Newton, before which an application in writing for the abatement of a tax is or shall be pending, fails to act upon said application, except with the written consent of the applicant, prior to the expiration of six months from the date of filing of such application, it shall then be deemed to be denied and said assessors shall have no further authority to act thereon; provided, that during the period allowed for the taking of an appeal said assessors may by agreement with the applicant abate the tax in whole or in part in final settlement of said application, and shall also have the authority granted to them by section seven of chapter fifty-eight A to abate in whole or in part, any tax as to which an appeal has been seasonably taken.

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

Approved July 20, 1982.

Chap. 359. AN ACT DIRECTING THE DEPARTMENT OF PUBLIC WELFARE TO ADJUST ITS GRANT LEVELS CONSISTENT WITH FEDERAL LAWS.

Be it enacted, etc., as follows:

Paragraph (a) of section 178 of chapter 351 of the acts of 1981 is hereby amended by inserting after the word "component", in

line 2, the following words:- , provided, that such adjustment may be accomplished consistent with applicable federal laws, and further.

Approved July 20, 1982.

Chap. 360. AN ACT RELATIVE TO THE ISSUANCE OF LICENSES TO OPERATE CERTAIN PRIVATE BUSINESS SCHOOLS IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

Chapter 75D of the General Laws is hereby amended by striking out section 2, as most recently amended by section 30 of chapter 572 of the acts of 1980, and inserting in place thereof the following section:-

Section 2. No private business school shall be operated in the commonwealth unless licensed by the commissioner of education, hereinafter referred to in this chapter as the commissioner. The fee for the issuance of a license to operate a private business school and the fee for each renewal thereof shall be determined annually by the commissioner of administration under the provision of section three B of chapter seven. The provisions of this chapter shall not apply to any private business school which charges tuitions not exceeding one hundred and fifty dollars per student in any year; provided, however, that such private business schools shall be subject to the bonding provisions of section fourteen and, the provisions relating to personal service contracts contained in section thirteen K of chapter two hundred and fifty-five.

Approved July 20, 1982.

EMERGENCY LETTER, July 20, 1982 @ 3:22 P.M.

Chap. 361. AN ACT FURTHER AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO ACQUIRE CERTAIN PUBLIC LANDS IN THE CITY OF NORTH ADAMS FOR HIGHWAY PURPOSES.

Be it enacted, etc., as follows:

Section 1. The provisions of chapter five hundred and fifty-one of the acts of nineteen hundred and eighty-one are

hereby amended by striking out the description for Parcel No. 4-8 and inserting in place thereof the following description:-

Beginning at a point on the westerly line of the 1976 State Highway Layout of Route 8, in North Adams, and the northerly line of South State Street.

thence, easterly and northerly along the 1976 State Highway Layout about two hundred twenty-eight (228) feet to a point;

thence, northerly about one hundred seventy-eight (178) feet along the 1976 State Highway Layout to a point;

thence, northerly about five hundred seventy (570) feet along the 1976 State Highway Layout to a point;

thence, westerly about eighty-one (81) feet to a point;

thence, southerly and westerly about fifty-one (51) feet to a point.

thence, southerly about one one hundred sixty-five (165) feet parallel to the 1976 State Highway Layout line, to a point;

thence, easterly about ninety-five (95) feet to a point;

thence, southerly about three hundred sixty (360) feet parallel to the 1976 State Highway Layout line, to a point;

thence, southerly about one hundred seventy (170) feet to a point;

thence, southerly and westerly about two hundred twenty-three (223) feet along the arc of a curve to the point of beginning.

Containing in all approximately twenty-seven thousand six hundred seventy-six (27,676) square feet of land, more or less.

SECTION 2. Subject to the provisions of chapter six hundred and ninety-three of the acts of nineteen hundred and fifty-five, the department of public works, acting for and in 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 land or interest in 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 "Adams-North Adams - Route 8 Preliminary Right of Ways Plan - Sheets 2, 13, 17, 18, 19 and 33 of 58 Sheets", which said department is hereby directed to file with the chief engineer of said department, and which lands shall be identified on a department layout plan as follows:

Parcel No. 4-DS-8.

Beginning at a point on the westerly line of the 1982 proposed

location line of Route 8; thence, northerly about three hundred sixty (360) feet along the 1982 proposed location line to a point;

thence, westerly about fifteen (15) feet to a point;

thence, southerly about three hundred sixty (360) feet parallel to the 1982 proposed location line to a point;

thence, easterly about fifteen (15) feet to the point of beginning.

Containing approximately five thousand four hundred (5,400) square feet of land, more or less.

This parcel of land is presently used by the City of North Adams for gravel mining and processing and the department is hereby authorized to divert this public use to highway drainage and slope use.

Parcel. No. 4-DS-20.

Beginning at a point on the easterly line of the 1976 State Highway Layout of Route 8 at the Adams-North Adams city lines;

thence, northerly and easterly about twenty (20) feet along the 1976 State Highway Layout to a point;

thence, easterly and northerly about six hundred seventy-six (676) feet to a point;

thence, southerly and westerly about twenty (20) feet parallel to the 1976 State Highway Layout to a point;

thence, westerly and southerly about six hundred seventy-six (676) feet to the point of beginning.

Containing approximately thirteen thousand five hundred and twenty (13,520) square feet of land, more or less.

This parcel of land is presently used by the City of North Adams for industrial park purposes and the department is hereby authorized to divert this public use to highway drainage and slope use.

Parcel No. 4-DS-22.

Beginning at a point on the easterly line of the 1982 proposed location line of Route 8;

thence, northerly about thirty (30) feet along the 1982 proposed location line to a point;

thence, easterly about twenty-four (24) feet to a point;

thence, southerly and westerly about thirty-three (33) feet along the arc of a 231.50 foot radius curve on the 1980 City Layout line;

thence, westerly about twelve (12) feet to the point of beginning.

Containing approximately five hundred forty (540) square feet of land, more or less.

This parcel of land is presently used by the city of North

Adams for industrial park purposes and the department is hereby authorized to divert this public use to highway drainage and slope use.

Approved July 20, 1982.

EMERGENCY LETTER, July 20, 1982 @ 3:22 P.M.

Chap. 362. AN ACT AUTHORIZING THE APPOINTMENT OF CERTAIN PERSONS TO THE POSITION OF CORRECTION OFFICER IN THE DEPARTMENT OF CORRECTION.

Be it enacted, etc., as follows:

Notwithstanding any general or special law or rule to the contrary regulating the maximum age for applicants for appointment as a correction officer in the department of correction, any provisional and temporary correction officers, shall be eligible for certification and appointment as a regular correction officer provided he has met all requirements for certification and appointment to said position of a regular correction officer other than the requirement as to age.

Approved July 20, 1982.

Chap. 363. AN ACT RELATIVE TO THE CONSERVATION AND MANAGEMENT OF THE SEA CLAM AND OCEAN QUAHOG FISHERIES.

Be it enacted, etc., as follows:

Section 52 of chapter 130 of the General Laws is hereby amended by adding the following paragraph:-

For purposes of this section and of section fifty-four, the term shellfish shall not include the commercial harvest of those species of shellfish known as sea clams (spilosa solidissima) and ocean quahogs (artica islandica); provided, however, that the director may authorize the commercial management of sea clams and ocean quahogs by regional management of cities and towns, if in his opinion regional management will be in the best interests of the commonwealth. Regional management shall be based upon a regional plan developed by the cities and towns concerned and approved by the director. The director is authorized to

promulgate rules and regulations for the development, approval and implementation of all regional plans.

Approved July 20, 1982.

EMERGENCY LETTER - July 22, 1982 @ 1:09 P.M.

Chap. 364. AN ACT RELATIVE TO CHILD PORNOGRAPHY.

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and four A of chapter one hundred and forty-nine of the General Laws is hereby repealed.

SECTION 2. Chapter 272 of the General Laws is hereby amended by striking out section 29A, inserted by section 2 of chapter 917 of the acts of 1977, and inserting in place thereof the following two sections:-

Section 29A. Whoever with knowledge that a person is a child under eighteen years of age, or whoever while in possession of such facts that he should have reason to know that such person is a child under eighteen years of age, hires, coerces, solicits or entices, employs, procures, uses, causes, encourages, or knowingly permits such child to pose or be exhibited in a state of nudity or to participate or engage in any act that depicts, describes or represents sexual conduct for purpose of visual representation or reproduction in any book, magazine, pamphlet, motion picture film, photograph, or picture shall be punished by imprisonment in the state prison for a term of not less than ten nor more than twenty years, or by a fine of not less than ten thousand dollars nor more than fifty thousand dollars, or by both such fine and imprisonment.

It shall be an affirmative defense in any prosecution pursuant to this section that such visual representation or reproduction of any posture or exhibition in a state of nudity was produced, processed, published, printed or manufactured for a bona fide scientific or medical purpose, or for an educational or cultural purpose for a bona fide school, museum or library.

Section 29B. Whoever disseminates any visual material that contains a representation or reproduction of any posture or exhibition in a state of nudity or of any act that depicts, describes, or represents sexual conduct participated or engaged in by a child who is under eighteen years of age, knowing the contents of such visual material or having sufficient facts in his possession to have knowledge of the contents thereof, or

whoever has in his possession any such visual material knowing the contents or having sufficient facts in his possession to have knowledge of the contents thereof, with the intent to disseminate the same, shall be punished in the state prison for a term of not less than ten nor more than twenty years or by a fine of not less than ten thousand dollars nor more than fifty thousand dollars or three times the monetary value of any economic gain derived from said dissemination, whichever is greater, or by both such fine and imprisonment.

It shall be an affirmative defense in any prosecution pursuant to this section that such dissemination of any visual material that contains a representation or reproduction of any posture or exhibition in a state of nudity was produced, processed, published, printed or manufactured for a bona fide scientific or medical purpose, for an educational or cultural purpose for a bona fide school, museum or library, or where the person who is so represented or reproduced in a state of nudity is over the age of eighteen years.

For the purposes of this section, the determination whether the child in any visual material prohibited hereunder is under eighteen years of age may be made by the personal testimony of such child, by the testimony of a person who produced, processed, published, printed or manufactured such visual material that the child therein was known to him to be under eighteen years of age, by testimony of a person who observed the visual material, or by expert medical testimony as to the age of the child based upon the child's physical appearance, by inspection of the visual material, or by any other method authorized by any general or special law or by any applicable rule of evidence.

SECTION 3. Section 31 of said chapter 272 is hereby amended by inserting after the word "twenty-nine A", in lines 1 and 2, as appearing in section 4 of said chapter 917, the word:- twenty-nine B.

Approved July 20, 1982.

EMERGENCY LETTER, July 21, 1982 @ 9:47 A.M.

Chap. 365. AN ACT AUTHORIZING THE TOWN OF PLYMOUTH TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES TO J.R. ALGIRD, INC.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the town of Plymouth is hereby authorized to issue to J.R. Algird, Inc. d/b/a Jerry's package store, a license for the sale of all alcoholic beverages not to be drunk on the premises 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 said section seventeen.

(The foregoing was laid before the Governor on the eighth day of July, 1982 and after ten days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

Chap. 366. AN ACT FURTHER REGULATING THE REGISTRATION OF CERTIFIED PUBLIC ACCOUNTANTS.

Be it enacted, etc., as follows:

SECTION 1. Section 87A of chapter 112 of the General Laws is hereby amended by striking out paragraph (b), as appearing in section 2 of chapter 663 of the acts of 1963, and inserting in place thereof the following paragraph:-

(b) A partnership engaged in the commonwealth in the practice of public accounting may register with the board as a partnership of certified public accountants, provided:-

(1) that each partner thereof personally and regularly engaged within the commonwealth in the practice of public accounting as a member thereof is a certified public accountant registered under this section or section eighty-seven B and holds a valid biennial permit issued under section eighty-seven B or is a professional corporation registered under paragraph (c);

(2) that each active partner thereof who is resident in the United States is a certified public accountant in good standing of some state or is a professional corporation registered under paragraph (c); and

(3) that each resident manager in charge of an office of the firm located in the commonwealth is a certified public accountant registered under this section or section eighty-seven B and holds a valid biennial permit issued under section eighty-seven B or is a professional corporation registered under paragraph (c).

Application for such registration shall be made upon the

affidavit of a member of such partnership who is a certified public accountant registered under this section or section eighty-seven B and who holds a valid biennial permit issued under section eighty-seven B. The board shall in each case determine whether the applicant is eligible for registration. A partnership which is so registered and which holds a valid biennial permit issued under section eighty-seven B may use the words "certified public accountants" or the abbreviation CPA in connection with its partnership name. Such a partnership may also use the words "public accountants" or the abbreviation PA in connection with its partnership name. Notification shall be given the board, within ninety days, after the admission to or withdrawal of a partner from any partnership so registered, and after the commencement or termination of any partner's personal and regular practice of public accounting in the commonwealth as a member thereof.

SECTION 2. Section 8 of chapter 663 of the acts of 1963 is hereby amended by inserting after the word "twelve", in line 11, the following words:- or a professional corporation registered under the provisions of paragraph (c) of section eighty-seven A of chapter one hundred and twelve of the General Laws.

Approved July 22, 1982.

EMERGENCY LETTER - July 22, 1982 @ 1:09 P.M.

Chap. 367. AN ACT RELATIVE TO CERTAIN THIRD PARTY RECOVERY BY THE DEPARTMENT OF PUBLIC WELFARE.

Be it enacted etc., as follows:

Chapter 18 of the General Laws is hereby amended by inserting after section 5G the following section:-

Section 5H. Notwithstanding any other provision of general or special law, rule or regulation, the department shall be subrogated to the right of any recipient of medical assistance provided pursuant to chapter one hundred and eighteen E to proceed against any health care insurer that is or may be liable to pay for covered services obtained by a recipient of medical assistance to the extent of any medical benefits provided by the department on behalf of the recipient or his dependents.

A recipient of medical assistance or any person legally obligated to support and having actual or legal custody of a

recipient of medical assistance shall inform the department of any health insurance available to such recipient upon initial application and redetermination for eligibility for assistance and shall make known the nature and extent of any health insurance coverage to any person or institution that provides medical benefits to the recipient or his dependent.

No policy for health insurance for health care delivery administered, issued or renewed in the commonwealth shall contain any provision denying or reducing benefits to a person who is eligible for or who is receiving medical assistance under said chapter one hundred and eighteen E.

A provider of medical assistance under said chapter one hundred and eighteen E shall determine whether any recipient for whom it provides medical benefits that are or may be eligible for reimbursement pursuant to said chapter one hundred and eighteen E is a subscriber or beneficiary of a health insurance plan. The department is the payor of last resort, and accordingly a provider shall request payment for medical benefits it provides from a health insurer which is or may be liable for the medical benefits so provided, before payment is requested from the department.

Payment by the department under the medical assistance program shall constitute payment in full; subsequent to any such payment a provider may not recover from any health insurer an amount greater than the amount so paid by the department for any service for which the department is to be the payor of last resort.

Notwithstanding any provision of law, all health insurers doing business in the commonwealth shall provide information to the department to the extent sufficient to identify persons who are recipients of assistance under said chapter one hundred and eighteen E and who are also beneficiaries under any policy for health insurance in force and effect in the commonwealth.

Approved July 22, 1982.

Chap. 368. AN ACT RELATIVE TO THE COLLECTION OF MEDICAID OVER PAYMENTS BY THE DEPARTMENT OF PUBLIC WELFARE.

Be it enacted, etc., as follows:

Section 20 of chapter 118E of the General Laws, as most recently amended by section 279 of chapter 351 of the acts of 1981, is hereby further amended by inserting after the first paragraph

the following paragraph:-

When the department has reason to believe that a provider has received payment to which he is not entitled, the department shall notify the provider of the facts on which it bases its belief, identifying the amount believed to have been overpaid and the reasons therefor, and shall accord the provider a reasonable opportunity to submit additional data and argument to support the provider's claim for reimbursement. After consideration and review of any such information submitted by the provider, the department shall make a final determination. Any amount determined to have been overpaid shall be recoverable under the provisions of this section unless the provider files a timely claim for an adjudicatory hearing raising a material dispute of fact or law. In such adjudicatory hearing, the burden shall be on the provider to demonstrate his entitlement to the payments denied by the department. After such hearing, the commissioner shall notify the provider of his decision with reasons therefor. The decision of the commissioner shall be final and is enforceable under this section unless stayed pursuant to a valid court order; provided, however, that the department has sent written notice to the provider prior to the time period in which the services in dispute were provided, which notice shall state that the entry and filing provisions of this section are applicable only to claims processed after the date of said notice.

If the departments's determination, or an administrative review thereof, has become final and the amount overpaid remains unpaid in full or in part, the commissioner may file with the clerk of the municipal court of the city of Boston, or in the district court in the judicial district where the provider has principal place of business, a certificate or a copy thereof under official seal, stating: the name and address of the provider, the amount owed to the commonwealth as overpayment and in default, that the time in which administrative or judicial review is permitted has expired without appeal having been taken, or, if a claim has been filed under section fourteen of chapter thirty A, that the department's determination has not been stayed. Upon such filing of a certificate stating said information, such clerk shall assign a civil docket number to such certificate and enter judgment thereon in the civil docket as in a civil action. Such entry shall include the name of the provider identified in the certificate, the amount of such overpayment in default, and the date such certificate is filed. Such certificate shall be enforceable in the same manner and to the same extent as a judgment entered by a court of competent jurisdiction; provided, however, that the rules of court governing procedures in civil cases after the entry of judgment shall not apply to certificates entered as judgments as

provided herein. Retroative rate adjustments made to the rates of institutional providers pursuant to section thirty-two of chapter six A shall not be subject to the filing and entry dispositions of this section.

Approved July 22, 1982.

Chap. 369. MAKING CERTAIN CHANGES IN THE PROCEDURE OF CLASSIFICATION OF LAND FOR TAXATION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately make changes in the procedure of classification of taxable land, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 56 of chapter 40 of the General Laws is hereby amended by striking out the first paragraph, as most recently amended by chapter 419 of the acts of 1981, and inserting in place thereof the following paragraph:-

The commissioner shall biennially certify as to whether the board of assessors is assessing property at full and fair cash valuation. The selectmen or town council of each town and the city council together with the mayor's approval in 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 annually first determine the percentages of the local tax levy to be borne by each class of real property, as defined in section two A of chapter fifty-nine, and personal property for the next fiscal year; provided, however, that if the mayor vetoes the city council's percentages, in a city, the city council may override such veto with a vote equal to two-thirds of the members elected. In determining such percentages, the selectmen, town council or the city council, together with the mayor's approval, as the case may be, shall first adopt a residential factor; provided, however, that if the mayor vetoes the city council's factor, in a city, the city council may override such veto with a vote equal to two-thirds of the members elected. 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 and shall be used by the board of assessors

to determine the percentages of the local tax levy to be borne by each class of real and personal property. Prior to the adoption of such percentages, the selectmen, town council or the city council, as the case may be, shall conduct a public hearing on the question of their adoption. At such hearing, the board of assessors shall provide all information and data relevant to making such determination and the fiscal effect of the available alternatives. The commissioner of revenue shall not approve the tax rate of a city or town under section twenty-three of chapter fifty-nine until the selectmen, town council or the city council, as the case may be, have held such a public hearing and until the city or town has adopted the percentages of the local tax levy to be borne by each class of real and personal property.

SECTION 2. Said section 56 of said chapter 40 is hereby further amended by striking out the third paragraph, as appearing in section 1 of chapter 797 of the acts of 1979, and inserting in place thereof the following paragraph:-

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 seventy-five per cent of the residential factor.

SECTION 3. The definition of "Class one, residential" in subsection (b) of section 2A of chapter 59 of the General Laws, as appearing in section 11 of said chapter 797 is hereby amended by inserting after the second sentence the following sentence:- Such property shall include land that is situated in a residential zone and has been subdivided into residential lots.

SECTION 4. Said subsection (b) of said section 2A of said chapter 59 is hereby further amended by striking out the definition of "Class two, open-space", as so appearing, and inserting in place thereof the following definition:-

"Class two, open-space", land which is not otherwise classified and which is not taxable under the provisions of chapters sixty-one, sixty-one A or sixty-one B, or taxable under a permanent conservation restriction, 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.

SECTION 5. Section 5C of said chapter 59, as appearing in section 12 of said chapter 797, is hereby amended by striking out the first and second sentences and inserting in place thereof the following two sentences:- 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; provided, however, that such an exemption shall be applied only to the principal residence of a taxpayer as used by the taxpayer for income tax purposes. 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 section eight A of chapter fifty-eight and of clause Eighteenth of section five.

Approved July 23, 1982.

Chap. 370. AN ACT TO ENCOURAGE THE RENOVATION OF COMPREHENSIVE FACILITIES FOR THE ACADEMIC, VOCATIONAL AND TECHNICAL PROGRAMS OF THE CITY OF SOMERVILLE AND TO PROVIDE FINANCIAL ASSISTANCE FOR THAT PURPOSE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the total construction grant for an approved school project in the City of Somerville providing for an addition to and the renovation and remodeling of the comprehensive facilities for the Academic, Vocational and Technical programs of the City of Somerville shall be in an amount not to exceed ninety per cent of the final approved cost of such project; provided, however, that the portion of said total construction grant which is for interest shall not be less than fifty per cent or more than sixty-five per cent of that part of such approved cost which consists of such interest.

SECTION 2. This act shall take effect upon its acceptance by the City of Somerville.

SECTION 3. Should said school project fail to be approved in the manner provided for by law, this act shall expire as of June 30, 1987.

Approved July 26, 1982.

Chap. 371. AN ACT RELATIVE TO COMMISSIONS PAID TO INDEPENDENT AGENTS AND BROKERS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to provide agents and brokers with protection of their expense premium commissions, therefore it is declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

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

Section 162E. Any filing of rates for insurance to which chapter one hundred and seventy-five E is applicable which is made by an insurer doing business in this commonwealth through independent licensed insurance agents pursuant to the so-called American Agency System other than that of any employer to employee relationship and designated producers, shall specify the amount which such insurer shall pay to such agents as fair and reasonable expense premium commission for policies and bonds subject to such rates. Such insurer's commission arrangements shall guarantee that the total amount paid to all such agents under all such policies and bonds placed with the insurer during the period such rates are in effect shall, in the aggregate, total the amounts of commission applicable to all such policies and bonds. No portion of the expense premium commission shall be considered as profit sharing or expense reimbursement. The commissioner may require appropriate reports from such insurers in order to insure compliance with requirement. Nothing in this act shall prevent any insurer from paying compensation to its agents above that specified in its filing.

For private passenger automobile insurance policies and bonds effective during the four-year period commencing on the first day that rates for such insurance are regulated under chapter one hundred and seventy-five E following the effective date of this act, the amount paid in compliance with the requirements of the first paragraph of this section shall not be less than the dollars produced by utilization of the percentage of expense premium commission established by the commissioner in his opinion, findings and decision on private passenger automobile insurance rates to be charged immediately prior to such day. An insurer may vary the amount of commission paid to any agent by not more than plus or minus ten per cent provided the proper total dollars are paid.

Approved August 2, 1982.

Chap. 372. AN ACT RELATED TO ESTABLISHMENT OF HOSPITAL RATES OF PAYMENT AND CHARGES.

Whereas, The deferred operation of this act would tend to defeat its purpose which is to immediately provide for the establishment of hospital rates and charges, therefore 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 6A of the General Laws is hereby amended by striking out section thirty-one and inserting in place thereof the following section:-

Section 31. As used in sections thirty-two to seventy-two, inclusive, unless the context clearly requires otherwise, the following words shall have the following meanings:

"Acute hospital", any hospital licensed under section fifty-one of chapter one hundred and eleven, and the teaching hospital of the University of Massachusetts Medical School, which contains a majority of medical-surgical, pediatric, obstetric, and maternity beds as defined by the department of public health.

"Bad debt", an account receivable based on services furnished to any patient which (i) is regarded as uncollectible, following reasonable collection efforts, (ii) is charged as a credit loss, (iii) is not the obligation of any governmental unit or of the federal government or any agency thereof, and (iv) is not free care.

"Basis of payment", the total reimbursable costs included in the basis upon which Blue Cross payments are calculated pursuant to any hospital agreement.

"Board", the rate setting commission hospital policy review board established under section thirty-four A.

"Case mix", the description and categorization of a hospital's patient population according to relevant criteria approved by the commission such as: primary and secondary diagnoses, primary and secondary procedures, illness severity, patient age, and source of payment.

"Charge", the amount to be billed or charged by a hospital for each specific service within a revenue center.

"Commission", the rate setting commission established under section thirty-two.

"Eligible person", a person who qualifies for financial assistance from a governmental unit in meeting all or part of the cost of general health supplies, care, social, rehabilitative or educational services and accommodations.

"Free care", a revenue deduction associated with the provision of services to patients who have reasonably been deemed financially unable to pay, in whole or in part, for their care.

"General health supplies, care, social, rehabilitative or educational services and accommodations", all supplies, care and services of medical, optometric, dental, surgical, podiatric, psychiatric, therapeutic, diagnostic, rehabilitative, education, supportive or geriatric nature, including in-patient and out-patient hospital care and services, and accommodations in hospitals, sanatoria, infirmaries, convalescent and nursing homes, rest homes, facilities established, licensed, or approved pursuant to the provisions of chapter one hundred and eleven B, and similar institutions including those providing treatment, training, instruction and care of children and adults.

"Governmental unit", the commonwealth, any department, agency, board or commission of the commonwealth, and any political subdivision of the commonwealth.

"Gross patient service revenue", the total dollar amount of a hospital's charges for services rendered in a fiscal year.

"Hospital", any hospital licensed under section fifty-one of chapter one hundred and eleven, the teaching hospital of the University of Massachusetts Medical School, and any psychiatric facility licensed under section twenty-nine of chapter nineteen.

"Hospital agreement 29", the agreement between Blue Cross of Massachusetts, Inc. and the participating hospitals approved by the commission pursuant to section five of chapter one hundred and seventy-six A and first taking effect on October first, nineteen hundred and eighty-one.

"Hospital agreement", an agreement between a nonprofit hospital service corporation and the hospital signatory thereto approved by the commission under section five of chapter one hundred and seventy-six A.

"Medicaid costs", reimbursable costs included in the basis of payment as calculated pursuant to the hospital agreement then in effect, exclusive of any costs attributable to: free care and bad debt expense, and price level depreciation in excess of historical cost depreciation.

"Non-acute hospital", any hospital which is not an acute hospital.

"Patient", any natural person receiving health care services from a hospital.

"Patient care cost", reimbursable costs as defined in hospital agreement 29, exclusive of: free care and bad debt expense, and price level depreciation in excess of historical costs depreciation.

"Provider of health care services", any person, corporation,

partnership, governmental unit, state institution and other entity which furnishes general health supplies, care, social, rehabilitative or educational services and accommodations to an eligible person.

"Projected net patient service revenues from purchasers and third party payors who pay on the basis of charges", the product of the projected basis of payment as specified in the hospital agreement increased by the differential calculated pursuant to section fifty-eight, multiplied by the proportion of services, computed as a proportion of gross patient service revenue, rendered to such purchasers and payors in the acute hospital in the most recently completed fiscal year.

"Projected payments of a hospital service corporation", the projected basis of payment as specified in the hospital agreement multiplied by the proportion of services, computed as a proportion of gross patient service revenue, rendered to a hospital service corporation's members in the acute hospital in the most recently completed fiscal year.

"Projected payments of medicaid", the product of the projected medicaid basis of payment computed in accordance with this chapter multiplied by the proportion of services, computed as a proportion of gross patient service revenue, rendered to patients covered under the reimbursement system of Title XIX of the federal social security act in the acute hospital in the most recently completed fiscal year.

"Projected payments of medicare", the product of the projected medicare basis of payment under the provisions of a waiver granted by the Health Care Financing Administration, Department of Health and Human Services, multiplied by the proportion of services, computed as a proportion of gross patient service revenue, rendered to patients covered under the reimbursement system of Title XVIII of the federal social security act in the acute hospital in the most recently completed fiscal year.

"Projected patient care costs for purchasers and third party payors who pay on the basis of charges", the product of patient care costs as projected in the basis of payment specified in the hospital agreement, multiplied by the proportion of services rendered to such purchasers and payors in the acute hospital in the most recently completed fiscal year.

"Projected patient care costs for a hospital service corporation", the patient care costs of the acute hospital as projected in its basis of payment, multiplied by the proportion of services rendered to the hospital service corporation's members by the hospital in the most recently completed fiscal year.

"Projected patient care costs of all patient services which are written off as free care or bad debt", the patient care costs of

the acute hospital as projected in its basis of payment, multiplied by the proportion of services written off as free care or bad debt in the most recently completed fiscal year.

"Purchaser", a natural person responsible for payment for health care services rendered by a hospital.

"Revenue center", a functioning unit of a hospital which provides distinctive services to a patient for a charge.

"State institution", any hospital, sanatorium, infirmary, clinic and other such facility owned, operated or administered by the commonwealth, which furnishes general health supplies, care, social, rehabilitative or educational services and accommodations.

"Third-party payor", any entity, including, but not limited to, Title XVIII and Title XIX programs, insurance companies, health maintenance organizations and nonprofit hospital service corporations but not including a purchaser, responsible for payment, either to the purchaser or the hospital, for health care services rendered by a hospital.

SECTION 1A. Said chapter 6A is hereby further amended by striking out section 34A and inserting in place thereof the following section:-

Section 34A. There shall be a rate setting commission hospital policy review board, in this section called the board, consisting of two members designated by the secretary of the executive office of human services and nine members appointed by the governor, two of whom shall be appointed from a list of at least six recommendations submitted by the Massachusetts Hospital Association, one representing a teaching hospital and one representing a nonteaching hospital; one of whom shall be a physician appointed from a list of at least three recommendations submitted by the Massachusetts Medical Society; one of whom shall be a nonprovider member of the governing board of a health system agency designated pursuant to Title XV of the federal Public Health Services Act; one of whom shall be a representative of a nonprofit hospital service corporations under chapter one hundred and seventy-six A; one of whom shall be a representative of companies authorized to sell accident and health insurance under chapter one hundred and seventy-five; and three of whom shall be nonproviders with experience in or knowledge of the delivery or financing of hospital services and who shall represent the interests and concerns of business, labor and elderly, respectively. Each such member appointed by the governor shall serve for a term of three years and until his successor is duly qualified; provided, however, that in making his initial appointments to the board under this section, the governor shall appoint three members for terms of one year

each, three members for terms of two years each and three members for terms of three years each. The governor shall fill any vacancy for the remainder of the unexpired term. All appointed members shall be reimbursed for their necessary expenses incurred in the performance of their duties. The board shall annually elect a chairman from among its members. The board shall meet at least four times annually and upon call of the chairman or written application to the chairman of any two members. The board shall adopt operating procedures governing the conduct of its activities.

The board shall have the right to at least sixty days prior review and comment on any proposed rule or regulation of the commission, except for rules or regulations promulgated on an emergency basis, issued pursuant to sections thirty-seven to seventy-two, inclusive. The commission shall issue an explanatory statement which shall accompany its proposed regulations. The board shall consider any item within the purview of said sections thirty-seven to seventy-two, inclusive, recommended by the commission, the chairman of the board or any two board members. The board shall, within thirty days of receipt of a proposed rule or regulations, submit written comments to the commission recommending approval, disapproval or partial approval. In the event the commission determines not to accept any such recommendation, it shall prepare a written statement of its reasons for disagreement, which statement shall be submitted to the board within twenty days of receipt of the board's recommendations, and shall, together with the board's recommendations, be included in the record of any public hearing held on such proposed rule or regulations. Any member of the board may participate in any such public hearing by presenting reports, studies, witnesses and testimony. The commission shall not promulgate any rule or regulations or part thereof which is the subject of a board recommendation of disapproval for at least twenty-one days after submission of such a statement in order to provide the board an opportunity, upon the call of a majority of those members present, to hold a public hearing on its recommendations. The board shall, upon call of at least four of its members, hold a public hearing on matters relating to the commission's policies and activities carried out pursuant to sections thirty-seven to seventy-one, inclusive.

The board shall report periodically, but at least annually, to the governor and the general court, with copies to the joint legislative committee on health care, on its findings, opinions and recommendations for legislation.

The commission shall, subject to appropriation, afford office and meeting space, staff, clerical assistance and funds for

necessary expenses for the board.

In addition, the board shall have the authority to issue, on at least an annual basis, a report which (i) describes the changes in approved and actual costs, revenues and utilization levels of individual hospitals, (ii) evaluates the performance and effects of the methodologies developed by the commission, and (iii) makes recommendations for necessary changes in the regulation of health care delivery systems.

SECTION 1B. Said chapter 6A is hereby further amended by adding the following twenty-six sections:-

Section 50. For each acute hospital with a fiscal year beginning October first, nineteen hundred and eighty-two and October first, nineteen hundred and eighty-three, the adjusted basis of payment under hospital agreement 29 shall be determined from the basis of payment for the fiscal year ending September thirtieth, nineteen hundred and eighty-two and the adjusted basis of payment for the fiscal year ending September thirtieth, nineteen hundred and eighty-three, respectively, adjusted prospectively by the percentage change in the basis of payment calculated under hospital agreement 29.

Section 51. For each acute hospital, the basis of payment under the successor hospital agreement to hospital agreement 29 shall include the following limitation:

The sum of:

(a) the projected payments of a hospital service corporation computed pursuant to the successor hospital agreement, plus

(b) the projected net patient service revenues from purchasers and third party payors who pay on the basis of charges established pursuant to section fifty-six and fifty-seven shall be the lesser of;

(i) the sum of: (1) the projected patient care costs for a hospital service corporation and to purchasers and third party payors who reimburse acute hospitals on the basis of charges, and (2) the projected patient care costs of all patient services which are written off as free care or bad debt, and (3) a working capital allowance to be specified by the Commission consistent with any discount provided a third party payor for prompt payment; or

(ii) one hundred per cent plus the greater of: (1) twenty-five per cent and (2) the per cent of free care and bad debt services of the hospital, multiplied by the projected patient care costs for a hospital service corporation and to purchasers and third party payors who reimburse acute hospitals on the basis of charges.

Section 51A. For each acute hospital with a fiscal year

beginning October first, a factor for increased acute hospital productivity shall be imposed as follows:

(a) For the fiscal year beginning on October first, nineteen hundred and eighty-four, the basis of payment computed in accordance with the hospital agreement shall be reduced by a productivity factor of two per cent.

(b) For the fiscal year beginning on October first, nineteen hundred and eighty-five, the basis of payment under the hospital agreement shall be computed using the basis of payment for the preceding fiscal year, as reduced in accordance with clause (a), and shall then be further reduced by a productivity factor of two per cent.

(c) For the fiscal year beginning on October first, nineteen hundred and eighty-six, the basis of payment under the hospital agreement shall be computed using the basis of payment for the preceding fiscal year, as reduced in accordance with clause (b), and shall then be further reduced by a productivity factor of two per cent.

(d) For the fiscal year beginning on October first, nineteen hundred and eighty-seven, the basis of payment under the hospital agreement shall be computed using the basis of payment for the preceding fiscal year, as reduced in accordance with clause (c), and shall then be further reduced by a productivity factor of one per cent.

Section 52. For each acute hospital with a fiscal year beginning July first, nineteen hundred and eighty-three and for each fiscal year thereafter the basis of payment shall be determined in the same manner as set forth in section fifty and the reduced basis of payment shall be determined in the same manner and shall be subject to the same productivity factors as are set forth in section fifty-one A; except that wherever fiscal years nineteen hundred and eighty-two, eighty-three, eighty-four, eighty-five, eighty-six and eighty-seven are referenced in sections fifty or fifty-one A, fiscal years nineteen hundred and eighty-three, eighty-four, eighty-five, eighty-six, eighty-seven and eighty-eight, respectively, shall be substituted.

Section 52A. For each fiscal year affected by sections fifty-one A or fifty-two, payments under the hospital agreement and approved gross patient service revenues computed under sections fifty-six and fifty-seven shall be based upon the reduced basis of payment determined for such fiscal year in accordance with sections fifty-one A or fifty-two. Any reduction in the basis of payment effected by sections fifty-one A or fifty-two shall result in a proportionate reduction in medicaid costs for purposes of section sixty-eight.

Section 53. Every acute hospital shall establish its charges to the general public in accordance with the provisions of this chapter for determining approved gross patient service revenues in each fiscal year. Charges shall be established and revised periodically in accordance with section sixty-three in such a manner that approved gross patient service revenues for each fiscal year will be earned without excess or shortfall. The commission shall require that charges for health care services rendered in each acute hospital shall be uniform for all patients receiving comparable services.

Section 54. For each acute hospital with a fiscal year beginning October first, nineteen hundred and eighty-two, approved gross patient service revenues shall be determined from the gross patient service revenues for the fiscal year ending September thirtieth, nineteen hundred and eighty-two approved by the commission under the provisions of chapter four hundred and nine of the acts of nineteen hundred and seventy-six as amended by chapter four hundred and thirty-two of the acts of nineteen hundred and eighty-one, multiplied by the sum of one plus the prospectively calculated percentage change in the basis of payment calculated under hospital agreement 29 less one and four-tenths per cent.

Section 55. For each acute hospital with a fiscal year beginning October first, nineteen hundred and eighty-three, approved gross patient services revenues shall be determined from approved gross patient services revenues for the fiscal year ending September thirtieth, nineteen hundred and eighty-three, multiplied by the sum of one plus the prospectively calculated percentage change in the basis of payment calculated under hospital agreement 29.

Section 56. For each acute hospital with a fiscal year beginning October first, nineteen hundred and eighty-four and for each fiscal year thereafter, approved gross patient services revenues shall be equal to the basis of payment established under section fifty-one A, increased by the uniform statewide differential determined under section fifty-eight.

Section 57. For each acute hospital with a fiscal year beginning on July first, nineteen hundred and eighty-three and for each fiscal year thereafter, approved gross patient services revenues shall be determined in the same manner and shall be subject to the same calculations as set forth in sections fifty-four to fifty-six, inclusive; except that wherever fiscal years nineteen hundred and eighty-two, eighty-three and eighty-four are referenced in any of said sections, fiscal years nineteen hundred and eighty-three, eighty-four and eighty-five, respectively, shall be substituted.

Section 58. There shall be a study commission, consisting of three members, one representing nonprofit hospital service corporations under chapter one hundred and seventy-six A, one representing companies authorized to sell accident and health insurance under chapter one hundred and seventy-five, and one selected by mutual agreement of the other two members who shall serve as chairman at all meetings and hearings of the study commission. If such third member is not selected by mutual agreement of the other two members within thirty days after the effective date of this section, such third member shall be appointed by the president of the American Arbitration Association. Resolutions of the study commission may be adopted only upon the affirmative vote of two of its members. The study commission shall adopt operating procedures governing the conduct of its activities within ninety days after the effective date of this section.

The study commission shall immediately institute a study of objective methods of computing the percentage differential to be utilized for all hospitals in determining approved gross patient service revenues under sections fifty-six and fifty-seven. Such study shall include a review and determination of the relevant and justifiable economic factors which can be considered in setting such differential. The differential shall be allowed for only those activities and programs provided or conducted by nonprofit hospital service corporations which result in (a) quantifiable savings to the hospital with respect to patient care costs, bad debt, free care or working capital or (b) reductions in the payments of other payors. Such differential shall reflect only the cost savings to hospitals, rather than the cost to nonprofit hospital service corporations of implementing such activities and programs. Each component utilized in determining the differential shall be individually quantified so that the differential shall equal the total of the values assigned to each component. The study commission shall consider such matters as coverage to individual subscribers, the elderly and small groups, payment practices, savings in hospital administrative costs, cost containment programs and working capital. The study shall also provide for a method of annual recomputation of the working capital component of the differential and triennial recomputation of all other components. The study commission may contract with any person or entity to assist the study commission in the discharge of its duties. The nonprofit hospital service corporations and the companies authorized to sell accident and health insurance under chapter one hundred and seventy-five shall each, collectively, have the option of conducting a study of the differential issue or of contracting with a person or entity to

conduct such a study. The cost of any such study shall be funded directly by the party conducting or contracting for it. All such studies shall be completed by March first, nineteen hundred and eighty-four. During the course of such studies, each hospital, as defined under section thirty-one of chapter six A, and each nonprofit hospital service corporation shall cooperate fully with the persons or entities conducting such studies in providing any data or other information such persons or entities may request.

The study commission may conduct such hearings as it may deem appropriate. Upon receiving the results of the studies, the study commission shall conduct a hearing at which all interested parties shall be given the opportunity to comment upon the results of such studies and to submit evidence in support of or in opposition to such results. The study commission shall make a final determination of the differential on or before July first, nineteen hundred and eighty-four and shall file such determination with the rate setting commission established under section thirty-two of chapter six A as a public record. The rate setting commission shall apply such differential in determining approved charges under this chapter. Any recomputation of such differential shall also be filed with the rate setting commission as a public record and the rate setting commission shall apply such recomputation in determining approved charges under this chapter. Any nonprofit hospital service corporation or any company authorized to sell accident and health insurance under chapter one hundred and seventy-five aggrieved by the study commission's determination of the initial differential, or any subsequent recomputation thereof, under this section may, within twenty days of the filing thereof by the study commission with the rate setting commission as a public record, file a petition in the supreme judicial court for the county of Suffolk for a review of such determination. In the event such petition is filed, the determination of the study commission shall be used by the rate setting commission for the purpose of determining approved charges under this chapter pending the court's final disposition of such petition.

Whoever obstructs any person or entity conducting a study authorized under the provisions of this section in its examinations, shall be held to be in violation of this section. The attorney general shall bring any appropriate actions, including injunctive relief, as may be necessary for the enforcement of the provisions of this section.

There shall be an advisory committee to the study commission, consisting of seven members appointed by the study commission, one representing nonprofit hospital service corporations under

chapter one hundred and seventy-six A, one representing companies authorized to sell accident and health insurance under chapter one hundred and seventy-five, one person from a list of recommendations submitted by the Associated Industries of Massachusetts, one representing the interest and concerns of labor from a list of recommendations submitted by the state labor council of the AFL-CIO, one representing the interests and concerns of the elderly from a list of recommendations submitted by the Massachusetts Association of Older Americans, one representing the interests and concerns of acute hospitals from a list of recommendations submitted by the Massachusetts Hospital Association, and two representing the interests and concerns of business from a list of recommendations submitted by the Massachusetts Business Roundtable. The study commission shall fill any vacancy of committee members which may occur. All appointed members of the advisory committee shall be reimbursed by the study commission for their necessary travel expenses incurred in the performance of their duties. The committee shall elect a chairman at its first organization meeting and shall reelect a chairman annually thereafter. The committee shall meet upon call of the chairman or on written application to the chairman by any three members. The committee shall advise and consult with the study commission on matters of policy and operation of the study commission and make recommendations to the study commission regarding any such matters. The committee may meet from time to time with the study commission to explain, discuss or review any such matters. The committee shall consider agenda items recommended by the study commission and any other matters pertinent to the operation of this section proposed by the chairman of the committee or a majority of committee members. The committee shall report to the study commission following each committee meeting on its deliberations and recommendations, if any. The committee shall be notified at least ten days in advance of any public hearings scheduled by the study commission. The committee shall have the right to at least thirty days prior review and comment on any proposed findings of the study commission regarding the level of the differential, or any subsequent recomputation thereof, to be determined under the provisions of this section.

The costs incurred by the study commission in determining the initial differential and any recomputations thereof shall be funded by an assessment in each calendar year against all insurance companies authorized to sell accident and health insurance under chapter one hundred and seventy-five and against all nonprofit hospital service corporations. The share in the total assessment of each such insurance company or nonprofit hospital service

corporation shall be determined as follows: (a) the total net premiums received by such insurance company on accident and health insurance policies in force in the commonwealth during the calendar year immediately preceding the assessment date or the total payments from subscribers received by such nonprofit hospital service corporations on subscriber contracts in the commonwealth during such calendar year, as the case may be, divided by (b) the sum of the total net premiums received by all such insurance companies on accident and insurance policies in force in the commonwealth during such calendar year and the total payments from subscribers received by all nonprofit hospital service corporations on subscriber contracts in force in the commonwealth during such calendar year. As used in this section, the term "net premiums" refers to net premiums after deducting therefrom all dividends paid, credited or applied. The total annual assessment shall be computed by the study commission on the basis of estimated costs for the year of assessment. If such estimate should prove to be insufficient, the study commission shall require such supplemental assessments, computed in the same manner as described above, as it deems necessary. Any such assessments shall be paid into the commonwealth's general revenues, but shall be allocated to the study commission for its operating costs.

Section 59. Any company authorized to sell accident and health insurance under chapter one hundred and seventy-five, nonprofit hospital service corporation or health maintenance organization may apply to the commission for a reduction in the charges it would otherwise be required to pay under sections fifty-three to fifty-seven, inclusive. The commission shall grant a reduction in charges on a prospective basis if it finds that the applicant has implemented an activity or program resulting in quantifiable savings to acute hospitals. The commission's review and findings shall be conducted in a manner which is consistent with the uniform statewide differential study under section fifty-eight.

Section 60. A. In the event that there is a failure to reach agreement on a successor hospital agreement by the termination date of the hospital agreement then in effect but the parties to the negotiation of such successor agreement agree that outstanding issues can be settled, the parties may submit a memorandum to this effect to the commission. Upon receipt of said memorandum and appropriate amendments to hospital agreements which are the subject of said memorandum, the commission will extend such hospital agreement or agreements then in effect by ninety-two days. For the ninety-two day extension, the methodologies contained in any such hospital

agreement will be used to establish the basis of payment. When a successor hospital agreement is approved by the commission, its methodologies will apply retroactively to the original termination date of the hospital agreement which is extended. No further extensions of any hospital agreement will be allowed.

B. In the event that, for any acute hospital, the commission has not approved a successor hospital agreement, as of the date a hospital agreement terminates or, if an extension is granted, by the end of the period of extension, and there is no designated successor agreement then in effect, then, for the period beginning on the first day of the fiscal year after which the hospital agreement terminates, or in which any period of extension expires, and continuing until the date a successor hospital agreement or a designated successor agreement takes effect, the following will apply:

(a) Gross patient service revenues for any such hospital shall be the amount of such revenues in effect for the immediately prior fiscal year, subject to appropriate adjustments for changes in volume. Adjustments to charges shall be allowed to the extent otherwise provided in this chapter.

(b) Medicaid rates of payment will be calculated pursuant to the methodologies contained in this chapter, with the basis of payment to be determined in accordance with the provisions, including those provisions relating to increases in the basis of payment, of the hospital agreement most recently in effect for such hospital, as adjusted for productivity in accordance with sections fifty-one A and fifty-two.

(c) All such acute hospitals must bill subscribers of nonprofit hospital service corporations directly and at the level of allowed charges derived in accordance with clause (a). Nonprofit hospital service corporations will allow all acute hospitals ninety days from the termination date of the hospital agreement or, if the agreement is extended, the end of the period of extension to return outstanding current financing.

C. In the event that an acute hospital chooses not to enter into a successor hospital agreement with a nonprofit hospital service corporation or such hospital terminates a hospital agreement within six months of such agreement's effective date and there is a designated successor agreement in effect, the following will apply:

(a) As for hospitals choosing not to enter into a successor hospital agreement, subclauses (i) and (ii) of this clause shall apply only for the first six months after the termination date of the most recent hospital agreement. As to those hospitals terminating a hospital agreement within six months of its effective date, subclauses (i) and (ii) of this clause shall apply

only until the end of six months after the effective date of such hospital agreement.

(i) Gross patient service revenues for such hospital shall be the amount of such revenues in effect for the immediately prior fiscal year, subject to appropriate adjustments for changes in volume. Adjustments to charges shall be allowed to the extent otherwise provided in this chapter.

(ii) Medicaid rates of payment will be calculated pursuant to the methodologies contained in this chapter, with the basis of payment to be derived from the designated successor agreement.

(iii) Such hospital must bill subscribers of nonprofit hospital service corporations directly and at the level of allowed charges derived in accordance with subclause (i).

(b) If at the end of the applicable period to which clause (a) applies, the hospital has not become a signatory to a successor hospital agreement, the hospital cannot become a signatory for the next six months. After the end of the period to which clause (a) applies and until such time as the hospital become a signatory: (i) medicaid rates of payment will be calculated pursuant to the methodologies contained in this chapter, with the basis of payment to be derived from the designated successor agreement; (ii) gross patient service revenues shall be equal to the basis of payment as calculated under the designated successor agreement; and (iii) the amount of reimbursement or payment made by a nonprofit hospital service corporation shall be determined under section one of chapter one hundred and seventy-six A.

D. In the event that an acute hospital terminates a hospital agreement with a nonprofit hospital service corporation after such agreement has been in effect for six months, then: (i) the amount of reimbursement or payment to be made by the hospital service corporation shall be determined under section one of chapter one hundred and seventy-six A; and (ii) gross patient service revenues and medicaid rates of payment shall be calculated as provided in clause (b) of paragraph C.

Wherever used in this section, the term "designated successor agreement" means a hospital agreement:

(a) designated as such by (i) the nonprofit hospital service corporation and (ii) any negotiating agent designated by a hospital or hospitals pursuant to the provisions of section five of chapter one hundred and seventy-six A, and

(b) approved as such by the commission for the purpose of applying the provisions of this section.

Section 61. Notwithstanding other provisions of this chapter, any group of acute hospitals may develop, based on a consensus of such hospitals, an agreement whereby the productivity factors

used to adjust the bases of payment and the gross patient service revenue for such hospitals shall be modified. No modification of such factors shall become effective without review and approval of the commission.

The commission shall apply certain criteria in reviewing the modified productivity factors. The first of these criteria shall be that the modified factor applied to any such acute hospital shall not be less than zero. The second of these criteria shall be that the total of (1), projected net patient service revenues from purchasers and third party payors who pay on the basis of charges, (2) projected payments of a hospital service corporation, (3) projected payments of medicaid and (4) projected payments of medicare to such hospitals shall be the same as if no modified productivity factors were employed in place of those required by this chapter. In applying the second criteria, projected payments of medicare shall be considered only if a medicare waiver has been granted to acute hospitals which includes the productivity factors specified in this chapter.

Section 62. In the case of a new acute hospital or an acute hospital which does not have sufficient operating experience to comply with the provisions of this chapter, the commission shall approve a prospectively determined budget based on the hospital's reasonable costs from which it shall establish gross patient service revenues for the first fiscal year of operation such that net patient service revenue equals reasonable costs. For each fiscal year thereafter, the acute hospital shall be governed by the provisions of this chapter which apply to all acute hospitals. In the case of a hospital operating under an experimental agreement with a nonprofit hospital service corporation, the commission shall determine approved gross patient services revenues in a manner consistent with the provisions of this chapter which apply to all other acute hospitals. In the case of an acute hospital which has not been offered a hospital agreement, the commission shall approve a prospectively determined budget based on the hospital's reasonable costs from which it shall establish approved gross patient service revenues for the fiscal year of operation such that net patient service revenues equal reasonable costs.

Section 63. Every acute hospital shall file with the commission within ninety days after the beginning of each fiscal year and at least once during the fiscal year, as deemed appropriate by the commission, a summary of revenues, costs and such statistical information as the commission may require in order to document the relationship of actual gross patient service revenues to approved gross patient service revenues for such fiscal year and for any prior fiscal year so that the commission may determine

the extent to which excess revenue, the amount by which actual gross patient service revenues exceed adjusted gross patient service revenues, or deficit revenue, the amount by which approved gross patient service revenues exceed actual gross patient service revenues, was generated for such fiscal year or the prior fiscal year.

For each fiscal year beginning on or after October first, nineteen hundred and eighty-three, approved gross patient service revenues will be adjusted by the commission downward or upward, as the case may be, by the percentage amount by which actual gross patient service revenue in any prior fiscal year beginning on or after October first, nineteen hundred and eighty-two exceeded, or was less than, approved gross patient service revenue for such prior fiscal year. The commission shall revise approved gross patient service revenues and approved charges within thirty days after it has approved an exception to the basis of payment under a hospital agreement. The commission will make such adjustments as necessary during the fiscal year, pursuant to regulations promulgated under the authority of this chapter, to ensure that approved gross patient service revenues for each fiscal year will be realized without excess or shortfall.

Section 64. For each fiscal year, every acute hospital shall, at least sixty days prior to the start of its fiscal year, file with the commission, a copy of its budget, including projected and actual cost, volume and revenue data, the charge schedule supporting the revenue projections, and any such other information in such form as the commission may require, including all pertinent information regarding hospital case mix, intensity of service and medical practice. The commission's requirements as to the form and content of such budgets shall conform, to the extent practicable, to budget and cost reports submitted by hospitals pursuant to applicable hospital agreements. Such budgets shall be available for public inspection on request pursuant to a rule of the commission.

The commission shall require each acute hospital to file annual financial, utilization, case mix and discharge billing statistical reports, in accordance with standard systems of reporting within 90 days after the end of each budget year. The commission shall, by regulation issued hereunder, specify standard systems for determining, reporting, and auditing the costs and charges of every acute hospital, including methods by which each acute hospital shall allocate its costs and revenues and record its assets, liabilities, units of service, and departmental data; which recording shall not be at variance with generally accepted accounting principles, except as specifically modified by the

commission's regulations. Such regulations shall provide for appropriate variations in such systems designed to reflect differences in size, scope of services, and administrative capacity of acute hospitals, provided that such resulting systems shall allow for valid comparisons among acute hospitals as to costs and revenues. The commission shall, to the extent practicable, base its regulations establishing reporting requirements on reporting forms approved by the commission and contained in applicable hospital agreements.

Section 65. The commission shall adopt and amend rules and regulations in accordance with chapter thirty A for the administration of its duties and powers and to effectuate the provisions and purposes of this chapter. Such rules and regulations shall include standards and criteria for the review and approval of any adjustment in the basis of payment calculated pursuant to sections fifty-one A and fifty-two. The commission may by regulation establish programs to provide fiscal incentives for efficient acute hospital management. The commission shall, for the purpose of reviewing budgets under section sixty-four, develop and adopt by regulations issued hereunder, a methodology for reasonably comparing acute hospital by any or all of the following criteria: size, services, case mix and other criteria which are appropriate for comparison. Such regulations shall be adopted, after notice and hearing, only upon consultation with representatives of nonprofit hospital service corporations established under chapter one hundred and seventy-six A, elected representatives of health systems agencies designated pursuant to Title XV of the federal public health service act, representatives of companies authorized to sell accident and health insurance under chapter one hundred and seventy-five and the Massachusetts Hospital Association.

The commission shall consult with agencies of the commonwealth and health systems agencies designated under the federal health planning act concerning the development and implementation by such agencies of health policy.

The commission shall review and comment upon all capital expenditure projects requiring review by section twenty-five C of chapter one hundred and eleven, including, but not limited to: the less costly or more effective alternative methods of providing such services; the immediate and long-term financial feasibility of the proposal; the probable impact of the proposal on costs of and charges for services; and the availability of funds for capital and operating needs. If such capital expenditures are ultimately approved, the commission shall accept such capital expenditures. The commission shall prohibit

reimbursement for capital expenditures and the supporting operational expenses which require a certificate of need as provided by section twenty-five C of chapter one hundred and eleven, but for which no such certificate has been granted.

To carry out the purposes of this section, the commission may: enter into leases and agreements, including agreements with professional consultants, which may include third-party payors; hold public hearings, conduct investigations, initiate studies and perform audits; and require the filing of information relating to any matter affecting the cost and availability of services in acute hospitals subject to the provisions of this chapter.

Section 66. Except to the extent prohibited by federal laws or regulations, any third party payor shall have the option to require utilization review for acute hospital admissions and continued acute hospital stays, as well as ancillary services and outpatient services, if applicable. The payor shall have the option to contract with a medical peer review organization or the acute hospital to perform utilization review or to conduct its own utilization review. A medical peer review organization may also contract with acute hospitals to perform reviews on a delegated basis. In those acute hospitals performing reviews on a delegated basis, the medical peer review organization shall monitor the effectiveness of the hospitals' review plans to determine whether continued delegation is warranted. The utilization review program for any acute hospital shall be consistent, to the extent possible, with the utilization review process contained in the applicable hospital agreement in terms of length of stay norms, penalty provisions, discharge planning coordination, period of notification and appeals process. The utilization review process will provide for the timely notification of patients by the third party payor that further services are deemed inappropriate or medically unnecessary. Such notification shall inform the patient that the patient's third party payor will cease coverage after a stated period from the date of the notification. No third party payor shall be liable for charges for acute hospital services provided subsequent to the end of the notification period, except that the medicaid program under Title XIX shall be liable for charges for acute hospital services for a Title XIX beneficiary until an appropriate placement is found for such beneficiary. If the department of public welfare finds that an acute hospital is not making reasonable and regular efforts to find an appropriate placement for such beneficiary, the department shall not be liable for any charges after the date of such determination.

Nothing contained in this section shall be construed or applied

to authorize any third party payor or any other person, other than through the use of persons licensed to practice medicine in the commonwealth, with or without the assistance of other licensed health care personnel, to conduct utilization review.

Section 67. Any acute hospital which makes a charge or accepts payment based upon a charge in excess of that approved by the commission under this chapter, or which fails to file any data, statistics or schedules or other information required under this chapter or by any regulation promulgated by the commission or which falsifies the same, shall be subject to a civil penalty of not more than one thousand dollars for each day on which such violation occurs or continues, which penalty may be assessed in an action brought on behalf of the commonwealth in any court of competent jurisdiction. The attorney general shall bring any appropriate actions, including injunctive relief, as may be necessary for the enforcement of the provisions of sections fifty to seventy-two, inclusive.

Section 68. A. Commencing in fiscal year ending nineteen hundred and eighty-three and for each fiscal year thereafter, for which the required federal approval is obtained and in effect, provided said federal approval is applied for by the appropriate state agency within forty-five days of the enactment of this chapter, rates of payment under Title XIX of the federal social security act for acute hospitals, shall be based upon the following methodology, where the proportions are calculated relative to the total number of Title XIX days including Title XIX newborn and Title XIX administratively necessary days.

B. The proportion of fiscal year nineteen hundred and eighty-two Title XIX inpatient days, excluding Title XIX newborn days and administratively necessary days, multiplied by the fiscal year nineteen hundred and eighty-two Title XIX adult and children per diem rate, plus the proportion of fiscal year nineteen hundred and eighty-two Title XIX newborn days multiplied by the fiscal year nineteen hundred and eighty-two Title XIX newborn per diem rate, plus the proportion of fiscal year nineteen hundred and eighty-two Title XIX administratively necessary days multiplied by the corresponding fiscal year nineteen hundred and eighty-two Title XIX administratively necessary day rates shall be multiplied by the total number of inpatient days including newborn days and administratively necessary days provided by the hospital in fiscal year nineteen hundred and eighty-two and the result added to the fiscal year nineteen hundred and eighty-two Title XIX outpatient payment percentage multiplied by the total amount of outpatient charges.

The result of the computation specified in the preceding

paragraph shall be divided by the total fiscal year nineteen hundred and eighty-two medicaid costs. This ratio shall be termed the "medicaid payment ratio".

This calculation shall be adjusted to reflect changes in fiscal year nineteen hundred and eighty-two medicaid per diem rates or outpatient rates which result from final disposition of administrative adjustments, audit adjustments, or appeals of rates to the division of hearing officers or the courts, and any changes in the nineteen hundred and eighty-two medicaid costs determined by the provisions of the hospital agreement which result from preliminary and final settlement of liability pursuant to said agreement.

C. The medicaid basis of payment for a particular fiscal year of the hospital shall be obtained as follows:

(a) For each fiscal year of the hospital, the medicaid costs for such fiscal year, as computed pursuant to the hospital agreement and adjusted as may be required under subparagraphs (b) or (c) below, shall be multiplied by the medicaid payment ratio.

(b) For hospitals with fiscal years beginning on October first, the medicaid costs computed pursuant to the hospital agreement, as adjusted pursuant to section fifty-two A, for each of following fiscal years shall be reduced by the productivity factor indicated:

(1) Beginning with the fiscal year ending in nineteen hundred and eighty-three and continuing through the fiscal year ending in nineteen hundred and eighty-seven, the productivity factors shall be two per cent, four per cent, four per cent, three per cent and two per cent, respectively.

(2) For the fiscal year ending in nineteen hundred and eighty-eight, the productivity factor shall be one per cent.

(c) For hospitals with fiscal years beginning on July first, the medicaid costs computed pursuant to the hospital agreement, as adjusted pursuant to section fifty-two A, for each of following fiscal years shall be reduced by the productivity factor indicated:

(1) Beginning with the fiscal year ending in nineteen hundred and eighty-three and continuing through the fiscal year ending in nineteen hundred and eighty-eight, the productivity factors shall be two per cent, four per cent, six per cent, five per cent, four per cent, and two per cent, respectively.

(2) For the fiscal year ending in nineteen hundred and eighty-nine, the productivity factor shall be one per cent.

(d) Medicaid payments shall be computed by apportioning the medicaid basis of payment, derived under subparagraph (a) above, to medicaid and all other payors pursuant to the

apportionment methods specified in the hospital agreement using the charge data applicable to Title XIX beneficiaries.

For any fiscal year of any acute hospital that exhibits a payor mix where a minimum of sixty-eight per cent of the acute hospital's gross patient service revenue was attributable to Title XVIII and Title XIX of the federal social security act and local and state government subsidy and free care and bad debt, Title XIX reimbursement shall be calculated with the addition of free care as a definition of reimbursable costs. Such relief shall be granted based upon projected budget year utilization data, by payor mix. The commission shall have the right to request any reasonably attainable data in order to approve or deny any requests for relief under the provisions of this paragraph.

D. Preliminary and final determination of Title XIX rates of payment for any fiscal year shall be concurrent with determination of preliminary and final settlement under the hospital agreement for such fiscal year. Amounts due to or from an acute hospital following any preliminary or final determination of Title XIX rates of payment shall be paid within forty-five days of such determination.

E. For each acute hospital's fiscal year commencing in nineteen hundred and eighty-two, interim payments made by the medicaid program for inpatient care shall, for each acute hospital, be paid on a per diem basis computed as follows and shall become effective on October first of such year.

1. The initial medicaid costs for the hospital shall be computed pursuant to the hospital agreement, reviewed by the hospital service corporation, and approved by the commission prior to October first of such year. The initial medicaid costs for the hospital, as approved by the commission, shall be apportioned between inpatient and outpatient services.

2. The "inpatient medicaid payment ratio" for the hospital shall be computed as follows:

(a) the proportions computed in paragraphs (b), (c), and (d) are computed relative to the total number of Title XIX days, including Title XIX newborn days and administratively necessary days provided by the hospital;

(b) the proportion of total fiscal year nineteen hundred and eighty-two Title XIX inpatient days of the hospital, excluding Title XIX newborn days and administratively necessary days multiplied by the fiscal year nineteen hundred and eighty-two Title XIX adult and children per diem rate; plus

(c) the proportion of total fiscal year nineteen hundred and eighty-two Title XIX newborn days, multiplied by the fiscal year nineteen hundred and eighty-two Title XIX newborn per diem rate; plus

(d) the proportion of total fiscal year nineteen hundred and eighty-two Title XIX administratively necessary days multiplied by the corresponding fiscal year nineteen hundred and eighty-two Title XIX administratively necessary day rate;

(e) the sum of the amounts computed in clauses (b), (c), and (d) shall be multiplied by the total fiscal year nineteen hundred and eighty-two inpatient days of the hospital and the result divided by the total fiscal year nineteen hundred and eighty-two inpatient portion of the medicaid cost for the hospital computed pursuant to the hospital agreement.

The resulting ratio shall be termed the inpatient medicaid payment ratio.

3. The inpatient portion of the initial medicaid costs for the hospital, as approved by the commission and reduced by a productivity factor of two per cent, shall be multiplied by the inpatient medicaid payment ratio and the result called the "interim medicaid basis of payment".

4. The interim medicaid basis of payment shall, for each hospital, be apportioned to Title XIX by multiplying the amount of the interim medicaid basis of payment by the proportion of hospital inpatient days in fiscal year nineteen hundred and eighty-two provided to Title XIX beneficiaries multiplied by ninety-four and one-half per cent. The result of this computation shall be divided by the number of inpatient days provided to Title XIX beneficiaries by the hospital in such fiscal year.

The commission shall promulgate regulations establishing interim medicaid payment rates for outpatient services with respect to fiscal years nineteen hundred and eighty-three and for both inpatient and outpatient services with respect to fiscal years nineteen hundred and eighty-four and thereafter. Such interim medicaid payment rates for any fiscal year shall reflect the projected payments of medicaid for such fiscal year.

F. The total interim medicaid payments for inpatient services provided during the period commencing on October first, nineteen hundred and eighty-two and ending September thirtieth, nineteen hundred and eighty-three shall be termed the "actual interim medicaid payments for inpatient services".

The actual interim medicaid payments for inpatient services shall be compared with the amount such payments would have been if the per diem for interim payments had been computed as follows: The interim medicaid basis of payment for each acute hospital was apportioned to Title XIX by the apportionment method specified in the hospital agreement using the charge data applicable to Title XIX beneficiaries for such hospital's fiscal year nineteen hundred and eighty-three and the result divided

by the number of inpatient days provided to Title XIX beneficiaries during such fiscal year by the hospital to arrive at the hospital's per diem for interim payment.

The amount of interim medicaid payment for inpatient services which would have been made using the hospital per diems computed pursuant to the preceding method shall be termed the alternative interim medicaid payments for inpatient services.

If the alternative interim medicaid payments for inpatient services exceed the actual interim medicaid payments for inpatient services, the amount of such difference shall be computed as a per cent of the actual interim medicaid payments for inpatient services. The resulting per cent shall be multiplied by the proportion of Title XIX acute hospital payments made for inpatient services and shall be termed the medicaid payment ratio adjustment. For each acute hospital's fiscal year nineteen hundred and eighty-three, the medicaid payment ratio shall be revised by dividing it by one plus the percentum of the medicaid payment ratio adjustment.

If the actual interim medicaid payments for inpatient services exceed the alternative interim medicaid payments for inpatient services, the amount of such difference shall be computed as a per cent of the actual interim medicaid payments for inpatient services. The resulting per cent, minus one percentum, shall be multiplied by the proportion of Title XIX acute hospital payments made for inpatient services, and shall be termed the medicaid payment ratio adjustment. For each acute hospital's fiscal year nineteen hundred and eighty-three, the medicaid payment ratio shall be revised by dividing it by one minus the percentum of the medicaid payment ratio adjustment.

Section 68A. If federal approval for the change in Title XIX methodology as provided in section sixty-eight is not obtained, the commission is hereby authorized and directed, with the prior approval of the secretary of human services, to adopt other methodologies which will result in cost savings in Title XIX reimbursements to acute hospitals comparable to those provided for in said section.

Section 69. For the purposes of any experimental or demonstration project designed to test the relative advantages and disadvantages of alternative methods of determining, reporting, and auditing the costs and charges of any acute hospital or hospitals or to promote, through financial incentives, the more efficient use of the personnel and facilities of any such hospital or hospitals, the commission may, with the written agreement of any such hospital or hospitals, and of any purchasers or third party payors which may choose to participate in such project, develop and implement criteria and

procedures for action as to such hospital or hospitals which may differ from such criteria and procedures previously established.

Section 70. The commission, in carrying out its duties as set forth in sections fifty to sixty-nine, inclusive, in relation to its review and approval of acute hospital budgets and charges, shall not, in any computation involving such actions, consider the following as resources of such hospital: restricted and unrestricted grants, gifts, contributions, bequests, fund principle, term endowments and endowment balances, restricted gifts, unrestricted gifts, and all income from any of the foregoing, including unrestricted income from endowment funds and income and gains from investment of unrestricted funds.

As used in this section, the following words shall have the following meanings:

"Unrestricted gifts", all gifts, grants, contributions, and bequests upon which there are no restrictions imposed by the donor.

"Unrestricted income from endowment funds", income earned on investment of endowment funds which have no restrictions on income.

"Income and gains from investment of unrestricted funds", interest dividends, rents or other income on investments, including net gains or losses resulting from investment transactions.

"Term endowment", funds available upon termination of restrictions.

Section 71. Nothing in this chapter shall be construed to require payment by any third-party payor or purchaser, under any program or contract for payment or reimbursement of expenses for health care services, for: (a) services not covered under such program or contract; or (b) that portion of any charge for services furnished by a hospital that exceeds the amount covered by such program or contract. Nothing in this chapter shall be construed to supersede or modify any provision of such program or contract that requires payment of a deductible, co-payment, insurance premium or enrollment fee, or that imposes any similar requirement.

Section 72. Nothing in this chapter shall be construed to authorize any person not licensed to practice medicine to exercise any supervision or control over the practice of medicine or the manner in which medical services are provided.

SECTION 2. The General Laws are hereby amended by deleting the word, "hospital", wherever it appears in sections thirty-seven to forty-nine, inclusive, of chapter six A and inserting in place thereof the following term:- non acute hospital.

SECTION 3. The secretary of human services shall transmit to the director of the health care financing administration, department of health and human services, the following proposed amendment to experimental project P-98199/1-01:

(i) The basis of payment utilized to determine Title XVIII rates of payment for all hospitals licensed under section fifty-one of chapter one hundred and eleven of the General Laws and the University of Massachusetts Medical Center, as proposed in experimental project P-98199/1-01, as amended in April nineteen hundred and eighty-two, shall be reduced by multiplying said basis of payment by ninety-eight one-hundredths to establish the rate year basis of payment for Title XVIII reimbursement.

(ii) The rate year basis of payment shall be adjusted as in paragraph (i) for the first three rate years. For the two subsequent rate years, the reduction shall be achieved by multiplying the basis of payment by ninety-nine hundredths.

(iii) The basis of payment utilized to establish Title XVIII rates of payment shall be adjusted to reflect any changes in the levels of allowable cost resulting from implementation of a successor contract to hospital agreement 29 between Blue Cross of Massachusetts, Inc. and hospitals licensed under section fifty-one of chapter one hundred and eleven of the General Laws and the University of Massachusetts Medical Center. In no event will the amended basis of payment establish a rate of payment which is in excess of the rate of payment proposed in experimental project P-98199/1-01.

SECTION 4. If any clause, sentence, paragraph, subsection, section or chapter of this act shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect, impair, or invalidate the remainder thereof.

SECTION 5. All law in conflict with the provisions of this act shall be superseded by the provisions of this act. Section five of chapter seven hundred and forty-seven of the acts of nineteen hundred and eighty-one shall not be deemed to be in conflict with any provision of this act.

SECTION 5A. Sections five and six of chapter four hundred and nine of the acts of nineteen hundred and seventy-six are hereby repealed.

SECTION 6. An acute hospital may apply for hardship relief if it meets either of the following criteria:

A. No exception to chapter four hundred and thirty-two of the acts of nineteen hundred and eighty-one has been granted to

the hospital and the hospital's operating deficit for fiscal year nineteen hundred and eighty-two, as reported on audited financial statements approved by its certified public accountants, threatens the current financial viability of the hospital.

B. In fiscal year nineteen hundred and eighty-three the hospital experiences an operating deficit which threatens the financial viability of the hospital and which is primarily due to the implementation of the medicare experimental project P-98199/1-01.

All applications for hardship relief shall be submitted to the Massachusetts Hospital Association, Inc., hereinafter referred to as "the association", by January first and July first of each fiscal year. Within sixty days of said dates, the association shall submit the request to the commission accompanied by a recommended amount of relief.

Within thirty days of the association's submission, the commission shall approve, approve in part, or disapprove the request for relief.

The following factors, at a minimum, shall be considered by the association in its recommendation, and the commission in its approval, partial approval or disapproval of the request:

1. Whether the hospital was subject to chapter five hundred and forty of the acts of nineteen hundred and eighty-one, and chapter four hundred and thirty-two of the acts of nineteen hundred and eighty-two.

2. The extent to which actual expenses in fiscal year nineteen hundred and eighty-two, excluding those which are outside of the maximum allowable costs as defined under hospital agreement 29 exceeded the limitations of the maximum allowable cost definitions.

3. The extent to which the hospital is in conformity with the policies and goals of the state health plan as established under 43 U.S.C. Section 300k.

4. The extent to which the hospital serves a significant number of indigent patients.

5. The extent to which gross patient service revenues in fiscal year nineteen hundred and eighty, as approved under chapter four hundred and nine of the acts of nineteen hundred and seventy-six, was less than the fiscal year nineteen hundred and eighty maximum allowable gross patient service revenue.

6. For the purpose of ensuring future financial stability, the extent to which the hospital has agreed to a plan to correct factors identified as contributing to the deficit.

Hardship relief approved by the commission shall be paid from a trust account established by the commission for this purpose. When requests for relief are approved by the commission each

acute hospital shall pay to this trust account an equal percentage of its basis of payment for that fiscal year. The aggregate of such assessments shall be equal to the relief granted. The total of all assessments paid by any acute hospital shall not exceed one-half of one per cent of such hospital's basis of payment for the fiscal year ending in nineteen hundred and eighty-three.

No such relief or assessment shall have any effect upon the computation of any acute hospital's basis of payment or approved gross patient service revenues for any fiscal year.

The meaning of terms used in this section shall be as defined in section thirty-one of chapter six A of the General Laws.

SECTION 7. In the event that the medicare experimental project P-98199/1-01, as amended in accordance with section three and as may be further amended with the consent of the Massachusetts Hospital Association, is approved by the Health Care Financing Administration, United States Department of Health and Human Services, each acute hospital, as defined in section thirty-one of chapter six A of the General Laws, shall participate in the reimbursement system prescribed by said project, and by any extension thereof or successor thereto.

SECTION 7A. Subject to the provisions of section sixty-eight A of chapter six A of the General Laws any regulations governing rates of payment for acute care hospitals under Title XIX of the Social Security Act, in effect on June thirtieth, nineteen hundred and eighty-two, shall remain in effect until September thirtieth, nineteen hundred and eighty-two, or until superseded by the provisions of this act, whichever is later.

SECTION 8. Section 5 of chapter 176A of the General Laws, as most recently amended by chapter 812 of the acts of 1974, is hereby further amended by inserting after the fifth paragraph the following paragraph:-

In negotiating a contract with a nonprofit hospital service corporation, a hospital shall have the right to designate the Massachusetts Hospital Association, Inc., or any other state-wide, hospital-member organization as its agent for negotiating such contract. Each individual hospital, however, shall retain the right to accept or reject all or part of such negotiated contract.

When a nonprofit hospital service corporation is informed that such a negotiating agent represents one or more hospitals, such corporation shall have the right to propose to the agent, and

thereafter negotiate, a hospital contract that would be applicable to some or all of the hospitals represented by the agent.

Such a negotiating agent that represents more than one hospital shall have the right to propose to a nonprofit hospital service corporation, and thereafter negotiate, a hospital contract which would be applicable to some or all of the hospitals represented by it.

The commission shall not disapprove any contract between a hospital and a nonprofit hospital service corporation on the grounds that a term or terms of the contract are similar or identical to the terms of a proposed or approved contract between any other hospital and such corporation, or that the hospital was represented by a negotiating agent which represented one or more other hospitals.

SECTION 9. Any acute hospital aggrieved by an action of the commission under this act shall have a right of appeal in accordance with the provisions of section thirty-six of chapter six A of the General Laws.

SECTION 10. Section three and section seven A of this act shall take effect upon its passage. All other sections of this act shall become operative only upon approval of the medicare experimental project P-98199/1-01, as amended in accordance with section three of this act and as may be further amended with the consent of the Massachusetts Hospital Association, by the Health Care Financing Administration, United States Department of Health and Human Services. In the event said experimental project is approved, and said experimental project, or any extension thereof or successor thereto, shall subsequently cease to be in effect for a period of six consecutive months, then at the end of such six month period sections one, one A, two, five, five A, six and eight of this act shall become void and shall cease to be in effect. Section seven A shall cease to be operative in the event said medicare experimental project is not approved.

Approved August 10, 1982.

Chap. 373. AN ACT INCREASING THE PENALTIES FOR OPERATING A MOTOR VEHICLE WHILE DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUORS.

Whereas, The deferred operation of this act would tend to

defeat its purpose, which is to provide an immediate increase in the penalties of operating a motor vehicle while under the influence of alcoholic beverages, therefore it is hereby declared to be an emergency law, necessary for the preservation of the public safety.

Be it enacted, etc., as follows:

SECTION 1. Section 23 of chapter 90 of the General Laws, as most recently amended by section 2 of chapter 1033 of the acts of 1971, is hereby further amended by inserting after the first paragraph the following paragraph:-

Any person convicted of operating a motor vehicle after his license to operate has been revoked pursuant to a violation of paragraph (a) of subdivision (1) of sections twenty-four, twenty-four D, twenty-four E and twenty-four G, or after notice of such revocation of his right to operate a motor vehicle without a license has been issued and received by such person or by his agent or employer, and prior to the restoration of such license or right to operate or the issuance to him of a new license to operate shall be punished by a fine of not less than two hundred dollars and not more than five thousand dollars and by imprisonment in a house of correction for not less than seven days and not more than two and one-half years, provided that, the sentence of imprisonment imposed upon such person shall not be reduced to less than seven days, nor suspended, nor shall any such person be eligible for probation, parole, or furlough or receive any deduction from his sentence for good conduct until he shall have served seven days of such sentence; provided, however, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, or the administrator of a county correctional institution, grant to an offender committed under this paragraph a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative; to visit a critically ill relative; to obtain emergency medical or psychiatric services unavailable at said institution; or to engage in employment pursuant to a work release program. The provisions of section eighty-seven of chapter two hundred and seventy-six shall not apply to any person charged with a violation of this paragraph. Prosecutions commenced under this paragraph shall not be placed on file or continued without a finding.

SECTION 2 Subdivision (1) of section 24 of said chapter 90 is hereby amended by striking out paragraph (a), as most recently

amended by section 4 of chapter 1071 of the acts of 1971, and inserting in place thereof the following paragraph:-

(a) (1) Whoever, upon any way or in any place to which the public has a right of access, or upon any way or in any place to which members of the public have access as invitees or licensees, operates a motor vehicle while under the influence of intoxicating liquor, or of marihuana, narcotic drugs, depressants or stimulant substances, all as defined in section one of chapter ninety-four C, or the vapors of glue shall be punished by a fine of not less than one hundred nor more than one thousand dollars, or by imprisonment for not more than two years, or both.

If the defendant has been previously convicted or assigned to an alcohol education or rehabilitation program by a court of the commonwealth because of a like violation within six years preceding the date of the commission of the offense for which he has been convicted, the defendant shall be punished by a fine of not less than three hundred nor more than one thousand dollars and by imprisonment for not less than seven days nor more than two years, provided that the sentence imposed upon such person shall not be reduced to less than seven days, nor suspended, nor shall any such person be eligible for probation, parole, or furlough or receive any deduction from his sentence for good conduct until he shall have served seven days of such sentence; provided, however, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, or the administrator of a county correctional institution, grant to an offender committed under this subdivision a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative; to visit a critically ill relative; to obtain emergency medical or psychiatric services unavailable at said institution; or to engage in employment pursuant to a work release program.

If the defendant has been previously convicted or assigned to an alcohol education or rehabilitation program by a court of the commonwealth because of a like offense two or more times within six years preceding the date of the commission of the offense for which he has been convicted, the defendant shall be punished by a fine of not less than five hundred nor more than one thousand dollars and by imprisonment for not less than sixty days nor more than two years, provided that the sentence imposed upon such person shall not be reduced to less than sixty days, nor suspended, nor shall any such person be eligible for probation, parole, or furlough or receive any deduction from his sentence for good conduct until he shall have

served sixty days of such sentence; provided, however, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional insitution, or the administrator of a county correctional institution, grant to an offender committed under this subdivision a temporary release in the custody of an officer committed under this subsection or a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative; to visit a critically ill relative; to obtain emergency medical or psychiatric services unavailable at said institution; or to engage in employment pursuant to a work release program.

A prosecution commenced under this paragraph may not be placed on file or continued without a finding except for dispositions under section twenty-four D.

At any time before the commencement of trial or acceptance of a plea on a complaint alleging a violation of this subparagraph, the prosecutor may move for the dismissal of the complaint and the issuance of a new complaint alleging a violation of this subparagraph and one or more prior like violations. After a hearing and a finding of probable cause, the judge may order the issuance of said complaint. If a new complaint is issued, the court shall order that further proceedings on the matter be postponed until the defendant has had sufficient time to prepare a defense.

If a defendant waives right to a jury trial pursuant to section twenty-six A of chapter two hundred and eighteen on a complaint under this subdivision he shall be deemed to have waived right to a jury trial on all elements of said complaint subject to the right to appeal pursuant to section twenty-seven A of said chapter two hundred and eighteen.

(2) Except as provided in subparagraph (4), the provisions of section eighty-seven of chapter two hundred and seventy-six shall not apply to any person charged with a violation of subparagraph (1) and if said person has been convicted of or assigned to an alcohol education or rehabilitation program because of a like offense by a court of the commonwealth within a period of six years immediately preceding the commission of the offense with which he is charged.

(3) Notwithstanding the provisions of section six A of chapter two hundred and seventy-nine, the court may order that a defendant convicted of a violation of subparagraph (1) be actually imprisoned only on designated weekends, evenings or holidays.

(4) Notwithstanding the provisions of subparagraphs (1) and (2), a judge, before imposing sentence on a defendant who

pleads guilty to or is found guilty of a violation of subparagraph (1) and who has not been convicted or assigned to an alcohol education or rehabilitation program by a court of the commonwealth because of a like offense two or more times within six years of the date of the commission of the offense for which he has been convicted, shall receive a report from the probation copy of the defendant's driving record, the criminal record of the defendant, if any, and such information as may be available as to the defendant's use of alcohol and may, upon a written finding that appropriate and adequate treatment is available to the defendant and the defendant would benefit from such treatment and that the safety of the public would not be endangered, with the defendant's consent place a defendant on probation for two years provided that a condition of such probation shall be that the defendant be confined for no less than fourteen days in a residential alcohol treatment program as provided or sanctioned by the division of alcoholism, pursuant to regulations to be promulgated by said division in consultation with the department of correction and with the approval of the secretary of human services or at any other facility so sanctioned or regulated as may be established by the commonwealth or any political subdivision thereof for the purpose of alcohol or drug treatment or rehabilitation, and comply with all conditions of said residential alcohol treatment program.

Failure of the defendant to comply with said conditions and any other terms of probation as imposed under this section shall be reported forthwith to the court and proceedings under the provisions of section three of chapter two hundred and seventy-nine shall be commenced.

The defendant shall pay for the cost of the services provided by the residential alcohol treatment program; however, no person shall be excluded from said programs for inability to pay, provided that such person files an affidavit of indigency or inability to pay with the court, that investigation by the probation officer confirms such indigency or establishes that the payment of such fee would cause a grave and serious hardship to such individual or to the family of such individual, and that the court enters a written finding thereof. In lieu of waiver of the entire amount of said fee, the court may direct such individual to make partial or installment payments of the cost of said program.

SECTION 3. Said subdivision (1) of said section 24 of said chapter 90 is hereby further amended by striking out paragraph (b), as amended by chapter 200 of the acts of 1964, and inserting in place thereof the following paragraph:-

(b) A conviction of a violation of subparagraph (1) of paragraph (a) shall revoke the license or right to operate of the person so convicted unless such person has not been convicted of or assigned to an alcohol education or rehabilitation program because of a like offense by a court of the commonwealth within a period of six years preceding the date of the commission of the offense for which he has been convicted, and said person qualifies for disposition under section twenty-four D and has consented to probation as provided for in said section twenty-four D, no appeal, motion for new trial or exceptions shall operate to stay the revocation of the license or the right to operate. Such revoked license shall immediately be surrendered to the prosecuting officer who shall forward the same to the registrar. The court shall report immediately any revocation, under this section, of a license or right to operate to the registrar and to the police department of the municipality in which the defendant is domiciled. Notwithstanding the provisions of section twenty-two, the revocation, reinstatement or issuance of a license or right to operate by reason of a violation of paragraph (a) shall be controlled by the provisions of this section and sections twenty-four D and twenty-four E.

SECTION 4. Said subdivision (1) of said section 24 of said chapter 90 is hereby further amended by striking out paragraph (c), as most recently amended by section 2 of chapter 647 of the acts of 1974, and inserting in place thereof the following paragraph:-

(c) (1) Where the license or right to operate has been revoked under section twenty-four D or twenty-four E or revoked under subparagraph (1) of paragraph (b) and such person has not been convicted of a like offense or has not been assigned to an alcohol education or rehabilitation program because of a like offense by a court of the commonwealth within a period of six years preceding the date of the commission of the offense for which he has been convicted, the registrar shall not restore the license or reinstate the right to operate to such person unless the prosecution of such person has terminated in favor of the defendant, until one year after the date of conviction.

(2) Where the license or the right to operate of a person has been revoked under subparagraph (1) of paragraph (b) and such person has been previously convicted of or assigned to an alcohol education or rehabilitation program by a court of the commonwealth because of a like violation within a period of six years preceding the date of the commission of the offense for which such person has been convicted, the registrar shall not

restore the license or reinstate the right to operate of such person unless the prosecution of such person has terminated in favor of the defendant, until two years after the date of the conviction; provided, however, that such person may, after the expiration of one year from the date of conviction, apply for and shall be granted a hearing before the registrar for the purpose of requesting the issuance of a new license on a limited basis on the grounds of hardship and a showing by the person that the causes of the present and past violations have been dealt with or brought under control and the registrar may, in his discretion, issue such a license under such terms and conditions as he deems appropriate and necessary.

(3) Where the license or right to operate of any person has been revoked under subparagraph (1) of paragraph (b) and such person has been previously convicted or assigned to an alcohol education or rehabilitation program because of a like offense by a court of the commonwealth two or more times within a period of six years preceding the date of commission of the offense for which he has been convicted or where the license or right to operate has been revoked pursuant to section twenty-three due to a violation of said section due to a prior revocation under subparagraph (1) of paragraph (b) or under section twenty-four D or twenty-four E, the registrar shall not restore the license or reinstate the right to operate to such person, unless the prosecution of such person has terminated in favor of the defendant, until five years after the date of conviction; provided, however, that such person may, after the expiration of two years from the date of conviction, apply for and shall be granted a hearing before the registrar for the purpose of requesting the issuance of a new license on a limited basis on the grounds of hardship and a showing by the person that the causes of the present and past violations have been dealt with or brought under control and the registrar may, in his discretion, issue such a license under such terms and conditions as he deems appropriate and necessary. An appeal to the superior court may be had, in accordance with the provisions of chapter thirty A, from any order of the registrar of motor vehicles under the provisions of this section.

(4) Notwithstanding the foregoing, no new license shall be issued or right to operate be reinstated by the registrar to any person convicted of a violation of subparagraph (1) of paragraph (a) until ten years after the date of conviction in case the registrar determines upon investigation and after hearing that the action of the person so convicted in committing such offense caused an accident resulting in the death of another, nor at any time after a subsequent conviction of such an offense, whenever

committed, in case the registrar determines in the manner aforesaid that the action of such person, in committing the offense of which he was so subsequently convicted, caused an accident resulting in the death of another.

SECTION 5. Said subdivision (1) of said section 24 of said chapter 90 is hereby further amended by adding the following paragraph:-

(h) Any person convicted of a violation of subparagraph (1) of paragraph (a) that involves operating a motor vehicle while under the influence of marihuana, narcotic drugs, depressants or stimulant substances, all as defined in section one of chapter ninety-four C, or the vapors of glue, may, as part of the disposition in the case, be ordered to participate in a driver education program or a drug treatment or drug rehabilitation program, or any combination of said programs. The court shall set such financial and other terms for the participation of the defendant as it deems appropriate.

SECTION 6. Said chapter 90 is hereby further amended by striking out section 24D, as most recently amended by section 4 of chapter 758 of the acts of 1975, and inserting in place thereof the following section:-

Section 24D. Any person convicted of or charged with operating a motor vehicle while under the influence of intoxicating liquor, may, if he consents, be placed on probation for not more than two years and shall, as a condition of probation, be assigned to a driver alcohol education program as provided herein and, if deemed necessary by the court, to an alcohol treatment or rehabilitation program or to both, and the person's license or right to operate shall be suspended for thirty days. Such order of probation shall be in addition to any penalties imposed as provided in subparagraph (1) of paragraph (a) of subdivision (1) of section twenty-four and shall be in addition to any requirements imposed as a condition for any suspension of sentence. Said person shall cooperate in an investigation conducted by the probation staff of the court for supervision of cases of operating under the influence of intoxicating liquor in such manner as the commissioner of probation shall determine.

The provisions of this section shall not apply to any person convicted or assigned to an alcohol education or rehabilitation program because of a like offense by a court of the commonwealth within a period of six years preceding the date of the commission of the offense with which he is charged nor shall the provisions of this section apply to any person who during

the events that gave rise to the complaint under paragraph (a) of subdivision (1) of section twenty-four caused serious personal injury to or the death of another person.

At the time of trial or prior to disposition a report shall be made to the judge. Said report shall be uniform in content and format throughout the commonwealth and shall include but shall not be limited to a copy of said person's driving record and other records obtained from the registrar, or other person designated by him, pertaining to said person's operation of a motor vehicle as well as any recommendation by the registrar as to whether said person should later be eligible for early reinstatement of his license. The court shall report the disposition or finding of any such case to the registrar. Following disposition, the probation officer supervising a person pursuant to the provisions of this section shall maintain a written and current report which shall include but shall not be limited to consideration of said person's participation in any program in which he has been placed as a condition of probation as well as to a consideration of his drinking and driving behavior.

The suspended license or right to operate shall be retained in the probation office of the court for the duration of the suspension period. The court shall immediately report the suspension to the registrar and the police department of the municipality in which the defendant is domiciled.

Driver alcohol education programs utilized under the provisions of this section shall be established and administered by the director of the division of alcoholism in consultation with the registrar and the secretary of public safety, and shall include but shall not be limited to instruction on driver improvement skills as part of the course content.

Alcohol treatment, rehabilitation program or alcohol treatment and rehabilitation programs utilized under the provisions of this section shall include any public or private out-patient clinic, hospital, employer or unionsponsored program, self-help group, or any other organization, facility, service or program which the division of alcoholism has accepted as appropriate for the purposes of this section. The division shall prepare and publish annually a list of all such accepted alcohol treatment, rehabilitation programs and alcohol treatment and rehabilitation programs, shall make this list available upon request to members of the public, and shall from time to time furnish each court in the commonwealth, the registrar, and the secretary of public safety with a current copy of said list.

Each person placed in a program of driver alcohol education and, if deemed necessary by the court, a program of alcohol

treatment, rehabilitation, or alcohol treatment and rehabilitation pursuant to this section shall pay directly to such program a fee in an amount to be determined by the director of the division of alcoholism. The director shall establish and may from time to time revise a schedule of uniform fees to be charged by such programs which shall not exceed the actual cost per client of running said programs after notice and a public hearing, provided that until such time as the director establishes a schedule of such fees pursuant to this section the fee for such programs shall be two hundred dollars. The division shall promulgate regulations relative to the methodology of setting such fees. No person may be excluded from said program for inability to pay the stated fee, provided that such person files an affidavit of indigency or inability to pay with the court within ten days of the date of disposition, that investigation by the probation officer confirms such indigency or establishes that the payment of such fee would cause a grave and serious hardship to such individual or to the family of such individual, and that the court enters a written finding thereof. In lieu of waiver of the entire amount of said fee, the court may direct such individual to make partial or installment payments of such fee when appropriate. Subject to appropriation, the division shall reimburse each program for the costs of services provided to persons for whom payment of a fee has been waived on the grounds of indigency.

The state treasurer may accept for the commonwealth for the purpose of driver alcohol education, treatment, or rehabilitation any gift or bequest of money or property and any grant, loan, service, payment of property from a governmental authority. Any such money received shall be deposited in the state treasury for expenditure by the division of alcoholism subject to appropriation for the support of said driver alcohol treatment or rehabilitation programs in accordance with the conditions of the gift, grant, or loan. Any federal legislation generating funds for driver alcohol education or treatment or rehabilitation shall be used by the division of alcoholism to the extent possible to support the purposes of this section.

An additional fee of two hundred dollars shall be paid to the chief probation officer of each court by each person placed in a program of driver alcohol education pursuant to this section and all such fees shall be deposited with the state treasurer, subject to appropriation, for the support of programs for the apprehension, treatment and rehabilitation of those persons convicted of or charged with driving under the influence of intoxicating liquor or drugs.

No such fee shall be collected from any person who, after the

filing of an affidavit of indigency or inability to pay with the court within ten days of disposition and investigation by the probation officer confirming such indigency or establishing that the payment of such fee would cause a grave and serious hardship to such individual or to the family thereof, is determined by the court to be indigent, provided that the court enters a written finding thereof. In lieu of waiver of the entire amount of said fee, the court may direct such individual to make partial or installment payments of such fee when appropriate. Failure to pay the fees required under this section shall, unless excused, constitute sufficient basis for a finding by the court at a hearing held pursuant to section twenty-four E that the person has failed to satisfactorily comply with the program.

The commissioner of probation shall report in writing at least once annually to the director of the division of alcoholism on the total number of persons who have received disposition hereunder and on the number of such persons who have been determined by the court to require alcohol treatment or rehabilitation, or both. Said commissioner and the chief justices of the district courts and the Boston municipal court shall make further written report at least once annually to said director on the resources available for alcohol treatment or rehabilitation, or alcohol treatment and rehabilitation, of alcohol-impaired drivers, which report shall evaluate the existing resources and shall make recommendation as to additional necessary resources. Said director shall take such reports into consideration in the development, implementation, and review of the state's alcoholism plan and in the preparation of the division's annual budget in a manner consistent with the Alcoholism Treatment and Rehabilitation Law.

When imposing a sentence pursuant to subparagraph (1) of paragraph (a) of section twenty-four or this section, the court may consider requiring the defendant, as a condition of probation, to serve a minimum of thirty hours in public service or in a community work project.

SECTION 7. Section 24E of said chapter 90, as amended by section 2 of chapter 505 of the acts of 1975, is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The provisions of this section shall apply to any person convicted of or charged with operating a motor vehicle while under the influence of intoxicating liquor provided said person is qualified for a disposition under section twenty-four D. The provisions of this section shall not apply where notice from the registrar of intention to suspend or revoke a person's license or

right to operate is pending prior to the date of complaint on the offense before the court.

SECTION 8. Said section 24E of said chapter 90 is hereby further amended by striking out the fifth, sixth and seventh paragraphs and inserting in place thereof the following two paragraphs:-

At said hearing the probation officer shall submit to the courts a written report which shall include but shall not be limited to a written statement by the supervisor of any program of alcohol education and of any program of alcohol education and of any program of alcohol treatment, rehabilitation, or alcohol treatment and rehabilitation to which the court has assigned such person. Such statement shall consider such person's participation and attendance in each such court ordered program. The registrar shall submit a written report to the judge at said hearing regarding any entries made on said person's driving record in the period following placement in the program. If the court finds sufficient basis to conclude that said person has not satisfactorily completed or is not satisfactorily complying with such program, the court may notify the registrar and the registrar shall revoke the person's license or right to operate forthwith. If the judge finds that the person is satisfactorily complying with the conditions of probation, the judge may enter a dismissal of the charges and issue appropriate orders relative to said person's participation in a program or relative to a later hearing, subject to the duration of the term of probation. The court shall cause to be entered and to be maintained upon the probation record of said person notice of a dismissal of charges under this section. The probation officer supervising a person pursuant to the provisions of this section shall make a written report to the court if at any time such person has failed to satisfactorily comply with a court ordered program or if such person's operation of a motor vehicle constitutes a threat to the public safety. Upon receipt of such report the court shall forthwith hold a hearing on the matter. If at such hearing the court determines that said person has failed to satisfactorily comply with such program or that the said operation of a motor vehicle constitutes such a threat, the court may notify the registrar and the registrar shall without further hearing revoke said person's license or right to operate. Such revocation shall be for the remainder of the period from the date of conviction provided in subparagraph (1) of paragraph (c) of subdivision (1) of section twenty-four. Said person shall thereafter be subject to the same conditions for issuance of a new license or right to operate as any person applying for a new license or

right to operate following revocation as provided in subparagraph (1) of paragraph (c) of said subdivision (1).

Where an order of probation has been revoked by the court, the court shall forthwith so notify the registrar in writing and the registrar shall forthwith revoke said person's operator's license or right to operate which was restored under this section and without further hearing.

SECTION 9. Said chapter 90 is hereby further amended by striking out section 24G, inserted by chapter 227 of the acts of 1976, and inserting in place thereof the following section:-

Section 24G. (a) Whoever, upon any way or in any place to which the public has a right of access, or upon any way or in any place to which members of the public have access as invitees or licensees while under the influence of intoxicating liquor, or of marihuana, narcotic drugs, depressants, or stimulant substances, all as defined in section one of chapter ninety-four C, or the vapors of glue, and so operates a motor vehicle recklessly or negligently so that the lives or safety of the public might be endangered, and by any such operation so described causes the death of another person, shall be guilty of homicide by a motor vehicle while under the influence of an intoxicating substance, and shall be punished by imprisonment in the state prison for not less than two and one-half years or more than ten years and a fine of not more than five thousand dollars, or by imprisonment in a jail or house of correction for not less than one year nor more than two and one-half years and a fine of not more than five thousand dollars. The sentence imposed upon such person shall not be reduced to less than one year, nor suspended, nor shall any person convicted under this subsection be eligible for probation, parole, or furlough or receive any deduction from his sentence; provided, however, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, or the administrator of a county correctional institution, grant to an offender committed under this subsection a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative; to visit a critically ill relative; to obtain emergency medical or psychiatric services unavailable at said institution; or to engage in employment pursuant to a work release program. Prosecutions commenced under this section shall neither be continued without a finding nor placed on file.

The provisions of section eighty-seven of chapter two hundred and seventy-six, shall not apply to any person charged with a violation of this subsection.

(b) Whoever, upon any way or in any place to which the public has a right of access or upon any way or in any place to which members of the public have access as invitees or licensees, operates a motor vehicle while under the influence of intoxicating liquor, or of marihuana, narcotic drugs, depressants or stimulant substances, all as defined in section one of chapter ninety-four C, or the vapors of glue, and whoever operates a motor vehicle recklessly or negligently so that the lives or safety of the public might be endangered by any such operation causes the death of another person, shall be guilty of homicide by a motor vehicle and shall be punished by imprisonment in a jail or house of correction for not less than thirty days nor more than two and one-half years, or by a fine of not less than three hundred nor more than three thousand dollars, or both.

SECTION 10. Said chapter 90 is hereby further amended by inserting after section 24H the following two sections:-

Section 24I. Whoever, upon any way or in any place to which the public has a right of access, or upon any way or in any place to which members of the public have access as invitees or licensees, operates a motor vehicle while drinking from an open container of any alcoholic beverage shall be punished by a fine of not less than one hundred nor more than five hundred dollars.

Section 24J. In every case of a conviction of or a plea of guilty to a violation of subdivision one of section twenty-four involving driving under the influence of intoxicating liquors or a disposition under section twenty-four D, the court shall inquire of the defendant, before sentencing, regarding whether he was served alcohol prior to his violation of said section at an establishment licensed to serve alcohol on the premises and the name and location of said establishment.

Any information so acquired by the court shall be transmitted to the office of the attorney general and the office of the district attorney for the district in which said establishment is located.

SECTION 11. Chapter 138 of the General Laws is hereby amended by inserting after section 34C the following section:-

Section 34D. Any establishment which sells alcoholic beverages to be drunk on the premises, shall post a copy of the penalties set forth in subdivision (1) of section twenty-four of chapter ninety for driving under the influence. Any establishment which sells alcoholic beverages not to be drunk on the premises shall post a copy of the penalties set forth in section twenty-four I of said chapter ninety for operating a motor vehicle while drinking

from an open container of alcohol. Said copies shall be posted conspicuously by the owner or person in charge of the respective establishment, and whoever violates this provision shall be punished by a fine of not more than fifty dollars. Any person unlawfully removing a copy so posted shall be punished by a fine of fifty dollars. Said copies, printed in letters not less in size than eighteen point capitals, boldface, shall be prepared by the commission and distributed to business establishments which sell, serve or otherwise dispense alcohol or alcoholic beverages to the general public.

SECTION 12. Section 16 of chapter 139 of the General Laws, as amended by section 11 of chapter 328 of the acts of 1934, is hereby further amended by inserting after the word "thirty-eight", in line 8, the words:- , or houses a premises which is licensed under section twelve of said chapter one hundred and thirty-eight and on or in such premises alcoholic beverages are habitually served to persons who are intoxicated or alcoholic beverages are served to persons whom the operators of said premises know or have reason to know will operate a motor vehicle under the influence of intoxicating liquor in violation of subdivision (1) of section twenty-four of chapter ninety.

SECTION 13. Section 16A of said chapter 139, as most recently amended by section 12 of chapter 1114 of the acts of 1973, is hereby further amended by inserting after the word "thirty-eight", in line 8, the words:- , or houses a premises which is licensed under section twelve of said chapter one hundred and thirty-eight and on or in such premises alcoholic beverages are habitually served to persons who are intoxicated or alcoholic beverages are served to persons whom the operators of said premises know or have reason to know will operate a motor vehicle under the influence of intoxicating liquor in violation of subdivision (1) of section twenty-four of chapter ninety.

SECTION 14. Section 19 of said chapter 139, as amended by section 14 of chapter 328 of the acts of 1934, is hereby further amended by inserting after the word "thirty-eight", in line 8, the words:- , or the housing of a premises which is licensed under section twelve of said chapter one hundred and thirty-eight and on or in such premises alcoholic beverages are habitually served to persons who are intoxicated or alcoholic beverages are served to persons whom the operators of said premises know or have reason to know will operate a motor

vehicle under the influence of intoxicating liquor in violation of subdivision (1) of section twenty-four of chapter ninety.

SECTION 15. Section 20 of said chapter 139, as most recently amended by chapter 132 of the acts of 1948, is hereby further amended by inserting after the word "thirty-eight", in line 5, the words:- , or the housing of a premises which is licensed under section twelve of said chapter one hundred and thirty-eight and on or in such premises alcoholic beverages are habitually served to persons who are intoxicated or alcoholic beverages are served to persons whom the operators of said premises know or have reason to know will operate a motor vehicle under the influence of intoxicating liquor in violation of subdivision (1) of section twenty-four of chapter ninety.

SECTION 16. Subdivision (H) of section 110 of chapter 175 of the General Laws, inserted by section 2 of chapter 1221 of the acts of 1973, is hereby amended by striking out paragraph (a) and inserting in place thereof the following paragraph:-

(a) In the case of benefits based upon confinement as an in-patient 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, or in a residential alcohol treatment program as referred to in section twenty-four of chapter ninety, such benefits shall be at least thirty days in any calendar year.

SECTION 17. The third paragraph of section 10 of chapter 176A of the General Laws, inserted by section 4 of chapter 1221 of the acts of 1973, is hereby amended by striking out paragraph (a) and inserting in place thereof the following paragraph:-

(a) In the case of benefits based upon confinement as an in-patient 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, or in a residential alcohol treatment program as referred to in section twenty-four of chapter ninety, such benefits shall be at least thirty days in any calendar year.

SECTION 18. Section 4A½ of chapter 176B of the General Laws, inserted by chapter 526 of the acts of 1979, is hereby amended by striking out paragraph (a) and inserting in place thereof the following paragraph:-

(a) In the case of benefits based upon confinement as an in-patient 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, or in a residential alcohol treatment program as referred to in section twenty-four of chapter ninety, such benefits shall be at least thirty days in any calendar year.

SECTION 19. Section 26 of chapter 218 of the General Laws is hereby amended by inserting after the word "in", in line 11, as appearing in chapter 175 of the acts of 1982, the words:- paragraph (a) of section twenty-four G of chapter ninety.

SECTION 20. This act shall take effect as of September first, nineteen hundred and eighty-two.

Approved August 12, 1982.

Chap. 374. AN ACT AUTHORIZING THE TOWN OF LEXINGTON TO SELL AND CONVEY CERTAIN BUILDINGS AND TO LEASE A CERTAIN PARCEL OF PARK LAND IN SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The town of Lexington is hereby authorized to sell and convey to Robert J. Lind, with preservation restrictions, two certain buildings located in Buckman park in said town known as the Garrity House and the Carriage House, and to lease to said Robert J. Lind, for private residential purposes, for a term of ninety-nine years a certain parcel of park land in said Buckman park on which said buildings are located, all for such consideration and upon such terms and conditions as shall be determined by the board of selectmen of said town. Said parcel of land being situated on Hancock street in said town, and shown on a plan entitled "Compiled Plan of Land in Lexington, Mass. for Garrity House Conveyance" dated May 10, 1982 and prepared by Walter J. Tonaszuck, Jr., Town Engineer, on file with the town engineer, and being bounded and described according to said plan as follows:

Beginning at a point at the intersection of the easterly sideline of Hancock Street and the southwesterly sideline of land now or formerly of the Boston & Maine Railroad;

Thence running Southeasterly by said land now or formerly of Boston & Maine Railroad along the arc of a curve to the left with a radius of 2875.43 a distance of 230 feet more or less to a point;

Thence South 85° 44' West by land marked "Lot 3" on said plan a distance of 46 feet more or less to a point;

Thence North 66° 16' West by said land a distance of 125 feet more or less to a point on the easterly sideline of said Hancock Street;

Thence Northerly along said sideline along the arc of a curve to the right with a radius of 400.00 a distance of 71 feet more or less to a point;

Thence North 13° 33' 53" East along said sideline a distance of 90 feet more or less to a point;

Thence North 21° 25' East along said sideline a distance of 59 feet more or less to the point of beginning.

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

Approved August 16, 1982.

Chap. 375. AN ACT EXPANDING THE AREA OF THE EAST VILLAGE HISTORIC DISTRICT IN THE TOWN OF LEXINGTON.

Be it enacted, etc., as follows:

SECTION 1. The paragraph defining East Village District of section 2 of chapter 447 of the acts of 1956, as appearing in section 1 of chapter 579 of the acts of 1966, is hereby amended by inserting after the first paragraph the following paragraph:-

The East Village Historic District shall also include an area bounded and described as follows:

Beginning at a point on the easterly line of the 1966 East Village Historic District boundary said point being N 84°-43'-07" E distant 17.5± feet from an iron pin as shown on a plan entitled, "Plan of Land in Lexington, Mass., Scale 1"=40', January 15, 1981, Joseph W. Moore Co.," on file with the Town engineer; thence N 84°-43'-07" E distant 188± feet to a point; thence N 85°-31'-53" E distant 18.00 feet to a point; thence S 13°-56'-31" E distant 168.86 feet to a point; thence S 74°-50'-45" W distant 36.07 feet to a point; then S 15°-09'-15" E distant 40.93 feet to a point, thence S 66°-48'-45" W distant 171± feet to a point on the aforesaid East Village Historic District boundary; thence by said line

northwesterly 272± feet to the point of beginning.

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

Approved August 16, 1982.

Chap. 376. AN ACT MAKING CORRECTIVE CHANGES IN THE LAW RELATIVE TO OPERATING A MOTOR VEHICLE WHILE DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR.

Be it enacted, etc., as follows:

SECTION 1. Subsection (a) of section 24G of chapter 90 of the General Laws, as appearing in section 9 of chapter 373 of the acts of 1982, is hereby amended by inserting after the word "licensees", in line 3, the words:-, operates a motor vehicle.

SECTION 2. Said section 24G of said chapter 90, as so appearing, is hereby further amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) Whoever, upon any way or in any place to which the public has a right of access or upon any way or in any place to which members of the public have access as invitees or licensees, operates a motor vehicle while under the influence of intoxicating liquor, or of marihuana, narcotic drugs, depressants or stimulant substances, all as defined in section one of chapter ninety-four C, or the vapors of glue, or whoever operates a motor vehicle recklessly or negligently so that the lives or safety of the public might be endangered and by any such operation causes the death of another person, shall be guilty of homicide by a motor vehicle and shall be punished by imprisonment in a jail or house of correction for not less than thirty days nor more than two and one-half years, or by a fine of not less than three hundred nor more than three thousand dollars, or both.

Approved August 16, 1982.

EMERGENCY LETTER - August 17, 1982 @ 9:26 A.M.

Chap. 377. AN ACT MAKING CHANGES IN THE PERSONAL INCOME TAX.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (b) of subsection B of section 3 of chapter 62 of the General Laws, as most recently amended by section 3 of chapter 409 of the acts of 1979, is hereby further amended by striking out subparagraphs (1), (2) and (3) and inserting in place thereof the following three subparagraphs:-

(1) In the case of a single person,

(A) a personal exemption of two thousand two hundred 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 two hundred dollars, and an amount not exceeding two thousand two hundred 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 two hundred 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-eight 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 one hundred 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.

SECTION 2. The provisions of this act shall apply to taxable years commencing on or after January first, nineteen hundred and eighty-two.

Approved August 16, 1982.

EMERGENCY LETTER - August 18, 1982 @ 2:35 P.M.

Chap. 378. 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 659 of the acts of 1979, 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-five dollars a volume, but in no year shall there be expended more than seventy-five hundred dollars; provided, that if the copies are plated, the plates shall be subject to the use of the commonwealth.

Approved August 20, 1982.

Chap. 379. AN ACT ALLOWING THE SOLEMNIZATION OF MARRIAGES BY A PRIEST OF NICHIREN SHOSHU BUDDHISM.

Be it enacted, etc., as follows:

Section 38 of chapter 207 of the General Laws, as most recently amended by section 1 of chapter 521 of the acts of

1981, is hereby further amended by inserting after the word "Leader", in line 28, the words:- ; and it may be solemnized by a priest or minister of the Buddhist religion who resides in the commonwealth or who, if a nonresident, is recognized as a duly ordained priest or minister of the Buddhist religion.

Approved August 20, 1982.

Chap. 380. AN ACT ESTABLISHING THE SHERWOOD FOREST ROAD MAINTENANCE DISTRICT IN THE TOWN OF BECKET.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established within the town of Becket the Sherwood Forest Road Maintenance District, hereinafter referred to as district, bounded and described as follows:

A. DISTRICT DESCRIPTION. The land situated on the southerly side of Route 20, a state highway in said town of Becket as described and shown on the following plans, each of which is on record in the Berkshire Middle District Registry of Deeds:

(1) Plan 1, Unit 1, showing blocks 2 through 11 in the Sherwood Forest development, owned by Sherwood Forest Enterprises, Inc., dated August 1963, recorded in Book 417-F, Page 7, as corrected by plan dated August 1963, recorded in Book 417-F, Page 8-A.

(2) Special plan showing block LV-2 in the Sherwood Forest development, owned by Sherwood Forest Enterprises, Inc., dated August 1963, recorded in Book 417-F, Page 8.

(3) Plan 2 of Unit 1, showing blocks 16 through 19, 24 through 26, RL-3, NB-1, P-1, RL-1, LV-1, and LV-2 in the Sherwood Forest development owned by Sherwood Forest Enterprises, Inc., dated August 1963, recorded in Book 417-F, Page 7-A.

(4) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated January 17, 1966, recorded in Book 417-F, Page 9.

(5) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated January 18, 1966, recorded in Book 417-F, Page 9-A.

(6) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated January 19, 1966, recorded in Book 417-F,

Page 10.

(7) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated January 20, 1966, recorded in Book 417-F, Page 10-A.

(8) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated May 14, 1968, recorded in Book 417-F, Page 104.

(9) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated August 13, 1969, recorded in Book 417-F, Page 140.

(10) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated August 14, 1969, recorded in Book 417-F, Page 141.

(11) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated August 15, 1969, recorded in Book 417-F, Page 142.

(12) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated September 9, 1969, recorded in Book 417-F, Page 143.

(13) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated September 11, 1969, recorded in Book 417-F, Page 144.

(14) Lot 31, Block P-1, Sherwood Forest, a subdivision in Becket, Massachusetts, dated May 23, 1967, and recorded in Book 417-D, Page 151.

B. STREETS OR WAYS INCLUDED IN DISTRICT BOUNDARIES.

Sherwood Drive, excluding that portion extending southerly from its intersection with Route 20 which has been previously accepted by the Town of Becket as a public way, Maid Marion Lane, Little John Drive, Prince John Drive, King Arthur Drive, Knight Drive, Sir Galahad Drive, Whistling Arrow, Nottingham Courts, Nottingham Circle, Alan A Dale Drive, King Richard Drive, King Richard Lane, Sir George Drive, Black Arrow Way, Golden Knight Lane, Jester's Lane, Jester's Court, Golden Knight Court, Bowman's Lane, Minstrel's Way, Flaming Arrow Lane, Prince Paul Path, Prince Paul Lane, Castle Lane, Olde Carriage Road, Robin Hood Lane, Woodmen's Lane, Forest Lane, Blue-Bowar Lane, Arrowhead Lane, Woodmen's Path, Sir Edward's Way, King Richard's Court, Singing Sword Lane, Excalibur Drive, Green Wood Court, Hill-top Court, Mountain Dale Court, Pine Dale Court, Pine Dale Circle, Sir Walter Road, Sir Walter Lane, Count Edward's Way, Excalibur Court, Excalibur Lake Drive, Lady of the Lake Courts, any other streets or ways as shown on the plans described in subsection A.

SECTION 2. The district, upon establishment in the manner hereafter set forth, shall have the following powers:

A. To repair and maintain, including snow and ice removal, the streets or ways within said district, or such portions thereof, as the district shall determine in accordance with this act.

B. To adopt an annual budget and to raise and appropriate money by taxation in an amount necessary to carry out the purposes for which this district is formed.

C. To sue and be sued in its own name, and to plead and be impleaded; provided, however, that neither the district nor any officer or employee thereof shall be liable in tort except pursuant to the provisions of chapter two hundred and fifty-eight of the General Laws; and provided further, that the district may indemnify its officers and employees to the extent provided in said chapter two hundred and fifty-eight.

D. To adopt by-laws for the regulation of its affairs in the conduct of its business, which by-laws shall be consistent with the powers conferred by this act.

E. To appoint a superintendent of streets who, unless the district by-laws provide otherwise, shall have the same powers and duties with respect to the streets and ways of said district as a superintendent of streets now has with respect to town ways under the provisions of section sixty-eight of chapter forty-one of the General Laws and who shall be a "public employee" for the purposes of said chapter two hundred and fifty-eight.

F. To make and enter into all contracts and agreements necessary or incidental to the accomplishments of its purposes subject to appropriation by the district.

G. To employ such experts as may be deemed necessary in its judgment and to fix their compensation.

H. To receive and accept from any federal agency, the commonwealth, the municipality, or from a charitable foundation, a private corporation or an individual, grants, gifts, loans, and advances for or in aid of the purposes of this district, including, but not limited to revenue sharing funds and community development block grant funds.

I. From time to time, to borrow money in order to carry out the purposes of this act to the extent permitted for districts under the provisions of chapter forty-four of the General Laws.

J. To invest any funds not required for the immediate use of the district in such manner and to the extent permitted under the General Laws for the investment of such funds by the treasurer of a town.

K. To procure insurance against any loss in connection with

carrying out the purposes of this act in such amount and from such insurers as it deems desirable.

L. To enter upon the streets and ways within said district in order to carry out the purposes of this act.

M. To purchase and lease equipment, materials, and services necessary or appropriate for carrying out the purposes for which the district is created to the same extent subject to the same limitations as shall apply to towns.

N. To do all acts necessary or convenient to carry out the powers expressly or by necessary implication conferred upon the district by this act.

SECTION 3. Selectmen of the town of Becket, on written request of not less than twenty landowners and residents of such district, shall forthwith give notice of an initial meeting of the voters of said district in the manner of notifying town meetings, requiring voters to assemble at some suitable place within the district to act on the order of business under the provisions of section four. If the selectmen refuse or neglect to give notice of such meeting, a justice of the peace may do so.

SECTION 4. At the first meeting of said district, the following shall be the order of business:

A. Election of a moderator who shall be chosen by ballot.

B. Certification by the moderator to the district meeting that a quorum is in attendance, such initial quorum to consist of not less than thirty residents of the district and who have been certified to the clerk by the registrar of voters of the town of Becket as being eligible to vote at the most recent town meeting. At subsequent meetings in the district, a quorum shall be as determined by district by-law.

C. The taking of a vote to determine whether or not the district established by this act shall be organized, which shall require an affirmative vote of two-thirds of the persons in attendance and authorized to vote. If such vote shall be in the negative, the meeting shall thereupon terminate and adjourn. If such vote shall be in the affirmative, the meeting shall then proceed to consider the order of business set forth in clauses D to G, inclusive.

D. The adoption of district by-laws.

E. The election of a clerk, treasurer, and a prudential committee. The clerk and the treasurer shall be residents of the district entitled to vote at district meetings. If the district shall so elect, one person may serve as both clerk and treasurer. The prudential committee shall consist of not less than three nor more than seven persons with not less than a majority of such

number as actually fixed by the by-laws to be resident voters of the district and such remaining number of members, if any, as the district shall determine in its by-laws, to be elected from among persons who are assessed owners of real estate within the district as of the date next preceding the district election when the record of assessed ownership of real estate shall be fixed by law. The clerk, treasurer and prudential committee members shall serve from the date of the initial meeting and until the date of election and qualification of their successors at or following the first annual meeting of the district, and thereafter as provided from time to time in the district by-laws; provided, however, that such interval between election of said officers and committee members shall not be greater than two years. Neither the clerk nor the treasurer shall be a member of the prudential committee.

F. The adoption of an initial budget for the remainder of the fiscal year and the appropriation of monies to be raised by taxation in support thereof.

G. The consideration of such other business as shall be consistent with the power and authority conferred by this act.

SECTION 5. Immediately upon its election at the initial meeting of the district, and thereafter immediately following each annual meeting of the district, the prudential committee shall meet and shall take the following actions:

A. The election of a chairman and a vice-chairman, who shall preside at all meetings of the committee in the absence of the chairman or in the event of his inability to act or because of a conflict of interest.

B. The adoption of rules for the general conduct of its business.

C. The appointment of a superintendent of streets who shall serve at the discretion of the prudential committee.

D. To conduct such other business as shall be authorized by this act or by the by-laws of the district adopted pursuant hereto.

Upon completion of the first meeting of the district in the aforesaid manner, written notice of the establishment thereof shall be sent by the clerk to the commissioner of revenue.

SECTION 6. Annual meetings of the district shall be held on the third Tuesday in April or at such other time that the district shall establish from time to time in its by-laws, but in no event shall such annual meeting occur more than thirty days after the date set by the town of Becket for its annual town meeting. Annual meetings and other special meetings of the

district shall be called by a warrant under the hands of the prudential committee, notice of which shall be given fourteen days at least before such meeting. The warrant shall be directed to a constable of the town or to some other person who shall forthwith give notice of such meeting in the manner prescribed by the by-laws, or, if no provision therefor shall exist in said by-laws, by a vote of the district, or by posting in two or more public places within said district or by advertising in a newspaper published in the town in which the district is located, if any, otherwise in a newspaper published in the county. The warrant for all district meetings shall state the time and place of holding the meeting and the subjects to be acted upon thereat. The prudential committee shall insert in the warrant for the annual meeting all subjects the insertion of which shall be requested of them in writing by ten or more registered voters of the town residing in the district, and the warrant for every special district meeting all subjects the insertion of which shall be requested of them in writing by twenty registered voters or by ten per cent of the total number of registered voters of the town residing within said district, whichever is less. The prudential committee shall call a special district meeting at its own request or upon the request in writing of forty registered voters or twenty per cent of the total number of registered voters of the town residing within the district, whichever is less, such meeting to be held not later than thirty days after the receipt of such request, and shall insert in the warrant therefor all subjects the insertion of which shall be requested by said petition. No action shall be valid unless the subject matter thereof is contained in the warrant. Two or more district meetings for distinct purposes may be called by the same warrant. At every district meeting a moderator shall be chosen by ballot, and shall have the powers of the moderator of a town meeting.

SECTION 7. District meetings and meetings of the prudential committee shall be governed by chapter thirty-nine of the General Laws except as otherwise provided in this act.

SECTION 8. The registrar of voters of the town of Becket shall, at least ten days before the annual district election, make a correct alphabetical list of all persons qualified to vote at such election and shall cause such list to be posted, by tender to the prudential committee or otherwise, in two or more public places in said district, and shall correct said list in the same manner as required by law to correct said voting list for town elections.

SECTION 9. The district may, at meetings called therefor,

raise money by taxation for the purposes set forth in this act, but for none other.

SECTION 10. The fiscal year of the district shall be the same fiscal year established by General Law or otherwise for the town of Becket.

SECTION 11. Unless otherwise specified in this act, or otherwise required by General Law, all actions permitted to be taken at annual or special meetings of the district shall require a majority vote of those persons present at said meeting and entitled to vote thereat, who shall constitute a quorum in accordance with the by-laws of the district.

SECTION 12. At the first annual meeting of the district and at each annual meeting thereafter, the district shall elect in the manner provided for in its by-laws the members of its prudential committee constituted as aforesaid and also a clerk and treasurer of the district. Upon their election, the prudential committee, clerk and treasurer shall serve for the terms set forth in the by-laws and until their successors shall have been elected at the next annual meeting of the district called for that purpose. Vacancies in the prudential committee due to resignation or other cause shall be filled at a special district meeting called for that purpose by the remaining members of the committee, which meeting shall occur within thirty days from the date of such vacancy. In the event that no member of the prudential committee shall remain in office due to resignation or otherwise, the selectmen of the town of Becket are empowered to issue a warrant for a special meeting of the district to occur within said thirty day period and shall, in the interim, exercise the powers and duties of the prudential committee until the successors shall be elected at such special meeting.

SECTION 13. The prudential committee shall be responsible for the expenditure and shall expend, for the purposes prescribed by the district, the money so raised and borrowed by the district, and shall annually prepare a budget with advice from the district superintendent of streets and shall submit such budget to the annual district meeting for its approval. Upon approval of the budget by the district which shall be deemed to constitute an appropriation for the expenses enumerated therein, the clerk shall certify to the assessors of the town all the votes of the district relative thereto and all sums of money voted to be raised which shall be assessed and collected in the same manner as town taxes, and shall be paid over to the district treasurer.

The assessors, treasurer, and collector of the town of Becket shall have the same powers and duties relative to the assessment, collection and abatement or granting of exemptions relative to money voted by the district as they have and exercise relative to the assessment, collection, and abatement, and granting of exemptions relative to town taxes and the sum so voted shall be assessed upon the land situated within the district, exclusive of improvements thereto or personal property situated thereon. The district shall include in its initial and in all subsequent annual appropriations, compensation for the town assessors and tax collector, pursuant to the provisions of section one hundred and eight B of chapter forty-one of the General Laws, with respect to their duties and expenses hereunder.

SECTION 14. Unless otherwise provided by district by-law, the superintendent of streets shall, subject to appropriation and upon approval by a majority of the prudential committee, have the power to enter into contracts for the repair and maintenance of all streets and ways within the district, including contracts for the removal of snow and ice and contracts calling for the purchase or lease of services, equipment, and supplies authorized by the district as aforesaid.

SECTION 15. The district treasurer shall, in addition to any other powers and duties specified elesewhere in this act, receive and take charge of all money belonging to the district, and pay over an account for the same according to the order of the district or of its prudential committee. No other person shall pay any district bill; provided, however, that this provision shall not prohibit the treasurer from paying such bill by the use of bank treasurer's or cashier's check. He shall further have the authority given to an auditor by section fifty-one of chapter forty-one of the General Laws, and shall annually render a true account of his receipts and disbursements and a report of his official acts to the district. The treasurer shall give bond annually for the performance of his duties in a form approved by the commissioner of revenue and in such sum, not less than the amount established by said commissioner, as shall be fixed by the prudential committee, and if he fails to give such bond within ten days after his election or appointment, or if within ten days after the expiration of said bond or any renewal of said bond, he fails to file a renewal thereof, the prudential committee shall declare the office vacant and the vacancy shall be filled by the prudential committee in the manner provided for the appointment of temporary town officers under section forty of chapter forty-one of the General Laws. Vacancies occurring in

the office of treasurer for any other reason shall be filled by the prudential committee in a like manner.

SECTION 16. Unless otherwise provided by district by-law, the clerk shall, in addition to the other duties specified herein, take all minutes at district meetings and maintain a record of such minutes in the manner provided for the maintenance of records of minutes of town meetings. Vacancies occurring in the office of clerk shall be filled by the prudential committee by appointment in the same manner as provided for treasurer in the next preceding section.

SECTION 17. Unless otherwise provided by district by-law, the prudential committee shall, in addition to the other duties specified herein, supervise and advise the superintendent of streets and the clerk; decide by majority vote on all contracts, expenditures, investments, or any other actions necessary for carrying out the purposes of the district. No monies shall be drawn from the district treasury except upon signature of the district treasurer and upon prior authorization by the prudential committee to the extent required by district by-law. The prudential committee shall meet as necessary, but in no event less frequently than monthly in order to approve contracts, expenditures, and investments, or to take other actions necessary for carrying out the purposes of the district. The district treasurer shall be responsible for submitting to the prudential committee in a timely manner all contracts, bills, or other items requiring committee approval. A quorum of the prudential committee shall be required at all meetings for the conducting of any business and shall consist of a majority of the total number of committee members then constituted by the district as the prudential committee.

SECTION 18. The district may, by majority vote, agree upon appropriate compensation for its officers and employees including the prudential committee members in the event that the district shall include in its budget appropriations for its employees to perform duties with respect to the maintenance and upkeep of streets and ways within the district, such employees shall be hired by the superintendent of streets with the prior approval of the prudential committee subject to prior appropriation therefor, shall be employed under the supervision of the superintendent of streets and other terms and conditions of employment approved by the prudential committee.

SECTION 19. The town of Becket shall not be obligated for

any debts of the district nor shall it by virtue of this act, be required to pay for any repairs and maintenance of streets or ways within the district including snow and ice removal; provided, however, that nothing in this act shall preclude the layout and acceptance of any street or way within said district by the town or by the county as provided by chapter eighty-two of the General Laws or any other provision of the General Laws, or the acceptance of the provision of any enabling legislation permitting the expenditure of monies by towns on private ways open to public use.

SECTION 20. If a person sustains bodily injury or damage to his property by reason of defect or want of repair for failure to remove snow or ice in or upon a listed street or way within the district, claims for such injury or damage shall be governed by the applicable provisions of chapter eighty-four of the General Laws relating to damages for defects in ways.

SECTION 21. The district, at a meeting called therefor, may annex adjacent territory and its inhabitants, if a majority of the votes of said territory petition define the limits thereof, or may, on the petition of any person with the assent of the town containing such district, exclude him or his estate therefrom; provided, however, that such exclusion shall be granted by the district without assent of the town if the estate of the petitioner is so situated as to be unable to benefit from the listed streets and ways within the district or so situated as to be more accessible to a street or way under the jurisdiction or control of the governmental entity other than the district; and provided, further, that such exclusion shall not be granted by the district if the estate of the petitioner is so situated as to be able to benefit from any listed street or way which is repaired or maintained by the district in such a manner by the district to afford year-round access to the estate of the petitioner; and provided, further, that no estate shall be subject to any tax assessed on account of the repair and maintenance of roads under this act if, in the judgment of the prudential committee, after a hearing, due notice of which shall be given, such estate is so situated that it can receive no benefit from the repair and maintenance provided in said district. The petition for exclusion or exemption from taxation shall be filed with the prudential committee of the district not later than the date set for the filing of petitions for the insertion of articles in the warrant of the district meeting or at which the petition is to be acted upon, and shall state the petitioner's reason for seeking exclusion or exemption from taxation. The prudential committee shall cause

an appropriate article to be inserted in the warrant for said meeting, shall examine the reasons stated and shall report its findings, with recommendations to said meeting. Any such petitioner, aggrieved by the action of the prudential committee, or by the action of the voters of the district on his petition, may appeal to the superior court sitting in equity within the county in which the district is located for a remedy. Upon such appeal, said court shall, if the reason set forth by the petitioner is found to lie within the intent of this section, grants such exclusion. The grant of exclusion or exemption from taxation shall exempt the person and estate of the petitioner of any tax levied by reason of any appropriation made by the district after the filing of the petition as provided herein.

SECTION 22. By a petition in writing addressed to the prudential committee and signed by a majority of the residents of the district who are entitled to vote at the most recent district meeting prior to the filing of the petition, such petitioners may request that the district be disbanded on the basis that there is no further need for its existence. A three-quarters affirmative vote of a quorum in attendance at such district meeting shall be necessary to disband the district. Notwithstanding the foregoing provision, the district may not be disbanded if at the time of such vote, there are outstanding obligations with respect to which insufficient appropriated funds or surplus funds exist in the district treasury for the purpose of satisfying such obligations. If sufficient funds shall be determined to exist at said meeting to accomplish the payment of all outstanding obligations, such action shall forthwith be taken by the prudential committee, or by the selectmen of the town of Becket upon the failure of the prudential committee to act with respect thereto. In the event there shall exist in the district treasury surplus funds remaining after the payment of all outstanding obligations as aforesaid, said funds shall be distributed by the prudential committee to the property owners within the district based upon the percentage that the most recent assessed valuation of the land for each said district property owner shall bear to the total or aggregate assessed valuation of the land lying within the district. No such distribution of surplus shall be made by the prudential committee until it shall have first published in each week for three successive weeks in a newspaper of at least weekly publication within the county of Berkshire a notice of intent to disband the district which shall afford reasonable notice to all creditors and possible claimants against the district of the intended action. Further, within ten days of an affirmative vote to disband, the district clerk shall

file with the Becket town clerk, with the secretary of the commonwealth and the commissioner of revenue an attested copy of said petition and a certified copy of the district vote. Upon completion of the aforesaid action, and upon the expiration of six months from the date of said meeting and vote, the Sherwood Road Maintenance District shall cease to exist.

SECTION 23. The district shall establish an overlay account and a reserve fund as contemplated for towns under the provisions of section twenty-five of chapter fifty-nine and section five C of chapter forty of the General Laws, except that the initial fiscal year of the operation of the district, the assessors for the town of Becket, may add to the amount to be assessed, a sum voted by the district, equal to not more than twenty per cent thereof for the purposes and subject to the remaining limitations set forth in said section twenty-five of chapter fifty-nine. The district is further authorized to establish and maintain a stabilization fund under the provisions of section five B of chapter forty of the General Laws. The district shall further be subject to an audit of its accounts in the manner provided in section forty of chapter forty-four of the General Laws.

SECTION 24. Notwithstanding any provision of general or special law to the contrary, the town of Becket may, at its annual or at a special town meeting vote to appropriate by transfer or otherwise, the sum of not greater than twenty-five thousand dollars, for the use and benefit of the district under the provisions and for the purposes of this act, and said sum may be drawn upon by the district for budgeted expenses approved by the district for the remaining portion of the fiscal year remaining after the establishment thereof under section four of this act. Such funds, if appropriated by the town as aforesaid, shall be paid over to the district treasurer in the same manner as district taxes under section thirteen of this act.

Following the initial fiscal year of the district or portion thereof, as the case may be, the town may at its annual town meeting, make further appropriations in such amount, if any, as it shall deem appropriate for use by the district during such subsequent fiscal year for such project or projects within the scope of this act as the town may designate. Such funds, if appropriated by the town, shall be contingent upon a matching fund appropriation by the district.

SECTION 25. This act shall take effect upon its passage; provided, however, that if the first meeting of the district shall

not be held within one year after its passage this act shall cease to be operative.

Approved August 23, 1982.

EMERGENCY LETTER - August 26, 1982 @ 4:18 P.M.

Chap. 381. AN ACT ESTABLISHING THE LYNN WATER AND SEWER COMMISSION AND DEFINING THE POWERS THEREOF.

Be it enacted, etc., as follows:

SECTION 1. It is hereby declared essential for the benefit of the people of the city of Lynn, in order that there be an increase in their commerce, welfare and prosperity and an improvement in their living conditions, that the city continue to maintain an economical and efficient water system and sewer system; that just and equitable fees, rates and charges for water and sewer service within the city be established and all consumers, public and private, taxpayer and tax exempt, pay their fair share of the costs of such services; that the water and sewer systems of the city continue to be operated in a modern, efficient and financially self-sustaining manner to further their sound financial, environmental and physical condition; that conservation of water sources be encouraged; that water supplies be protected and improved; and that the city be provided a means to improve its water and sewer systems and insure the continued availability of water and sewer services at fair but sufficient rates; all to the public benefit and good, as and to the extent and in the manner provided herein.

This act may be referred to and cited as the "Lynn Water and Sewer Reorganization Act of 1982".

SECTION 2. The following words as used in this act shall, unless the context otherwise requires, have the following meanings:

"Bonds" or "bond", bonds, notes and other obligations or evidences of indebtedness of the commission issued under the provisions of this act.

"City", the city of Lynn.

"Commission", the Lynn water and sewer commission established by section three or, if said commission shall terminate as provided in section twenty, the board, body or commission succeeding to the principal functions thereof, or whatever body, person or

persons to whom the powers given by this act to the commission shall be transferred by law.

"Cost", applied to any extension, improvement or enlargement of the water works system or the sewer works system or to any other project of the commission financed under the provisions of this act; all or any part of the cost of acquisition, construction, reconstruction, alteration, and remodeling of such work, including, without limiting the generality of the foregoing, costs of labor, materials, machinery and equipment, lands, structures, and all rights of any kind in real and personal property, costs of demolitions or relocations, costs of removal or relocation of any public utilities facilities, financing charges and expenses, interest prior to, during and for a period after completion of such work, reserves for debt service and other capital and current expenses, costs of architectural, engineering, financial, legal and consulting services, costs of plans, specifications, appraisals, surveys, inspections, financial and feasibility studies, expenses of organization, administration and operations prior to the commencement of and during such work, costs of equipment and supplies and advance training of operating personnel and other expenses of completing and commencing operation of such work, working capital, and other necessary or incidental expenses to the acquisition, construction, financing and placing in operation of such work.

"Current expenses", the commission's current expenses, whether or not annually recurring, of maintaining, repairing and operating the water works system and the sewer works system and any other properties of the commission, including, without limiting the generality of the foregoing, administrative, general and commercial expenses, rents, wages, salaries, retirement system payments and other employee benefits, engineering expenses for maintenance, operation and repairs, legal, financial and auditing expenses, insurance and surety bond premiums, fees and expenses of trustees and paying agents, payments to others for services rendered to the commission, taxes which may be lawfully imposed upon the commission or its income or operations or the property under its control, and other current expenses required or permitted by law to be paid by the commission, including the funding of reasonable reserves for maintenance, repair, replacements or operations.

"Revenues", all revenues, rates, fees, charges, rents and other receipts derived from the operation of the water works system and the sewer works system and all other properties of the commission, including, without limiting the generality of the foregoing, bond proceeds, proceeds of any grant or loan to the commission, investment earnings and the proceeds of insurance,

condemnation, sale or other disposition of properties.

"Sewer works system", the existing sewer works system in the possession of and under the jurisdiction, ownership, control and regulation of the city and its department of public works, including, without limiting the generality of the foregoing, all plants, works, instrumentalities or parts thereof, lands, easements, rights in land and water rights, rights of way, contract rights, franchises and privileges, all main, trunk, intercepting, connecting, lateral, outlet and other sewers, outfalls, storm water sewers including catch basins and surface drains, pumping and ventilating stations, disposal and treatment plants or works, structures, equipment, vehicles, appliances, and other adjuncts thereto, and any other property or interests in property, real or personal, incidental to and included in such sewer works system, and all facilities, betterments, extensions, improvements and enlargements thereto hereafter constructed or acquired.

"Water works system", the existing water supply and distribution system in the possession of and under the jurisdiction, ownership, control and regulation of the city and the department of public works thereof, including, without limiting the generality of the foregoing, all plants, works, instrumentalities or parts thereof, lands, easements, rights in land, water and flowage rights, approaches, water courses, rights of way, contract rights, franchises and privileges, all connections, dams, wells, reservoirs, water mains and pipe lines, equipment, buildings, structures, vehicles, standpipes, tanks, conduits, meters, hydrants, fire connections, fixtures, purification, filtration and treatment works and other adjuncts thereto, and any other property or interests in property, real or personal, incidental to and included in such water supply and distribution system, and all facilities, betterments, extensions, improvements and enlargements thereto and to or for the water supply therefor hereafter constructed or acquired.

SECTION 3. There is hereby created a body politic and corporate and political subdivision of the commonwealth to be known as the Lynn water and sewer commission. The commission is hereby constituted a public instrumentality and the exercise by the commission of the powers conferred by this act shall be deemed and held to be the performance of an essential public function. The commission shall not be subject to the supervision of the department of public works of the city or of any other department, commission, board, bureau or agency of the city except to the extent and in the manner provided in this act.

Except as otherwise provided in this act, the powers of the commission shall be exercised by a board of five members, each

of whom shall be a resident of the city. Two members shall be appointed by the mayor subject to the approval of the city council, which approval shall be deemed to have been granted if the city council shall fail to act on an appointment within forty-five days of its submission to the council by the mayor, and in the event the council shall disapprove any appointment, the mayor shall submit to the council a new appointment to be acted upon in accordance with the same procedure. Two members shall be appointed by the city council. The fifth member shall be a member of the city council elected by the city council for a term which coincides with his or her term as councillor. The members appointed by the mayor shall include one member with extensive experience in the field of administration or business. The members appointed by the city council shall include one member with extensive experience in the field of finance or accounting. Of the members first appointed by the mayor, one shall serve in office for a term expiring on June thirtieth, nineteen hundred and eighty-three, and one for a term expiring on June thirtieth, nineteen hundred and eighty-five, the term of each to be designated by the mayor at appointment. Of the members first appointed by the city council, one shall serve in office for a term expiring on June thirtieth, nineteen hundred and eighty-four, and one for a term expiring on June thirtieth, nineteen hundred and eighty-five, the term of each to be designated by the city council at appointment. Thereafter, the mayor shall appoint successors to the mayoral appointees and the city council shall appoint successors to the council appointees, and each such member shall be appointed for a term of three years or, in the case of an appointment to fill a vacancy, for the unexpired term, and until his or her successor is appointed and qualified; provided, however, that with respect to mayoral appointments, if there should exist a vacancy to which the mayor fails to make an appointment for a period of more than forty-five days, or if the mayor should fail to appoint a successor within forty-five days after the term of a member expires, the city council shall proceed to forthwith elect a member; and provided further, that with respect to council appointments should there exist a vacancy to which the city council fails to make an appointment for a period of more than forty-five days, or if the city council should fail to appoint a successor within forty-five days after the term of a member expires, the mayor shall proceed to forthwith appoint a member and such appointment shall not be subject to the approval of the city council. Any member of the commission shall be eligible for reappointment. Any appointed member of the commission may be removed at any time for cause pursuant to a preliminary notice of removal issued by the mayor or the city council

and a hearing of the city council in accordance with the removal procedures then in effect in the Lynn city charter. The member of the commission who is a city councillor may be removed for cause by a two-thirds vote of the city council after notice and a public hearing unless the same are in writing expressly waived. No vacancy in the membership of the commission shall impair the right of a quorum to exercise the powers of the commission. Three members of the commission shall constitute a quorum and the affirmative vote of three members shall be necessary for any action taken by vote of the commission. Any such action shall take effect immediately unless otherwise provided and need not be published or posted.

The commission shall annually elect one of its members as chairman and one of its members as vice-chairman.

The commission may establish, with the approval of the mayor and city council, a reasonable per diem compensation for its members for attendance upon the business of the commission. Such amount may be payable to each member for one day in each month and for any additional days as may be approved by the city council. In addition, each member may be reimbursed for all reasonable and necessary expenses incurred in the discharge of official duties as approved by the commission. For the purposes of chapter two hundred and sixty-eight A of the General Laws, the commission shall be deemed to be a municipal agency and the members of the commission shall be deemed to be special municipal employees.

SECTION 4. The commission shall appoint, employ and determine the compensation, duties and conditions of employment of an executive director and such other officers as the commission shall deem necessary, including a treasurer and chief engineer, who shall not be members of the commission. The executive director, treasurer and chief engineer shall be employed for initial terms of three years. If following the expiration of the initial three-year term or any subsequent term thereafter the executive director, treasurer or chief engineer is rehired in the same office, such subsequent employment shall be for a five year term, subject to removal by the commission at any time for cause but only after reasonable notice and a public hearing unless the same are in writing expressly waived. The executive director shall be the chief executive officer of the commission and shall administer and direct its affairs as authorized or approved by the commission and shall have such of the powers and perform such of the duties of the commission as the commission may from time to time have delegated to him and not recalled. The executive director or his or her designee as approved by the commis-

sion shall be the secretary of the commission and shall keep a record of the proceedings of the commission and shall be custodian of all books, documents and papers filed with the commission, the minute book or journal of the commission and its official seal. The executive director and any other officer designated by the commission for this purpose, each alone, may cause copies to be made of all minutes and other records and documents of the commission and may give certificates under its official seal to the effect that such copies are true copies, and all persons dealing with the commission may rely upon such certificates. Before the issuance of any bonds under the provisions of this act the executive director and any other member or officer of the commission charged with responsibility for the issuance thereof, shall each execute a surety bond in the sum of one hundred thousand dollars payable to the commission, or in lieu thereof the commission shall obtain a blanket position bond covering the executive director and any other member or officer of the commission charged with responsibility for the issuance of any bonds in the sum of one hundred thousand dollars, such surety bonds to be conditioned upon the faithful performance of the duties of their offices, to be executed by a surety company authorized to transact business in the commonwealth as surety and approved by the commission.

The commission may from time to time hire, transfer or otherwise appoint or employ legal counsel, financial advisors and such other experts, engineers, agents, accountants, clerks, and other consultants and employees as it deems necessary and determine their duties.

The commission and its members, officers and employees shall be covered by the provisions of chapter two hundred and fifty-eight of the General Laws, and for the purposes of said chapter the commission shall be considered a "public employer" and the members, officers and employees of the commission shall be considered "public employees" as defined therein. The commission may indemnify any present or past member, officer, employee or other agent against liability, costs and expenses, including legal fees, in connection with any actual or threatened proceeding, including any settlement thereof approved by counsel to the commission, arising by reason of any act or omission within the scope of his or her duties or employment for the commission; provided, however that no indemnification shall be provided, unless expressly permitted by section nine of chapter two hundred and fifty-eight of the General Laws or any other general or special law, to a person concerning a matter as to which he is finally adjudicated to have acted either without the belief held in good faith that his conduct was in the best interests of the

commission or with reason to understand that his conduct was unlawful. Costs and expenses may be paid prior to a final disposition upon receipt of an undertaking, which the commission may accept without regard to the financial resources of the person indemnified, that the person receiving the benefit of payments will repay such payments if he or she shall be finally adjudicated not to be entitled to indemnification hereunder. The commission may purchase insurance on behalf of itself and any of its members, officers, employees or agents against any liability arising out of his or her status as such, whether or not the commission would have the power to indemnify him or her against such liability.

The commission and its employees shall be subject to the provisions of chapter one hundred and fifty E of the General Laws, to the extent said provisions are applicable, and for purposes of said chapter, the commission shall be considered an "employer" or "public employer" as defined therein. The commission may designate a representative to act in its interest in dealing with employees of the commission and the term "legislative body" as used in chapter one hundred and fifty E of the General Laws shall mean the commission.

The commission shall operate on a fiscal year commencing July first unless otherwise provided by the commission.

An officer or employee hired, transferred or otherwise appointed by the commission, other than a person transferring to or hired by the commission from employment with the city of Lynn who is not subject to a residency requirement under the Lynn city charter prior to transfer, shall be a resident of the city when hired, transferred or otherwise appointed, but this requirement may be waived by the commission for a period not to exceed twelve months to permit such establishment of residency within the city.

SECTION 5. On the date of the issuance of the notes of the commission authorized pursuant to section nine, title to the water works system and the sewer works system shall be vested in the commission and the possession of the water works system and the sewer works system shall be transferred and dedicated to the commission without any physical delivery thereof, and the commission shall thereafter own, control, operate and maintain the water works system and the sewer works system. Copies of all maps, plans, papers and records and all equipment pertaining to the design, construction, operation and affairs of the water works system and the sewer works system shall be transferred to the commission and placed in its custody and control. Notwithstanding the foregoing, no building or motor vehicle used

partially in the operation of the water works system or the sewer works system and partially in other operations of the city shall be transferred to the commission or otherwise included in the definition of the water works system or sewer works system hereunder unless expressly designated by the city council with the approval of the mayor for transfer to the commission by operation of this act. All orders, rules, regulations and ordinances duly promulgated by the city or the department of public works thereof pertaining to the water works system or the sewer works system shall remain in full force and effect to the extent consistent with this act until superseded, revised or rescinded by the commission. All contracts, including collective bargaining agreements and any contract between the city and the towns of Nahant and Saugus, leases and agreements, including interdepartmental agreements, of the city and its department of public works pertaining to the water works system and the sewer works system shall continue in full force and effect until their expiration dates, and all benefits and obligations thereunder, and all other rights and benefits pertaining to the water works system and the sewer works system and existing by law or ordinance in favor of the city, including, without limiting the generality of the foregoing, all rights, benefits and obligations not inconsistent with the provisions of this act which pertain to the water works system or the sewer works system and which are vested in the city by general or special law, shall be transferred to, assumed by and imposed upon the commission by operation of law. All debts, liabilities and obligations of the city pertaining to or on account of the water works system and the sewer works system, including the obligation of the city to pay the interest and principal on all bonds, notes and other evidences of indebtedness issued by the city for purposes of the water works system and the sewer works system outstanding on June thirtieth, nineteen hundred and eighty-two, shall be assumed by and imposed upon the commission; provided, however, that all liabilities of the city in tort, whether actual or contingent, pertaining to the water works system or the sewer works system and arising out of actions or events which occurred or occur prior to the transfer of the systems to the commission shall not be assumed by or imposed upon the commission but shall continue to be the liabilities of the city. Except as above provided, all actions and proceedings pending before, all actions and proceedings pending against, and all actions and proceedings begun by the city or the department of public works thereof and pertaining to the water works system or the sewer works system shall continue unabated and remain in full force and effect notwithstanding the passage of this act and the trans-

fer of the water works system and the sewer works system contemplated hereby and may, at the discretion of the court, commission, board or other body having jurisdiction, be completed before, against or by the commission.

On the date of the issuance of the notes of the commission authorized pursuant to section nine, all unexpended balances of moneys in accounts of, for or on behalf of the city and its department of public works, including accounts receivable, tax title accounts and the water surplus account established pursuant to chapter seven hundred and thirteen of the acts of nineteen hundred and seventy-eight, pertaining to the water works system or the sewer works system, including unexpended proceeds of, and moneys and investments, if any, held for the payment of interest and principal of, then outstanding bonds, notes and other evidences of indebtedness of the city as provided in this section, shall be deemed to be held in trust for and shall be transferred to the commission. Subsequent to such date, all moneys collected or received by the city from any source on account of the water works system and sewer works system, including all rates, fees, charges, rents and other income derived from the operation thereof regardless of the date of assessment or billing of such rates, fees, charges and rents shall be deemed to be held in trust for and shall be forthwith transferred and paid over to the commission.

From the date the commission takes possession of the water works system and the sewer works system until June thirtieth, nineteen hundred and eightythree, or at such earlier date not prior to December thirty-first, nineteen hundred and eighty-two as the commission may determine, the department of public works of the city shall at the direction of the commission continue to engage in the maintenance, repair and operation of the water works system and the sewer works system, and employees of the city whose work is related to such systems shall continue to perform their duties related to such systems; provided, however, that the city shall have no power to appoint or employ any person to, or transfer any employee to or from, any position classified under chapter thirty-one of the General Laws or any other provision of law as directly related to the work of the water works system or the sewer works system, or enter into any contracts relating to the water works system or the sewer works system, or sell or transfer any property of such systems or obligate the commission to any person or governmental entity, without the express written consent of the commission or, upon proper delegation thereof, by the executive director of the commission. The city shall bill the commission to reimburse the city for the current expenses of the city incurred in the opera-

tion and management of the water works system and the sewer works system during the period herein provided; provided that the total of all such current expenses charged to the commission shall not exceed four million, five hundred thousand dollars without the assent of the commission. All expenses for operation and management of the water works system and the sewer works system which are not billable to the commission under this section shall be borne by the city.

SECTION 6. On July first, nineteen hundred and eighty-three, or such earlier date not prior to December thirty-first, nineteen hundred and eighty-two as the commission shall determine, the employees in the department of public works of the city whose work is primarily related to the water works system or the sewer works system shall be transferred to the commission and become employees of the commission subject to the provisions of this act. Terms of office of such employees shall not be deemed to be interrupted by such transfer and rights, seniority, wages, salaries, hours, and working conditions of such employees, including, but only so long as such an employee holds the position which is comparable to the position in which he was classified prior to transfer rights under chapter thirty-one of the General Laws, shall be preserved in their employment by the commission, provided that after such transfer such employees shall perform their duties subject to the direction, control and supervision of the commission. The terms and conditions of employment of any other persons whom the commission may employ shall be determined by the commission, provided that the commission shall take into account and provide for continuation of seniority, vacation and sick leave rights and other benefits based on prior employment with the city for former employees of the city who enter the employment of the commission other than by transfer under the previous sentence, but all persons employed by the commission under this sentence shall not thereafter be subject to any provision of chapter thirty-one of the General Laws. Notwithstanding any provisions of any general or special law, the commission in filling vacant positions shall give preference over applicants who are not employees of the commission to any person who is either an employee of the city department of public works or a former employee of the city laid off on or after June first, nineteen hundred and eighty-one for lack of funds who applies for the vacant position unless the commission determines in its sole discretion that such applicant is not qualified for the position.

All employees of the commission shall become members of a new retirement system to be referred to as the Lynn water and sewer

commission retirement system, which shall be a separate system from the city of Lynn contributory retirement system and shall be established and maintained in accordance with sections one to twenty-eight of chapter thirty-two of the General Laws and for all purposes thereunder shall be deemed to be a city contributory retirement system governed by the provisions thereof except as otherwise expressly provided herein. The Lynn water and sewer commission retirement system shall become effective without further acceptance by the commission on the date when employees are transferred to the commission pursuant to section six hereof. The Lynn water and sewer commission retirement system shall, at the discretion of the commission, be administered either by the board administering the city of Lynn contributory retirement system, in which case members in or retired from service of the Lynn water and sewer commission retirement system shall be entitled to vote for election of the elected member of the city of Lynn contributory retirement system as if they were members in or retired from service of the city of Lynn contributory retirement system, or by a separate board established by the commission which shall have the general powers and duties set forth in subdivisions four and five of section twenty of chapter thirty-two of the General Laws; provided, however, that the treasurer of the commission shall be the member ex officio of the board and the commission shall exercise those duties and powers conferred in subdivision four on a mayor and city council of a city. Whenever a person who is a member of the city of Lynn retirement system shall become a member of the Lynn water and sewer commission retirement system on account of employment by the commission, that employee shall be entitled to all creditable service and all rights and benefits to which he or she was entitled as a member of the city of Lynn contributory retirement system. Within ninety days of such employment, the amount of the accumulated total deductions, including accumulated interest on such deductions, credited to such employee's account in the city of Lynn contributory retirement system shall be transferred and credited to the annuity savings fund of the Lynn water and sewer commission retirement system. Anything to the contrary in section twenty-two of chapter thirty-two of the General Laws notwithstanding, the amount appropriated for any fiscal year beginning on and after July first, nineteen hundred and eighty-three for the pension fund of the Lynn water and sewer commission retirement system as described in subparagraph (3) of said section twenty-two shall include the amount required to fund on an accrual basis the pension benefits earned by commission employees during that year plus the amount necessary to amortize the unfunded actuarial liability of such system over such

period of years not exceeding forty, as the commission shall determine with the advice of an actuary. The amounts to be paid for the funds of the Lynn water and sewer commission retirement system for any such fiscal year shall be certified by the administering board to the commission and the amounts so certified shall be included by appropriate items in the commission budgets in such manner as the commission shall determine. Nothing in this act shall be deemed to repeal, decrease, abridge or in any way change the annuities, pensions, retirement allowances, refunds or accumulated total deductions or any right or benefit to which a person transferred to the Lynn water and sewer commission retirement system pursuant to this act would have been entitled had he or she remained a member of the city of Lynn contributory retirement system.

The commission shall be deemed a political subdivision for purposes of chapter thirty-two B of the General Laws. The commission and the city may enter into such arrangements as they deem suitable for provision of insurance benefits jointly for employees of the commission and employees of the city under said chapter thirty-two B.

No member, officer, employee or agent of the commission acting in the discharge of his duties for the commission shall be subject to paragraph (c) of section seventeen or section eighteen of chapter two hundred and sixty-eight A of the General Laws in connection with any particular matter in which the city is a party or has a direct and substantial interest. A municipal employee of the city may participate in matters concerning the commission notwithstanding that he is negotiating or has an arrangement concerning prospective employment with the commission, notwithstanding paragraph (a) of section nineteen of said chapter two hundred and sixty-eight A. No member, officer, employee or agent of the commission shall be subject to said paragraph (a) of said section nineteen of said chapter two hundred and sixty-eight A, with respect to any particular matter in which his interest or that of his immediate family is shared with a substantial segment of the population of the city. The city solicitor of the city shall, upon written request from a current, former, or prospective member, officer, employee or agent of the commission who is or may be subject to sections two, three, eight, seventeen to twenty, inclusive, twenty-one A, twenty-one B and twenty-three of said chapter two hundred and sixty-eight A render advisory opinions on the requirements of said sections in accordance with procedures established by section twenty-two of said chapter two hundred and sixty-eight A.

SECTION 7. The commission shall have all the rights and

powers necessary or convenient to carry out and effectuate this act, including, but without limiting the generality of the foregoing, the rights and powers:

(a) to adopt by-laws for the regulation of its affairs and the conduct of its business, to promulgate rules, regulations and procedures in connection with the performance of its functions and duties and to fix, enforce and collect penalties for the violation thereof;

(b) to adopt an official seal and alter the same at pleasure;

(c) to maintain an office at such place or places as it may determine;

(d) to apply for, receive, accept, administer, expend and comply with the conditions, obligations and requirements respecting any grant, gift, loan, including without limitation any grant, gift or loan from agencies of local, state and federal governments, donation or appropriation of any property or money in aid of the purposes of the commission and to accept contributions of money, property, labor or other things of value;

(e) to acquire by purchase, lease, lease-purchase, sale and lease-back, gift or devise, or to obtain options for the acquisition of, any water or water rights and any other property, real or personal, tangible or intangible, or any interest therein, in the exercise of its powers and the performance of its duties;

(f) to sell, lease, mortgage, exchange, transfer or otherwise dispose of, or to grant options for any such purposes with respect to, any water, water rights, and any other property, real or personal, tangible or intangible, or any interest therein. Notwithstanding the foregoing, any real property transferred from the city to the commission pursuant to section five of this act which is subsequently declared by the commission to be surplus property and no longer required for its operations shall not be sold or otherwise disposed of by the commission but shall be reconveyed to the city without consideration. If any such real property has been improved by the commission subsequent to the effective date of this act, the city upon reconveyance shall pay to the commission the fair market value of such improvements as determined by the commission and the city council or by an appraiser satisfactory to both;

(g) to enter onto any land to make surveys, borings, soundings and examinations thereon, provided that said commission shall make reimbursements for any injury or actual damage resulting to such lands and premises caused by any act of its authorized agents or employees and shall so far as possible restore the land to the same condition as prior to making of such surveys, borings, soundings and examinations; and to acquire by eminent domain any interest in real property within the city

in the name of the commission in accordance with the provisions of chapter seventy-nine and chapter eighty A of the General Laws or any alternative method provided by law; provided, however, that the commission shall not exercise the power of eminent domain without the prior approval of the city council and mayor of the city. The commission may order the removal or relocation of any surface tracks, and the removal or relocation of any conduits, pipes, wires, poles or other property located in public ways or places, or in or upon private lands, which it deems to interfere with the laying out, construction or operation of any water or sewer project, and the proper authorities shall grant new locations for any such structure so removed or relocated, and the owner thereof shall be reimbursed by the commission for the reasonable cost of such removal or relocation. Such orders, to the extent specified therein, shall be deemed a revocation of the right or license to maintain such tracks, pipes, conduits, wires, poles or other property in such public ways or places, and the private owner of any such structures in public ways or lands shall comply with such orders. If any such owner shall fail to comply with any such order of the commission relating to any such structure in public ways and places within a reasonable time, to be fixed in the order, the commission may discontinue and remove such tracks, conduits, pipes, wires, poles or other property, and may relocate the same, and the cost of such discontinuance, removal or relocation shall be repaid to the commission by the owner. No such discontinuance, removal or relocation shall entitle the owner of the property thus affected to any damages on account thereof, except for the reimbursement of cost provided for above. This section shall not apply to facilities on property of the commonwealth under the control of the department of public works or the metropolitan district commission or installed under licenses or permits granted by said department or commission, except with its approval;

(h) to purchase water in bulk or by volume and to contract for and purchase sewage disposal and treatment services from, and to sell water and provide sewage disposal and treatment services to, any person, private or public corporation or municipality, including the metropolitan district commission, the city, the commonwealth and the federal government, when necessary or convenient for the operation of the water works system or sewer works system;

(i) to construct, improve, extend, enlarge, maintain and repair the water works system and the sewer works system, and with respect to such work the commission shall be deemed to be a public agency for purposes of sections forty-four A to forty-four H, inclusive, of chapter one hundred and forty-nine of the

General Laws and a commission of the city for purposes of sections thirty B to thirty P, inclusive, of chapter seven of the General Laws and a public agency of the city for purposes of sections thirty-nine A to forty M, inclusive, of said chapter seven and section twenty-eight of chapter forty-three of the General Laws. The commission shall be an authority of a political subdivision of the commonwealth for purposes of sections sixty-one to sixty-two H, inclusive, of chapter thirty of the General Laws, provided that no work, project or activity of the commission the total cost of which is less than two million dollars shall be subject to the provisions of said sections sixty-one to sixty-two H, inclusive, of said chapter thirty;

(j) to pledge or assign any money, fees, charges, or other revenues of the commission and any proceeds derived by the commission from the sale of property, insurance or condemnation awards;

(k) to borrow money and incur indebtedness and issue its bonds as hereinafter provided;

(l) to make contracts of every name and nature and to execute and deliver all instruments necessary or convenient for carrying out any of its purposes;

(m) to exercise the powers and privileges of, and to be subject to limitations upon, towns and cities provided by the provisions of sections thirty-eight to forty-two I, inclusive, of chapter forty and sections one to twenty-four, inclusive, and twenty-seven to twenty-nine, inclusive, of chapter eighty-three of the General Laws, insofar as such provisions may be applicable and are consistent with the provisions of this act; provided that any requirement in said sections or chapters for a vote by the city council or other governing body of the city or for a ratification of such vote by the voters of the city, shall be satisfied by a vote or resolution duly adopted by the commission in accordance herewith, and provided that the powers of the commission to make rules and regulations and establish penalties regarding the use of sewers shall not be limited by section ten of said chapter eighty-three;

(n) to enter into contracts and agreements with the city in all matters necessary, convenient or desirable for carrying out the purposes of this act including, without limiting the generality of the foregoing, collection of revenue, data processing, and other matters of management, administration and operation;

(o) to sue and be sued and to prosecute and defend actions relating to its properties and affairs; provided property of the commission other than revenues pledged to the payment of bonds shall not be subject to attachment nor levied upon by execution or otherwise;

(p) to do all things necessary, convenient or desirable for carrying out the purposes of this act or the powers expressly granted or necessarily implied in this act;

(q) consistent with the constitution and laws of the commonwealth, the commission shall have such other powers, including all powers pertaining to the water works system and the sewer works system held by the city not inconsistent herewith, as may be necessary for or incident to carrying out the foregoing powers and the accomplishment of the purposes of this act, including without limitation all powers of the city granted under chapter two hundred and eighteen of the acts of eighteen hundred and seventy-one, chapter two hundred and fifty-six of the acts of eighteen hundred and eighty-three, chapter three hundred and twenty-five of the acts of eighteen hundred and ninety-eight, chapter five hundred and eight of the acts of nineteen hundred and one, chapter one hundred and fifteen of the acts of nineteen hundred and nineteen, chapter six hundred and six of the acts of nineteen hundred and sixty-eight, chapter one hundred and ninety-seven of the acts of nineteen hundred and forty-one, and all acts and parts of acts amendatory of any of the foregoing.

SECTION 8. In addition to the powers of the commission otherwise provided herein, the commission shall have the following powers and shall be subject to the following limitations:

(a) The commission is authorized and empowered to fix, revise, charge, collect and abate reasonable fees, rates, rents, assessments and other charges for water, sewer and other services, facilities and commodities furnished or supplied by it. Subject to paragraph (c), fees, rates, rents, assessments and other charges of general application shall be adopted and revised by the commission at least annually in accordance with procedures to be established by the commission for assuring that interested persons are afforded notice and an opportunity to present data, views and arguments. The commission shall hold at least one public hearing on its schedule of fees, rates and charges or any revision thereof prior to adoption, notice of which shall be delivered to the mayor and city council and be published in a newspaper of substantial circulation in the city at least one month in advance of the hearing. No later than the date of such publication the commission shall make available to the public and deliver to the mayor and council its most recent financial statement, the proposed schedule of fees, rates and charges and its proposed operating and capital budgets for its next fiscal year. The commission may provide for a schedule of reduced rates or exemptions for persons sixty-five years of age or older and for fully disabled persons. The commission may combine its

fees, rates and other charges for water supplied by it and sewer service provided by it in a single schedule of charges. Fees, rates, rents, assessments, abatements and other charges established by the commission shall not be subject to supervision or regulation by any department, division, commission, board, bureau, or agency of the commonwealth or any of its political subdivisions, including, without limitation, the city.

(b) Subject to paragraph (e), the fees, rates, rents, assessments and other charges established by the commission in accordance with paragraph (a) shall be so fixed and adjusted in respect of the aggregate thereof so as to provide revenues at least sufficient (i) to pay the current expenses of the commission, (ii) to pay the principal of, premium, if any, and interest on bonds or other evidences of indebtedness issued by the commission under this act as the same become due and payable, (iii) to create and maintain such reasonable reserves as may be reasonably required by any trust agreement or resolution securing bonds, (iv) to provide funds for paying the cost of all necessary repairs, replacements and renewals of the water works system and the sewer works system and (v) to pay or provide for any amounts which the commission may be obligated to pay or provide for by law or contract including any resolution or contract with or for the benefit of the holders of its bonds.

(c) Notwithstanding the requirements of paragraph (b), the fees, rents, rates and other charges for services, facilities and commodities supplied by the water works system and sewer works system in effect on the effective date of this act shall be maintained by the commission without modification until June thirtieth, nineteen hundred and eighty-three, or such earlier date not earlier than December thirty-first, nineteen hundred and eighty-two, as the commission shall determine. Upon the transfer of the water works system and sewer works system to the commission pursuant to section five, the commission shall undertake a study and examination of its fees, rents, rates and other charges and its estimated current expenses and costs of maintaining, operating and improving the systems, and shall, prior to June thirtieth, nineteen hundred and eighty-three, promulgate in accordance with paragraph (a) a schedule of fees, rents, rates and other charges sufficient thereafter to satisfy the requirements of paragraph (b). Such new schedule of fees, rates and charges shall become effective on July first, nineteen hundred and eighty-three, or such earlier date not earlier than January first, nineteen hundred and eighty-three as the commission shall determine. Such schedule shall provide for the metering of, and charging for, water and sewer service provided to all consumers in the city, excluding the city but including the commonwealth

and all independent agencies and authorities of the city and the commonwealth, and any exemptions from such charges provided to the commonwealth or the city under any law, general or special, are hereby declared inapplicable as of the date such schedule shall be in force.

(d) In order to provide for the collection and enforcement of its fees, rates, rents, assessments and other charges, the commission is hereby granted all the powers and privileges with respect to such collection and enforcement held by the city on the effective date of this act or as otherwise provided in this act. Without limiting the generality of the foregoing, the commission shall have benefit, without further acceptance of sections forty-two A to forty-two F, inclusive, of chapter forty of the General Laws or filing of any certificate relating thereto, of liens for unpaid fees, rates, rents, assessments and other charges as provided in sections forty-two A and forty-two B of said chapter forty and sections sixteen A and sixteen B of chapter eighty-three of the General Laws, to the extent applicable and consistent with this act. With respect to any fees, rates, rents, assessments or other charges which remain unpaid for more than six months after the same shall have come due, the commission may issue a demand in accordance with section sixteen of chapter sixty of the General Laws and may collect such fees, rates, rents, assessments and other charges by means of remedies and procedures, to the extent applicable and consistent with this act, provided in sections twenty-four to one hundred and five, inclusive, of said chapter sixty. If such demand is made within the time specified in section forty-two B of chapter forty of the General Laws and section sixteen B of chapter eighty-three of the General Laws during which liens arising thereunder remain in effect, said liens shall continue in effect for the period specified in section thirty-seven of said chapter sixty, provided that the year of assessment shall be deemed to be the year in which such demand is made. From and after the date of such demand interest shall accrue on unpaid fees, rates, rents, assessments and other charges at the rate specified in section fifty-seven of chapter fifty-nine of the General Laws. Applications for abatements in accordance with section forty-two E of said chapter forty and section sixteen E of chapter eighty-three of the General Laws shall be made within thirty days after the date of such demand. Upon written application the commission shall issue lien certificates in accordance with section twenty-three of said chapter sixty. No recordation of certificates issued by the city pursuant to said section twenty-three of said chapter sixty shall affect liens for the unpaid fees, rates, rents, assessments, and other charges of the commission. The commission shall be

entitled to receive fees for collection in accordance with section fifteen of said chapter sixty. For purposes of the sections of the General Laws referred to in this paragraph, the terms city, town, water district, assessors, collector, clerk, treasurer, or commissioner as used therein shall mean the commission, and the term tax or taxes shall mean the unpaid fees, rents, assessments, and other charges of the commission. The commission shall also have the powers and may exercise the remedies, to the extent consistent with this act, provided in sections twenty-nine, thirty-five and fifty and sections fifty-three to sixty-four, inclusive, of chapter sixty-two C of the General Laws and in chapter eighty and chapter eighty A of the General Laws. For purposes of said sections of said chapter sixty-two C, the terms commonwealth and commissioner used therein shall mean the commission. Notwithstanding the foregoing, except to the extent of betterments assessed by the commission, the commission shall have no power of taxation.

In addition to the other enforcement powers and remedies provided in this act, if any fees, rates, rents, assessments or other charges billed by the commission against any premises which are connected with the water works system or sewer works system remain unpaid for a period of more than sixty days from the due date thereof, and following such period notice and demand have been posted on such premises and have been given to the owner and occupant of said premises, by registered or certified mail addressed to said premises and to the address of said owner as shown on the records of the assessor of the city, to pay the same within fifteen days from the date of mailing of said notice, and such fees, rates, rents, assessments or other charges remain unpaid, the commission shall have the power and is hereby authorized to shut off the supply of water to said premises until said fees, rates, rents, assessments or other charges are paid, together with interest thereon at the applicable rate and the standard charge of the commission for restoring water service to said premises.

(e) If at the end of any fiscal year, the commission shall have realized a surplus from operations for such fiscal year, after payment or provision for all current expenses, current maintenance, repairs and replacements, current debt service on all outstanding bonds of the commission, all reserves for debt service, repairs and replacements, costs or current expenses as may be required by a trust agreement or resolution securing bonds or as may otherwise be maintained by the commission, and any and all other amounts which the commission may be obligated by law or contract to pay or provide for, the commission shall either apply such surplus in the next following fiscal year to a

reduction in the rates, fees, rents, assessments or other charges established by the commission for services provided by the water works system and the sewer works system or shall apply such surplus to the reduction or provision for reduction of its outstanding capital debt.

(f) On or before June first, nineteen hundred and eighty-three and annually thereafter, the commission shall prepare a proposed capital improvement program for the next three succeeding fiscal years of the commission and shall adopt a capital improvement budget for the next succeeding fiscal year. Such program and budget shall include a description of the projects proposed to be undertaken during such periods, the costs proposed to be incurred on such projects, the method of financing such costs and an estimate of the effect, if any, that such costs will have on the current or projected fees, rates, rents and other charges of the commission. The program and budget shall be annually adopted by the commission in accordance with procedures established by the commission for assuring that interested persons are afforded notice and an opportunity to present views and arguments. The commission shall hold at least one public hearing on the proposed capital improvement program and budget prior to adoption, which hearing may be combined with a hearing provided in paragraph (a) of this section, notice of which shall be delivered to the mayor and city council and be published in a newspaper of substantial circulation in the city at least one month in advance of the hearing. No later than the date of such publication the commission shall make available to the public and deliver to the mayor and city council copies of the proposed program and budget.

SECTION 9. (a) The commission is hereby authorized and empowered to provide by resolution for the issuance, at one time or from time to time prior to June thirtieth, nineteen hundred and eighty-five, of notes of the commission in the aggregate principal amount of thirty-five million dollars outstanding at any one time, excluding notes refunded by other notes issued under this paragraph, for the purpose of providing funds for (i) paying the cost of constructing or acquiring such improvements, extensions,
enlargements, alterations, reconstruction or remodeling of the water works system and the sewer works system as may be authorized by such resolution, including the funding of interest payable on or before June thirtieth, nineteen hundred and eighty-five on any notes of the commission issued pursuant to section ten hereof in anticipation of federal, state or local grants for such work and (ii) providing funds for paying the current expenses of the commission to the extent not paid out of its

revenues or provided for in clause (i) from the effective date of this act until June thirtieth, nineteen hundred and eighty-three.

Except as otherwise provided herein, notes issued by the commission in accordance with this section shall be issued in anticipation of bonds to be issued by the commission pursuant to section ten of this act and shall be authorized, issued and sold in the same manner as, and shall otherwise be subject to section eleven and the other provisions of this act relating to, such bonds. Such notes shall mature at such time or times as provided by resolution of the commission and may be renewed from time to time, provided that all such notes and renewals thereof shall mature on or prior to June thirtieth, nineteen hundred and eighty-five.

(b) The proceeds of the notes authorized by this section shall be applied as follows:

(1) Such amount of such proceeds as may be provided in the resolution of the commission for paying the current expenses of the commission to the extent not paid out of its revenues or provided for in clause (2) from the effective date of this act until June thirtieth, nineteen hundred and eighty-three shall be deposited with a corporate trustee in accordance with section eleven and disbursed in such manner and under such restrictions as may be provided in the resolution of the commission;

(2) The balance of such proceeds shall be deposited with the trustee to be used solely for paying or providing for the cost of extensions, improvements or enlargements of the water works system and the sewer works system, including repayment of interest on notes of the commission as provided in clause (i) of paragraph (a), and shall be disbursed in such manner and under such restrictions as may be provided in the resolution of the commission.

(c) The city, acting by and through its city treasurer, shall, upon application of the commission, guarantee the principal of and interest on notes of the commission issued in accordance with this section. The city treasurer, with the approval of the mayor and without further authority, may approve the form, terms and conditions of, and may execute and deliver on behalf of the city such guaranty and any related agreements with or for the benefit of the holders of such notes containing such terms, conditions and covenants of the city as the city treasurer may deem reasonable including provision for the payment of notes not paid or refunded by the commission by application of the proceeds of the loan authorized in this paragraph and provision for the payment of such notes by the city over such period of time as the city treasurer may approve. The full faith and credit of the city shall be pledged for the guaranty provided for

in this section. The total principal amount of notes to be guaranteed under this section shall not exceed thirty-five million dollars in the aggregate; provided, however, that any note being refunded by the issuance of a guaranteed note shall not, and the refunding note shall, be included within such total amount. The total amount of notes permitted to be guaranteed as aforesaid shall be reduced by the outstanding principal amount of bonds issued by the commission to refund notes so guaranteed. Notes guaranteed by the city under authority of this section shall not be included in determining the limits of indebtedness of the city as established by law nor shall the principal and interest payments thereof be included in any computation under section twenty-one C of chapter fifty-nine of the General Laws. The guaranty of the city of such notes shall be executed by the city treasurer. It shall be sufficient if the signature of the city treasurer upon such notes, if any, is an engraved, printed or stamped facsimile signature, provided that he has, by writing bearing his written signature filed with the city clerk, authorized his facsimile signature to be placed thereon. The facsimile signature of the city treasurer so engraved, printed or stamped shall have the same validity and effect as his written signature. If the city treasurer shall cease to be such officer before the delivery of such notes, such signature or facsimile shall nevertheless be valid and sufficient for all purposes as if he had remained in office until such delivery.

For the purposes of determining the amount of notes or bonds issued or outstanding pursuant to this act, the amount of any notes or bonds sold by the commission at a discount shall be equal to the net proceeds thereof determined by subtracting the discount from the face amount of such notes or bonds.

If the commission shall fail or otherwise be unable to refund or pay when due any guaranteed note or notes and the interest thereon issued by the commission in accordance with this section, the treasurer of the city with the approval of the mayor and without further authority is hereby authorized and empowered, for the purpose of refunding or paying such guaranteed notes and the interest thereon, to borrow, at one time or from time to time, not exceeding in the aggregate the outstanding principal amount of and interest on such notes so guaranteed and not paid or refunded by the commission, and issue and sell bonds or notes of the city therefor, payable in not more than twenty years from their dates. Such bonds shall bear on their face the words, City of Lynn, Water and Sewer Works Loan, Act of 1982, shall be registered or with interest coupons attached, may be issued as serial bonds or term bonds or both, and may contain such provisions for the redemption of such bonds or notes prior

to maturity at the option of the city and at such price or prices and under such terms and conditions as the treasurer with the approval of the mayor may determine prior to the issuance of such bonds. Bonds issued from time to time by the city under the authority of this section shall not be included in determining the limit of indebtedness of the city as established by law, but shall, except as herein provided, be subject to the provisions, applicable to the city, of chapter forty-four of the General Laws, including the provisions of section seventeen of said chapter forty-four relative to temporary loans in anticipation of the issue of bonds.

SECTION 10. In addition to the notes issued under the provisions of section nine, the commission may provide by resolution for the issuance from time to time of bonds of the commission for any of its corporate purposes or the borrowing of money in anticipation of the issuance of such bonds. Bonds may be issued hereunder as general obligations of the commission or as special obligations payable solely from particular funds. Without limiting the generality of the foregoing, such bonds may be issued to pay or refund notes issued by the commission pursuant to section nine, to pay the cost of any extension, enlargement, or improvement of the water works system or the sewer works system, to provide such reserves for debt service, repairs and replacements or other costs or current expenses as may be required by a trust agreement or resolution securing bonds of the commission, or for any combination of the foregoing purposes.

The commission may also provide by resolution for the issuance from time to time of temporary notes in anticipation of the revenues to be collected or received by the commission in any year, or in anticipation of the receipt of federal, commonwealth or local grants or other aid, including the refunding or renewal of notes issued by the city in anticipation of such receipts outstanding at the effective date of this act. The issue of such notes shall be governed by the provisions of this act relating to the issue of bonds other than such temporary notes as the same may be applicable; provided, however, that notes issued in anticipation of revenues shall mature no later than one year from their respective dates and notes issued in anticipation of federal, commonwealth or local grants or other aid and renewals thereof shall mature no later than the expected date of receipt of such grants or aid. Notes in anticipation of revenues issued to mature less than one year from their dates may be renewed by the commission from time to time by the issue of other temporary notes hereunder; provided, however, the period from the date of an original note to the maturity of any note issued to renew or

pay the same or the interest thereon shall not exceed one year.

SECTION 11. The principal of, premium, if any, and interest on all bonds issued under the provisions of this act, unless otherwise provided herein, shall be payable solely from the funds provided therefor from revenues as herein provided. Bonds of each issue shall be dated, shall bear interest at such rate or rates, including rates variable from time to time as determined by such index, banker's loan rate or other method determined by the commission, and shall mature at such time or times, as may be determined by the commission, and may be made redeemable before maturity at the option of the commission at such price or prices and under such terms and conditions as may be fixed by the commission prior to the issue of bonds. The commission shall determine the form of bonds, including interest coupons, if any, to be attached thereto, and the matter of execution of bonds, and shall fix the denomination or denominations of bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the commonwealth. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery thereof, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes as if he had remained in office until after such delivery. The commission may also provide for authentication of bonds by a trustee or fiscal agent. Bonds may be issued in bearer or in registered form, or both, and, if notes, may be made payable to bearer or to order, as the commission may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, for the reconversion into coupon bonds of bonds registered as to both principal and interest and for the interchange of bonds registered as to both principal and interest and for the interchange of registered and coupon bonds. The commission may by resolution delegate to the executive director or any member of the commission or any combination of them the power to determine any of the matters set forth in this section including the power to award such notes to a purchaser or purchasers at public sale. The commission may sell its bonds in such manner, either at public or private sale, for such price, at such rate or rates of interest, or at such discount in lieu of interest, as it may determine will best effect the purposes of this act.

The commission may issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for deli-

very. The commission may also provide for the replacement of any bonds which shall have become mutilated or shall have been destroyed or lost.

In the discretion of the commission, any bonds issued hereunder may be secured by a resolution of the commission or by a trust agreement between the commission and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the commonwealth, and such trust agreement shall be in such form and executed in such manner as may be determined by the commission. Such trust agreement or resolution may pledge or assign, in whole or in part, the revenues and other moneys held or to be received by the commission, including the revenues from any facilities already existing when the pledge or assignment is made, and any contract or other rights to receive the same, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the commission, and the proceeds thereof, but shall not convey or mortgage the water works system or the sewer works system. Such trust agreement or resolution may contain such provisions for protecting and enforcing the rights, security and remedies of the bondholders as may, in the discretion of the commission, be reasonable and proper and not in violation of law, including, without limiting the generality of the foregoing, provisions defining defaults and providing for remedies in the event thereof which may include the acceleration of maturities and covenants setting forth the duties of, and limitations on, the commission in relation to the acquisition, construction, improvement, enlargement, alteration, equipping, furnishing, maintenance, use, operation, repair, insurance and disposition of the water works system, the sewer works system or other property of the commission, the custody, safeguarding, investment and application of moneys, the issue of additional or refunding bonds, the fixing, revision and collection of fees, rates, rents, assessments or other charges, the use of any surplus bond proceeds, the establishment of reserves, and the making and amending of contracts.

In the discretion of the commission any bonds or notes issued under authority of this act, including notes issued under authority of section nine hereof, may be issued by the commission in the form of lines of credit or other banking arrangements and under such terms and conditions, not inconsistent with this act, and under such agreements with the purchasers or makers thereof, as the commission may determine to be in the best interests of the commission. In addition to other security provided herein or otherwise by law, bonds or notes issued by the commission under any provision of this act, including section

nine hereof, may be secured, in whole or in part, by letters of credit issued to the commission by any bank, trust company or other financial institution, within or without the commonwealth, and the commission may pledge or assign any of its revenues as security for the reimbursement by the commission to the issuers of such letters of credit of any payments made under the letters of credit.

It shall be lawful for any bank or trust company to act as a depository or trustee of the proceeds of bonds, revenues or other moneys under any such trust agreement or resolution and to furnish such indemnification or to pledge such securities and issue such letters of credit as may be required by the commission. Any such trust agreement or resolution may set forth the rights and remedies of bondholders and of the trustee and may restrict the individual right of action by bondholders. In addition to the foregoing, any such trust agreement or resolution may contain such other provisions as the commission may deem reasonable and proper for the security of bondholders. Any pledge of revenues or other property made by the commission under this act 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 when the pledge is made; the revenues, moneys, rights and proceeds so pledged and then held or thereafter acquired or received by the commission shall immediately be subject to the lien of such pledge without any physical delivery or segregation thereof or further act; and the lien of any such pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the commission, irrespective of whether such parties have notice thereof. Neither the resolution, any trust agreement nor any other agreement by which a pledge is created need be filed or recorded except in the records of the commission, and no filing need be made under the provisions of chapter one hundred and six of the General Laws.

Any holder of a bond issued by the commission under the provisions of this act or of any of the coupons appertaining thereto and any trustee under a trust agreement or resolution securing the same, except to the extent the rights herein given may be restricted by such trust agreement or resolution, may bring suit upon the bonds or coupons and may, either at law or in equity, by suit, action, mandamus, or other proceedings for legal or equitable relief, including proceedings for the appointment of a receiver to take possession and control of the business and properties of the commission, to operate and maintain the same, to make any necessary repairs, renewals and replacements in respect thereof and to fix, revise and collect fees and

charges, protect and enforce any and all rights under the laws of the commonwealth or granted hereunder or under such trust agreement, resolution or other agreement, and may enforce and compel the performance of all duties required by this act or by such trust agreement or resolution to be performed by the commission or by any officer thereof.

SECTION 12. The commission may issue refunding bonds for the purpose of paying any of its bonds at maturity or upon acceleration or redemption. Refunding bonds may be issued at such time or times prior to the maturity or redemption of the refunded bonds as the commission deems to be in the public interest. Refunding bonds may be issued in sufficient amounts to pay or provide the principal of the bonds being refunded, together with any redemption premium thereon, any interest accrued or to accrue to the date of payment of such bonds, the expenses of issue of refunding bonds, the expenses of redeeming bonds being refunded and such reserves for debt service or other capital or current expenses from the proceeds of such refunding bonds as may be required by a trust agreement or resolution securing bonds. The issue of refunding bonds, the maturities and other details thereof, the security therefor, the rights of the holders thereof, and the rights, duties and obligations of the commission in respect of the same shall be governed by the provisions of this act relating to the issue of bonds other than refunding bonds insofar as the same may be applicable.

SECTION 13. Bonds, notes and other evidences of indebtedness issued or entered into under the provisions of this act shall not be deemed to be a debt or a pledge of the faith and credit of the commonwealth or, excepting any note guaranteed by the city pursuant to section nine, of any city or town, but shall be payable solely from the revenues of the commission. All bonds, notes and other evidences of indebtedness, excepting any note guaranteed by the city pursuant to section nine of this act, shall contain on the face thereof a statement to the effect that neither the commonwealth nor any city or town shall be obligated to pay the same and that neither the faith and credit nor the taxing power of the commonwealth or of any city or town is pledged to the payment of the principal of or interest on such bonds or notes. Each bond shall also recite whether it is a general obligation of the commission or a special obligation thereof payable solely from particular funds pledged to its payment.

SECTION 14. All moneys received pursuant to the provisions of this act, whether as proceeds from the issue of bonds or as

revenues or otherwise, shall be deemed to be trust funds to be held and applied solely as provided in this act.

SECTION 15. Bonds issued under the provisions of this act are hereby made securities in which all public officers and public bodies of the commonwealth and its political subdivisions, all insurance companies, trust companies in their commercial departments, savings banks, co-operative banks, banking associations, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the commonwealth for any purpose for which the deposit of bonds or obligations of the commonwealth is now or may hereafter be authorized by law.

SECTION 16. Notwithstanding any of the provisions of this act or any recitals in any bonds issued under this act, all such bonds shall be deemed to be investment securities under chapter one hundred and six of the General Laws.

SECTION 17. Bonds may be issued under this act without obtaining the consent of the emergency finance board established under the provisions of chapter forty-nine of the acts of nineteen hundred and thirty-three or of any department, division, commission, board, bureau or agency of the commonwealth or the city, and without any other proceeedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required therefor by this act, and the validity of and security for any bonds issued by the commission shall not be affected by the existence or non-existence of any such consent or other proceedings, conditions or things.

SECTION 18. The commission and all its revenues, income and real and personal property shall be exempt from taxation and from betterments and special assessments and the commission shall not be required to pay any tax, excise or assessment to or for the commonwealth or any of its political subdivisions; provided, however, that the commission is authorized and directed to enter into agreements to make annual payments in lieu of taxes with respect to property of the commission located outside the city upon which local real estate taxes are being paid as of the effective date of this act. Bonds issued by the commission and their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be exempt from

taxation within the commonwealth.

SECTION 19. The commission shall at all times keep full and accurate accounts of its receipts, expenditures, disbursements, assets and liabilities, which shall be open to inspection by any officer or duly appointed agent of the commonwealth or the city. The commission shall submit an annual report in writing concerning its operations to the mayor and city council of the city within one hundred and twenty days following the close of its fiscal year. Such report for the fiscal year ending June thirtieth, nineteen hundred and eighty-three, and for each fiscal year thereafter, shall include financial statements relating to the operations and properties of the commission maintained in accordance with generally accepted accounting principles to the extent applicable and audited by an independent certified public accountant or firm of certified public accountants.

SECTION 20. Upon termination or dissolution of the commission, the title to all funds and other properties owned by it which remain after payment or the making of provision for payment of all bonds and other obligations of the commission shall vest in the city. Notwithstanding the foregoing, if the commission shall fail on or before June thirtieth, nineteen hundred and eighty-five to pay or refund or provide for the payment of all notes and the interest thereon issued by the commission and guaranteed by the city pursuant to section nine, the commission shall thereupon terminate and be dissolved, and all funds, properties, assets and liabilities owned or controlled by it on such date and all rights, benefits and obligations to which the commission shall then be subject, shall immediately vest in, be assumed by, and be reinstated in the city by operation of law; provided, however, that if upon any such termination or dissolution any bonds or notes of the commission shall be outstanding, such bonds or notes, unless guaranteed by the city under section nine of this act, shall continue to be payable solely from the revenues and other property pledged therefor and shall not be or become a debt or obligation of the city except to the extent of such pledge.

No law affecting the powers, rights, duties, or obligations of the commission shall be effective unless it shall apply to water and sewer districts generally or shall have been approved under the provisions of Article 2 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

SECTION 21. Except as otherwise provided herein, upon title to the water works system and the sewer works system becoming

vested in the commission under the provisions of section five of this act, any provisions of any special laws and parts of special laws and all ordinances and parts of ordinances pertaining to the water works system or the sewer works system which are inconsistent with the provisions of this act shall be inoperative and cease to be effective. Chapter one hundred and seventy-three of the acts of nineteen hundred and seventy-eight establishing a water surplus account is hereby repealed.

SECTION 22. The provisions of this act shall be deemed to provide an exclusive, additional, alternative and complete method for the doing of the things authorized hereby and shall be deemed and construed to be supplemental and additional to, and not in derogation of, powers conferred upon the commission by law; provided, however, that insofar as the provisions of this act are inconsistent with the provisions of any general or special law, administrative order or regulation, or the Lynn city charter, the provisions of this act shall be controlling. Without limiting the generality of the foregoing, no provision of the Lynn city charter requiring the ratification by the voters of certain bond issues shall apply to the issuance of bonds of the commission pursuant to this act or to the guaranty of the city or the bonds of the city authorized by section nine.

SECTION 23. The city of Lynn may establish a department of public works, under the direction and control of a commissioner of public works which shall have all the powers, duties, responsibilities and functions now and from time to time vested by general or special law in the following: a sanitary department, a street department and an engineering department.

SECTION 24. This act, being necessary for the welfare of the city and its inhabitants, shall be liberally construed to effect the purposes hereof.

SECTION 25. The provisions of this act are severable, and if any provision hereof shall be held invalid in any circumstances, such invalidity shall not affect any other provisions or circumstances. This act shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of this act, all steps shall be taken which are necessary to meet constitutional requirements whether or not such steps are required by statute.

SECTION 26. This act shall take effect upon its passage.

Approved August 30, 1982.

Chap. 382. AN ACT RELATIVE TO THE REFUNDING OF CERTAIN BOND ANTICIPATION NOTES BY THE TOWN OF TEWKSBURY.

Be it enacted, etc., as follows:

SECTION 1. The treasurer of the town of Tewksbury, with the approval of the selectmen of said town, is hereby authorized to issue bond anticipation notes of the town in an aggregate principal amount not exceeding one million seven hundred and fifty thousand dollars maturing not later than October twenty-second, nineteen hundred and eighty-three for the purpose of paying and refunding the one million seven hundred and fifty thousand dollars aggregate principal amount of sewer bond anticipation notes of the town originally dated October twenty-second, nineteen hundred and seventy-nine, January twenty-third and April first, nineteen hundred and eighty and February twenty-sixth, nineteen hundred and eighty-one, all of which notes are now payable on October twenty-second, nineteen hundred and eighty-two. Notes issued under this act which mature earlier than October twenty-second, nineteen hundred and eighty-three may be renewed or paid from time to time by the issue of other notes, provided that the maturity of any note issued to renew or pay the same debt shall not be later than October twenty-second, nineteen hundred and eighty-three. Notes issued under this act may be converted into a serial loan in the same principal amount.

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

Approved September 9, 1982.

Chap. 383. AN ACT AUTHORIZING THE LICENSING AUTHORITY OF THE TOWN OF LENOX TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES TO ANTHONY BARTONI AND MARIE C. COLVIN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the town of Lenox is hereby authorized to issue a license for the sale of all alcoholic bever-

ages not to be drunk on the premises under the provisions of section fifteen of said chapter one hundred and thirty-eight to Anthony Bartoni d/b/a "Lil" Anthony's Package Store and to Marie C. Colvin d/b/a Lenoxdale Package Goods Store, Inc. Each license shall be subject to all the provisions of said chapter one hundred and thirty-eight except said section seventeen.

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

(The foregoing was laid before the Governor on the 30th day of August, 1982 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. 384. AN ACT PROVIDING FOR A REFERENDUM QUESTION IN THE CITY OF PITTSFIELD RELATIVE TO THE ESTABLISHMENT OF A SEWER USERS FEE.

Be it enacted, etc., as follows:

SECTION 1. The city of Pittsfield is hereby authorized for the fiscal year nineteen hundred and eighty-four and thereafter to apply the amount collected as a sewer user fee, so-called, to reduce the property tax levy in said city for said fiscal year and thereafter on an annual basis.

SECTION 2. The state secretary shall cause to be placed on the official ballot to be used at the biennial state election to be held in the year nineteen hundred and eighty-two in the city of Pittsfield the following question:

"Shall the City of Pittsfield reduce its property tax levy by the amount collected under a sewer user fee beginning in fiscal

If a majority of the votes in answer to said question is in the affirmative, then section one of this act shall take full effect, but not otherwise.

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

Approved September 23, 1982.

Chap. 385. AN ACT TO ASCERTAIN THE WILL OF THE PEOPLE RELATIVE TO A REQUEST THAT THE PRESIDENT OF THE UNITED STATES PROPOSE TO THE SOVIET UNION A MUTUAL, VERIFIABLE FREEZE ON THE PROLIFERATION OF NUCLEAR WEAPONS.

Be it enacted, etc., as follows:

For the purpose of ascertaining the will of the voters relative to the proliferation of nuclear weapons, the state secretary shall cause to be placed on the official ballot to be used at the biennial state election to be held in the year nineteen hundred and eighty-two the following question:- "Shall the Secretary of the Commonwealth of Massachusetts inform the President and the Congress of the United States that it is the desire of the people of Massachusetts to have the government of the United States work vigorously to negotiate a mutual nuclear weapons moratorium and reduction, with appropriate verification, with the Soviet Union and other nations?" If a majority of the votes cast in answer to the question is in the affirmative, it shall be deemed to be the will of the people that such request be made of the President of the United States.

Approved September 23, 1982.

EMERGENCY LETTER - September 23, 1982 @ 4:48 P.M.

Chap. 386. AN ACT DIRECTING THE STATE SECRETARY TO PLACE A CERTAIN NONBINDING QUESTION ON THE BIENNIAL STATE ELECTION BALLOT IN THE TOWN OF WESTON IN THE CURRENT YEAR.

Be it enacted, etc., as follows:

For the purpose of ascertaining the will of the people of the town of Weston, the state secretary shall place upon the official ballot in said town at the biennial state election to be held in the year nineteen hundred and eighty-two the following nonbinding question:-

Do you agree that nuclear war is not a survivable means of settling international conflict, and accordingly, that we urge the United States and the Soviet Union immediately and jointly to stop the nuclear arms race, and to adopt an immediate, mutual and verifiable freeze on all further testing, production and

deployment of nuclear weapons and of missiles and new aircraft designed primarily to deliver nuclear weapons?

Yes	
No	

Approved September 27, 1982.

EMERGENCY LETTER - September 28, 1982 @ 9:37 A.M.

Chap. 387. AN ACT AUTHORIZING THE GREATER LAWRENCE SANITARY DISTRICT TO ACCEPT AND TREAT CERTAIN WASTEWATER.

Be it enacted, etc., as follows:

SECTION 1. Chapter 750 of the acts of 1968 is hereby amended by inserting after section 3 the following section:-

Section 3A. The district is authorized to accept and treat wastewater which is generated in any municipality or district within or without the commonwealth. The district is authorized to plan, design, acquire, construct, operate and maintain such facilities, both within and without the commonwealth, as are necessary to carry out the provisions of this section. The district, by vote of its district commissioners in the manner prescribed by section three, may contract with any municipality or district located within or without the commonwealth for the purpose of carrying out the provisions of this section; provided, that no such contract shall become effective until approved by the emergency finance board. For the purposes of paying capital costs under any contract authorized by this section, the district is authorized to incur debt in the manner specified in this act. For the purposes of enforcing any contract authorized by this section, the district may exercise all powers authorized by this act within the territory of a municipality or district with which it has contracted hereunder. The employees, of the

district, while engaged in exercising such powers under such contract, shall be deemed to be engaged in the service and employment of the district, notwithstanding the fact that the exercise of such powers is being performed in or for such municipality or other district. For the purposes of this section, the district may apply for, accept, receive and expend, such financial assistance and funding as may be available from or through the federal government, the commonwealth, any other state, any other municipality or district within or without the commonwealth, or any person.

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

Approved October 1, 1982.

Chap. 388. AN ACT EXEMPTING THE POSITIONS OF PLUMBING INSPECTOR AND GAS INSPECTOR IN THE TOWN OF MASHPEE FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The positions of plumbing inspector and gas inspector in the town of Mashpee 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 persons holding the positions of plumbing inspector or gas inspector in the town of Mashpee on the effective date of this act.

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

Approved October 1, 1982.

Chap. 389. AN ACT EXEMPTING CERTAIN POSITIONS IN THE SHREWSBURY SCHOOL DEPARTMENT FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The positions of business manager and supervisor of attendance and transportation in the school department of the town of Shrewsbury shall be exempt from the provisions of chapter

thirty-one of the General Laws.

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

Approved October 1, 1982.

Chap. 390. AN ACT ESTABLISHING CIVIL SERVICE STATUS FOR CERTAIN EMPLOYEES OF THE SCHOOL DEPARTMENT OF THE TOWN OF BRAINTREE.

Be it enacted, etc., as follows:

SECTION 1. Those employees of the school department of the town of Braintree who are classified as maintenance personnel shall be subject to the provisions of chapter thirty-one of the General Laws.

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

Approved October 1, 1982.

Chap. 391. AN ACT VALIDATING A CERTAIN QUALIFYING OATH OF OFFICE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section eleven of chapter thirty of the General Laws or of any other general or special law to the contrary, Joseph M. Duffy of the town of Clinton having been appointed a member of the civil service commission is hereby authorized to take and subscribe the oath required to qualify him for said office before the town clerk of the town of Clinton.

SECTION 2. The qualifying oath taken and subscribed by said Joseph M. Duffy before Earl Wilson, town clerk of the town of Clinton, on April twenty-fifth, nineteen hundred and eighty is hereby validated, confirmed and is effective as though this act was in effect at the time said oath was taken; and any acts performed by him in his official capacity, are also hereby validated and confirmed.

Approved October 1, 1982.

Chap. 392. AN ACT DESIGNATING A PORTION OF STATE HIGHWAY ROUTE 122 IN THE TOWN OF MILLVILLE AS THE CHARLES L. "GABBY" HARTNETT MEMORIAL HIGHWAY.

Be it enacted, etc., as follows:

That portion of state highway, route 122 in the town of Millville shall be designated and known as the Charles L. "Gabby" Hartnett Memorial Highway in memory of Charles Leo "Gabby" Hartnett, a professional major league baseball player from nineteen hundred and twenty-two to nineteen hundred and forty-one, who participated in four world series and was elected to the baseball hall of fame in nineteen hundred and fifty-five. 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 October 1, 1982

Chap. 393. AN ACT AUTHORIZING THE CITY OF LYNN TO REINSTATE LEO J. POWERS AS A HEAVY MOTOR EQUIPMENT OPERATOR/LABORER IN THE DEPARTMENT OF PUBLIC WORKS IN SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. Chapter five hundred and thirty-five of the acts of nineteen hundred and eighty is hereby repealed.

SECTION 2. Notwithstanding any contrary provision of law or any rule or regulation to the contrary, the city of Lynn may reinstate Leo J. Powers, a former employee of the department of public works of said city, upon the occurrence of the next vacancy in the position of heavy motor equipment operator/laborer; provided, however, that said Leo J. Powers passes a physical examination to which he shall be subjected by the department of personnel administration. In the event of such reinstatement, said Leo J. Powers shall not be entitled to any seniority rights as a result of his previous service.

Approved October 1, 1982.

Chap. 394. AN ACT RELATIVE TO THE REFUND OF CERTAIN BLUE CROSS AND BLUE SHIELD OVERPAYMENTS IN THE TOWN OF BREWSTER.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the town of Brewster is hereby authorized to appropriate and the treasurer of said town is hereby authorized to pay to the employees of said town a refund representing Blue Cross of Massachusetts, Inc. and Blue Shield of Massachusetts, Inc. overpayments, including the interest earned thereon and attributable thereto, made by said employees in proportion to their overpayments for the fiscal years prior to nineteen hundred and seventy-nine.

Approved October 1, 1982.

Chap. 395. AN ACT RELATIVE TO THE APPOINTMENT OF THE TOWN MANAGER OF THE TOWN OF SAUGUS.

Be it enacted, etc., as follows:

Chapter 17 of the acts of 1947 is hereby amended by striking out section 8, as most recently amended by section 1 of chapter 104 of the acts of 1979, 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 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 the commonwealth. Before entering upon the duties of his office, the town manager shall be sworn to the faithful performance thereof by the chairman of the board of 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 said board of selectmen.

Approved October 1, 1982.

Chap. 396. AN ACT RELATIVE TO APPOINTMENTS BASED UPON SPECIAL STATE OR FEDERAL TRAINING PROGRAMS.

Be it enacted, etc., as follows:

Whereas, the deferred operation of this act would tend to defeat its purpose, which is to immediately implement appointments based upon special state or federal training programs, therefore it is hereby declared to be an emergency law, necessary for the preservation of the public convenience.

SECTION 1. The first paragraph of section 1 of chapter 565 of the acts of 1980 is hereby amended by striking out, in line 8, the words "which work-training programs" and inserting in place thereof the words:- those work-training programs offered by, but not limited to, the department of education and the board of regents, which.

SECTION 2. The fourth paragraph of said section 1 of said chapter 565 is hereby amended by inserting after the word "Act", in line 14, the words:- or other similarly enacted federal spondsored training programs.

SECTION 3. Said chapter 565 is hereby further amended by striking out section 2 and inserting in place thereof the following section:-

Section 2. This act shall cease to be operative on June thirtieth, nineteen hundred and eighty-four.

SECTION 4. This act shall take effect as of July first, nineteen hundred and eighty-two.

Approved October 4, 1982.

Chap. 397. AN ACT RELATIVE TO THE FEES FOR LICENSES AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES IN THE CITY OF CAMBRIDGE.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventy of chapter one hundred and thirty-eight of the General Laws, the fee for a renewal license or permit under said chapter one hundred and thirty-eight granted by the city of Cambridge license commission may be paid into the treasury of said city semi-annually.

Approved October 5, 1982.

Chap. 398. AN ACT PROVIDING FOR THE ISSUANCE OF CERTAIN NOTES BY THE MOHAWK TRAIL REGIONAL SCHOOL DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any law to the contrary, the Mohawk Trail Regional School District may, during any fiscal year, issue notes in the name and upon the full faith and credit of said district, in an amount not greater than the amount of payments to be made by said district to any regional vocational school district during the same fiscal year, acting in the role of trustee for state-aided vocational education in accordance with the provisions of chapter seventy-four of the General Laws, on behalf of those towns which are members of said district but which do not hold concurrent membership with any regional vocational-technical school district. Notes may be issued under this act for a period not exceeding three years from their dates. Notes issued for a shorter period may be refunded by the issue of other notes, provided that the period from the date of issue of an original note to the date of maturity of any note issued to refund or pay the same debt shall not exceed three years. Costs incurred by the district under this act, including payments of interest and issuing costs, shall be apportioned among the towns upon whose behalf the payments are made.

SECTION 2. This act shall take effect upon its passage and shall expire three years after said effective date.

Approved October 7, 1982.

Chap. 399. AN ACT PROVIDING THAT THE POSITION OF SEALER OF WEIGHTS AND MEASURES AND THE POSITION OF INSPECTOR OF PLUMBING IN THE TOWN OF BRAINTREE BE EXEMPT FROM THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of sealer of weights and measures and the position of inspector of plumbing, in the town of Braintree 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 said

position of sealer of weights and measures, or said position of inspector of plumbing, in the town of Braintree on the effective date of this act.

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

Approved October 7, 1982.

Chap. 400. AN ACT ALLOWING THE HOLYOKE AND WESTFIELD RAILROAD COMPANY TO MERGE.

Be it enacted, etc., as follows:

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately allow the Holyoke and Westfield Railroad Company to merge, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Notwithstanding the provisions of any general or special law to the contrary, the Holyoke and Westfield Railroad Company, incorporated pursuant to the provisions of chapter three hundred and seventy-nine of the acts of eighteen hundred and sixty-nine as a railroad corporation, and being subject to chapter one hundred and sixty of the General Laws, is hereby authorized to merge with or into any other corporation organized under the laws of the commonwealth, or of any other state of the United States, said merger to be effected pursuant to the provisions of chapter one hundred and fifty-six B of the General Laws; provided, however, that the notice required to be furnished to each stockholder of said company shall be given at least fifteen days prior to the date of the meeting of stockholders called for the purpose of considering and acting upon the agreement of such merger.

Approved October 7, 1982.

Chap. 401. AN ACT AUTHORIZING THE COMMISSIONER OF ENVIRONMENTAL MANAGEMENT TO LEASE TO THE TOWN OF SANDWICH A CERTAIN PARCEL OF LAND IN SHAWME-CROWELL STATE FOREST FOR USE AS A SANITARY LANDFILL.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 507 of the acts of 1978 is hereby amended by striking out, in line 4, the word "parcel" and inserting in place thereof the word:- parcels.

SECTION 2. Said section 1 of said chapter 507 is hereby further amended by inserting after the second paragraph the following paragraph:-

Beginning at a point on the westerly layout line of Mashpee Road (Route 130) said point being 57 feet more or less north of a Massachusetts Highway Bound at Station 66 + 68.27 of the April 1942 Alteration (Layout No. 3408) and the northerly edge of a dirt road:

Thence; northerly and southeasterly along the northerly edge of said dirt road, 870 feet more or less to a point on the westerly line of land now or formerly of Sea Lake Corporation;

Thence; S 33° 50' 00"E, 126 feet more or less to a point;

Thence; S 24° 22' 25"E, 57.54 feet to a point;

Thence; S 01° 30' 40"E, 97.21 feet to a point;

Thence; S 04° 50' 10"W, 144.83 feet to a point;

Thence; S 18° 48' 40"W, 165.00 feet to a point;

Thence; S 05° 03' 50"W, 46.33 feet to a point;

Thence; S 19° 05' 45"W, 68.84 feet to a point on the northerly line of the August 1949 layout of the Mid-Cape Highway;

Thence; N 86° 54' 29"W, 1012.45 feet to a point on the easterly line of the said Mashpee Road Layout;

Thence; N 13° 21' 38"W, 498.73 feet to a point;

Thence; S 80° 01' 27"W, 8.84 feet to said Massachusetts Highway Bound;

Thence; northwesterly along a curve 57 feet more or less to the point of beginning.

Said parcel containing ten acres, more or less.

Approved October 7, 1982.

Chap. 402. AN ACT INCREASING THE MEMBERSHIP ON BOARDS OF TRUSTEES OF HIGHER EDUCATION.

Be it enacted, etc., as follows:

The first sentence of the first paragraph of section 9 of chapter 15A of the General Laws, as appearing in chapter 523 of the acts of 1981, is hereby amended by striking out, in line 6, the word "eight" and inserting in place thereof the word:- ten.

Approved October 7, 1982.

EMERGENCY LETTER - October 12, 1982 @ 9:38 A.M.

Chap. 403 AN ACT AUTHORIZING THE TOWN OF WALPOLE TO CONSTRUCT, OWN, OPERATE AND MAINTAIN

A WATER DISTRIBUTION SYSTEM IN THE TOWN OF DOVER AND TO SUPPLY WATER TO CERTAIN BUILDINGS IN THE TOWN OF DOVER.

Be it enacted, etc., as follows:

SECTION 1. The town of Walpole, acting through its board of sewer and water commissioners, shall construct, own, operate, and maintain a water distribution system in the town of Dover as generally described on a plan entitled Texaco, USA - Water System Extension, as filed on September ninth, nineteen hundred and eighty-two with the town clerk of the town of Walpole, and to be built within the shoulder of County street in the town of Dover, for the purpose of supplying water for domestic or other purposes to inhabitants of the town of Walpole and to certain buildings in the town of Dover as described in section two. All construction and installation of the water distribution system within the town of Dover shall be done in accordance with the applicable regulations of the town of Dover. All construction and installation of water mains within the town of Walpole shall be in accordance with the applicable regulations of the town of Walpole.

SECTION 2. The town of Walpole, acting through its board of sewer and water commissioners, shall supply and sell water for domestic or other purposes to buildings located as of July sixth, nineteen hundred and eighty-two, on certain parcels of land in the town of Dover, shown on Assessors' maps 25 and 26 of the town of Dover dated July sixth, nineteen hundred and eighty-two on file at the assessors' office in the town of Dover, such parcels being designated on said maps as follows: 25-002, 25-005, 25-006, 25-007, 25-008, 25-009, 25-010, 25-011, 26-001. The town of Walpole shall supply water to other buildings in the town of Dover only if the board of selectmen of the town of Dover, by majority vote, authorizes the town of Walpole to supply water to any new buildings constructed on any parcel of land listed in this section; provided, however, that new construction shall not include replacement of a similar building destroyed by fire or natural causes.

SECTION 3. The town of Dover board of selectmen of the town of Dover shall grant permission to the town of Walpole or Texaco, Inc., a corporation duly organized under the laws of the state of Delaware to dig up and open County street in the town of Dover for the purpose of performing test borings for, constructing, and maintaining the water distribution system described in section one without notice to interested parties or

public hearing, notwithstanding any other provision of general law or special law to the contrary. There shall be compliance with the rules and regulations of the town of Dover relative to opening of streets. The town of Walpole shall reimburse the town of Dover and inhabitants thereof for any damage incurred by that town or its inhabitants or to land, improvements or premises in the town of Dover if such damage results from an act of the town of Walpole or the act of its agents or employees. The town of Walpole shall reasonably restore all land, improvements or buildings in the town of Dover altered in the process of construction, operation or maintenance of the water distribution system described in section one to their condition prior to such alteration. The town of Walpole shall post a performance bond in a reasonable amount with the town of Dover to insure proper completion of the water distribution system described in section one, and shall post a performance bond in a reasonable amount with the town of Dover when the town of Walpole undertakes maintenance work on that water distribution system. The town of Walpole shall be held liable for any danger arising from the existence, use or maintenance of the water distribution system described in section one, so long as it shall own such system.

SECTION 4. The town of Walpole shall bill the inhabitants of the town of Dover to which it supplies water under section two in accordance with rates established by the board of sewer and water commissioners in the town of Walpole. Said rates shall not exceed those paid by residents of the town of Walpole for like quantities of water. The town of Walpole shall have such rights against any resident of the town of Dover to whom it is supplying water and whose bill for such service is not paid on or before its due date, as are provided in sections forty-two A to forty-two E, inclusive, of chapter forty of the General Laws.

SECTION 5. At such time as the town of Dover, or another entity, shall construct a water distribution system capable, in the opinion of the board of selectmen of the town of Dover, of supplying water to those buildings in the town of Dover supplied with water by the town of Walpole said board of selectmen may after sixty days written notice to the board of sewer and water commissioners of the town of Walpole terminate water supply by the town of Walpole to said buildings.

SECTION 6. The town of Walpole is hereby authorized to contract with Texaco, USA, A Division of Texaco, Inc. or its agents, servants or employees for the construction of the water distribution system described in section one, and the town of Walpole shall not be subject to any general or special laws relating to public bidding in connection with such construction.

SECTION 7. The town of Dover shall be allowed emergency access for fire protection purposes to all fire hydrants located on the water distribution system described in section one subject to the regulations of the board of sewer and water commissioners of the town of Walpole.

SECTION 8. This act shall take effect upon its passage.

Approved October 12, 1982.

Chap. 404. AN ACT AUTHORIZING THE PAYMENT BY THE WEST SPRINGFIELD PERMANENT FIREMEN'S RELIEF ASSOCIATION, INC. OF CERTAIN BENEFITS TO CERTAIN MEMBERS UPON THEIR RETIREMENT.

Be it enacted, etc., as follows:

The West Springfield Permanent Firemen's Relief Association, Inc., a corporation duly established under the laws of the commonwealth, is hereby authorized, upon the retirement from the fire department of the town of West Springfield of any member in good standing, to pay to such member, if he so elects in writing filed with the secretary of said corporation within thirty days of his retirement, such sum, not exceeding one-half of the death benefit paid upon the death of any such member in good standing, as may from time to time be determined by vote of said corporation. Any amount so paid shall reduce the death benefit otherwise payable upon the death of such member.

Approved October 12, 1982.

Chap. 405. AN ACT PROVIDING FOR THE APPOINTMENT OF FOURTEEN ADDITIONAL JUSTICES OF THE TRIAL COURT.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 211B of the General Laws is hereby amended by striking out the word "sixty-three", inserted by section 1 of chapter 575 of the acts of 1980, and inserting in place thereof the word:- seventy-seven.

SECTION 2. Section 2 of said chapter 211B, as most recently

amended by section 2 of said chapter 575, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:-

There shall be sixty-one justices appointed to the superior court department, three justices appointed to the housing court department, three justices appointed to the land court department, thirty-seven justices appointed to the probate and family court department, eleven justices appointed to the Boston municipal court department, ten justices appointed to the juvenile court department, and one hundred and fifty-three justices and special justices, as authorized, appointed to the district court department.

SECTION 3. The first paragraph of section 1 of chapter 212 of the General Laws, as amended by section 116 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:- The superior court department of the trial court of the commonwealth, established by section one of chapter two hundred and eleven B, shall consist of sixty-one justices appointed to the department.

SECTION 4. Section 2 of chapter 217 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 4 of chapter 575 of the acts of 1980, and inserting in place thereof the following sentence:- There shall be six judges of probate in the county of Middlesex, four judges of probate in the counties of Norfolk, Suffolk and Plymouth, three judges of probate in the counties of Essex, Worcester and Bristol, and two judges of probate in each of the counties of Hampden and Barnstable.

SECTION 5. Section 50 of chapter 218 of the General Laws, as most recently amended by section 204 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:- The Boston municipal court department established under section one of chapter two hundred and eleven B shall consist of eleven associate justices of the trial court appointed to said department.

SECTION 6. Section 58 of said chapter 218, as most recently amended by section 213 of said chapter 478, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The Worcester and Springfield divisions of the juvenile court department shall each consist of one justice, the Bristol county division shall consist of three

justices, and the Boston division shall consist of five justices, all of whom shall be members of the bar.

Approved October 12, 1982.

EMERGENCY LETTER - October 12, 1982 @ 3:44 P.M.

Chap. 406. AN ACT AUTHORIZING THE CITY OF FALL RIVER TO BORROW MONEY FOR A WATERFRONT IMPROVEMENT PROJECT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, the city of Fall River may borrow from time to time such sums of money as may be necessary, not exceeding, in the aggregate three hundred fifty-six thousand eight hundred dollars, and may issue bonds or notes therefor, for the purpose of financing and carrying out the construction and reconstruction of improvements to the waterfront in said city, including the reconstruction and expansion of the seawall, expansion of cargo handling facilities, construction of improved land access, and other related facilities and appurtenances, and also for the purpose of paying interest payable on any such bonds or notes for not exceeding two years from the date of any issue bonds or notes. The proceeds of such bonds or notes shall be expended together with any state or federal funds made available in connection with improvements to the waterfront in said city. Such bonds or notes shall be issued in accordance with the provisions of the Coastal Energy Impact Program administered by the National Oceanic and Atmospheric Administration of the United States Department of Commerce and shall bear on their face the words, City of Fall River, Waterfront Improvement Loan, Act of 1982. Each authorized issue shall constitute a separate loan and each loan shall be payable in not more than thirty years from its date. Payments of principal on account of each loan may be made annually or semiannually and the first such payment or principal shall be made not later than two years from the date of the bonds or notes issued for such loan. The maturities of the bonds or notes issued for any loan hereunder shall be arranged so that for each issue the amounts payable in the several years for principal and interest combined shall be as nearly equal as practicable in the opinion of the officers authorized to issue said loan, or, in the alternative, in accordance with a schedule

providing a more rapid amortization of principal. Indebtedness incurred under this act shall be in excess of the limit prescribed therefor by section ten of chapter forty-four of the General Laws but, except as provided herein, shall be subject to the applicable provisions of said chapter forty-four. The officers authorized to issue bonds or notes hereunder may enter into such agreements as may be required or permitted under the federal law and regulations governing said Coastal Energy Impact Program.

SECTION 2. Receipts from the operation of the project financed hereunder shall be reserved for appropriation and may be applied to the payment of charges and expenses incident to the maintenance and operation of the waterfront facilities of said city, or to the extension, improvement or replacement thereof, to the payment of interest on bonds or notes issued hereunder, or to the payment or redemption of such bonds or notes, provided that any sums remaining unexpended for such purposes after the close of any fiscal year may be used to reduce the tax levy of said city.

SECTION 3. The action taken by the city of Fall River under an order of the city council in the year nineteen hundred and eighty-two is hereby validated and confirmed to the same extent as though this act had been in full force and effect at the time said order was adopted.

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

Approved October 15, 1982.

Chap. 407. AN ACT AUTHORIZING THE TREASURER OF BRISTOL COUNTY TO PAY A CERTAIN SUM OF MONEY TO COPY PRODUCTS, INC.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section seven teen of chapter thirty-four of the General Laws, or of any other special or general law to the contrary the county treasurer of Bristol county, to fulfill a moral obligation, is hereby authorized to pay out of the treasury of said county the sum of two thousand two hundred sixty-eight dollars to Copy Products, Inc., for the rental of a copy machine to the Fall River district registry of deeds in the county of Bristol for the period from

May first, nineteen hundred and eighty to July thirty-first, nineteen hundred and eighty-one, inclusive.

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

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

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

Approved October 15, 1982.

Chap. 408. AN ACT MAKING AN APPROPRIATION TO FUND A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE MASSACHUSETTS TRIAL COURT AND THE MIDDLESEX SUPERIOR COURT OFFICERS ASSOCIATION.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 191 of the acts of 1982 is hereby amended by inserting after item 1599-3315 the following item:-

1599-3322 To provide for the cost of salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the Massachusetts trial court and the Middlesex Superior Court Officers Association; provided, that the commissioner of administration is hereby authorized to transfer from the sum provided to other items of appropriation such amounts as are

necessary to meet the cost of said adjustments and benefits for fiscal year nineteen hundred and eighty-two where the amounts otherwise available are insufficient for the purpose; provided, further, that said adjustments may be paid during fiscal year nineteen hundred and eighty-three; provided, further, that 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; provided, further, that copies of each said collective bargaining agreement together with an analysis of all cost items contained in said agreement and all changes to be made in the schedules of permanent and temporary positions required by said agreement, shall be filed with the house and senate committees on ways and means prior to the transfer or allocation of any amounts necessary to meet with the cost of said adjustments and benefits; provided, further, that no transfers shall be made without the prior approval of the house and senate committees on ways and means; and provided, further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-three.

SECTION 2. From the unexpended balance remaining in item 1599-2095 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one, the sum of one hundred fifty-three thousand and seven hundred dollars is hereby transferred to item 1599-3322 of section two of chapter one hundred and ninety-one of the acts of nineteen hundred and eighty-two, inserted by section one of this act, and made available for the payment of salary adjustments and other economic benefits under said agreement for fiscal year nineteen hundred and eighty-two, and to meet the costs of salary adjustments and other economic benefits necessary to provide equal salary adjustments or benefits to employees employed in "confidential" positions which would otherwise be covered by this collective bargaining agreement.

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

Approved October 15, 1982.

Chap. 409. MAKING AN APPROPRIATION TO FUND A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE MASSACHUSETTS TRIAL COURT AND THE SUFFOLK SUPERIOR COURT OFFICERS ASSOCIATION.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 191 of the acts of 1982 is hereby amended by inserting after item 1599-3315 the following item:-

1599-3324 To provide for the cost of salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the Massachusetts trial court and the Suffolk Superior Court Officers Association; provided, that the commissioner of administration is hereby authorized to transfer from the sum provided to other items of appropriation such amounts as are necessary to meet the cost of said adjustments and benefits for fiscal year nineteen hundred and eighty-two where the amounts otherwise available are insufficient for the purpose; provided, further, that said adjustments may be paid during fiscal year nineteen hundred and eighty-three; provided, further, that 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; provided, further, that copies of each said collective bargaining agreement together with an analysis of all cost items contained in said agreement and all changes to be made in the schedules of permanent and temporary positions required by said agreement, shall be filed with the house and senate committees on ways and means prior to the transfer or allocation of any amounts necessary to meet with the cost of said adjustments and benefits; provided, further, that no transfers shall be made without the prior approval of the house and senate

committees on ways and means; and provided, further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-three.

SECTION 2. From the unexpended balance remaining in item 1599-2095 of section two of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one, the sum of eighty-seven thousand one hundred and ninety dollars is hereby transferred to item 1599-3324 of section two of chapter one hundred and ninety-one of the acts of nineteen hundred and eighty-two, inserted by section one of this act, and made available for the payment of salary adjustments and other economic benefits under said agreement for fiscal year nineteen hundred and eighty-two, and to meet the costs of salary adjustments and other economic benefits necessary to provide equal salary adjustments or benefits to employees employed in "confidential" positions which would otherwise be covered by this collective bargaining agreement.

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

Approved October 15, 1982.

Chap. 410. AN ACT ALLOWING THE ANNA JAQUES HOSPITAL TO REMOVE FROM REGISTRATION A CERTAIN PARCEL OF LAND IN THE CITY OF NEWBURYPORT.

Be it enacted, etc., as follows:

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the construction of a medical condominium by the Anna Jaques Hospital in the city of Newburyport, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Notwithstanding the provisions of section sixteen of chapter one hundred and eighty-three A of the General Laws, the Anna Jaques Hospital may file a petition in the land court department of the trial court to remove from registration a parcel of land owned by said hospital and shown as "Lot 5" on a plan entitled "Plan of Land Being a Subdivision of Lot 2, L.C.C. 404A Newburyport, MA.", dated June 11, 1980, by Harry R. Feldman,

Inc., Land Surveyors, filed in the Land Registration Office as plan No. 404D. Upon said hospital's filing of such a petition, reciting an intent to construct and create a medical office condominium, the land court shall remove said Lot 5 from the provisions of chapter one hundred and eighty-five and issue an order to that effect. Thereafter, such land shall be considered unregistered land.

Approved October 15, 1982.

Chap. 411. AN ACT AUTHORIZING THE TOWN OF WESTPORT TO APPROPRIATE CERTAIN SUMS IN TWO FISCAL YEARS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any law to the contrary, the town of Westport may appropriate for fiscal year commencing July first, nineteen hundred and eighty-two, one-half of the amounts necessary to make payments during the months of July and August, nineteen hundred and eighty-three, of monies earned by teachers and other professional employees for the school year ending June thirtieth, nineteen hundred and eighty-two, and for the fiscal year commencing July first, nineteen hundred and eighty-three, the full amounts necessary to make payments during the months of July and August, nineteen hundred and eighty-three, of monies earned by teachers and any other professional employees for the school year ending June thirtieth, nineteen hundred and eighty-four, 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.

Approved October 15, 1982.

Chap. 412. AN ACT AUTHORIZING THE TOWN OF WESTPORT TO EXPEND THE BALANCE OF A CERTAIN BOND ISSUE FOR CERTAIN SCHOOL REPAIRS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Westport may expend a

sum not to exceed two hundred and sixty-four thousand five hundred and fourteen dollars and seventy-three cents from the balance in the appropriation control for capital projects, for the roof repairs of Westport Middle school in said town.

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

Approved October 15, 1982.

Chap. 413. AN ACT RELATING TO THE ISSUANCE OF REFUNDING BONDS BY THE BOSTON METROPOLITAN DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Whenever used in this act, unless the context otherwise requires, the following words or terms shall have the following meanings:-

"Authority", the Massachusetts Bay Transportation Authority established by chapter one hundred and sixty-one A of the General Laws.

"District", the Boston Metropolitan District established by chapter three hundred and eighty-three of the acts of nineteen hundred and twenty-nine and chapter one hundred and forty-seven of the acts of nineteen hundred and thirty-two.

"Finance Advisory Board", the Finance Advisory Board established under section ninety-seven of chapter six of the General Laws.

SECTION 2. The trustees of the district may issue and sell refunding bonds of the district at any time at or before the maturity of the bonds or notes of the district being refunded, notwithstanding any limitations in sections seven A and eight A of chapter five hundred and forty-four of the acts of nineteen hundred and forty-seven or any other provisions of law to the contrary. Said trustees shall consult with the Finance Advisory Board prior to the issuance of any such refunding bonds. Said trustees are hereby authorized to covenant in any vote or resolution providing for the issuance of refunding bonds or to certify with respect to the deposit or investment of the proceeds thereof, and with respect to the income therefrom, pending their use for the purpose of paying or redeeming the bonds or notes being refunded, and to take any action deemed by them necessary to assure that the interest on such refunding bonds will be exempt from federal income taxes.

SECTION 3. Before the trustees of the district shall issue any of its refunding bonds to refund bonds of the district originally issued under paragraph (j) of section eight A of chapter five hundred and forty-four of the acts of nineteen hundred and forty-seven or section six of chapter six hundred and forty-nine of the acts of nineteen hundred and forty-nine they shall enter into an agreement with the authority. Each such agreement shall be in lieu of the issuance of a new bond or bonds of the authority to the district pursuant to said sections and shall set forth at least the schedule of maturities of the refunding bonds of the district then to be issued. Each such agreement shall be authorized by the trustees of the district and by the board of directors of the authority, shall be executed on behalf of the district by the chairman or treasurer of its trustees and on behalf of the authority by the chairman of its board of directors or its treasurer-controller, shall be binding upon the authority and the district and shall be subject to the following conditions, whether or not expressly set forth therein:

(a) The refunding bonds of the district shall be payable in annual serial installments over a term not exceeding thirty years.

(b) The authority shall pay to the district, at least ten days prior to each and every date on which interest or principal, or both, is payable on the refunding bonds of the district an amount equal to the amount of interest or principal, or both, which is due on each such date on said bonds of the district. Such payments on account of principal shall not be subject to the limitations as to principal reduction set forth in said paragraph (j) of section eight A of chapter five hundred and forty-four of the acts of nineteen hundred and forty-seven and section six of chapter six hundred and forty-nine of the acts of nineteen hundred and forty-nine.

(c) The income from any investment of funds received by the district from the authority or from the proceeds of refunding bonds pending the use of such funds for the purpose of paying bonds of the district or the interest thereon, after deducting therefrom expenses in connection with such investment, shall be paid by the district to the authority.

(d) The authority shall reimburse the district, at the request of the trustees thereof, for all expenses incidental to the authorization, preparation, issue, registration and payment of refunding bonds issued by the district under this act.

(e) If the refunding bonds of the district are sold at a discount below par, the authority shall forthwith pay the district the amount of such discount, and if such bonds are sold at a premium above par, the district shall forthwith pay the authority

the amount of such premium.

SECTION 4. The authority, by vote of its board of directors, is hereby authorized in any year to pay to the district sums in excess of the payments on account of principal required to be made on either or both of the bonds of the authority issued to the district pursuant to section seven A and paragraph (c) of section eight A of chapter five hundred and forty-four of the acts of nineteen hundred and forty-seven. All such excess payments shall be applied to the last principal then due on said bond or bonds; provided, however, that in the event the authority notifies the district in writing on or before September fifteenth in any year of the amount of such excess payment, the district shall apply such excess to the payment of principal of the next bonds of the district to mature after the date of such payment in lieu of the issuance of refunding bonds of the district in the amount of such excess.

SECTION 5. Except as expressly provided in this act, the provisions hereof shall be deemed to be in addition to, and not in derogation of, any other power or obligation of the district and the authority.

SECTION 6. This act shall take effect upon its passage.

Approved October 15, 1982.

Chap. 414. AN ACT PROVIDING THAT THE MAYOR OF THE CITY OF HOLYOKE SHALL BE A VOTING MEMBER OF THE SCHOOL COMMITTEE OF SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. Section 30 of chapter 438 of the acts of 1896 is hereby amended by striking out the third sentence and inserting in place thereof the following two sentences:- The mayor shall be a member of the school committee with the right to participate in all discussions and the right to vote on all issues. When present, the mayor may also preside at any session of the school committee.

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

Approved October 15, 1982.

Chap. 415. AN ACT EXEMPTING CERTAIN POSITIONS IN THE DATA PROCESSING DEPARTMENT OF THE CITY OF SPRINGFIELD FROM THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The positions of data processing systems manager, assistant data processing systems manager, principal computer operator, senior computer operator, computer operator, senior computer programmer and junior computer programmer, senior data entry operator, and data entry operator in the data processing department of the city of Springfield shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person holding a position listed in section one on the effective date of this act.

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

Approved October 15, 1982.

Chap. 416. AN ACT EXEMPTING A CERTAIN POSITION IN THE LAW DEPARTMENT OF THE CITY OF SPRINGFIELD FROM THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The city of Springfield is hereby authorized to establish the position of administrative assistant to the city solicitor in the law department of said city and said position shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person holding the position of administrative assistant to the city solicitor of said town holding such status on the effective date of this act.

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

Approved October 15, 1982.

Chap. 417. AN ACT EXEMPTING THE POSITION OF TRAFFIC SUPERVISOR IN THE CITY OF MARLBOROUGH FROM THE PROVISIONS OF THE CIVIL SERVICE LAW

Be it enacted, etc., as follows:

SECTION 1. The position of traffic supervisor, also known as traffic guard, in the city of Marlborough shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not apply to any person holding permanent status as traffic supervisor also known as traffic guard in the city of Marlborough on the effective date of this act.

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

Approved October 15, 1982.

Chap. 418. AN ACT CLARIFYING THE MERGER AUTHORITY FOR TRUST COMPANIES.

Be it enacted, etc., as follows:

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to clarify the merger authority for trust companies, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

SECTION 1. Clause (4) of subsection A of section 36 of chapter 172 of the General Laws, as appearing in section 60 of chapter 155 of the acts of 1982, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

The provisions of this clause shall not apply to a consolidation or merger authorized by clause (1) or to a consolidation or merger under subsection B.

SECTION 2. Clause (4) of subsection A of section 38 of said chapter 172, as amended by section 52 of said chapter 155, is hereby further amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

The provisions of this clause shall not apply to a consolidation

or merger authorized by clause (1) or to a consolidation or merger under subsection B.

Approved October 15, 1982.

Chap. 419. AN ACT RELATIVE TO THE FINANCIAL ASSISTANCE PROGRAM FOR TOURIST PROMOTION AGENCIES.

Be it enacted, etc., as follows:

The second paragraph of section 14 of chapter 23A of the General Laws is hereby amended by striking out, in line 3, as appearing in section 1 of chapter 1038 of the acts of 1973, the word "Norfolk" and inserting in place thereof the words:- the Franklin County Chamber of Commerce, Norfolk.

Approved October 15, 1982.

Chap. 420. AN ACT RELATIVE TO THE LOCATION AND NUMBER OF WELFARE OFFICES.

Be it enacted, etc., as follows:

SECTION 1. Section 5 of chapter 18 of the General Laws, as most recently amended by chapter 266 of the acts of 1980, is hereby further amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

The community service areas shall be of sufficient number to be readily accessible to the people throughout the commonwealth, taking into consideration such factors as geographic boundaries, roads and other means of transportation, including public transportation, population concentration, city, town, and county lines, other relevant community services, and community economic and social relations. The commissioner shall establish branch offices, office hours, or outreach arrangements for applicants and recipients who do not have reasonable access to the office responsible for their cases. The time and place of office hours or outreach arrangements, if any, shall be published and otherwise made available to the public to facilitate visits by the public. The number and location of such community service areas and branches shall be determined by the commissioner, subject to approval by the house and senate committees on ways and means.

SECTION 2. The third paragraph of section 6 of said chapter 18, as most recently amended by section 6 of chapter 752 of the acts of 1974, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The function of the board shall be to approve or disapprove all appointments of the commissioner to the community service area boards, as provided in section seven, give advice and make recommendations to the commissioner on matters affecting the department or welfare programs or needs generally.

Approved October 15, 1982.

EMERGENCY LETTER - October 18, 1982 @ 10:32 A.M.

Chap. 421. AN ACT REMOVING CERTAIN RESTRICTIONS UPON THE COUNTY COMMISSIONERS OF BARNSTABLE COUNTY IN CONTRACTING WITH THE CAPE COD FAMILY AND CHILDREN'S SERVICE, INC.

Be it enacted, etc., as follows:

Section 2 of chapter 169 of the acts of 1978 is hereby amended by striking out the last sentence.

Approved October 15, 1982.

Chap. 422. AN ACT EXTENDING THE TIME LIMITS FOR MAKING ELIGIBILITY DETERMINATIONS IN PUBLIC ASSISTANCE PROGRAMS AND TO REQUIRE THE DEPARTMENT OF PUBLIC WELFARE TO MAKE CERTAIN REPORTS.

Be it enacted, etc., as followed:

SECTION 1. Subsection (B) of section 2 of chapter 18 of the General Laws, as most recently amended by section 6 of chapter 552 of the acts of 1978, is hereby further amended by adding the following clause:-

(h) make quarterly reports, based upon statistical sampling methods, to the house and senate committees on ways and means, on (1) the number of public assistance applications processed within thirty days and for aid under chapters one hundred and eighteen and one hundred and eighteen E and within twenty-two

days under chapter one hundred and seventeen, and (2) the number of such applications processed within forty-five days. Such reports shall contain information sufficient to indicate whether ninety-five per cent of the applications were processed within the time periods in clause (1) of this subsection and if not, what actions have been taken to reach that percentage.

SECTION 2. The second paragraph of section 16 of said chapter 18, as appearing in section 10 of chapter 752 of the acts of 1974, is hereby amended by striking out, in line 4, the word "thirty" and inserting in place thereof the word:- forty-five.

SECTION 3. Section 5 of chapter 117 of the General Laws, as appearing in chapter 908 of the acts of 1971, is hereby amended by striking out, in line 24, the words "said two week period, and the applicant is notified of such determination by certified mail" and inserting in place thereof the words:- forty-five days, and the applicant is notified in writing of such determination.

SECTION 4. Section 3 of chapter 118 of the General Laws is hereby amended by striking out, in line 2, as appearing in section 69 of chapter 393 of the acts of 1979, the word "thirty" and inserting in place thereof the word:- forty-five.

SECTION 5. The first paragraph of section 9 of chapter 118E of the General Laws, as appearing in section 1 of chapter 800 of the acts of 1969, is hereby amended by striking out, in line 4, the word "thirty" and inserting in place thereof the word:- forty-five.

SECTION 6. The first sentence of the first paragraph of section 22 of said chapter 118E, as so appearing, is hereby amended by striking out, in line 3, the word "thirty" and inserting in place thereof the word:- forty-five.

SECTION 7. Notwithstanding the time limits set forth in this act, the department of public welfare shall establish procedures to process applications for public assistance as promptly as circumstances permit.

Without limiting the authority of the department of public welfare to utilize the full time limits of forty-five days set forth in this act to process applications for public assistance, the procedures established by the department shall be designed to insure that ninety-five per cent or more of all applications received are processed within thirty days for aid under chapters

one hundred and eighteen and one hundred and eighteen E and within twenty-two days under chapter one hundred and seventeen.

Approved October 15, 1982.

EMERGENCY LETTER - October 18, 1982 @ 10:32 A.M.

Chap. 423. AN ACT AUTHORIZING THE TOWN OF OXFORD TO PROVIDE FACILITIES FOR THE ACCEPTANCE, COLLECTION, TREATMENT AND DISPOSAL OF SEWAGE BY AGREEMENT WITH THE UPPER BLACKSTONE WATER POLLUTION ABATEMENT DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. The town of Oxford may provide facilities for the acceptance, collection, treatment and disposal of sewage from a part or parts of the territory of said town by entering into agreements, acting by and through the board of selectmen of said town, for the provision of such facilities with Upper Blackstone Water Pollution Abatement District.

SECTION 2. Said board of selectmen may, from time to time, prescribe regulations regarding the use and maintenance of such facilities, including, but not limited to, regulations to prevent any entrance or discharge therein of any substance which may tend to interfere with the flow of sewage or the proper operation of such facilities, for the connection of estates and buildings with such facilities and for the inspection of all connections, sewer pipes, pumps, measuring devices and all other equipment in any way related to the use of such facilities. Said board of selectmen may prescribe penalties, not exceeding twenty dollars, for each violation of any such regulation, each day or portion thereof any violation continues to constitute a separate offense. Such regulations shall be published at least once a week for three successive weeks in a newspaper published in the town of Oxford, and if there is none, then in a newspaper published in Worcester county, and shall not take effect until such publication has been made.

SECTION 3. The board of selectmen may from time to time establish just and equitable annual charges for the use of the facilities provided pursuant to the provisions of section one

which shall be paid by the owners of real estate served by such facilities, the total of such charges to be at least equal to the costs incurred by said town, including administrative costs, in providing such facilities. Said board of selectmen may insure the payment of such charges by deposit or other suitable security.

SECTION 4. If, after the town of Oxford accepts the provisions of this act as provided in section ten and, by its clerk, files a certificate of such acceptance in the Worcester district registry of deeds in the county of Worcester, any charges due the town of Oxford pursuant to the provisions of this act which are not paid on or before their due dates shall, together with interest thereon and costs, including attorney fees, relative thereto, be a lien upon the real estate served by such facilities. Said board of selectmen shall establish such due dates so as to require payments at least as often as annually. Said register of deeds shall record such certificate of acceptance of this chapter in the book kept pursuant to the provisions of section sixteen A of chapter eighty-three of the General Laws.

SECTION 5. Such lien shall take effect by operation of law on the day immediately following the due date of such charge and, unless dissolved by payment or abatement, shall continue until such charge has been added to or committed as a tax under section six hereof, and thereafter, unless so dissolved, shall continue as provided in section thirty-seven of chapter sixty of the General Laws, except that the date provided for termination of the lien in case of a recorded alienation shall be at the expiration of two years from October first of the year of such addition or committal. Anything in this section to the contrary notwithstanding, if any such charge is not added to or committed as a tax under section six hereof on or before December thirty-first of the year immediately following the year such charge becomes due, the lien for such charge shall terminate on October first of the third year following the year in which such charge becomes due.

Notwithstanding such lien any such overdue charge may be collected through any legal means, including termination of use of the facilities, which may be deemed advisable; provided, that after the termination of such a lien, the town of Oxford shall not attempt to enforce, by terminating the use of such facilities, collection of such charge from any person, not liable therefor, who has succeeded to the title or interest of the person incurring such charge. All such charges excluded by court decree under section seventy-six B of chapter sixty of the

General Laws shall, to the extent that they were properly chargeable to the person owning the real estate for which such charges were incurred, be recoverable from such person in an action of contract or otherwise. If at the time of entry of such decree such person is still the owner of the real estate, whether through redemption or otherwise, such charges to the extent that they were properly chargeable to him, may be enforced in any other manner provided or available for collection or enforcement of sewer use charges.

SECTION 6. If a charge for which a lien is in effect under section five has not been added to or committed as a tax and remains unpaid when the assessors are preparing a real estate tax list and warrant to be committed by them under section fifty-three of chapter fifty-nine of the General Laws, the board of selectmen, or the town collector of taxes, if applicable under section thirty-eight A of chapter forty-one of the General Laws, shall certify such charge to the assessors, who shall forthwith add such charge to the tax on the real estate to which it relates and commit it with their warrant to the collector of taxes as a part of such tax. If the real estate to which such charge relates is tax exempt, such charge shall be committed as the tax.

SECTION 7. Except as otherwise provided in this act, the provisions of chapters fifty-nine and sixty of the General Laws shall apply to all charges certified to the assessors under section six. Without limiting the generality of the foregoing, upon commitment as a tax or part of a tax under section six hereof, all such charges shall be subject to the provisions of law relative to interest on the taxes of which they become, or, if the real estate were not tax exempt would become, a part; and the collector of taxes shall have the same powers and be subject to the same duties with respect to such charges as in the case of annual taxes upon real estate, and the provisions of law relative to the collection of such annual taxes, the sale or taking of land for the nonpayment thereof and the redemption of land so sold or taken shall, except as otherwise provided in this chapter, apply to such charges.

SECTION 8. An owner of real estate aggrieved by a charge imposed thereon under sections one to seven, inclusive, in addition to such remedy as he may have under section ten of chapter one hundred and sixty-five of the General Laws, may apply for an abatement thereof by filing a petition with the board of selectmen within the time allowed by law for filing an

application for abatement of the tax of which such charge is, or, if the real estate were not tax exempt, would have been, a part, and if the selectmen find that such charge is more than is properly due, a reasonable abatement shall be made; and except as otherwise provided herein, the provisions of chapter fifty-nine of the General Laws relative to the abatement of taxes by assessors shall apply, so far as applicable, to abatements hereunder. If such petition is denied in whole or in part, the petitioner may appeal to the appellate tax board upon the same terms and conditions as a person aggrieved by the refusal of the assessors of a city or town to abate a tax.

SECTION 9. All money received by the town of Oxford from charges collected under this act shall be deposited in the town treasury and shall be kept in a fund separate from all other monies of said town and, notwithstanding the provisions of section fifty-three of chapter forty-four of the General Laws, shall be expended at the direction of the board of selectmen without further appropriation for the payment of costs incurred by the town, including administrative costs, in providing facilities under this act.

SECTION 10. This act shall become effective upon its acceptance by the town of Oxford at an annual or special town meeting called for such purpose.

Approved October 15, 1982.

Chap. 424. AN ACT FURTHER DEFINING A DEPENDENT CHILD IN ACCORDANCE WITH FEDERAL LAW FOR THE PURPOSE OF ELIGIBILITY FOR PUBLIC ASSISTANCE AND TO PROVIDE EDUCATIONAL GRANTS.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 118 of the General Laws is hereby amended by striking out the definition of "Dependent child", as amended by section 171 of chapter 351 of the acts of 1981, and inserting in place thereof the following definition:-

"Dependent child", a needy child who has been deprived of parental support or care by reason of the death, continued absence from the home, physical or mental incapacity or the unemployment of a parent, and who is living with his father, mother or other parent in a place of residence maintained by one

or more of such relatives as his or their own home and who is under the age of eighteen or who is eighteen and a full-time student in a secondary school or in the equivalent level of vocational or technical training and who may reasonably be expected to complete such program before reaching age nineteen.

SECTION 2. The department of public welfare shall provide financial assistance in the form of an educational grant to those children between the ages of eighteen and twenty-one who are full-time students in a secondary school or the equivalent level of vocational or technical training and whose AFDC grants are terminated because they did not complete or could not be reasonably expected to complete such program of education or training before their nineteenth birthday.

Such assistance shall be paid to the child in an amount equal to the incremental increase included in the "Table of Standards of Assistance" for the AFDC program. It shall continue for so long as the child remains a full-time student in good standing until the age of twenty-one.

The assistance shall be terminated prior to the age of twenty-one if: (1) the child ceases to attend the school or participate in the equivalent level of vocational or technical training as a full-time student, or (2) the child graduates from the school or completes the equivalent level of vocational or technical training.

Notwithstanding the provisions of any general or special law to the contrary, said department is hereby authorized and directed to make expenditures from appropriation item 4403-2000 of section two of chapter one hundred and ninety-one of the acts of nineteen hundred and eighty-two for the purpose of providing such assistance to eligible children.

SECTION 3. Section 2 of chapter 191 of the acts of 1982 is hereby amended by striking out item 4409-3000 and inserting in place thereof the following item:- 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 in an amount not to exceed forty million dollars shall be in addition to the amount appropriated herein; provided that the department shall file on a quarterly basis a report of the caseload and expenditures of this program; prior appropriation continued.

Approved October 15, 1982.

EMERGENCY LETTER - October 18, 1982 @ 10:33 A.M.

Chap. 425. AN ACT RELATIVE TO INVESTMENTS OF LIFE INSURANCE COMPANIES.

Be it enacted, etc., as follows:

SECTION 1. Section 63 of chapter 175 of the General Laws is hereby amended by striking out paragraph 14A, as most recently amended by chapter 201 of the acts of 1967, and inserting in place thereof the following paragraph:-

14A. In the bonds, notes or other evidences of indebtedness issued, assumed or guaranteed by companies incorporated under the laws of the United States, or any state thereof, or of the Dominion of Canada or any province thereof, or of associations or trusts as defined in section one of chapter one hundred and eighty-two, whose average net earnings during the five fiscal years next preceding the date of investment have been not less than (1) two times the averave fixed charges for said period if such company, association or trust is not engaged in wholesale, retail, installment, commercial or consumer financing, factoring or the small loan business, or is not a bank chartered or incorporated under the laws of the United States or any state thereof; or (2) one and one-quarter times the average fixed charges for said period if such company, association or trust is so engaged or is a bank chartered or incorporated under the laws of the United States or any state thereof. No more than one-half of the capital of any domestic company, other than life, and not more than one-half of the reserve of any domestic stock or mutual life company may be invested under this paragraph, and not more than thirty-five per cent of the assets of a life company may be invested under clause (2). "Net earnings", as used in this paragraph, shall mean net income after deducting operating and maintenance expenses, taxes other than federal, state, dominion and provincial income taxes, depreciation and depletion, but excluding extraordinary non-recurring items of income or expense appearing in the regular financial statements of the issuing company or such association or trust, as the case may be. "Fixed charges", as used in this paragraph, shall include interest on all debt and annual apportionment of debt discount or premium, but in the case of a bank or trust company interest paid by such institution upon any deposit or any certificate or other evidence of a deposit shall not be deemed a

fixed charge of such institution.

SECTION 2. Said section 63 of said chapter 175 is hereby further amended by striking out paragraph 14C, as most recently amended by chapter 266 of the acts of 1969, and inserting in place thereof the following paragraph:-

14C. In bonds, notes or other evidences of indebtedness secured by assignment of a lease or leases, or the rentals payable under such leases, of real or personal property to (1) the United States of America or any instrumentality thereof or any state of the United States or any county, city, town, school or water district, authority or other political subdivision in any such state; or (2) one or more companies incorporated under the laws of the United States or any state thereof, or of the Dominion of Canada or any province thereof, or one or more associations or trusts as defined in section one of chapter one hundred and eighty-two; provided, however, that (a) the fixed rentals assigned shall be sufficient to repay the indebtedness within the unexpired term of the lease, exclusive of the term which may be provided by an enforceable option of renewal; (b) the average net earnings of any lessee under clause (2), or of any such company, association or trust assuming or guaranteeing said lease, during the five fiscal years preceding the date of investment have not been less than two times the average fixed charges for said period if such company, association or trust is not engaged in wholesale, retail, installment, commercial or consumer financing, factoring or the small loan business, or is not a bank chartered or incorporated under the laws of the United States or any state thereof; or one and one-quarter times the average fixed charges for said period if such company, association or trust is so engaged or is a bank chartered or incorporated under the laws of the United States or any state thereof; (c) any county, city, town, school or water district or political subdivision located outside the commonwealth to qualify as a lessee under clause (1) must satisfy requirements as to either population or debt limitation as provided in subclauses (b) and (c) of clause (2) of this section; (d) a first lien on the interest of the lessor in the unencumbered property so leased shall be obtained as additional security for the indebtedness; and (e) no company shall invest in such indebtedness if the aggregate balance of all outstanding investments held under this paragraph would thereby exceed ten per cent of the assets of such company. As used in this paragraph "net earnings" and "fixed charges" shall have the same meanings as set forth in paragraph 14A, and "unencumbered" shall have the same meaning as set forth in paragraph 7.

SECTION 3. Said section 63 of said chapter 175 is hereby further amended by striking out paragraph 14F, as most recently amended by section 4 of chapter 547 of the acts of 1976, and inserting in place thereof the following paragraph:-

14F. In equipment or chattels or in instruments evidencing interests therein, or in obligations secured thereby; provided, that (a) any such property or property interest is acquired for or subject to lease, installment sale or other similar disposition to (1) the United States of America or any instrumentality thereof of any state of the United States or any county, city, town, school or water district, authority or other political subdivision in any such state, or (2) one or more companies incorporated under the laws of the United States or any state thereof, or of the Dominion of Canada or a province thereof, or one or more associations or trusts as defined in section one of chapter one hundred and eighty-two, whose average net earnings during the five fiscal years next preceding the date of investment have been not less than two times the average fixed charges for said period if such company, association or trust is not engaged in wholesale, retail, installment, commercial or consumer financing, factoring or the small loan business, or is not a bank chartered or incorporated under the laws of the United States, or any state thereof, or one and one-quarter times the average fixed charges for said period if such company, association or trust is so engaged or, is such a bank, or (3) one or more companies engaged directly and primarily in the production, distribution, transmission or sale of electricity or gas, or in the operation of telephone or telegraph systems or water works located wholly or in part in any state of the United States or in any province of the Dominion of Canada, the issue of which is subject to the jurisdiction of a federal, state, dominion, or provincial commission or other regulatory body, the net earnings available for fixed charges of the issuing company during each of any three, including the last two, of the five fiscal years next preceding the date of investment, having been for telephone and telegraph systems and electric light or power companies not less than twice the fixed charges, for gas companies not less than two and one-half times the fixed charges and for water companies not less than one and one-half times the fixed charges, (b) any county, city, town, school or water district or political subdivision located outside the commonwealth, as set forth under clause (1), shall satisfy the requirements as to population or debt limitation as set forth in subclauses (b) and (c) of clause (2) of this section; (c) any right to receive rental, purchase or other fixed obligatory payments for the use or purchase of such equipment of chattels shall be for a period

of not less than five years; and (d) no company shall acquire such property or property interest if the cost thereof plus the aggregate book value of all such property or property interests held under this paragraph at the time of any such acquisition exceeds five per cent of the assets of such company. As used in this paragraph, "net earnings" and "fixed charges" shall have the same meanings as set forth in paragraph 14A.

Approved October 15, 1982.

Chap. 426. AN ACT ABOLISHING THE PARK COMMISSION AND ESTABLISHING A PARKS AND RECREATION COMMISSION IN THE CITY OF NEWTON.

Be it enacted, etc., as follows:

The board of park commissioners in the city of Newton is hereby abolished. The recreation commission of the city of Newton shall hereinafter have all the rights, powers, duties and obligations of a park commission as set forth in chapter forty-five of the General Laws, and as established by the revised ordinances of the city of Newton. The recreation commission of said city shall hereinafter be known as the parks and recreation commission.

Approved October 15, 1982.

Chap. 427. AN ACT ESTABLISHING THE OFFICE OF TREASURER-COLLECTOR OF TAXES IN THE TOWN OF MILLVILLE.

Be it enacted, etc., as follows:

The office of treasurer-collector of taxes of the town of Millville is hereby established. Said treasurer-collector of taxes shall be appointed by the board of selectmen of said town for a term not to exceed three years and shall perform all duties hereinbefore performed by the treasurer and tax collector of said town and shall have such other powers and duties as may from time to time be established. Said town may establish by by-law such qualifications for such office as deemed necessary and appropriate. Any vacancy in the office may be filled in like manner for the unexpired portion of the office.

Approved October 15, 1982.

EMERGENCY LETTER - October 18, 1982 @ 10:33 A.M.

Chap. 428. AN ACT AUTHORIZING THE CITY OF WESTFIELD TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO THE WESTFIELD AIRPORT COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the city of Westfield is hereby authorized to issue to the airport commission of the city of Westfield a license for the sale of all alcoholic beverages under the provisions of section twelve of said chapter one hundred and thirty-eight, to be exercised solely at Westfield Barnes airport located in said city and under the control of said commission; provided, however, that such license shall not be transferable. Said license shall be subject to all the provisions of said chapter one hundred and thirty-eight except said section seventeen.

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

Approved October 18, 1982.

Chap. 429. AN ACT EXEMPTING CERTAIN MATERIALS FROM THE RETAIL SALES TAX.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (p) 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 further amended by inserting after the word "business", in line 5, the following words:- or for animals produced for research, testing, or other purposes relating to the promotion or maintenance of the health, safety or well being of human beings or animals.

SECTION 2. Paragraph (r) of said section 6 of said chapter 64H, as appearing in section 45 of chapter 555 of the acts of 1971, is hereby amended by inserting after the word "pipes", in line 10, the following words:- in the production of animals for research, testing, or other purposes relating to the promotion or maintenance of the health, safety or well being of human beings or animals.

SECTION 3. Paragraph (s) of said section 6 of said

chapter 64H, as so appearing, is hereby amended by inserting after the word "pipes", in line 8, the following words:- in the production of animals for research, testing, or other purposes relating to the promotion or maintenance of the health, safety or well being of human beings or animals.

SECTION 4. Said section 6 of said chapter 64H is hereby further amended by adding the following paragraph:-

(ii) Rental receipts or charges in connection with service contracts by and between waste service firms and customers for the use, maintenance and repair of refuse containers or bins placed on customers premises by waste service firms.

Approved October 18, 1982.

Chap. 430. AN ACT REQUIRING REPAYMENT OF CERTAIN WELFARE ASSISTANCE PAYMENTS FROM THIRD PARTY PAYMENTS.

Be it enacted, etc., as follows:

SECTION 1. Section 5G of chapter 18 of the General Laws, inserted by section 52 of chapter 363A of the acts of 1977, is hereby amended by striking out the first paragraph and inserting in place thereof the following three paragraphs:-

In this section, the word "claimant" shall mean any person who suffers any loss from property damage, accident, illness, injury or otherwise for which monies may be provided by liability insurance, workmen's compensation, or any other third party.

When any claimant receives payment from a liability or workmen's compensation insurer or any other third party, the claimant shall repay to the department an amount equal to the benefits provided under any program of assistance administered by the department to or on behalf of the claimant, the claimant's spouse or children, or any individual whom the claimant is required by law to support, but only to the extent that such benefits were provided as a result of the property damage, accident, illness, injury or other loss suffered by the claimant; and the application for and receipt of such benefits shall, after notification has been given to the third party, operate as a lien to secure repayment against monies which may be provided by liability insurance, workmen's compensation, or any other third party up to the amount of such benefits.

If benefits are provided under any program of assistance administered by the department as a result of property damage,

accident, illness, injury, or other loss for which a third party may be liable, the department shall require the person receiving such benefits to assign to the commonwealth an amount equal to the benefits so provided from the proceeds of any such claim against the third party.

SECTION 2. Section 8 of chapter 117 of the General Laws, as appearing in chapter 908 of the acts of 1971, is hereby amended by striking out the second paragraph.

SECTION 3. Section 11 of chapter 118 of the General Laws is hereby amended by striking out the third paragraph, as most recently amended by section 22 of chapter 885 of the acts of 1969.

SECTION 4. Section 16 of chapter 118E of the General Laws, as appearing in section 1 of chapter 800 of the acts of 1969, is hereby amended by striking out the second paragraph.

SECTION 5. Section 17 of said chapter 118E, as so appearing, is hereby amended by striking out the second paragraph.

SECTION 6. Section 47 of chapter 152 of the General Laws, as most recently amended by section 4 of chapter 428 of the acts of 1981, is hereby further amended by adding the following sentence:- The division shall permit a veteran's agent, the commissioner of veteran's services, and the department of public welfare to inspect the records of the division to ascertain the existence of a claim for personal injuries filed with the division by any employee under this chapter and the existence of any assignment, attachment, or liability for debts permitted under the provisions of this section.

Approved October 18, 1982.

EMERGENCY LETTER - October 19, 1982 @ 9:34 A.M.

Chap. 431. AN ACT AUTHORIZING THE CITY OF BOSTON TO ISSUE A LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES TO THE ORIENT HEIGHTS YACHT CLUB.

Be it enacted, etc., as follows:

Nothwithstanding any limitations on the number of licenses

to be issued under the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, but subject to all other provisions of said chapter, the licensing board of the city of Boston is hereby authorized to issue to The Orient Heights Yacht Club of the East Boston section of the city of Boston, an annual seven-day club all alcoholic beverage license.

Approved October 18, 1982.

Chap. 432. AN ACT RELATIVE TO THE USE OF PROCEEDS FROM THE SALE OF CERTAIN REAL ESTATE BY THE CITY OF MEDFORD.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section sixty-three of chapter forty-four of the General Laws or any other provision of law to the contrary, the city of Medford is hereby authorized to expend for any governmental purposes, the proceeds from the sale of real estate known as Old Medford High School, located on Forest street in said city; provided, however, that there is no indebtedness outstanding relative to such real estate at the time of such sale.

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

Approved October 19, 1982.

Chap. 433. AN ACT FURTHER REGULATING REGISTRATION RECIPROCITY FOR RECREATIONAL VEHICLES.

Be it enacted, etc., as follows:

Chapter 90B of the General Laws is hereby amended by striking out section 30, as amended by section 51 of chapter 572 of the acts of 1980, and inserting in place thereof the following section:-

Section 30. A recreational vehicle owned by a resident in another state may be deemed to be registered in the commonwealth if it is registered in accordance with the laws of the state in which the owner of such vehicle resides, but only to the extent that a similar registration exemption or privilege is granted under the laws of said state for recreational vehicles registered in the commonwealth; provided, however, that the

commissioner of fisheries, wildlife and recreational vehicles shall designate which states shall be granted said exemption or privilege.

Approved October 19, 1982.

Chap. 434. AN ACT PROVIDING FOR RECALL AND REMOVAL ELECTIONS IN THE TOWN OF MEDWAY.

Be it enacted, etc., as follows:

SECTION 1. Any holder of an elective office in the town of Medway may be recalled and removed therefrom by the qualified voters of the town as herein provided.

SECTION 2. Two per cent of the qualified voters of the town may make and file with the town clerk an affidavit containing the name of the officer sought to be recalled and removed and a statement of the grounds of removal. The town clerk shall thereupon deliver to said voters 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 thirty days after the filing of the affidavit. Said petition before being returned and filed shall be signed by ten per cent of the 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 Thursday 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 such 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 sought to be removed may be a candidate to succeed himself 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 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 recall 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 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 removal 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 removal election shall submit the following propositions in the order indicated:

For the removal of (name of officer)

Against the removal 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 hereinbefore provided.

If a majority of the votes cast on the recall question is in the affirmative, then the candidate that received the highest number

of votes in the special election to fill the vacancy shall be elected. If a majority of the votes on the question is in the negative, the ballots for candidates to fill the potential vacancy need not be counted.

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 such 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 Medway at the next annual town election or a special election, whichever occurs first, in the form of the following question:-

"Shall an act passed by the General Court in the year nineteen hundred and eighty-two, entitled 'An Act providing for recall and removal elections in the town of Medway', be accepted?"

If a majority of votes cast in answer to said question is in the affirmative, this act shall take effect, but not otherwise.

Approved October 19, 1982.

Chap. 435. AN ACT PROVIDING PLANNING ASSISTANCE TO THE TOWN OF DANVERS.

Be it enacted, etc., as follows:

Section 2 of chapter 241 of the acts of 1982 is hereby amended by inserting after item 3745-3000 the following item:-

3746-1000 For a grant for planning activities in the town of Danvers in connection with the recovery from the fire of August twentieth, nineteen hundred and eighty-two. Said funds to be allocated by the town manager and the board of selectmen of the town of Danvers to the Danvers office of communities and development. Said appropriation will expire June thirtieth, nineteen hundred and eighty-three $80,000.

Approved October 19, 1982.

Chap. 436. AN ACT RELATIVE TO THE MEMBERSHIP OF THE GROUP INSURANCE COMMISSION.

Be it enacted, etc., as follows:

Section 3 of chapter 32A of the General Laws is hereby amended by striking out the first two sentences, as amended by chapter 958 of the acts of 1977, and inserting in place thereof the following two sentences:- There shall be established within the executive office for administration and finance, but not under its jurisdiction, a special unpaid commission, to be known as the group insurance commission, consisting of the commissioner of administration and finance, the commissioner of insurance, and nine members to be appointed by the governor, one of whom shall be a retired state employee, and at least three of whom shall be full time state employees, one of whom shall be a member of the Massachusetts Public Employees Council, #93, AFSCME, AFL-CIO, one of whom shall be a member of the Massachusetts State Employees Association, NAGE, one of whom shall be a member of Local 254, S.E.I.U., AFL-CIO, and one of whom shall be a health economist. Not more than five appointive members of the commission shall be members of the same political party.

Approved October 20, 1982.

EMERGENCY LETTER October 21, 1982 @ 11:47 A.M.

Chap. 437. AN ACT ENLARGING THE POWERS OF CERTAIN EMPLOYEES OF THE PAROLE BOARD APPOINTED AS SPECIAL STATE POLICE OFFICERS.

Be it enacted, etc., as follows:

Section 127 of chapter 127 of the General Laws, as most recently amended by chapter 754 of the acts of 1965, is hereby further amended by adding the following sentence:- Such special state police officers of the parole board may also perform police duties: (1) when on official duty as a parole officer and in the company of an on-duty police officer or state police officer during the course of such police officers official duties; (2) to serve arrest warrants issued by any court in the commonwealth for the arrest of any person charged with any crime; and (3) when arresting parolees pursuant to warrants or detainers of the parole board or transporting said parolees, over individuals who attempt or threaten to interfere with such special

state police officers of the parole board in the performance of their duties.

Approved October 20, 1982.

Chap. 438. AN ACT AUTHORIZING THE CITY OF REVERE TO PAY AN ANNUITY TO THERESA CONLEY, THE WIDOW OF A FORMER FIREFIGHTER OF SAID CITY.

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 Revere is hereby authorized to appropriate and pay to Theresa Conley the widow of Richard Conley, a former firefighter of said city, an annuity for life, as long as she remains unmarried, the sum of one thousand six hundred and eighty dollars annually.

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

Approved October 25, 1982.

Chap. 439. AN ACT RELATIVE TO THE CONDITIONS FOR ADMISSION OF FOREIGN LIFE INSURANCE COMPANIES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately change the condition for admission of foreign life insurance companies, therefore 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 132G of chapter 175 of the General Laws is hereby amended by striking out the paragraph inserted by section 10 of chapter 642 of the acts of 1970 and inserting in place thereof the following paragraph:-

Notwithstanding any other provisions of law, if the company is a subsidiary of an admitted life insurance company, or affiliated with such company through common management or ownership, it may be deemed by the commissioner to have satisfied the provisions of the preceding paragraph, and that part of section one

hundred and fifty-three requiring that the company has been issuing life insurance policies or annuity contracts during each of at least the preceding three years, if either it or such admitted life company satisfies the aforementioned provisions; provided, however, that such admitted life company has a satisfactory record of doing business in this commonwealth for a period of at least three years.

SECTION 2. Said chapter 175 is hereby further amended by striking out section 153, as amended by section 4 of chapter 202 of the acts of 1962, and inserting in place thereof the following section:-

Section 153. A company organized under the laws of any other state of the United States for the transaction of life insurance may, subject to all provisions of section one hundred and fifty-one so far as applicable to a life company, be admitted and authorized to do business in this commonwealth if it has been issuing life insurance policies or annuity contracts during each of at least the preceding three years; provided, however, that if it is a stock company it shall comply with the financial requirements specified in sections forty-eight and fifty-one; and provided further, that if it is a mutual company it shall comply with the financial requirements specified in sections fifty-four and ninety-three E.

Notwithstanding any other provisions of law to the contrary, if the company is a majority-owned subsidiary of a domestic or an admitted life company, it shall be deemed to have satisfied the three years' policy issuance requirement contained in the first paragraph; provided, however, that the domestic or admitted life company satisfies the provisions of the first paragraph; and, provided further, that the commissioner determines that such domestic or admitted life company has a satisfactory record of doing business in the commonwealth during the preceding three years. For purposes of this section, a company shall be a majority-owned subsidiary of a domestic or an admitted life company only if a majority of the total issued and outstanding voting stock of such company is owned either directly by the domestic or admitted life company or indirectly by the domestic or admitted life company through one or more companies, the majority of the issued and outstanding voting stock of each of which is owned by its immediate parent.

Any such company organized under the laws of a state or government other than one of the United States may be so admitted and authorized, subject to all the provisions of section one hundred and fifty-one as aforesaid, if, in addition to fulfilling all the requirements of this section, it complies with section one

hundred and fifty-five, and if it shall have and keep on deposit as provided in section one hundred and fifty-five or in the hands of trustees as provided in section one hundred and fifty-six, in exclusive trust for the security of its contracts with policyholders in the United States, funds of an amount equal to the net value of all its policies in the United States, less all indebtedness thereon, and not less than four hundred thousand dollars.

Approved October 25, 1982.

Chap. 440. AN ACT RELATIVE TO THE PREVENTION OF WELFARE FRAUD.

Be it enacted, etc., as follows:

Section 5B of chapter 18 of the General Laws, as amended by chapter 475 of the acts of 1973, is hereby further amended by inserting after the word "representation", in line 2, the words:- or, contrary to a legal duty to do so, knowingly fails to disclose any material fact affecting eligibility or level of benefits.

Approved October 25, 1982.

Chap. 441. AN ACT RELATIVE TO WATER POLLUTION ABATEMENT FACILITY GRANTS.

Be it enacted, etc., as follows:

Section 30A of chapter 21 of the General Laws, as most recently amended by section 2 of chapter 286 of the acts of 1982, is hereby further amended by striking out the sixth sentence and inserting in place thereof the following sentence:- The division shall not award a grant under this section to a public entity which has accepted another such grant within the preceding two years, unless the division determines, in accordance with the priority system and list for a given fiscal year, that all other projects which are ready to proceed have been brought to the fundable list for such fiscal year.

Approved October 25, 1982.

EMERGENCY LETTER - October 26, 1982 @ 9:20 A.M.

Chap. 442. AN ACT AUTHORIZING THE TOWN OF KINGSTON TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES TO FERDINANDO L. BENOTTI AND OLGA Z. BENOTTI.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the town of Kingston is hereby authorized to issue to Ferdinando L. Benotti and Olga Z. Benotti d/b/a Benotti's Package Store in said town, a license for the sale of all alcoholic beverages not to be drunk on the premises 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 said section seventeen.

(The foregoing was laid before the Governor on the 14th day of October, 1982 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. 443. AN ACT AUTHORIZING THE TOWN OF PLYMOUTH TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES TO BENJAMIN F. GRISWOLD.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the town of Plymouth is hereby authorized to issue to Benjamin F. Griswold, d/b/a Plaza Package Store in said town, a license for the sale of all alcoholic beverages not to be drunk on the premises 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 said section seventeen.

(The foregoing was laid before the Governor on the 14th day of October, 1982 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. 444. AN ACT AUTHORIZING THE TOWN OF KINGSTON TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES TO KEITH A. WHITAKER.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the town of Kingston is hereby authorized to issue to Keith A. Whitaker d/b/a Whit's Market, a license for the sale of all alcoholic beverages not to be drunk on the premises 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 said section seventeen.

(The foregoing was laid before the Governor on the 14th day of October, 1982 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. 445. AN ACT AUTHORIZING THE TOWN OF BREWSTER TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES TO BRUCE A. GLIDDEN.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the town of Brewster is hereby authorized to issue to Bruce A. Glidden, d/b/a East End Store in said town, a license for the sale of all alcoholic beverages not to be drunk on the premises 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 said section seventeen.

(The foregoing was laid before the Governor on the 14th day of October, 1982 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. 446. AN ACT AUTHORIZING THE TOWN OF BREWSTER TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES TO LUKE'S OF BREWSTER, INC.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the town of Brewster is hereby authorized to issue to Luke's of Brewster, Inc. in said town, a license for the sale of all alcoholic beverages not to be drunk on the premises 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 said section seventeen.

(The foregoing was laid before the Governor on the 14th day of October, 1982 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. 447. AN ACT AUTHORIZING THE TOWN OF BREWSTER TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES TO KENNETH A. CULP AND LIDA H. CULP.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the town of Brewster is hereby authorized to issue to Kenneth A. Culp and Lida H. Culp, d/b/a Spirits and Things

in said town, a license for the sale of all alcoholic beverages not to be drunk on the premises 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 said section seventeen.

(The foregoing was laid before the Governor on the 14th day of October, 1982 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. 448. AN ACT AUTHORIZING THE TOWN OF MARSHFIELD TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES TO LEO'S BAKERY, INC.

Be it enacted., as follows:

SECTION 1. Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the town of Marshfield is hereby authorized to issue to Leo's Bakery, Inc., a license for the sale of all alcoholic beverages not to be drunk on the premises 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 said section seventeen.

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

(The foregoing was laid before the Governor on the 14th day of October, 1982 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. 449. AN ACT AUTHORIZING THE TOWN OF MARSHFIELD TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES TO H & M ENTERPRISES, INC.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the town of Marshfield is hereby authorized to issue to H & M ENTERPRISES, INC. d/b/a Green Harbor General Store, a license for the sale of all alcoholic beverages not to be drunk on the premises 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 said section seventeen.

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

(The foregoing was laid before the Governor on the 14th day of October, 1982 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. 450. AN ACT AUTHORIZING THE TOWN OF PLYMOUTH TO ISSUE ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES TO CEDARVILLE LIQUORS, INC., CORVINI PACKAGE STORE, INC., BARATTA'S PACKAGE STORE, INC., AND VINTNERS GROUP, LTD., INC.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the town of Plymouth is hereby authorized to issue to Cedarville Liquors, Inc., Corvini Package Store, Inc., Baratta's Package Store, Inc., and Vintners Group, Ltd., Inc., in said town, in each instance, a license for the sale of all alcoholic beverages not to be drunk on the premises under the provisions of section fifteen of said chapter one hundred and thirty-eight. Said licenses shall be subject to all the provisions of said chapter one hundred and thirty-eight except said section seventeen.

(The foregoing was laid before the Governor on the 14th day of October, 1982 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. 451. AN ACT INCREASING THE MEMBERSHIP OF THE BOARD OF DIRECTORS OF THE MASSACHUSETTS TECHNOLOGY PARK CORPORATION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide immediately for an increase in membership of the board of directors of the Massachusetts Technology Park Corporation, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 3 of chapter 40J of the General Laws, as appearing in section 1 of chapter 312 of the acts of 1982, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The corporation shall be governed and its corporate powers exercised by a board of directors, which shall consist of the secretary of manpower affairs, the secretary of administration, and the chancellor of the board of regents of higher education, or their designees, and twenty persons appointed by the governor, eight of whom shall be chief executive officers of post-secondary educational institutions or distinguished faculty members of their electronics engineering faculties, or other appropriate faculties, and among the eight shall be at least three representatives of public post-secondary educational institutions, and eight of whom shall be chief executive officers, chairpersons or chief engineers of businesses concerned with the design and manufacture of semi-conductor or microelectronics components or products of another technology which may come within the ambit of this chapter pursuant to the provisions of section six. Each director appointed by the governor shall serve for a term of five years and thereafter until his successor is appointed, except that in making the initial appointments the governor shall appoint four directors to serve for one year, four to serve for two years, four to serve for three years, four to serve for four years, and four to serve for five years. Any person appointed to fill a vacancy on the board shall be appointed in a like manner and shall serve for the unexpired term of the predecessor director. Any director shall be eligible for

reappointment. Any director may be removed by the governor for cause. Twelve directors shall constitute a quorum and the affirmative vote of a majority of the directors present and eligible to vote at a meeting shall be necessary for any action to be taken by the board. The directors shall serve without compensation, but each director shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties. The board shall meet at least four times in each year and shall have final authority over the activities of the corporation.

Approved November 8, 1982.

Chap. 452. AN ACT INCREASING THE MEMBERSHIP OF THE BOARD OF PHARMACY.

Be it enacted, etc., as follows:

Section 22 of chapter 13 of the General Laws, as most recently amended by chapter 1099 of the acts of 1971, is hereby amended by striking out the first two sentences and by inserting in place thereof the following three sentences:-

There shall be a board of registration in pharmacy, in the three following sections called the board, consisting of seven persons, who shall be residents of the commonwealth. Five of these persons shall be registered pharmacists and shall have had at least ten consecutive years of practical experience in the compounding and dispensing of physicians' prescriptions, and shall actually be engaged in the drug business. At the time of appointment to the board, one, but not more than one of said five persons shall be in the employ of a retail drug organization operating ten or more registered retail drug stores under the provisions of section thirty-nine of chapter one hundred and twelve.

Approved November 8, 1982.

EMERGENCY LETTER - November 8, 1982 @ 12:23 P.M.

Chap. 453. AN ACT AUTHORIZING THE REINSTATEMENT OF JAMES O'LEARY TO THE POSITION OF LIEUTENANT IN THE POLICE DEPARTMENT OF THE CITY OF CAMBRIDGE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law or any rule or regulation to the contrary, the personnel administrator, upon request of the appointing authority of the city of Cambridge, shall reinstate James O'Leary to the position of lieutenant in the police department of said city; provided, however, that the said appointing authority submits to the personnel administrator in writing reasons satisfactory to said administrator that such reinstatement would be in the public interest.

SECTION 2. Notwithstanding the provisions of chapter thirty-two of the General Laws or any other general or special law to the contrary, all money received by said James O'Leary pursuant to section five of said chapter thirty-two shall be refunded to the Cambridge retirement board.

Approved November 8, 1982.

Chap. 454. AN ACT AUTHORIZING THE TOWN OF ANDOVER AN ADDITIONAL TIME PERIOD TO ACT ON CERTAIN TAX ABATEMENTS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section sixty-three of chapter fifty-nine of the General Laws or any other general or special law to the contrary, if the board of assessors of the town of Andover fails to take action on an application for abatement for taxes levied for fiscal year nineteen hundred and eighty-two for a period of six months following the filing thereof, such board shall, within ten days after such period, notify the applicant of such inaction in writing.

SECTION 2. Notwithstanding the provisions of section sixty-four of chapter fifty-nine of the General Laws or any other general or special law to the contrary, for taxes levied for fiscal year nineteen hundred and eighty-two, whenever the board of assessors for the town of Andover, before which an application in writing for the abatement of a tax is or shall be pending, fails to act upon said application, except with the written consent of the applicant, upon the expiration of six months from the date of filing of such application, it shall then be deemed to be denied and said assessors shall have no further authority to

act thereon; provided, that during the period allowed for the taking of an appeal, said assessors may by agreement with the applicant abate the tax in whole or in part in final settlement of said application, and shall also have the authority granted to them by section seven of chapter fifty-eight A of the General Laws to abate in whole or in part, any tax as to which an appeal has been seasonably taken.

SECTION 3. This act shall take effect as of May seventh, nineteen hundred and eighty-two.

Approved November 8, 1982.

Chap. 455. AN ACT PROVIDING A NEW SALARY SCHEDULE FOR THE EXECUTIVE AND LEGISLATIVE AND JUDICIAL 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 thirty thousand dollars. The president of the senate and the speaker of the house of representatives shall each receive for each regular session sixty-five thousand dollars. The chairman of the senate committee on ways and means and the chairman of the house committee on ways and means shall each receive for each regular session fifty-five thousand dollars. The floor leaders of each of the major political parties in the senate and house of representatives shall each receive fifty-two thousand five hundred dollars. The assistant floor leader of the major political party of the senate shall receive thirty thousand dollars. The assistant floor leader of the minority political party in the senate and the assistant floor leader of each of the major political parties in the house of representatives, and the second assistant floor leaders of each of the major political parties in the senate and the house of representatives, 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, the senate chairman and the house chairman of the committee on post audit and oversight and the senate chairman and the house chairman

of the committee of taxation shall each receive forty-five thousand dollars. Other chairmen of committees of the house of representatives and the senate established by the joint rules or the house or senate rules, and the house vice chairman of the committee on post audit and oversight and the assistant vice chairman of the house committee of ways and means shall each receive thirty-seven thousand five hundred dollars; provided, however, that no chairman 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 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 seventy-five 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 sixty 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 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 said chapter 480, and inserting in place thereof the following sentence:- The state secretary shall receive a salary of sixty thousand dollars.

SECTION 5. 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 sixty thousand dollars.

SECTION 6. Section 1 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 sixty 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 7. 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 sixty-five thousand dollars.

SECTION 8. Section 22 of chapter 211 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 4 of chapter 632 of the acts of 1981, and inserting in place thereof the following sentence:- The chief justice of the court shall receive a salary of sixty-five thousand dollars and each associate justice a salary of sixty-two thousand five hundred dollars; and the chief justice and each associate justice shall annually receive from the commonwealth, upon the certificate of the chief justice, the amount of expenses incurred by them in the discharge of their duties.

SECTION 9. Section 2 of chapter 211A of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 6 of said chapter 632, and inserting in place thereof the following sentence:- The chief justice shall receive a salary of sixty-two thousand five hundred dollars and each associate justice a salary of sixty-two thousand five hundred dollars; and the chief justice and each associate justice

shall annually receive from the commonwealth, upon the certificate of the chief justice, the amount of expenses incurred by them in the discharge of their duties.

SECTION 10. Section 4 of chapter 211B of the General Laws is hereby amended by striking out the first three paragraphs, as amended by section 10 of said chapter 632, and inserting in place thereof the following three paragraphs:-

The salaries of the justices of the trial court shall be paid by the commonwealth. Each associate justice shall receive as a salary sixty thousand dollars.

The administrative justices of the superior court department, the land court department, the housing court department, the probate and family court department, the Boston municipal court department, the juvenile court department and the district court department shall receive sixty-two thousand five hundred dollars.

The chief administrative justice shall receive as a salary sixty-two thousand five hundred dollars.

SECTION 11. Notwithstanding the provisions of sections ninety-three and ninety-four of chapter two hundred and twenty-one of the General Laws, the provisions of section eight of this act shall not cause the salaries of the clerk of the supreme judicial court of the commonwealth and his assistants, or the clerk of the supreme judicial court for Suffolk county and his assistants to be increased.

SECTION 12. This act shall take effect on January fifth, nineteen hundred and eighty-three.

Approved November 10, 1982.

EMERGENCY LETTER - January 3, 1983 @ 1:36 P.M.

Chap. 456. AN ACT PROVIDING FOR A LEAVE OF ABSENCE FOR CHARLES H. PERENICK DURING HIS TERM AS UNITED STATES MARSHAL.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, there shall be and hereby is granted a leave of absence to Charles H. Perenick of the town of Winchester from his position as clerk magistrate of the Concord division of the district court department for the period of his appointment as United States Marshal for the District of Massachusetts. Said

leave is to be without pay. Time spent on said leave of absence shall not be credited to the said clerk magistrate for retirement purposes. During the period of said leave of absence of said Charles H. Perenick, first clerk Edward F. Salesky of the town of Concord shall be, and hereby is, designated acting clerk magistrate pro tempore of said Concord division of the district court department.

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

Approved November 12, 1982.

EMERGENCY LETTER 11/15/82 @ 10:39 A.M.

Chap. 457. AN ACT PROVIDING THAT CERTAIN LICENSES FOR THE PURPOSE OF PLACING AND MAINTAINING FILL AND STRUCTURES OVER CERTAIN TIDEWATERS IN THE CITY OF BOSTON BE MADE IRREVOCABLE.

Be it enacted, etc., as follows:

Chapter 564 of the acts of 1979 is hereby amended by adding the following three sections:-

Section 5. The general court hereby declares and finds that the land described in this chapter consists in part of historic flats and in part of historic submerged land; that the land bears a resulting cloud on title which causes serious impediments to the marketing and financing of improvements to the land; that the existing structures on the land were erected pursuant to licenses set forth in sections one to three inclusive; that such structures deteriorated with time and in their present condition no longer serve maritime commerce; that pedestrian and maritime access from the land to the edge of Boston Harbor is not obstructed; that renovation of such structures could be financed only if said cloud on title was removed and if said licenses were made irrevocable; and that the renewal of the property for any use permitted by the applicable zoning laws will serve a proper public purpose by assisting the economic revival of the city of Boston and promoting the use and enjoyment of Boston Harbor by the public, and will not be detrimental to the public navigation of the remaining waters of Boston Harbor.

Section 6. Any and all rights of the public and of the commonwealth in and to the flats and submerged land within the boundaries of that certain parcel of land described in section

three are declared relinquished and extinguished, subject only to the conditions set forth in section seven.

Section 7. The following conditions shall apply to said parcel of land described in section three:

(a) That the owner of the land agrees to forego filling of or construction over the waters of Boston Harbor which may lie within his property line but beyond the former U. S. pierhead line dated eighteen hundred and ninety-eight, being the same line as the former Mass. Harbor line dated eighteen hundred and eighty, as shown on the plan referenced in section four.

(b) That the owner in recognition of the public interests in the shores of the commonwealth shall, within three years from the effective date of this act construct and maintain public access to the edge of Fort Point Channel via a pedestrian walkway which shall be ten feet wide and extend a distance of approximately one hundred and ninety feet along the easterly side of the existing wooden wharf and directly abutting Congress street at its northeasterly side.

(c) If within three years from the effective date of this act and any time thereafter the owner fills in or constructs any building or wharf upon the existing open water between the end of the existing wooden wharf and the Bulkhead Line, the owner shall relocate said ten foot wide walkway referred to in paragraph (b) of section seven and construct and maintain a twenty foot wide pedestrian walkway for public access to the edge of Fort Point Channel for a distance of approximately one hundred and ninety-five feet along the easterly side of any such newly constructed area and directly abutting Congress street at its northeasterly side.

Approved November 17, 1982.

EMERGENCY LETTER - November 17, 1982 @ 3:17 P.M.

Chap. 458. AN ACT FURTHER REGULATING THE PENALTIES FOR THE MANUFACTURE, DISTRIBUTION AND DISPENSING OF CERTAIN CONTROLLED SUBSTANCES.

Be it enacted, etc., as follows:

Section 32 of chapter 94C of the General Laws, as amended by section 4 of chapter 436 of the acts of 1980, is hereby further amended by striking out paragraph (a) and inserting in place thereof the following paragraph:-

(a) Any person who knowingly or intentionally manufactures, distributes, dispenses, or possesses with intent to manufacture, distribute or dispense a controlled substance in Class A of section thirty-one shall be punished by imprisonment in the state prison for not more than ten years or in a jail or house of correction for not more than two and one-half years or by a fine of not less than one thousand nor more than ten thousand dollars, or by both such fine and imprisonment.

Approved November 17, 1982.

EMERGENCY LETTER - November 17, 1982 @ 3:17 P.M.

Chap. 459. AN ACT AUTHORIZING THE CITY OF BROCKTON TO USE A CERTAIN PARCEL OF CONSERVATION LAND FOR PARK AND RECREATIONAL PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 249 of the acts of 1981 is hereby amended by striking out, in lines 11 to 14, inclusive, the words "Northerly by Pearl Street 170 feet, more or less; Westerly by Plot 44-1 Pearl Street, 417 feet, more or less; Southerly 238.8 feet; and Easterly 412 feet, more or less, by Plot 43 Pearl Street to the point of beginning." and inserting in place thereof the following words:- Southerly by Torrey Street 550 feet more or less; Westerly and Southerly by a right of way on a remaining portion of said Plot 45 Pearl Street 350 feet more or less; Northwesterly by Plots 24 and 23-1 Torrey Street on said Plan, 370 feet more or less; and Easterly by the remainder of Plot 45 Pearl Street, 630 feet more or less.

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

Approved November 17, 1982.

EMERGENCY LETTER - November 18, 1982 @ 12:08 P.M.

Chap. 460. AN ACT RELATIVE TO THE RETIREMENT OF EMPLOYEES OF THE LYNN WATER AND SEWER COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. Section 6 of chapter 381 of the acts of 1982 is hereby amended by striking out the second paragraph and inserting in place thereof the following two paragraphs:-

Every employee who immediately prior to being transferred to the commission by this section is a member of the Lynn contributory retirement system established under chapter thirty-two of the General Laws, or predecessor retirement systems thereto, shall continue to be a member thereof and subject to the laws applicable thereto. All other employees of the commission shall be required to become members of the Lynn contributory retirement system in the same manner and subject to the same laws, rules and regulations as persons entering the employ of the city. The commission shall deduct from the wages of its employees and pay over to the Lynn retirement board such sums as the city would deduct and pay over if such person were an employee of the city.

The commission shall reimburse the city for its proportionate share of any amounts expended by the city under the provisions of chapter thirty-two of the General Laws for retirement allowances to or on account of employees of the commission.

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

Approved November 18, 1982.

Chap. 461. AN ACT AUTHORIZING THE TOWN OF SCITUATE TO SELL A PORTION OF A PARCEL OF LAND ACQUIRED BY THE TOWN FOR PARK AND OTHER PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Scituate is hereby authorized to sell and convey, for the sum of two thousand seven hundred and twelve dollars, a portion of the old railroad right of way in the North Scituate section of said town, bounded and described as follows:-

Northwesterly by Hollett Street, 17.43 feet;
Northeasterly by land of Town of Scituate, formerly of New York, New Haven & Hartford Railroad Company, 128.17 feet;
Southeasterly by land of Richard T. Cresswell, 17.09 feet;
Southwesterly by other land of said Cresswell, 127 feet;
Containing approximately 2,106 square feet;

being a portion of the land acquired by the said Town of Scituate

for park and other purposes from the court-appointed trustees of the New York, New Haven and Hartford Railroad Company, and described in a deed recorded in the Plymouth county registry of deeds, Book 3493 on Page 78.

SECTION 2. The action taken by the town of Scituate under Article 17 of the town warrant for the town meeting of said town, held on April fifth, nineteen hundred and eighty-two, is hereby validated and confirmed as though section one of this act was in effect at the time of the posting of the warrant for said meeting.

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

Approved November 18, 1982.

Chap. 462. AN ACT AUTHORIZING AN ADDITIONAL TIME PERIOD FOR THE CITY OF NEWTON TO ADD OMITTED PROPERTY TO THE TAX LIST FOR FISCAL YEAR NINETEEN HUNDRED AND EIGHTY-TWO.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section seventy-five of chapter fifty-nine of the General Laws or any other general or special law to the contrary, if any portion of the real or personal estate of a person, to an amount not less than one hundred dollars and liable to taxation, has been omitted from the annual assessment of taxes for fiscal year nineteen hundred and eighty-two by the city of Newton the assessors for said city shall, at such time as the commissioner may in writing approve, but not later than December twenty-eighth, nineteen hundred and eighty-two, assess such person for such estate. Valuations of all or a portion of any estate attributable to clerical or data processing errors shall be construed as omitted assessments and subject to the provisions of this section. The taxes so assessed shall be entered on the fiscal year nineteen hundred and eighty-two tax list of the collector for said city who shall collect and pay over the same. The assessors of said city shall also deliver to the collector their warrants for the collection of all taxes so entered on the tax list. Such additional assessment shall not render the tax of said city invalid although its amount, in consequence thereof, shall exceed the amount authorized by law to be raised.

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

Approved November 18, 1982.

EMERGENCY LETTER - November 19, 1982 @ 9:39 A.M.

Chap. 463. AN ACT DISSOLVING THE KALMIA WOODS WATER DISTRICT AND TRANSFERRING ITS FUNCTION TO THE TOWN OF CONCORD.

Be it enacted, etc., as follows:

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

SECTION 2. The Kalmia Woods Water District established by said chapter three hundred and fifty-seven is hereby dissolved, and, without any further consequence or other action, the records, property and assets of said district are hereby transferred to the town of Concord and the obligations, indebtedness and liabilities of said district shall be obligations of the town.

SECTION 3. The provisions of this act shall not affect any act performed, ratified or confirmed by said district or any of its officers prior to the effective date of this act, nor any right accrued or established, nor any action, suit or proceeding commenced or had in a civil case, nor shall this act impair the validity of any notes, bonds or other obligations of said district outstanding on said date. Any indebtedness incurred by said district and outstanding on the effective date of this act shall be indebtedness of said town.

SECTION 4. This act shall take effect at such time within one year after its passage, as the board of selectmen of said town may by majority vote accept the provisions hereof, having determined that all necessary improvements have been made or provided for, so that said district can be dissolved and its function taken over by the town.

Approved November 18, 1982.

Chap. 464. AN ACT PROVIDING THAT A CERTAIN LICENSE TO FILL AND MAINTAIN EXISTING FILL OR STRUCTURES IN CERTAIN TIDEWATER OF THE TAUNTON RIVER IN THE CITY OF FALL RIVER BE IRREVOCABLE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the following license numbered 828 issued by the division of waterways in the department of environmental quality engineering which includes the following license numbers issued by the harbor and land commissioners including license numbers 340, 341, 939, 1552, 2614, 2640, 2694, 2695 and 2839, and the following license numbers issued by the department of public works including license numbers 38, 2251 and 2700, recorded with the Bristol county registry of deeds on Book 1394 Page 69 - 73, to fill or maintain existing fill and to maintain certain bulkheads, seawalls and riprap on land in the city of Fall River described as part of or adjacent to land shown on said city's assessor's plot numbers N-15-1 through N-15-9 are deemed to have been granted in the public interest and are declared to presently serve the public interest and are hereby deemed to be irrevocable. The seaward perimeter of said fill is described and bounded, according to said plan, as follows:
Commencing at a point along the northerly side of Ferry Street in said Fall River, at a corner of property of Northeast Products Co., thence running northerly 408.9 feet; thence turning westerly 368.61 feet; thence turning northeasterly approximately 352 feet; thence turning easterly approximately 44 feet; thence turning northerly 391.30 feet; thence turning northeasterly 382.11 feet; thence turning easterly approximately 136 feet; thence turning northeasterly approximately 180 feet; thence turning northerly approximately 36 feet; thence turning easterly approximately 30 feet to a corner of property of the Penn Central Company.

SECTION 2. In the event of a taking of any land referred to in this act by the commonwealth or any of its political subdivisions within ten years after the effective date of this act, the damages recoverable by reason of such taking shall not exceed the actual cost of acquisition of such land by the owner from whom the taking is made, together with the cost to such owner of any buildings or improvements thereon, with interest at four per cent annually from the date of any such acquisition, or the date such other cost was incurred.

SECTION 3. The present and proposed usage of such land and tidewaters referred to in section one, is hereby declared to serve the public good. Therefore, any and all rights of the public and of the commonwealth in and to the land in the city of Fall River which is the subject matter of the license referred to

in section one are hereby declared extinguished. Any charges assessed on the tidewater displacement relative to the issuance of the license pursuant to this act are hereby waived.

Approved November 18, 1982.

EMERGENCY LETTER - November 22, 1982 @ 11:24 A.M.

Chap. 465. AN ACT VALIDATING A CERTAIN PROCEEDING AT THE ANNUAL TOWN MEETING OF THE TOWN OF BERKLEY IN THE YEAR NINETEEN HUNDRED AND EIGHTY-TWO.

Be it enacted, etc., as follows:

SECTION 1. All actions taken by the town of Berkley relative to Article 16 at its annual town meeting held on June fourteenth, nineteen hundred and eighty-two, and all actions subsequently taken pursuant thereto, are hereby validated, confirmed and ratified, notwithstanding that the approval of said Article 16, being less than unanimous, was not evidenced by an actual vote count.

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

Approved November 19, 1982.

Chap. 466. AN ACT AUTHORIZING THE TOWN ADMINISTRATOR OF THE TOWN OF SCITUATE TO APPOINT AND REMOVE TOWN EMPLOYEES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town administrator of the town of Scituate shall have the power and authority to appoint and to remove all department heads, officers, subordinates and employees of said town, except as otherwise provided in its home rule charter.

SECTION 2. All actions heretofore taken by the board of selectmen and the town administrator of said town pursuant to the provisions of the charter of said town are hereby ratified, confirmed and validated to the same extent as if this act had been in force at the time any such action was taken.

SECTION 3. Nothing in this act shall be deemed to limit in any way the authority of the town of Scituate to amend or to

revise its charter in accordance with the provisions of chapter forty-three B of the General Laws.

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

Approved November 19, 1982.

Chap. 467. AN ACT PROVIDING FOR THE CLASSIFICATION OF MICHAEL F. COSTELLO AS A PERMANENT FIREFIGHTER IN THE FIRE DEPARTMENT IN THE TOWN OF NORWOOD.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, Michael F. Costello, employed by the town of Norwood in its fire department as a provisional employee from October, nineteen hundred and eighty-one until separated from that position during the month of April, nineteen hundred and eighty-two, is hereby classified as a permanent employee as defined in section one of chapter thirty-one of the General Laws as if he had been appointed as such, thereby being entitled to all of the rights and privileges accorded permanent employees under said chapter thirty-one, including the right of reinstatement as provided in section thirty-nine of chapter thirty-one in order of seniority next following Michael McDonough and John Clapp.

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

Approved November 19, 1982.

Chap. 468. AN ACT AUTHORIZING THE CITY OF NEWTON TO SELL AND CONVEY A CERTAIN PARCEL OF LAND IN SAID CITY KNOWN AS THE CLAFLIN SCHOOL PROPERTY.

Be it enacted, etc., as follows:

SECTION 1. The city of Newton is hereby authorized to sell and convey a certain parcel of land located in said city, said parcel being any and all land known as the Claflin School property, containing approximately two hundred seventeen thousand three hundred twenty-three square feet in area, and with all improvements thereon, originally acquired by said city for school and school yard purposes, and located on Lowell avenue in the Newtonville section of said city of Newton.

The above described parcel is shown as Section 24, Block 25, Lot 9 on the books of the assessors of said city of Newton.

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

Approved November 19, 1982.

Chap. 469. AN ACT RELATIVE TO THE ISSUING OF SPECIAL ONE-DAY LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO NONPROFIT ORGANIZATIONS IN THE TOWN OF MILTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section fourteen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the town of Milton is hereby authorized to issue to the responsible manager of any nonprofit organization conducting an activity or enterprise special one-day licenses for the sale of all alcoholic beverages.

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

Approved November 19, 1982.

Chap. 470. AN ACT RELATIVE TO THE REGISTRATION OF CERTAIN LEASED VEHICLES.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 90 of the General Laws is hereby amended by striking out the definition of "Owner-repairman", as most recently amended by section 1 of chapter 238 of the acts of 1968, and inserting in place thereof the following definition:-

"Owner-repairman", any person who is not a manufacturer, dealer or repairman, and who owns or controls a fleet of ten or more motor vehicles or trailers which are used by him exclusively in his principal business, and who maintains an establishment with facilities for the repair, alteration or equipment of such motor vehicles or trailers.

SECTION 2. The second sentence of section 5 of said chapter 90, as most recently amended by section 1 of chapter 572 of the acts of 1979, is hereby further amended by inserting after the word "owned", in line 18, the words:- or controlled.

Approved November 19, 1982.

EMERGENCY LETTER - November 22, 1982 @ 11:26 A.M.

Chap. 471. AN ACT RELATIVE TO THE COLLECTION OF A FEE FOR CHILD SUPPORT ENFORCEMENT SERVICES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 262 of the General Laws is hereby amended by inserting after section 3 the following section:-

Section 3A. The district court department shall impose a fee for child support collection services furnished under chapter two hundred and seventy-three, two hundred and seventy-three A or any other chapter in which an individual may be ordered to pay support on behalf of another. The amount of the fee and the manner in which it is imposed shall be in accordance with the provisions of 42 USC Secs. 651 to 660, inclusive, of the Social Security Act.

SECTION 2. Said chapter 262 is hereby further amended by inserting after section 40 the following section:-

Section 40A. The probate and family court department shall impose a fee for child support collection services furnished under chapter two hundred and eight, two hundred and nine or any other chapter in which an individual may be ordered to pay support on behalf of another. The amount of the fee and the manner in which it is imposed shall be in accordance with the provisions of 42 USC Secs. 651 to 660, inclusive, of the Social Security Act.

Approved November 19, 1982.

Chap. 472. AN ACT FURTHER REGULATING REAL ESTATE INVESTMENT LIMITS BY INSURANCE COMPANIES.

Be it enacted, etc., as follows:

Section 66B of chapter 175 of the General Laws is hereby amended by striking out the fourth sentence, as amended by section 3 of chapter 438 of the acts of 1981, and inserting in place thereof the following sentence:- No real property shall be purchased, leased, acquired or improved under this section if the cost or value thereof, or the estimated cost of proposed improvements thereon, or both of them, as the case may be, would exceed two per cent of the assets of such company, except as otherwise approved by the commissioner, nor if any such cost or value, plus the book value on the date of such purchase, lease or acquisition thereof, of all real property held under this section, would exceed fifteen per cent of such assets, nor if any such cost or value, together with the book value on

such date of all real property held by the company, exclusive of real estate acquired for the convenient accommodation in the transaction of its business and real estate held pursuant to chapter one hundred and twenty-one A would exceed twenty per cent of its assets.

Approved November 19, 1982.

Chap. 473. AN ACT AUTHORIZING THE BOARD OF WATER AND SEWER COMMISSIONERS OF THE TOWN OF WARE TO REGULATE THE TOWN'S SEWER SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. Section 10 of chapter 75 of the acts of 1963, as amended by section 6 of chapter 386 of the acts of 1965, is hereby further amended by adding the following four sentences:- If any such annual rental or charge has not been paid in full within thirty days after the date on which payment of said rental or charge is due, the board may charge interest on the unpaid portion at a rate of no greater than eighteen per cent per annum. It shall be an unlawful use, as that term is used in section thirteen A of the town sewer system for a user to continue to use such system if any annual rental or charge has not been paid in full within sixty days after the date on which payment of said rental or charge is due. The board may also establish and collect appropriate application fees and permit fees from users or potential users of the sewer system or systems. Such fees shall not exceed two hundred dollars per application or permit.

SECTION 2. Said chapter 75 is hereby further amended by striking out section 11, as amended by section 7 of said chapter 386, and inserting in place thereof the following section:-

Section 11. The board of water and sewer commissioners shall have the power to enter into contracts in the name of the town in all matters concerning the laying out, construction, use, operation, maintenance, and regulation of the town's system or systems of sewerage and sewage treatment and disposal, including but not limited to the construction, use, operation, maintenance and regulation of the town's treatment plant. All contracts made by said board shall be signed by the board, but no contract shall be made or obligations incurred by said board for any purpose in excess of the amount of money appropriated by the town therefor.

SECTION 3. Section 12 of said chapter 75, as amended by section 8 of said chapter 386, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- Said board of water and sewer commissioners may, from time to time, prescribe rules and regulations regarding the use of common sewers to prevent the entrance or discharge therein of any substance which may tend to interfere with the flow of sewage or the proper operation of the sewerage system and the treatment and disposal works, for the construction, alteration, and use of all connections entering into such sewers, and for the inspection of all materials used therein.

SECTION 4. Said chapter 75 is hereby further amended by inserting after section 12 the following section:-

Section 12A. For each violation of a rule or regulation promulgated under section twelve, the board may prescribe a fine not exceeding two hundred dollars. Each day in which any such violation shall occur or continues shall be deemed a separate violation. The provisions of section thirteen of chapter eighty-three of the General Laws shall also apply so as to allow the restraint or other civil remedy of the unlawful use of the common sewers of the town, or the placing or depositing of materials therein or the violation of regulations regarding the use thereof promulgated by the board.

SECTION 5. 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 circumstance shall be held invalid or unconstitutional, such invalidity or unconstitutionality shall not effect any of the remaining provisions of this act or the application of such provisions to persons or circumstances other than those as to which it is held invalid.

SECTION 6. This act shall take effect upon its acceptance by the town of Ware within two years of the date of its passage by a majority vote at a special or annual town meeting, and if this act is not accepted at said town meeting within said period, it shall become null and void.

Approved November 19, 1982.

Chap. 474. AN ACT AUTHORIZING THE COMMISSIONER OF BANKS TO APPOINT THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION AS LIQUIDATING AGENT OF BANKS INSURED BY THAT CORPORATION.

Be it enacted, etc., as follows:

Section 26 of chapter 167 of the General Laws is hereby amended by adding the following three paragraphs:-

The commissioner may, under his hand and official seal, appoint the Federal Savings and Loan Insurance Corporation as the liquidating agent of a bank insured by the Federal Savings and Loan Insurance Corporation. Upon its acceptance of the appointment, the Federal Savings and Loan Insurance Corporation as liquidating agent shall acquire both legal and equitable title to all of the assets, rights or claims and to all of the real or personal property of the closed bank. The Federal Savings and Loan Insurance Corporation as liquidating agent shall have the power to perform all acts and duties of the commissioner in the liquidation of the closed bank. The commissioner shall petition the supreme judicial court sitting for the county where the principal office of such bank is located for an order confirming the appointment of the Federal Savings and Loan Insurance Corporation as liquidating agent of such bank.

When the Federal Savings and Loan Insurance Corporation accepts appointment as liquidating agent as provided herein and proposes a purchase and assumption resolution, the board of bank incorporation may exercise its authority under chapter one hundred and seventy without regard to notice of hearing requirements to effect such a resolution.

Whenever the Federal Savings and Loan Insurance Corporation pays or makes available for payment the insured deposit liabilities of a closed bank, it shall become subrogated to all of the rights of the owners of the deposits against the closed bank, whether or not it has become receiver thereof, in the same manner and to the same extent as it would be subrogated with respect to insured accounts under the provisions of the Federal Savings and Loan Insurance Corporation Act as amended.

Approved November 19, 1982.

Chap. 475. AN ACT RELATIVE TO THE OPERATION OF THE SCHOOL COMMITTEE IN THE TOWN OF BLACKSTONE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any law or charter to the contrary, there shall not be a school committee in the town of Blackstone unless said town by vote establishes a

school committee.

SECTION 2. The term of office of all persons currently serving on the school committee in the town of Blackstone shall terminate upon the effective date of this act.

SECTION 3. This act shall take effect as of July first, nineteen hundred and eighty-two.

Approved November 19, 1982.

Chap. 476. AN ACT FURTHER DEFINING THE LIABILITY OF MUNICIPALITIES FOR DAMAGE TO PRIVATE PROPERTY OCCURRING DURING A RIOT.

Be it enacted, etc., as follows:

Chapter 269 of the General Laws is hereby amended by striking out section 8, as most recently amended by chapter 175 of the acts of 1978, and inserting in place thereof the following section:-

Section 8. If property of the value of fifty dollars or more is destroyed or if property is damaged to that amount or to a value in excess thereof by fifteen or more persons who are riotously or tumultuously assembled and provided that the activities of such riotous or tumultuous group are observed and reported to the police during the period that such activities are occurring, the town within which the property was situated shall, if the owner of such property uses all reasonable diligence to prevent said destruction or damage and to procure the conviction of the offenders, be liable to indemnify the owner thereof in tort to the amount of three-fourth's of the value of the property destroyed or of the amount of such damage thereto, and may recover the same against any or all of the persons who so destroyed or damaged such property.

Approved November 19, 1982.

Chap. 477. AN ACT ESTABLISHING THE FEE TO BE CHARGED FOR FURNISHING CERTAIN PUBLIC RECORDS.

Be it enacted, etc., as follows:

Paragraph (a) of section 10 of chapter 66 of the General Laws, as appearing in chapter 294 of the acts of 1978, is hereby amended by adding the following sentence:- The following fees shall apply to any public record in the custody of the state police, the capitol police, the Massachusetts Bay Transportation Authority police, the metropolitan district commission police or any municipal police department or fire department: for preparing and mailing a motor vehicle accident report, five dollars for not more than six pages and fifty cents for each additional page; for preparing and mailing a fire insurance report, five dollars for not more than six pages plus fifty cents for each additional page; for preparing and mailing crime, incident or miscellaneous reports, one dollar per page; for furnishing any public record, in hand, to a person requesting such records, fifty cents per page. A page shall be defined as one side of an eight and one-half inch by eleven inch sheet of paper.

Approved November 19, 1982.

EMERGENCY LETTER - November 23, 1982 @ 9:27 A.M.

Chap. 478. AN ACT AUTHORIZING THE WINCHESTER FIREMEN'S RELIEF ASSOCIATION TO EXPAND THE SCOPE OF BENEFITS TO ITS MEMBERS AND TO ALLOW MEMBERS OF THE ASSOCIATION TO CHOOSE TO RECEIVE A PAYMENT UPON RETIREMENT FROM THE FIRE DEPARTMENT OF THE TOWN OF WINCHESTER.

Be it enacted, etc., as follows:

SECTION 1. The Winchester Firemen's Relief Association is hereby authorized to provide for payment of any part or all of any benefits payable under its by-laws by a reinsurance agreement with an organization authorized to transact such business in the commonwealth.

SECTION 2. Said association is hereby authorized to provide for payment of annuities to its members. Such annuities may include provisions for the payment of any remainders to the survivors of a member upon the death of that member.

SECTION 3. Said association is hereby authorized to provide for the payment of a benefit upon the death of the spouse of a

member during the life of that member. The amount of such benefit shall not exceed two thousand dollars.

SECTION 4. Said association is hereby authorized to provide for the payment of a benefit upon the death of the child or children of a member, during the life of that member, provided that each such child is under the age of eighteen and is a dependent of the member at the time of death of the child. The amount of such benefit shall not exceed one thousand dollars.

SECTION 5. Any member of said association may, upon retirement from the fire department of the town of Winchester, choose to receive a sum equal to ten per cent of the death benefit provided by the by-laws of said association as of the date upon which the member retires. If a member so chooses, then the amount paid shall be deducted from the death benefit paid to that member's beneficiary or beneficiaries upon the death of that member. A member so choosing must file a writing, in such form as the board of directors of said association may prescribe, with the secretary of said association within ninety days after the date upon which the member retires from the said fire department. Payment of this sum shall be made as provided in the by-laws of said association.

SECTION 6. Any member of said association who is retired as of the date of adoption of this section may choose to receive a sum equal to ten per cent of the death benefit provided by the by-laws of said association as of the date upon which this section is accepted by said association. If a member so chooses, then the amount paid shall be deducted from the death benefit paid to that member's beneficiary or beneficiaries upon the death of that member. A member so choosing must file a writing, in such form as the board of directors of said association may prescribe, with the secretary of said association within ninety days after the date upon which this section is accepted and adopted by said association. Payment of this sum shall be made in two equal installments. The first installment shall be paid within sixty days after the last day of the period during which the member may choose to receive the payment. The second installment shall be paid within sixty days after the first anniversary of the last day of the period during which the member may choose to receive the payment.

SECTION 7. No member of said association who is eligible to choose to receive a payment under section five shall be eligible to receive payments under section six. No member who is

eligible to choose to receive payments under section six shall be eligible to receive a payment under section five.

SECTION 8. This act shall take effect upon its acceptance by the Winchester Firemen's Relief Association by vote of a majority of the members of said association, present and voting at a meeting called for such purpose. Notification of such acceptance shall be filed with the state secretary and the town clerk of the town of Winchester.

Approved November 19, 1982.

Chap. 479. AN ACT RELATIVE TO THE POWERS AND DUTIES OF THE DEPARTMENT OF HOUSING SERVICES AND ESTABLISHING A HOUSING AUTHORITY IN THE CITY OF NEWTON.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 705 of the acts of 1975 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The redevelopment authority and the planning board of the city are hereby abolished.

SECTION 2. Section 7 of said chapter 705 is hereby amended by striking out clauses (j) and (k) and inserting in place thereof the following two clauses:-

(j) to provide housing projects for families of low income as provided in said chapter one hundred and twenty-one B, including section thirty-four thereof, that shall, upon completion, be operated, managed and maintained in total by the Newton Housing Authority.

(k) to provide projects or parts thereof for elderly persons of low income as provided in said chapter one hundred and twenty-one B, including section forty-one thereof, that shall, upon completion, be operated, managed and maintained in total by the Newton Housing Authority.

SECTION 3. Section 8 of said chapter 705 is hereby amended by striking out clause (a) and inserting in place thereof the following clause:-

(a) to have with respect to the authority all of the powers and liabilities of a municipality with respect to an authority or operating agency as defined herein under said chapter one

hundred and twenty-one B.

SECTION 4. Said section 8 of said chapter 705 is hereby further amended by striking out clause (e).

SECTION 5. Section 11 of said chapter 705 is hereby amended by striking out the second and third sentences and inserting in place thereof the following sentence:- All other contractual obligations and rights of the housing authority of the city and all real property, furniture, fixtures, supplies and equipment of the housing authority shall remain assigned, transferred and delivered to the community development authority of the city and all indebtedness of the housing authority unrelated to its functions as established herein shall be assumed by the community development authority of the city.

SECTION 6. Said chapter 705 is hereby further amended by inserting after section 11 the following four sections:-

Section 11A. There shall be established a Newton Housing Authority, hereafter called the housing authority, capable of exercising certain powers and functions of a housing authority under chapter one hundred and twenty-one B of the General Laws, as set forth in section fourteen. The Newton housing services department is hereby abolished. All powers, duties, and functions of the said department are transferred to the housing authority as provided in this act.

Section 11B. All salaried employees of the said department are hereby transferred to and made employees of the housing authority. Said employees shall not suffer reduction in their rank or compensation, or impairment of their retirement rights, or of their vacation, holiday or sick leave rights or other rights in the position held on the effective date of this act. All employees of the housing authority shall be subject to the provisions of chapter thirty-one of the General Laws only insofar as provided by section twenty-nine of chapter one hundred and twenty-one B of the General Laws. Employees who were employed on the effective date of this act shall not suffer reduction in their rank or compensation or impairment of their retirement rights or of their vacation, holiday or sick leave rights or other rights in the position held on the effective date of this act.

Section 11C. The housing authority shall assume the powers, duties and functions of the said department limited to: (a) the operation, management and maintenance of housing projects as specified in section thirty-two of chapter one hundred and twenty-one B of the General Laws, and (b) the rental or lease

of dwelling units as specified in section forty-three of said chapter one hundred and twenty-one B.

Section 11D. All contractual obligations of the said department shall be assumed by the housing authority. All real property, furniture, fixtures, supplies and equipment which are in the possession of or at the disposal of the said department at the time this act takes effect, shall be transferred to the community development authority.

Approved November 19, 1982.

Chap. 480. AN ACT PROVIDING FOR THE STORAGE OF THE POST-PRESIDENTIAL CORRESPONDENCE OF PRESIDENT CALVIN COOLIDGE IN THE CALVIN COOLIDGE MEMORIAL ROOM OF THE FORBES LIBRARY IN THE CITY OF NORTHAMPTON.

Be it enacted, etc., as follows:

SECTION 1. The post-presidential papers of President Calvin Coolidge shall, upon transfer to and acceptance by the commonwealth, be stored in the Calvin Coolidge Memorial Room of the Forbes Library in the city of Northampton, established under the provision of section one of chapter five hundred and forty-seven of the acts of nineteen hundred and fifty-five, under the supervision of and with the approval of the librarian of the state library who shall also approve the purchase and acquisition of adequate facilities for the storage of said papers. Said librarian of the state library shall approve the payment of reasonable compensation to the curator of said Forbes Library for his services in connection with such transfer and storage and shall certify that such storage facilities are adequate.

SECTION 2. For the purposes of carrying out the provisions of section one of this act, the city of Northampton shall be reimbursed such sums not exceeding fifteen thousand dollars for said purposes.

SECTION 3. Notwithstanding the provisions of section fifty-three of chapter forty-four of the General Laws or any other general or special law to the contrary, money received by the city of Northampton under the provisions of section two of this act may be expended by said city for the purposes set forth in section one without further appropriation by said city.

Approved November 19, 1982.

Chap. 481. AN ACT ESTABLISHING LONG-ARM JURISDICTION TO ENFORCE SUPPORT ORDERS IN THE PROBATE COURT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 208 of the General Laws is hereby amended by inserting after section 36 the following section:-

Section 36A. (1) In any case in which an obligor is under court order to pay alimony or support and maintenance or child support in an action or judgment for divorce under this chapter or in an action or judgment for separate support under chapter two hundred and nine, the court which entered the support order shall retain continuing jurisdiction over the parties to the order and may enter an order of trustee process against the disposable earnings of the obligor, both those presently due and owing and those which will be due and owing at a future time, up to an amount permitted by federal law. Before the court may enter such an order, it shall find that all other domestic remedies available to collect support have been exhausted or would be ineffective.

For the purpose of this section, the words "disposable earnings" shall mean that part of the compensation paid or payable to the obligor for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, including periodic payments pursuant to a pension or retirement program, which remains after the deduction of any amounts required by law to be withheld; and the word "trustee" shall mean the person, firm, association, or corporation by whom the obligor is employed.

(2) A complaint seeking an order of trustee process may be sought by the spouse or parent, custodian or guardian of the child, a family service officer or probation officer, or in the case of persons receiving public assistance, the department of public welfare. The complaint will be filed in the court which issued the judgment of divorce or separate support or in which the action for divorce or separate support is pending under the docket number of the action for divorce or separate support and shall state that the obligor is under a court order to provide support, the amount of the order, the amount of the arrearage, if any; that all other domestic remedies available to collect support have been exhausted or would be ineffective; the name and address of the employer of the obligor; the obligor's monthly disposable earnings from said employer, which may be based upon information and belief, and the amount sought to be trusteed. The complaint shall be served on both the obligor and

his employer in accordance with applicable law and rules for service of process; provided, however, that where the court had personal jurisdiction over the obligor in the original action for divorce or separate support, personal service on such obligor shall not be required as long as the obligor receives adequate and reasonable notice of the proceeding.

(3) After a hearing on the merits, the court may enter an order of trustee process against the obligor's disposable earnings. The order shall set forth sufficient findings of fact to support the action by the court and the amount to be trusteed for each pay period. The order shall be subject to review by the court for modification and dissolution upon the filing of a motion, with a sworn affidavit supporting same.

(4) Upon receipt of an order for trustee process, the trustee shall transmit each pay period without delay to the clerk of the court, or to the family service office of the court or any other party designated by the court, the amount ordered by the court to be trusteed for each such period. These funds shall be disbursed to the party designated by the court. If the person entitled to receive said support is a recipient of public assistance, such funds shall be disbursed directly to the department of public welfare up to the amount of aid being paid to the recipient by the department.

(5) No employer may discharge, suspend, or discipline an employee by reason of his having been trusteed pursuant to this section. Any employer who violates this clause shall be liable to the employee for compensation and employment benefits lost, if any, during the time of the unlawful discharge, suspension, or discipline.

(6) The commonwealth and any of its political sub-divisions shall be subject to trustee process under this section as if they were private parties.

(7) Any remedy provided pursuant to this section shall be in addition to, and not in lieu of, any other remedy available for the enforcement of support obligations.

SECTION 2. Section 33 of chapter 209 of the General Laws, as most recently amended by section 47 of chapter 400 of the acts of 1975, is hereby further amended by adding the following sentence:- Trustee process of an obligor's disposable earnings may likewise be made by the filing of a complaint under the provisions of section thirty-six A of chapter two hundred and eight. All procedures under said section thirty-six A of said chapter two hundred and eight shall apply following the filing of said complaint.

SECTION 3. Section 1 of chapter 246 of the General Laws, as most recently amended by section 124 of chapter 377 of the acts of 1975, is hereby further amended by adding the following sentence:- Trustee process may likewise be issued in actions to enforce an order for alimony, maintenance or child support by the filing of a complaint and following the procedures set forth in section thirty-six A of chapter two hundred and eight, and no bond shall be required to be filed as otherwise provided herein in such actions.

SECTION 4. Said chapter 246 is hereby further amended by inserting after section 4A the following section:-

Section 4B. Notwithstanding any other provision of law to the contrary, in an action to enforce a support order pursuant to section thirty-six A of chapter two hundred and eight, the action shall be brought in the court which issued the order for alimony, maintenance or child support.

SECTION 5. The second paragraph of section 28 of said chapter 246, added by section 10 of chapter 428 of the acts of 1981, is hereby amended by inserting after the word "seventy-three", in line 4, the words:- and in such actions, including an action for trustee process to enforce a support order under section thirty-six A of chapter two hundred and eight, the provisions of federal law limiting the amounts which may be trusteed, assigned or attached in order to satisfy an alimony, maintenance or child support order shall apply in lieu of said provisions of this section.

SECTION 6. Paragraph Fourth of section 32 of said chapter 246 is hereby amended by inserting after the word "contingency", in line 3, as appearing in the Tercentenary Edition, the words:- ; provided, however, that nothing herein shall prevent the attachment by means of trustee process of an obligor's wages, pension or other compensation for employment in an action pursuant to section thirty-six A of chapter two hundred and eight.

SECTION 7. Paragraph Eighth of said section 32 of said chapter 246, as most recently amended by section 9 of chapter 501 of the acts of 1975, is hereby further amended by adding the following sentence:- The provisions of this paragraph shall not apply to actions for trustee process to enforce support obligations pursuant to section thirty-six A of chapter two hundred and eight.

Approved November 19, 1982.

Chap. 482. AN ACT AUTHORIZING AN ADDITIONAL TIME PERIOD FOR THE TOWN OF MILTON TO ACT ON TAX ABATEMENTS FOR FISCAL YEAR NINETEEN HUNDRED AND EIGHTY-TWO.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section sixty-three of chapter fifty-nine of the General Laws or any other general or special law to the contrary, if the board of assessors of the town of Milton fail to take action on an application for abatement for taxes levied for fiscal year nineteen hundred and eighty-two for a period of six months following the filing thereof, such board shall, within ten days after such period, notify the applicant of such inaction in writing.

SECTION 2. Notwithstanding the provisions of section sixty-four of chapter fifty-nine of the General Laws or any other general or special law to the contrary, for taxes levied for fiscal year nineteen hundred and eighty-two, whenever the board of assessors for the town of Milton, before which an application in writing for the abatement of a tax is or shall be pending, fails to act upon said application, except with the written consent of the applicant, prior to the expiration of six months from the date of filing of such application, it shall then be deemed to be denied and said assessors shall have no further authority to act thereon; provided, that during the next succeeding ninety day period, that period allowed for the taking of an appeal, said assessors may by agreement with the applicant abate the tax in whole or in part in final settlement of said application, and shall also have the authority granted to them by section seven of chapter fifty-eight A of the General Laws to abate in whole or in part, any tax as to which an appeal has been seasonably taken.

SECTION 3. This act shall take effect as of June nineteenth, nineteen hundred and eighty-two.

Approved November 19, 1982.

Chap. 483. AN ACT INCREASING THE AMOUNT OF REAL PROPERTY THE PROPRIETORS OF CEDAR GROVE CEMETERY IN THE CITY OF BOSTON MAY HOLD AND AUTHORIZING COMPENSATION FOR THE SERVICES OF THE TRUSTEES OF SUCH CORPORATION.

Be it enacted, etc., as follows:

SECTION 1. Chapter 237 of the acts of 1887 is hereby amended by striking out section 2, as amended by chapter 35 of the acts of 1958, and inserting in place thereof the following section:-

Section 2. Said corporation may purchase, acquire, receive, and hold real estate in that part of the city of Boston which was formerly Dorchester to the extent of one hundred acres; and said corporation may also hold personal estate to an amount not exceeding two million dollars.

SECTION 2. Section 4 of said chapter 237 is hereby amended by striking out the last sentence.

Approved November 19, 1982.

Chap. 484. AN ACT AUTHORIZING THE TOWN OF SPENCER TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES TO WILLIAM D. EKLEBERRY FOR THE SPENCER COUNTRY INN.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the town of Spencer is hereby authorized to issue to William D. Ekleberry for the Spencer Country Inn a license for the sale of all alcoholic beverages to be drunk on the premises under the provisions of section twelve 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, and said license shall not be transferable.

Approved November 19, 1982.

Chap. 485. AN ACT RELATIVE TO THE COMPENSATION OF CERTAIN EMPLOYEES IN THE LAND COURT DEPARTMENT OF THE TRIAL COURT.

Be it enacted, etc., as follows:

Section 14 of chapter 185 of the General Laws, as most recently amended by section 2 of chapter 632 of the acts of 1981, is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The salaries of the recorder, deputy recorder, chief title examiner, title examiner and assistant clerks of the land court department shall be paid by the commonwealth, and shall be as follows:

recorder - a sum equal to the salary paid to the clerk for civil business of the superior court department of the trial court of Suffolk county.

deputy recorder - a sum equivalent to eighty-seven and one-half per cent of the salary of the recorder.

chief title examiner and first assistant clerk - a sum equivalent to eighty-five per cent of the salary of the recorder.

title examiners and assistant clerks - a sum equivalent to seventy-five per cent of the salary of the recorder.

Approved November 19, 1982.

EMERGENCY LETTER - December 31, 1982 @ 11:08 A.M.

Chap. 486. AN ACT RELATIVE TO THE JURISDICTION OF JUSTICES OF THE PEACE IN THE SOLEMNIZATION OF MARRIAGES.

Be it enacted, etc., as follows:

Chapter 207 of the General Laws is hereby amended by striking out section 38, as most recently amended by chapter 379 of the acts of 1982, and inserting in place thereof the following section:-

Section 38. A marriage may be solemnized in any place within the commonwealth by a minister of the gospel who resides in the commonwealth or who if a nonresident is the pastor of a church or denomination duly established in the commonwealth and who is recognized by his church or denomination as duly ordained and in good and regular standing as a minister of such church or denomination, including ordained deacons in The United Methodist Church or in the Roman Catholic Church; by a duly ordained rabbi of the Jewish faith who resides in the commonwealth; by a justice of the peace if he is also clerk or assistant clerk of a city or town, or a registrar or assistant registrar, or a clerk or assistant clerk of a court, anywhere in the commonwealth; by a justice of the peace if he has been designated as provided in the following section and has received

a certificate of designation and has qualified thereunder, anywhere in the commonwealth; and it may be solemnized in a regular or special meeting for worship conducted by or under the oversight of a Friends or Quaker Monthly Meeting, according to the usage of their Society; and it may be solemnized and witnessed by a Spiritual Assembly of the Baha'is according to the usage of their community; and it may be solemnized by the leader of an Ethical Culture Society duly established in the commonwealth and who resides in the commonwealth or who, if a nonresident, is recognized by the American Ethical Union or by an Ethical Culture Society affiliated with the American Ethical Union as duly appointed and in good and regular standing as an Ethical Culture Leader; and it may be solemnized by a priest or minister of the Buddhist religion who resides in the commonwealth or who, if a nonresident, is recognized as a duly ordained priest or minister of the Buddhist religion; and it may be solemnized by the Imam of the Orthodox Islamic religion; and it may be solemnized according to the usage of any other church or religious organization which shall have complied with the provisions of the second paragraph of this section.

Churches and other religious organizations shall file in the office of the state secretary information relating to persons recognized or licensed as aforesaid, and relating to usages of such organizations, in such form and at such time as the secretary may require.

Approved November 19, 1982.

EMERGENCY LETTER - November 22, 1982 @ 4:16 P.M.

Chap. 487. AN ACT AUTHORIZING THE TOWN OF SCITUATE TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES TO GREENBUSH PACKAGE STORE, INC.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the town of Scituate is hereby authorized to issue to Greenbush Package Store, Inc., a license for the sale of all alcoholic beverages not to be drunk on the premises 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 said section seventeen.

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

(The foregoing was laid before the Governor on the tenth day of November, 1982 and after ten days it had "the force of law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

Chap. 488. AN ACT PROVIDING FOR THE ASSIGNMENT OF QUARTERS IN THE STATE HOUSE FOR THE USE OF THE VIETNAM VETERANS OF MASSACHUSETTS, INC.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide quarters in the state house for the use of the Vietnam Veterans of Massachusetts, Inc., therefore 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 8 of the General Laws, as most recently amended by section 27 of chapter 579 of the acts of 1980, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- Whenever in the opinion of the deputy commissioner of capital planning and operations there is space available, there shall be set apart and suitably furnished a room or rooms in the state house for the use of the Massachusetts department of the American Legion, of the United Spanish War Veterans, of the Disabled American Veterans of World War, of the Veterans of Foreign Wars of the United States, of the American Veterans of World War II, AMVETS, of the Veterans of Indian Wars, of the Reserve Officers Association of the United States, of the Army-Navy Union, of Italian American War Veterans of the United States, Incorporated, Department of Massachusetts, of the Jewish War Veterans of the United States, Department of Massachusetts, Inc., of the Organization of Afro-American Veterans, Inc., of the Polish-American Veterans of Massachusetts, Inc., of the Marine Corps League, Department of Massachusetts, Inc., of the Polish Legion of American Veterans, Department of

Massachusetts, Inc., of the Veterans of World War I of the U.S.A., Department of Massachusetts, of the Massachusetts Regional Group of the Blinded Veterans Association, Inc., of the Amputee Veterans Association of America, Inc., of the Vietnam Veterans of Massachusetts, Inc., and of the Legion of National Guard Veterans of Massachusetts, Inc., respectively, such room or rooms to be under the charge of the state commanders of the respective departments, subject to this chapter.

Approved November 24, 1982.

Chap. 489. AN ACT RELATIVE TO THE EMPLOYMENT SECURITY LAW.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith certain changes in the employment security law, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (2) of subsection (i) of section 14 of chapter 151A of the General Laws, as amended by chapter 788 of the acts of 1979, is hereby further amended by adding the following sentence:- With respect to the calendar year beginning January first, nineteen hundred and eighty-three, 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.

SECTION 1A. Subsection (a) of section 15 of said chapter 151A is hereby amended by striking out the first paragraph, as amended by section 1 of chapter 465 of the acts of 1972, and inserting in place thereof the following paragraph:-

If any employer fails to pay when due any amount required of such employer under this chapter, such overdue amount shall carry interest at the rate of eight per cent per annum from the due date until paid. With respect to the calendar year beginning January first, nineteen hundred and eighty-three, if any employer fails to pay when due any amount required of such employer under this chapter, such overdue amount shall carry interest at the rate of twelve per cent per annum. With respect to the calendar years beginning after December thirty-first,

nineteen hundred and eighty-three, if any employer fails to pay when due any amount required of such employer under this chapter, such overdue amount shall carry interest at the rate of twelve per cent per annum or such adjusted rate as is established under section thirty-two of chapter sixty-two C in effect for the calendar year, whichever is the greater. The director may assess upon such employer in lieu of such interest a penalty of five dollars a day for one or more days, but not exceeding the number of days during which such employer is in default.

SECTION 2. Said section 15 of said chapter 151A is hereby further amended by striking out subsection (e), as most recently amended by section 4 of chapter 642 of the acts of 1979, and inserting in place thereof the following subsection:-

(e) In lieu of procedures provided by subsections (b), (c), and (d) for collecting unpaid and overdue contributions, payments in lieu of contributions, interest or penalties the director may assess such contributions, payments in lieu of contributions, interest or penalties against the employer, certify the amount of such unpaid and overdue contributions, payments in lieu of contributions, interest or penalties, and give the employer written notice of the certified assessment by serving a copy thereof either personally or by registered mail directed to the employer's last known address in the commonwealth or, if he has none in the commonwealth, in any state.

(1) The assessment shall be based upon the reports required to be filed by the employer under the provisions of this chapter, except that the director may determine the amount of unpaid and overdue contributions, payments in lieu of contributions, interest or penalties due from such employer on the basis of such information as he may be able to obtain when the employer has failed to file any such report or, if he has filed such report, it is incorrect or insufficient, or if the employer is not required to file such report from such information available to the director.

(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).

(3) The assessment shall be final unless the employer files a petition for reassessment with the director within ten days following the date of personal service or mailing of the notice. A petition for reassessment shall set forth specifically and in detail the reasons why the employer claims the assessment is erroneous.

(4) The employer shall be given a reasonable opportunity for a fair hearing on his petition for reassessment before the

director or his representative, unless such petition is either withdrawn by the employer or is allowed by the director.

After such hearing, the director or his representative shall promptly notify the employer of the decision upon the petition together with the reasons therefor. This decision shall be final unless the employer files an application for further review with the board of review within ten days following the date of mailing of the decision to the employer. An application by the employer for further review by the board shall set forth specifically and in detail the reasons why the employer claims the decision is erroneous.

(5) The board may allow or deny an application for further review. If the application is denied, the decision of the director or his representative shall be deemed to be the decision of the board. If the application is allowed, the board may, on the basis of the evidence previously submitted in such case and any additional evidence which it may take or direct the director to take, affirm, modify, reverse or set aside the decision of the director or his representative. The board shall promptly notify the employer of its decision and the reasons therefor. This decision shall be final unless the employer obtains judicial review of such decision by filing, within twenty days of the date of personal service or mailing of such decision, a petition for review thereof in accordance with the applicable provisions of section twelve.

(6) If an assessment, or any administrative decision upon review thereof, has become final and the contributions, payments in lieu of contributions, interest or penalties thereby assessed remain unpaid, the director may file with the clerk of the municipal court department of the city of Boston or in the district court department in the judicial district where the employer has his principal place of business or any other judicial district in which the employer has real or personal property, or with all of them, a certificate or a copy thereof under his official seal, stating: the name and address of the employer, the amount of contributions, payments in lieu of contributions, interest or penalties assessed and in default, and that the time in which administrative or judicial review is permitted, pursuant to this section, has expired without an appeal having been taken, and thereupon such clerk shall enter into the judgment records of the court the name of the employer mentioned in the certificate, the amount of such contributions, payments in lieu of contributions, interest or penalties assessed and in default, and the date such certificate is filed. After such certificate is duly filed and recorded with such court, the amount of the assessment shall be a lien upon the entire interest of the

employer, legal or equitable, in any property, real or personal, tangible or intangible, situated within the jurisdiction of such court; provided, however, that, with respect to real estate of the employer, a copy of said certificate is recorded in the records of the county, or of the district, if such county is divided into districts, where such real estate is located; and provided, further, with respect to personal property of the employer said certificate is recorded with the clerk of the city or town where such personal property is situated. The priority of said liens shall be governed by the provisions of section seventeen. Said liens may be enforced against any real or personal property and execution shall be issuable at the request of the director, his agent or attorney, in the same manner as a duly entered judgment of the court. No recording fee shall be paid by the director for the filing of a certificate, no exemption shall be allowed from the levy of an execution and no indemnifying bond shall be required by the sheriff or other officer before making a levy.

SECTION 3. Said chapter 151A is hereby further amended by striking out section 17, as appearing in section 1 of chapter 685 of the acts of 1941, and inserting in place thereof the following section:-

Section 17. Contributions, payments in lieu of contributions and interest or penalties thereon shall have priority over all other claims against an employer, except wage claims.

SECTION 4. Said chapter 151A is hereby further amended by striking out section 18, as most recently amended by section 5 of chapter 642 of the acts of 1979, and inserting in place thereof the following section:-

Section 18. If not later than three years after the date of payment of any amount as contributions, payments in lieu of contributions, interest, penalty, or fine, an employer who has made such payment shall make application for an adjustment thereof in connection with subsequent contribution, interest, penalty, or fine payments, or for a credit thereof in connection with payments in lieu of contributions, interest, penalty, or fine payments or for a refund thereof because such adjustment or credit cannot be made, and if the director shall determine that payment of such contributions, payments in lieu of contributions, interest, penalty or fine was erroneous, the director shall allow such employer to make an adjustment of the amount erroneously paid, without interest, in connection with subsequent contribution, interest, penalty or fine payment by such employer, or shall credit the employer's account with the amount

erroneously paid, or if such adjustment or credit cannot be made, the director shall refund from the unemployment compensation fund or from the clearing account in the unemployment compensation fund or from the contingent fund, as provided in sections eighteen and fifty-eight A, without interest, the amounts erroneously paid; provided that the director shall not allow any adjustment in connection with subsequent contributions, for amounts of interest, penalty, or fine collected subsequent to July first, nineteen hundred and sixty-six, nor shall he refund any such payment from the unemployment compensation fund. For like cause, within the same period, and subject to the same conditions, adjustment, credit, or refund from the unemployment compensation fund, the clearing account in said fund or from the contingent fund, as appropriate, may be so made on the director's own initiative. Refunds of contributions, interest, penalties or fines pursuant to subsection (e) of section six shall be refunded by the director in accordance with the provisions of said section, without application.

Within nine months after the receipt by the applicant of written notice from the director that he has denied an application for a readjustment, credit or a refund of any contribution, of payment in lieu of contribution, in whole or in part, which application has been filed by an applicant who has paid a contribution or payment in lieu of contribution under this chapter, such applicant, in addition to any other remedy which the applicant may have, may bring a civil action against the director to recover the whole or any part of such contribution or payment in lieu of contribution. Such action may be brought in the district court department in the judicial district of which, or in the superior court department for the county in which, the employer lives or has its principal place of business, or in the municipal court of the city of Boston. In case the court shall find that the whole or any part of such contribution or payment in lieu of contribution was excessive or has been collected or imposed incorrectly or unlawfully the court shall enter judgment accordingly in favor of the applicant and against the director but to be repaid out of the clearing account, and such judgment shall be so paid. No applicant shall be entitled to the remedy provided in this paragraph upon any issue which has been raised in a proceeding brought under any provision of subsection (d) of section fifteen.

If, within three years after any contribution or payment in lieu of contribution has been paid, the director shall determine that an employer has paid insufficient contributions, payments in lieu of contributions, interest thereon or penalty assessed in lieu

thereof, the director shall require such employer to make an adjustment thereof, with interest, in connection with a subsequent or additional payment, or shall so charge the employer's account as appropriate.

Interest under this section shall not be exacted unless such interest amounts to ten dollars or more.

SECTION 5. Subsection (e) of section 25 of said chapter 151A is hereby amended by adding the following paragraph:-

An individual shall not be disqualified under the provisions of this subsection from receiving benefits by reason of leaving work to enter training approved under Section 236(a)(1) of the Trade Act of 1974, provided the work left is not suitable employment, as defined in this paragraph. For purposes of this paragraph, the term "suitable employment" means with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment, as defined for purposes of the Trade Act of 1974, and wages for such work at not less than eighty per cent of the individual's average weekly wage as determined for the purposes of the Trade Act of 1974.

SECTION 6. Section twenty-nine A of said chapter one hundred and fifty-one A is hereby repealed.

SECTION 7. Said chapter 151A is hereby further amended by inserting after section 29A the following section:-

Section 29B. (a) An individual filing a new claim for unemployment compensation shall, at the time of filing such claim, disclose whether or not the individual owes child support obligations as defined under subsection (f). If any such individual discloses that he or she owes child support obligations, and is determined to be eligible for unemployment compensation, the director shall notify the state or local child support enforcement agency enforcing such obligation that the individual has been determined to be eligible for unemployment compensation.

(b) The director shall deduct and withhold from any unemployment compensation otherwise payable to an individual that owes child support obligations as defined under subsection (f):

(A) the amount specified by the individual to the director to be deducted and withheld under this subsection, if neither (B) nor (C) is applicable, or

(B) the amount (if any) determined pursuant to an agreement submitted to the director under Section 454(20)(B)(i) of the

Social Security Act by the state or local child support enforcement agency, unless (C) is applicable, or

(C) any amount otherwise required to be so deducted and withheld from such unemployment compensation pursuant to legal process as that term is defined in Section 462(e) of the Social Security Act properly served upon the director.

(c) Any amount deducted and withheld under subsection (b) shall be paid by the director to the appropriate state or local child support enforcement agency.

(d) Any amount deducted and withheld under subsection (b) shall for all purposes be treated as if it were paid to the individual as unemployment compensation and paid by such individual to the state or local child support enforcement agency in satisfaction of the individual's child support obligations.

(e) For purposes of subsections (a) to (d), inclusive, the term "unemployment compensation" means any compensation payable under this act including amounts payable by the director pursuant to an agreement under any federal law providing for compensation, assistance, or allowances with respect to unemployment.

(f) The term "child support obligations" is defined for purposes of these provisions as including only obligations with are being enforced pursuant to a plan described in Section 454 of the Social Security Act which has been approved by the Secretary of Health and Human Services under Part D of Title IV of the Social Security Act.

(g) The term "state or local child support enforcement agency" as used in these provisions means any agency of this state or a political subdivision thereof operating pursuant to a plan described in subsection (f).

(h) The director shall disclose, upon request, to officers or employees of any state or local child support enforcement agency, any wage information with respect to an identified individual which is contained in the agency's records. Such information shall not be disclosed by the director unless the requesting agency agrees that the information is to be used only for the purpose of establishing and collecting child support obligations from, and locating, individuals owing such obligations.

(i) This section applies only if appropriate arrangements have been made for reimbursement by the state or local child support enforcement agency for the administrative costs incurred by the director under this section which are attributable to child support obligations being enforced by the state or local child support enforcement agency.

SECTION 8. Subsection (1) of section 30A of said chapter 151A, as most recently amended by section 1 of chapter 381 of the acts of 1977, is hereby further amended by striking out paragraph (a) and inserting in place thereof the following paragraph:-

(a) "Extended benefit period", a period which begins with the third week after a week for which there is a state "on" indicator; and which ends with either of the following weeks, whichever occurs later; (i) the third week after the first week for which there is a state "off" indicator, or (ii) the thirteenth consecutive week of such period; provided that no extended benefit period may begin by reason of a state "on" indicator before the fourteenth week following the end of a prior extended benefit period which was in effect with respect to the commonwealth.

SECTION 9. Said subsection (1) of said section 30A of said chapter 151A is hereby further amended by striking out paragraph (b).

SECTION 10. Said subsection (1) of said section 30A of said chapter 151A is hereby further amended by striking out paragraph (c).

SECTION 11. Paragraph (d) of said subsection (1) of said section 30A of said chapter 151A, as amended by section 31 of chapter 720 of the acts of 1977, is hereby amended by striking out subparagraph (2) and inserting in place thereof the following subparagraph:-

(2) Equaled or exceeded five per cent.

SECTION 12. Paragraph (f) of said subsection (1) of said section 30A of said chapter 151A, as appearing in section 1 of chapter 866 of the acts of 1970, is hereby amended by inserting after the word "claims", in line 3, the words:- for regular compensation.

SECTION 13. Said subsection (1) of said section 30A of said chapter 151A is hereby further amended by adding the following paragraph:-

(n) "Regular compensation", benefits payable to an individual under this chapter, but not including additional or extended benefits.

SECTION 14. Subsection (3) of said section 30A of said chapter 151A, as amended by section 2 of chapter 498 of the

acts of 1981, is hereby further amended by striking out, in line 4, the word "and" and by inserting after the letter "(b)", in line 8, the words:- and (3) he has been paid wages during the base period of his current benefit year in an amount at least equal to forty times his most recent weekly benefit amount, including dependency benefits.

SECTION 15. Subsection (5) of said section 30A of said chapter 151A, as appearing in section 1 of chapter 866 of the acts of 1970, is hereby amended by adding the following paragraph:-

Notwithstanding any other provisions of this subsection, if the benefit year of any individual ends within an extended benefit period, the remaining balance of extended benefits that such individual would, but for this paragraph, be entitled to receive in that extended benefit period, with respect to weeks of unemployment beginning after the end of the benefit year, shall be reduced, but not below zero, by the product of the number of weeks for which the individual received any amounts as readjustment allowances under the Trade Act of 1974 within that benefit year, multiplied by the individual weekly benefit amount for extended benefits.

SECTION 16. Subsection (6) of said section 30A of said chapter 151A, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Whenever an extended benefit period is to become effective in the commonwealth as a result of a state "on" indicator, or an extended benefit period is to be terminated in the commonwealth as a result of a state "off" indicator, the director shall make an appropriate public announcement.

SECTION 17. Section 35 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 sentence and inserting in its place the following sentence:- Except as provided in the second paragraph, no agreement by an individual to waive his or her right to benefits or any other right under this chapter, or to pay all or any portion of the contributions required hereunder from his or her employer, shall be valid.

SECTION 18. Said section 35 of said chapter 151A is hereby further amended by adding the following paragraph:-

Nothing in this section shall preclude an individual from authorizing the director, either directly or through an agreement

entered into pursuant to Section 454(20)(B)(i) of the Social Security Act, to deduct and withhold from any unemployment compensation otherwise payable the amount of child support obligations owed by said individual. For purposes of the preceding sentence, the term "child support obligations" includes only obligations which are being enforced pursuant to a plan described in Section 454 of the Social Security Act which has been approved by the Secretary of Health and Human Services under Part D of Title IV of that Act.

SECTION 19. Section 36 of said chapter 151A, as amended by section 3 of chapter 428 of the acts of 1981, is hereby further amended by inserting after the word "seventy-three", in line 6, the words:- or to satisfy an order to provide child support issued pursuant to legal process as defined in Section 462(e) of the Social Security Act.

SECTION 20. Said chapter 151A is hereby further amended by striking out section 64, as appearing in section 1 of chapter 685 of the acts of 1941, and inserting in place thereof the following section:-

Section 64. (a) The director shall make such reports, in such form and containing such information, as the Secretary of Labor may from time to time require, and shall furnish such additional information in such form as the Secretary of Labor may from time to time require to substantiate the accuracy of such reports; and shall make available, upon request, to any agency of the United States charged with the administration of public works or other assistance through public employment, information containing the name and address, ordinary occupation and employment status of each recipient of unemployment benefits who is specified in such request, the amounts of such benefits paid and the dates of payment, and a statement of such recipient's rights to further benefits under this chapter; and shall make available, upon request made in a form and manner approved by the director, to any agency of the commonwealth, or of any political subdivision thereof, charged with the duty of furnishing persons aid or assistance in any form or with the administration of assistance through public employment, like information with respect to any person applying for or receiving such aid or assistance who is specified in the request.

(b) The director shall disclose, upon request, to officers and employees of the United States Department of Agriculture and any state food stamp agency, with respect to an identified individual, any of the following information which is contained in the agency's records:

(1) wage information,
(2) whether the individual is receiving, has received, or has made application for unemployment compensation and the amount of any compensation being received or to be received by such individual,
(3) the current or most recent home address of the individual, and
(4) whether the individual has refused an offer of employment and if so, a description of the employment offered and the terms, conditions and rate of pay therefor.

The term "state food stamp agency" means any agency described in Section 3(n)(1) of the Food Stamp Act of 1977 which administers the food stamp program established under such Act.

The information shall not be released by the director unless the requesting agency agrees to reimburse the costs involved for furnishing such information and agrees that such information shall be used only for purposes of determining the applicant's eligibility for benefits, or the amount of benefits, under the food stamp program established under the Food Stamp Act of 1977.

(c) Any information secured pursuant to this section shall be confidential and whoever discloses the same otherwise than as required or authorized by law shall be subject to the penalty provided in section forty-six of this chapter.

(d) The director shall comply with all reasonable federal regulations governing expenditures of sums allotted or apportioned to the commonwealth for the administration of this chapter and accepted by the commonwealth.

SECTION 21. Said chapter 151A is hereby further amended by inserting after section 69 the following section:-

Section 69A. The director, upon certification to the state advisory council, may charge off any delinquent contributions, payments in lieu of contributions, interest, or penalties at any time after six years from the date of delinquency, if the director is satisfied that such amounts are uncollectible. The term "uncollectible", as used in this section, includes, but is not limited to, those situations where (1) the employing unit has ceased operations and (2) the owner, or if the employing unit is or was a corporation, the president, the secretary, and the treasurer, or officers exercising corresponding functions, are deceased or cannot be located.

SECTION 21A. On or before September first, nineteen hundred and eighty-three, the director shall submit a report to the joint committee on commerce and labor relating to the current

condition of the Unemployment Compensation Fund, the impact on said fund of the provisions of paragraph 2 of subsection (i) of section fourteen of chapter one hundred and fifty-one A of the General Laws, as amended by section one of this act, and further projections and recommendations relative to the balance of said fund during the calendar year beginning January first, nineteen hundred and eighty-four.

SECTION 22. Sections eight, nine, ten, twelve, thirteen and sixteen shall take effect as of September twenty-fifth, nineteen hundred and eighty-two. Section fourteen shall take effect with respect to initial claims for extended benefits payable for weeks which begin after September twenty-fifth, nineteen hundred and eighty-two. Section fifteen shall take effect as of September thirtieth, nineteen hundred and eighty-one.

Approved November 24, 1982.

Chap. 490. AN ACT EXEMPTING THE POSITION OF PHYSICIAN FOR THE SCHOOL DEPARTMENT IN THE CITY OF MARLBOROUGH FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of physician for the school department in the city of Marlborough shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person holding the position of school physician in the school department of the city of Marlborough on the effective date of this act.

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

Approved November 30, 1982.

Chap. 491. AN ACT EXEMPTING THE POSITION OF SUPERVISOR OF ATTENDANCE IN THE SCHOOL DEPARTMENT OF THE CITY OF MARLBOROUGH FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of supervisor of attendance in the school department of the city of Marlborough 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 a permanent status in the position of supervisor of attendance in the school department of the city of Marlborough on the effective date of this act.

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

Approved November 30, 1982.

Chap. 492. AN ACT RELATIVE TO THE SOUTH ESSEX SEWERAGE DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 516 of the acts of 1969 is hereby amended by striking out section 3 and inserting in place thereof the following section:-

Section 3. The cost of construction and other work authorized by this act shall not exceed the sum of one hundred million dollars, exclusive of interest on bonds and notes issued under the provisions of this act.

SECTION 2. Said chapter 516 is hereby further amended by inserting after section 5 the following section:-

Section 5A. To meet the cost of such additional construction and other works, including such interest, less the amount received for such purposes from the federal and state governments, and to fund temporary loans issued to meet such cost as hereinafter authorized, the treasurer of the South Essex sewerage district, with the approval of the board, may issue serial bonds of the district to an amount not exceeding in the aggregate, the sum of five million dollars. Said bonds shall bear on their face the words South Essex Sewerage District Loan, Act of 1982, shall bear the district seal, shall be authorized by vote of two-thirds of the board, shall bear such rate or rates of interest as shall be fixed by the treasurer with the approval of the board, shall be signed by the treasurer of said district and countersigned by at least a majority of the board, and shall be

payable in not more than twenty years from their dates. Each issue of bonds herein authorized shall constitute a separate issue. Until such construction and other work is completed and the total cost thereof ascertained, to meet the cost of such construction and other work, said treasurer, with the approval of the board, may from time to time borrow for periods of not more than two years, and may refund or may renew said loans from time to time. The treasurer of said district in any year may also from time to time borrow to meet interest payments coming due in such year and to meet payments of principal on bonds issued hereunder when such payments must be met before the apportionment of costs for such year to the city or cities or town, or institutions responsible therefor, has been made as hereinafter provided, but the amounts of any such loans shall be added to and included in the next year's apportionment to said city or cities or town, or institutions of the cost of construction and other work hereunder, and the term of such loans shall not extend beyond the time limited for the making of such next year's apportionment. For any borrowings herein authorized, the treasurer of said district may from time to time issue notes of said district, which need not bear the district seal, but shall be authorized, signed and countersigned, and bear interest as is herein provided for in the case of bonds, or may be sold at a discount fixed in the same manner that interest on bonds may be fixed hereunder, and such discount shall be treated as interest paid in advance. All indebtedness incurred in carrying out the provisions of this act shall be subject to such of the applicable provisions of chapter forty-four of the General Laws as relate to loans made by districts.

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

Approved November 30, 1982.

EMERGENCY LETTER - December 1, 1982 @ 10:56 A.M.

Chap. 493. AN ACT RELATIVE TO THE LICENSING AND KEEPING OF DOGS IN THE TOWN OF MATTAPOISETT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section one hundred and forty-seven of chapter one hundred and forty of the General Laws or any other general or special law to the

contrary, money received for licenses or from the sale of dogs by the town of Mattapoisett, or received as fines or penalties of said town under the provisions of said chapter one hundred and forty relating to dogs, which fees and fines are now paid to Plymouth county, shall be paid into the treasury of said town and shall not hereafter be paid over by said town to said county.

SECTION 2. Notwithstanding the provisions of section one hundred and thirty-seven of said chapter one hundred and forty or any other provisions of law to the contrary, the registering, numbering, describing and licensing of dogs if kept in said town, shall be conducted in the office of the town clerk of said town.

Approved November 30, 1982.

Chap. 494. AN ACT DESIGNATING CERTAIN PAVILIONS IN THE CITY OF REVERE AS THE FRANK V. McCARTHY MEMORIAL PAVILIONS.

Be it enacted, etc., as follows:

The pavilions at the junction of Oak Island street and Revere Beach Boulevard in the city of Revere shall be known and designated as the Frank V. McCarthy memorial pavilions in memory of Frank V. McCarthy. A suitable marker bearing such designation shall be attached thereto by the metropolitan district commission.

Approved November 30, 1982.

Chap. 495. AN ACT DESIGNATING THE BASEBALL DIAMOND AT THE VENTURA STREET PLAYGROUND IN THE DORCHESTER DISTRICT OF THE CITY OF BOSTON AS THE ROBERT L. COLLINS BASEBALL DIAMOND.

Be it enacted, etc., as follows:

The baseball diamond at the Ventura street playground in the Dorchester district of the city of Boston shall be designated and known as the Robert L. Collins Baseball Diamond in honor of Robert L. Collins. A suitable marker bearing such designation

shall be attached thereto by the metropolitan district commission.

Approved November 30, 1982.

Chap. 496. AN ACT DESIGNATING THE HEARD STREET BRIDGE IN THE CITY OF WORCESTER AS THE THOMAS A. JOLLY BRIDGE.

Be it enacted, etc., as follows:

Bridge No. W-44-23, located on Heard street in the city of Worcester, shall be designated and known as the Thomas A. Jolly Bridge, in honor of Thomas A. Jolly, a resident of said city who has served for many years as the president of the Heard Street District Improvement Society. 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 November 30, 1982.

Chap. 497. AN ACT EXEMPTING CERTAIN POSITIONS IN THE SCHOOL DEPARTMENT IN THE TOWN OF WEST SPRINGFIELD FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The positions of supervisor of school cafeterias, director of custodians, maintenance and operations and administrative assistant in the school department of the town of West Springfield shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person holding the position of supervisor of school cafeterias, director of custodians, maintenance and operations and administrative assistant in the school department of the town of West Springfield on the effective date of this act.

Approved November 30, 1982.

Chap. 498. AN ACT AUTHORIZING BROTHERS OF HOLY CROSS-MOREAU HALL, INC. TO MERGE WITH BROTHERS OF HOLY CROSS OF THE EASTERN PROVINCE OF THE UNITED STATES OF AMERICA, INC.

Be it enacted, etc., as follows:

Brothers of Holy Cross-Moreau Hall, Inc., a Massachusetts corporation organized under chapter one hundred and eighty of the General Laws, is hereby authorized to merge under the provisions of section ten of said chapter one hundred and eighty with Brothers of Holy Cross of the Eastern Province of the United States of America, Inc., a New York not-for-profit corporation organized under the laws of the state of New York, the surviving corporation to be Brothers of Holy Cross of the Eastern Province of the United States of America, Inc., notwithstanding the fact that the surviving corporation is not a corporation with no capital stock organized under said chapter one hundred and eighty for any one or more of the purposes specified in section four of said chapter one hundred and eighty; provided that the laws of the state of New York permit such a merger.

Brothers of Holy Cross of the Eastern Province of the United States of America, Inc. shall agree that it may be sued in this commonwealth for any obligation of Brothers of Holy Cross-Moreau Hall, Inc. and it shall irrevocably appoint the state secretary as its agent to accept service of process in any action for the enforcement of any such obligation in the same manner as provided in chapter one hundred and eighty-one of the General Laws.

Approved November 30, 1982.

Chap. 499. AN ACT AUTHORIZING THE TOWN OF HULL TO ACQUIRE HOG ISLAND FOR CONTROLLED ECONOMIC DEVELOPMENT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Hull, acting through its board of selectmen, is hereby authorized to acquire the real property commonly known as Hog island and all appurtenances related thereto, located in said town. Said acquisition shall be for the

purpose of the controlled economic development and utilization of said real property. To accomplish said purpose said town, upon approval by a town meeting, may sell, convey, impose restrictive covenants, lease for a number of years as determined by town meeting vote, or dispose of all or a portion of said real property.

SECTION 2. It is hereby declared that the controlled economic development of Hog island, taking into consideration its unique aquatic, topographic and geographic setting, in a manner consistent with this act, is a public purpose. As used in this act, the term controlled economic development shall mean and include the development and utilization of Hog island for any of the following general purposes: hotels, motels, convention centers, marinas, residential housing, commercial and or business related property, parking, open space, recreational space and other uses related to the foregoing.

SECTION 3. The town of Hull is hereby authorized to appropriate funds necessary to accomplish the purchase and utilization of Hog island as provided for herein. To meet said appropriation, said town is hereby authorized to borrow funds and issue notes and bonds thereon, payable in not more than twenty years. The total appropriation shall not exceed by more than ten per cent the appraised value as determined by the General Services Administration of the United States or other appropriate agency. A payment from a developer for the purchase of said property or portions thereof shall be expended without further appropriation, notwithstanding the provisions of section fifty-three of chapter forty-four of the General Laws, in the following order: (a) as payment by the town for said property; (b) applied to the payment of any notes or bonds issued hereunder or deposited in an interest bearing escrow account to be expended for the payment of said notes and bonds in accordance with their terms; (c) deposited in the general fund. Any excess funds shall be returned to the general fund of the town, but may be appropriated, in advance or otherwise, by the town to an account to be expended for the development of said property under the provisions of this act.

SECTION 4. The board of selectmen of the town of Hull is hereby authorized to enter into agreements with a developer to accomplish the purposes of this act, subject to ratification by town meeting and is further authorized to make application for, receive and expend grants of funds and property to accomplish the purposes of this act.

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

Approved December 1, 1982.

Chap. 500. AN ACT FURTHER REGULATING THE LICENSING OF BOXING.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately further regulate the licensing of boxing 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. Chapter 147 of the General Laws is hereby amended by striking out section 40, as most recently amended by chapter 660 of the acts of 1956, and inserting in place thereof the following section:-

Section 40. Every licensee holding or conducting any such boxing or sparring match or exhibition shall, within seventy-two hours after its conclusion, pay to the state treasurer a sum equal to four per cent of the total gross receipts from the sale of tickets or from admission fees, and such licensee shall at least twenty-four hours before such exhibition pay to the state treasurer a sum equal to two per cent of the total amount paid or to be paid by the broadcaster or broadcasters for the television or broadcasting rights, such sum to be paid by the said licensee irrespective of whether he himself ever receives any portion of said amount; provided that if such match or exhibition is conducted as an incidental feature in an event or entertainment of a different character, such portion of the said total receipts and the said total amount shall be paid to the commonwealth as the commission may determine or as may be fixed by rule adopted under section forty-six. Within seventy-two hours after its conclusion the licensee shall furnish to the commission a report, duly verified by the treasurer and secretary, showing the exact number of tickets sold and admission fees collected for the contest, and the gross receipts thereof, and such other data as the commission may require.

The commission shall enforce the provisions of this section.

SECTION 2. Said chapter 147 is hereby further amended by striking out section 40A, as most recently amended by chapter 367 of the acts of 1964, and inserting in place thereof the

following section:-

Section 40A. Every licensee holding or conducting any professional boxing or sparring match or exhibition shall, within seventy-two hours after its conclusion, pay to the state treasurer, in addition to the payment required under section forty, a sum equal to one per cent of the total gross receipts from the sale of tickets or from admission fees; provided that if such match or exhibition is conducted as an incidental feature in an event or entertainment of a different character, such portion of the total receipts shall be paid to the commonwealth as the commission may determine or as may be fixed by rule adopted under section forty-six. Said sums shall be credited by said treasurer to a fund to be known as the boxers' fund which shall be administered by the boxer's fund board for the use and benefit including funeral expenses of boxers or former boxers in need of assistance.

The commission shall enforce the provisions of this section.

SECTION 3. The provisions of this act that require a licensee to pay to the state treasurer a sum equal to two per cent of the total amount paid or to be paid by the broadcaster or broadcasters for the television or broadcasting rights shall apply to any boxing or sparring match or exhibition held between January first, nineteen hundred and eighty-one and the effective date of this act in which the amount paid or to be paid to the commonwealth for television or broadcasting rights exceeded ten thousand dollars.

Approved December 2, 1982.

Chap. 501. AN ACT VALIDATING THE APPOINTMENT OF THOMAS FOLEY OF THE METROPOLITAN DISTRICT COMMISSION AS A POLICE OFFICER.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law or rule to the contrary, Thomas Foley shall be certified by the division of personnel administration, and his appointment by the metropolitan district commission as a police officer shall be deemed valid provided that he has completed the criminal justice training council requirements and that he is physically qualified to perform the duties of said position.

SECTION 2. Upon such certification his appointment shall be

deemed valid under the provisions of chapter thirty-one of the General Laws, as of August fifteenth, nineteen hundred and eighty-two.

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

Approved December 3, 1982.

EMERGENCY LETTER - December 6, 1982 @ 9:51 A.M.

Chap. 502. AN ACT RELATIVE TO CERTAIN BENEFITS UNDER THE EMPLOYMENT SECURITY LAW.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide unemployment benefits to those unemployed during holiday weeks, therefore 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 151A of the General Laws is hereby amended by inserting after section 29B the following section:-

Section 29C. The benefits to which an individual would otherwise be entitled under this chapter shall not be reduced by reason of the fact that such individual received holiday pay, so-called in any week of his total or partial unemployment.

SECTION 2. Section one of this act shall take effect as of November twenty-fourth, nineteen hundred and eighty-two.

Approved December 7, 1982.

Chap. 503. AN ACT PERTAINING TO NUCLEAR POWER.

Be it enacted by the People, and by their authority:

Section 1. This Act shall be known as the "Nuclear Power and Waste Disposal Voter Approval and Legislative Certification Act."

Section 2. The purpose of this Act is to establish approval by the voters of the Commonwealth, and certification of certain findings by the General Court, as preconditions for the construction and operation within the Commonwealth of any new nuclear power plant or low-level radioactive waste disposal or

storage facility, and for participation of the Commonwealth in any compact or agreement with any other state or states concerning low-level radioactive waste disposal or storage within the Commonwealth.

Section 3. No new nuclear power plant shall be constructed or operated within the Commonwealth unless:

(a) construction and operation of the proposed nuclear power plant have been approved by a majority of the voters voting thereon in a state-wide general election; and

(b) the General Court has found, and has so certified by resolution duly adopted by majority vote of the members of each House:

(i) that there exists an operating, federally-licensed facility for the timely and economical permanent disposal of high-level radioactive wastes generated by the proposed nuclear power plant;

(ii) that an adequate emergency preparedness plan for the proposed nuclear power plant has been developed, approved, and implemented by the Commonwealth;

(iii) that effective emission standards applicable to the proposed nuclear power plant have been promulgated by the Commonwealth to protect the public against health and safety hazards of radioactive air pollutants traceable to nuclear power plants within the Commonwealth;

(iv) that there exists a demonstrated, federally-approved technology or means for the timely and economical decommissioning, dismantling, and disposal of the proposed nuclear power plant; and

(v) that the proposed nuclear power plant offers the optimal means of meeting energy needs from the combined standpoints of overall cost, reliability, safety, environmental impact, land-use planning, and avoiding potential social and economic dislocation.

Section 4. No facility for the disposal or storage of low-level radioactive wastes shall be constructed or operated within the Commonwealth unless:

(a) construction and operation of the proposed waste facility have been approved by a majority of the voters voting thereon in a state-wide general election; and

(b) the General Court has found, and has so certified by resolution duly adopted by majority vote of the members of each House:

(i) that the particular technology or means to be utilized at the proposed waste facility is superior to all other available technologies or means from the combined standpoints of overall cost, reliability, safety, environmental impact, land-use

planning, and avoiding potential social and economic dislocation; and

(ii) that the site of the proposed waste facility is superior to all other available sites from the combined standpoints of overall cost, reliability, safety, environmental impact, land-use planning, and avoiding potential social and environmental dislocation.

Section 5. The Commonwealth shall not enter into any compact or agreement with any other state or states concerning the disposal or storage of low-level radioactive wastes within the Commonwealth unless:

(a) the compact or agreement has been approved by a majority of the voters voting thereon in a state-wide general election; and

(b) the General Court has found, and has so certified by resolution duly adopted by majority vote of the members of each House:

(i) that construction and operation within the Commonwealth of any facility for the disposal or storage of low-level radioactive wastes pursuant to the proposed compact or agreement shall be subject to the conditions of Section 4 of this Act; and

(ii) that the responsibilities and commitments of the Commonwealth under the proposed compact or agreement are no greater than those of any other party thereto.

Section 6. (a) Any resolution adopted pursuant to Section 3, 4, or 5 of this Act shall include an appendix setting forth in detail the factual basis of each finding certified by the General Court in the resolution.

(b) A resolution adopted by the General Court pursuant to Section 3, 4, or 5 of this Act shall not constitute a determination by the Legislative Branch that the proposal to which the resolution pertains is in the best interests of the People, nor a recommendation by that Branch that the proposal be approved by the voters.

Section 7. (a) A proposal for the construction and operation within the Commonwealth of a new nuclear power plant or facility for the disposal or storage of low-level radioactive wastes may be introduced for consideration by the General Court pursuant to the provisions of this Act upon a proper showing in the General Court, to the fullest extent possible, that the proposed nuclear power plant or waste facility has obtained all federal, state, and local licenses, permits, certificates, variances, and other approvals necessary for the construction thereof.

(b) Whenever the General Court has adopted a resolution pursuant to Section 3, 4, or 5 of this Act, the Secretary of the

Commonwealth shall submit the proposal to which the resolution pertains to the voters of the Commonwealth at the first state-wide general election held at least 120 days following the date of the adoption of the resolution by the Senate or by the House, whichever date is later.

(c) At least 30 days prior to the date of such election, the Secretary of the Commonwealth shall cause to be printed and sent to each person eligible to vote in the Commonwealth, or to the residence of one or more persons eligible to vote in the Commonwealth, the full text of the above resolution, together with a copy of the legislative committee's majority and minority reports, if there be such, with the names of the majority and minority members thereon, a statement of the votes of General Court on the resolution, and a fair, concise summary of the question to be voted upon, as such summary will appear on the ballot; and shall, in such manner as may be provided by law, cause to be prepared and sent other information and arguments for and against the question.

Section 8. (a) The provisions of this Act shall not apply:

(i) to any nuclear power plant or facility for the disposal or storage of low-level radioactive wastes if, prior to August 5, 1981, such power plant or waste facility had obtained all federal, state, and local licenses, permits, certificates, variances, and other approvals necessary for the construction and operation thereof; or

(ii) to any facility solely for the disposal or storage of low-level radioactive wastes generated within the Commonwealth through medical or bio-research applications.

(b) Any compact or agreement into which the Commonwealth has entered with any other state or states between August 5, 1981, and the effective date of this Act, concerning the disposal or storage of low-level radioactive wastes within the Commonwealth, shall be null and void.

(c) As used in this Act, the term "disposal or storage" of low-level radioactive wastes is defined to include incineration, isolation, storage, and disposal of such wastes; and the term "state or states" is defined to include such state or states and political subdivisions thereof.

(d) Nothing in this Act shall be construed to exempt any proposed nuclear power plant, any facility for the disposal or storage of low-level radioactive wastes, or any compact or agreement subject to the provisions of this Act from meeting any licensing, permit, certificate, variance, or other approval requirement of the Commonwealth or political subdivisions thereof.

(e) The provisions of this Act are intended to authorize and

accomplish regulation by the Commonwealth to the full extent permitted by federal law and by the Constitution of the Commonwealth of Massachusetts, and no further.

Section 9. If any section, subsection, or paragraph of this Act shall be held unconstitutional either on its face or as applied, the unconstitutionality of the section, subsection, or paragraph, or of the application thereof, shall not affect the other sections, subsections, and paragraphs of this Act, and the applications thereof; and to that end the sections, subsections, and paragraphs of this Act are intended to be severable.

OFFICE OF THE SECRETARY, Boston, December 8, 1982.

I hereby certify that the foregoing law entitled "AN ACT PERTAINING TO NUCLEAR POWER," was approved by the People at the State Election held on November 2, 1982, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, as amended by Article LXXIV of said Amendments.

MICHAEL JOSEPH CONNOLLY,
Secretary of State.

Chap. 504. AN ACT EXEMPTING CERTAIN POSITIONS IN THE PUBLIC WORKS DEPARTMENT OF THE TOWN OF FRANKLIN FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The positions of assistant town engineer, senior engineering aide, junior engineering aide, draftsman and general construction inspector in the department of public works in the town of Franklin 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 positions of assistant town engineer, senior engineering aide, junior engineering aide, draftsman or general construction inspector in the department of public works in the town of Franklin on the effective date of this act.

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

Approved December 8, 1982.

Chap. 505. AN ACT EXEMPTING THE POSITION OF CITY AUDITOR IN THE CITY OF BROCKTON FROM THE PROVISIONS OF CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of city auditor in the city of Brockton shall be exempt from the provisions of chapter thirty-one of the General Laws. The auditor of said city shall be appointed in accordance with the provisions of the city charter.

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

Approved December 8, 1982.

Chap. 506. AN ACT EXEMPTING THE POSITION OF SUPERINTENDENT OF PARKS IN THE CITY OF CHELSEA FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of superintendent of parks in the city of Chelsea 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 parks in the city of Chelsea on the effective date of this act.

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

Approved December 8, 1982.

Chap. 507. AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO ENTER UPON PRIVATE LAND FOR PURPOSES OF SURVEYS, SOUNDINGS AND DRILLINGS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 92 of the General Laws is hereby amended by adding the following section:-

Section 103. Whenever the commission deems it necessary to make surveys, soundings, drillings or examinations to obtain information for or to expedite the construction of its sewer, water, parks, recreational facilities or other projects under its jurisdiction, the commission, its authorized agents or employees, may, after due notice by registered or certified mail, enter upon any lands, waters and premises in the commonwealth for the purpose of making surveys, soundings, drillings and examinations as they may deem necessary or convenient for the purposes of this section, and such entry shall not be deemed a trespass nor shall an entry for such purposes be deemed an entry under any condemnation proceedings which may then be pending. The commission shall make reimbursement for any injury or actual damage resulting to such lands, waters and premises caused by any act of its authorized agents or employees and shall, so far as possible, restore such lands to the same condition as prior to the making of such surveys, soundings, drillings or examinations.

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

Approved December 8, 1982.

Chap. 508. AN ACT FURTHER REGULATING THE USE OF THE ROOF ARBITRATION AWARD ACCOUNT BY THE SOUTHERN WORCESTER COUNTY REGIONAL VOCATIONAL SCHOOL DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section fifty-three of chapter forty-four of the General Laws or of any other law to the contrary, the Southern Worcester County Regional Vocational School District is hereby authorized for a period of three years to retain in its Roof Arbitration Award Account in the district treasury the interest earned on said

account and may expend the same without further appropriation in the same manner and for the same purpose that the principal amount of said account may be expended.

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

Approved December 8, 1982

Chap. 509. AN ACT ESTABLISHING THE BROCKTON PARKING AUTHORITY IN THE CITY OF BROCKTON.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established a parking authority, known as the Brockton Parking Authority, which shall be composed of five members appointed by the mayor with the approval of the city council. Two members shall be appointed for a term ending on March first, nineteen hundred and eighty-three, two for a term ending on March first, nineteen hundred and eighty-four, and one shall be appointed for a term ending on March first, nineteen hundred and eighty-five, thereafter all members shall be appointed for a term of five years. The mayor shall designate the chairman of said parking authority.

SECTION 2. Said authority shall have all powers and duties necessary to carry out the development and regulation of off-street parking in the city of Brockton, including, but not limited to:

(a) The power to acquire by purchase, gift, or otherwise, or by eminent domain under chapter seventy-nine and chapter eighty A, and to hold such property, real or personal, or any interest therein located within the city, as the authority determines necessary to provide sufficient public off-street parking facilities within said city.

(b) The power to clear, grade, surface, and resurface land acquired or used for the purpose of this section, and to own, construct, reconstruct, operate, and maintain thereon such facilities for public off-street parking as are determined necessary for said district, and to annually set such rates to be charged for use of such facility by the public as the authority determines appropriate.

(c) The power to contract for service for a maximum period not exceeding five years. The power to lease for a period not

exceeding ninety-nine years, as lessee, or to purchase air space above any real property within the boundaries of the city, and to construct said public off-street parking facilities within such air space. The authority may also similarly lease or purchase such parts of real property below such air space as may be necessary for structural supports and means of ingress and egress to and from the public off-street parking facility to be constructed within such air space.

(d) The power to lease all or part of any public off-street parking facility to be used, operated, and maintained by the lessee or lessees for public parking and other compatible uses, including but not limited to leases of one or more designated parking spaces in such parking facility, either (1) to a developer or developers, or successors thereof, of improvements constructed or to be constructed within such city for use by persons employed, residing or doing business within such city or (2) directly to any such person or persons. Said leases shall be upon such terms as the authority shall determine; provided, however, that any rate schedule shall be reviewed and approved annually by the authority, which also shall set forth regulations with respect to the use, operation, and occupancy of the property demised.

(e) The power to operate and maintain all other parking facilities, on-street or off-street, or any portion thereof operated and maintained within the boundaries of such city.

SECTION 3. The action taken by the mayor of the city of Brockton, under the provisions of section one of chapter four hundred and eighty-seven of the acts of nineteen hundred and eighty, designating the Brockton traffic commission as the agency to carry out the purposes of said chapter four hundred and eighty-seven is hereby repealed.

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

Approved December 8, 1982.

Chap. 510. AN ACT AUTHORIZING THE TOWN OF BRAINTREE TO CONVEY CERTAIN LAND IN SAID TOWN TO KENNETH A. HANSON 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 Kenneth A. Hanson a parcel of land in said town being the land shown as the easterly half of Lot #18, being a portion of Plot #22 as shown on Assessors Plan #1094, containing approximately 5,250 square feet, which land is presently under the care, custody and control of the town forest committee of said town. Said parcel of land is bounded and described as follows:

Beginning at a point on the northerly sideline of Wildwood Avenue, said point being located at the southwesterly corner of a lot of land as shown on Land Court Plan #23114A; thence running N78-23-50W along said northerly sideline of Wildwood Avenue for a distance of 25.00 feet to a point; thence turning to the right and running N11-47-20E for a distance of 219.15 feet, more or less, to a point on the northerly line of Lot #18; thence turning to the right and running along said northerly lot line S80-11-03E for a distance of 25.01 feet to a point on the westerly line of said lot shown on Land Court Plan #23114A; thence turning to the right and running S11-47-20W for a distance of 219.93 feet, more or less, to the point of beginning.

And in consideration of said conveyance, Kenneth A. Hanson shall convey to said town the entire right, title and interest in and to a certain vacant parcel of land being the northerly portion of Plot #21 as shown on said Assessors Plan #1094, said parcel being bounded and described as follows:

Beginning at a concrete bound on the southerly sideline of Liberty Park Road as shown on Land Court Plan #23114A; thence running S08-39-10W along the easterly lot line as shown on said Plan #23114A for a distance of 213.00 feet to a point; thence turning to the right and running N80-11-03W for a distance of 50.03 feet to a point on the westerly lot line as shown on said Plan #23114A; thence turning to the right and running along said westerly lot line N08-39-10E for a distance of 212.00 feet to a point on the southerly sideline of Liberty Park Road; thence turning to the right and running S81-20-50E along said southerly sideline for a distance of 50.00 feet, more or less, to the point of beginning.

SECTION 2. Land conveyed to the town of Braintree by Kenneth A. Hanson under the provisions of section one shall be managed and controlled by the town forest committee of 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 December 8, 1982.

Chap. 511. AN ACT PROVIDING PERMANENT CIVIL SERVICE STATUS TO CERTAIN EMPLOYEES OF THE DEPARTMENT OF PUBLIC WORKS IN THE TOWN OF TEWKSBURY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of chapter thirty-one of the General Laws or any other general or special law to the contrary, George DeRoche, Richard Westaway, William Chandler, Jr., Keith Ryan, and Evelyn Doherty, employees of the department of public works in the town of Tewskbury, shall be granted permanent civil service status in their current positions in said department.

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

Approved December 8, 1982.

Chap. 512. AN ACT AUTHORIZING AND DIRECTING THE REINSTATEMENT OF ROBERT D. WATT AS A MEMBER IN SERVICE IN THE BARNSTABLE COUNTY RETIREMENT SYSTEM.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law or rule or regulation to the contrary, Robert D. Watt shall be reinstated as a member in service in the Barnstable County retirement system, effective May first, nineteen hundred and seventy-eight, provided he pays into the annuity savings fund the amount which he would have paid as regular deductions from his regular compensation had he become a member in service as of such date, including regular interest thereon.

Approved December 8, 1982.

Chap. 513. AN ACT FURTHER REGULATING FEES FOR THE SERVICE OF CIVIL PROCESS.

Be it enacted, etc., as follows:

SECTION 1. Clause (2) of subdivision A of section 8 of chapter 262 of the General Laws, as appearing in chapter 321 of

the acts of 1980, is hereby amended by inserting after the word "divorce", in line 1, the following words:- and any other probate court process required to be served in hand.

SECTION 2. Said subdivision A of said section 8 of said chapter 262, as so appearing, is hereby amended by striking out clause (12) and inserting in place thereof the following clause:-

(12) For a levy on real estate: for preparing and serving notice of sale, including copy and travel, ten dollars for each debtor, and, for preparing a notice of sale, a fee not to exceed fifteen dollars, including copy and travel.

SECTION 3. Clause (16) of said section 8 of said chapter 262, as so appearing, is hereby amended by striking out, in line 1, the word "ten" and inserting in place thereof the following word:- twenty-five.

SECTION 4. Clause (23) of said section 8 of said chapter 262, as so appearing, is hereby amended by striking out, in line 1, the word "ten" and inserting in place thereof the following word:- twenty-five.

SECTION 5. Clause (24) of said section 8 of said chapter 262, as so appearing, is hereby amended by striking out, in line 1, the word "ten", and inserting in place thereof the following word:- twenty-five.

SECTION 6. Clause (26) of said section 8 of said chapter 262, as so appearing, is hereby amended by striking out, in line 1, the word "four", and inserting in place thereof the following word:- eight.

SECTION 7. Notwithstanding the provisions of section eight of chapter two hundred and sixty-two of the General Laws, this act shall not cause the fees of constables to be increased over the fees established for constables prior to the effective date of this act.

Approved December 8, 1982.

EMERGENCY LETTER - December 31, 1982. @ 11:08 A.M.

Chap. 514. AN ACT AUTHORIZING THE PROBATE COURT TO GRANT VISITATION RIGHTS TO GRANDPARENTS OF CERTAIN MINOR CHILDREN.

Be it enacted, etc., as follows:

Chapter 119 of the General Laws is hereby amended by striking out section 39D, inserted by chapter 631 of the acts of 1972, and inserting in place thereof the following section:-

Section 39D. If the parents of an unmarried minor child are divorced, or if either or both of the said parents are deceased, the grandparents of such minor child may be granted reasonable visitation rights to the minor child during his minority by the probate court upon a finding that such visitation rights would be in the best interests of the said minor child. No such visitation rights shall be granted if said minor child has been adopted by a person other than a stepparent and any visitation rights granted pursuant to this section prior to such an adoption of the said minor child shall be automatically terminated by said adoption.

Approved December 8, 1982.

Chap. 515. AN ACT FURTHER REGULATING AGREEMENTS BY CITIES AND TOWNS RELATIVE TO CERTAIN TRANSPORTATION SERVICE.

Be it enacted, etc., as follows:

Section 6 of chapter 161B of the General Laws is hereby amended by striking out paragraph (f), as amended by section 4 of chapter 928 of the acts of 1977, and inserting in place thereof the following paragraph:-

(f) to enter into agreements with other parties, including, without limiting the generality of the foregoing, government agencies, municipalities, authorities, private transportation companies, railroads, corporations and other concerns, providing (i) for construction, operation and use by such other party of any mass transportation facility and equipment; or (ii) for the acquisition of any mass transportation facility and equipment of another party where the whole or any part of the operations of such other party takes place within the area constituting the authority. Any such other party is hereby given power and authority to enter into any such agreements, subject to such provisions of law as may be applicable. Any agreement with a private company under any provision of this chapter which provides for the rendering of transportation service by such company and for financial assistance to such company by subsidy, lease or otherwise, shall include such standards for such service as the authority may deem appropriate and shall not bind the authority for a period of longer than one year from its

effective date, but this shall not prohibit agreements for longer than one year if the authority's obligations thereunder are subject to annual renewal or annual cancellation by the authority for just cause or lack of sufficient appropriation. Such agreements may provide for cash payments for services rendered, but not more than will permit any private company a reasonable return.

Approved December 8, 1982.

EMERGENCY LETTER - December 8, 1982 @ 3:03 P.M.

Chap. 516. AN ACT ESTABLISHING THE TYNGSBOROUGH WATER DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the town of Tyngsborough and residing within the territory comprised within the following described area: All the land within the town of Tyngsborough, except the areas presently serviced by the Dracut Water Supply District, city of Lowell and North Chelmsford Water District; extending out to the town boundary lines at Chelmsford, Westford, Dunstable, Dracut, Groton, Lowell, and Hudson, Pelham and Nashua, in the state of New Hampshire, shall be a water district and are hereby made a body corporate which shall be designated the Tyngsborough Water District, hereinafter called the district, for the purpose of supplying themselves and others, for fair consideration, with water for the extinguishment of fires and for domestic and other purposes, with power to establish fountains and hydrants and to relocate and discontinue the same, to regulate the use of such water and to fix and collect rates to be paid therefor, and for the purposes of assessing and raising taxes as provided herein for the payment of such services, and for defraying the necessary expenses of carrying on the business of the district, subject to all laws except as otherwise provided herein. The district shall have power to prosecute and defend all actions relating to its property and affairs.

SECTION 2. For the purposes aforesaid, the district, acting by and through its board of water commissioners hereinafter provided for, may contract with any municipality, acting through its water department, or with any water company, or with any water district, for whatever water may be required, authority to

furnish the same being hereby granted, and may take by eminent domain under chapter seventy-nine or chapter eighty A of the General Laws, or acquire by lease, purchase or otherwise, and hold, the waters, or any portion thereof, of any pond, spring, or stream, or of any ground sources of supply by means of driven, artesian or other wells, within the town of Tyngsborough not already appropriated for the purpose of a public supply, and the water and flowage rights connected with any such water sources, and for the said purposes may take as aforesaid, or acquire by purchase or otherwise, and hold, all lands, rights of way and other easements necessary for collecting, storing, holding, purifying and preserving the quality of the water and for conveying the same to any part of the district; provided, that no source of water supply or lands necessary for preserving the quality of the water shall be so taken or used without first obtaining the advice and approval of the department of environmental quality engineering, and that the location and arrangement of all dams, reservoirs, springs, wells, pumping, purification and filtration plants and such other works as may be necessary in carrying out the provisions of this act shall be subject to the approval of said department. The district may construct and maintain on the lands acquired and held under this act proper dams, wells, springs, reservoirs, standpipes, tanks, pumping plants, buildings, fixtures and other structures including also the establishment and maintenance of filter beds and purification works or systems, and may make excavations, procure and operate machinery and provide such other means and appliances, and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct, lay, acquire and maintain aqueducts, conduits, pipes and other works under or over any land, water courses, railroads, railways and public or other ways, and along such ways, in said towns, in such manner as not unnecessarily to obstruct the same; and for the purposes of constructing, laying, maintaining and repairing such aqueducts, conduits, pipes and other works, and for all proper purposes of this act, the district may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel on such way; provided, that the manner in which all things are done upon any such way shall be subject to the direction of the selectmen of the town of Tyngsborough.

The district shall not enter upon, or construct or lay any conduit, pipe or other works within, the location of any railroad corporation except at such time and in such manner as it may agree upon with such corporation, or, in case of failure so to

agree, as may be approved by the department of public utilities. The district may enter upon any lands for the purpose of making surveys, test wells or pits and borings, and may take or otherwise acquire the right to occupy temporarily any land necessary for the construction of any work or for any other purpose authorized by this act. The district is empowered and authorized to sell and distribute water to any adjacent town, district or any part thereof on such terms and conditions and for such consideration as the commissioners may determine. The district is also empowered and authorized to levy a rental fee for fire hydrants in the town of Tyngsborough and any adjacent town district or any part thereof; on such terms and conditions, and for such consideration as the commissioners may determine.

SECTION 3. Any person sustaining damages in his property by any taking under this act or any other action taken under authority thereof may recover such damages from the district under chapter seventy-nine or chapter eighty A of the General Laws; but the right to damages for the taking of any water, water right or water source, or for any injury thereto, shall not vest until water is actually withdrawn or diverted under authority of this act.

SECTION 4. For the purpose of applying the necessary expenses and liabilities incurred under this act, other than expenses of maintenance and operation, the district may borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, one million dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Tyngsborough Water District Loan, Act of 1982. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than forty years from their dates. Indebtedness incurred under this act shall be subject to the provisions of chapter forty-four of the General Laws pertaining to such districts.

SECTION 5. The district shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with section four, and, when a vote to that effect has been passed, a sum which, with the income derived from water rates, shall be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds or notes issued as aforesaid by the district, and to make such payments on the principal as may be required under this act, shall without further vote be assessed upon the district by the assessors of said town of Tyngsborough annually thereafter until the debt

incurred by said loan or loans is extinguished.

SECTION 6. Any land taken or acquired under this act shall be managed, improved and controlled by the board of water commissioners of the town of Tyngsborough hereinafter provided for, in such manner as they shall deem for the best interest of the district. All authority vested in said board by this section shall be subject to section nine.

SECTION 7. Whenever a tax is duly voted by the district, the clerk shall send a certified copy of the vote to the assessors of said towns, who shall assess the same on property within the district in the same manner in all respects in which town taxes are required by law to be assessed; provided, that no estate shall be subject to any tax assessed on account of the system of water supply under this act if, in the judgment of the board of water commissioners hereinafter provided for, after a hearing, due notice whereof shall have been given, such estate is so situated that it can receive no aid in the extinguishment of fire from the said system of water supply, or if such estate is so situated that the buildings thereon, or the buildings that might be constructed thereon, could not be supplied with water from said system in any ordinary or reasonable manner; but all other estates in the district shall be deemed to be benefited and shall be subject to such tax. A certified list of the estates exempt from taxation under the provisions of this section shall annually be sent by said board of water commissioners to said assessors, at the same time at which the clerk shall send a certified copy of the vote as aforesaid. The assessment shall be committed to the town collectors, who shall collect said tax in the manner provided by law for the collection of town taxes, and shall deposit the proceeds thereof with the treasurer of the district for the use and benefit of the district. The district may collect interest on overdue taxes in the manner in which interest is authorized to be collected on town taxes.

SECTION 8. Any meeting of the voters of the territory included within the boundaries set forth in section one to be held prior to the acceptance of this act, and any meeting of the voters of the district to be held prior to the qualification of a majority of the water commissioners, shall be called, on petition of ten or more legal voters therein, by a warrant from the selectmen of said towns, or from a justice of the peace, directed to one of the petitioners, requiring him to give notice of the meeting by posting copies of the warrant in two or more public places in the district seven days at least before the time of the

meeting. Such justice of the peace, or one of the selectmen, shall preside at such meeting until a clerk is chosen and sworn, and the clerk shall preside until a moderator is chosen. At any meeting held hereunder prior to the acceptance of this act, after the choice of a moderator for the meeting the question of the acceptance of this act shall be submitted to the voters, and if it is accepted by a majority of the voters present and voting thereon it shall thereupon take effect, and the meeting may then proceed to act on the other articles in the warrant. After the qualification of a majority of the water commissioners, meetings of the district shall be called by warrant under their hands, unless some other method be provided by by-law or vote of the district.

SECTION 9. The district shall, after the acceptance of this act as aforesaid, instruct the board of selectmen to appoint, at their next regular meeting, or a meeting called for that purpose, five persons, inhabitants of and voters in the town of Tyngsborough; to hold office, two until the expiration of one year, two until the expiration of two years, and one until the expiration of three years from the day of the next succeeding annual meeting of the district, to constitute a board of water commissioners; and at every annual district meeting following such next succeeding annual district meeting two such commissioners shall be elected by ballot for the term of three years, provided however, that at every third annual meeting of the district following such next succeeding annual district meeting of the district one such commissioner shall be elected by ballot for a term of three years. The date of the next annual meeting shall be fixed by by-law or by vote of the board of water commissioners, but in no event shall it be later than fifteen months subsequent to the date on which the water commissioners were first elected. All the authority granted to the district by this act, except sections four and five, and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as the district may by vote impose. At the meeting at which said water commissioners are first elected and at each annual district meeting held thereafter, the district shall elect by ballot, each for a term of one year, a clerk and a treasurer of the district. The treasurer shall not be a water commissioner, and shall give bond to the district in such an amount as may be approved by said water commissioners and with a surety company authorized to transact business in the commonwealth as surety. A majority of said water commissioners shall constitute a quorum for the transaction of

business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said district at any legal meeting called for the purpose. No money shall be drawn from the treasury of the district on account of its water works except upon a written order of said water commissioners or a majority of them.

SECTION 10. Said board of water commissioners shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment. The income of the water works shall be appropriated to defray all operating expenses, interest charges and payments on the principal as they shall accrue upon any bonds or notes issued under authority of this act. If there should be a net surplus remaining after providing for the aforesaid charges, it may be appropriated for such new construction as said water commissioners may recommend, and in case a surplus should remain after payment for such new construction the water rates shall be reduced proportionately. Said water commissioners shall annually, and as often as the district may require, render a report upon the condition of the works under their charge, and an account of their doings, including an account of receipts and expenditures.

SECTION 11. The district may adopt by-laws, prescribing by whom and how meetings of the district may be called, notified, and conducted; and, upon the application of ten or more legal voters in the district, meetings may also be called by warrant as provided in section eight. The district may also establish rules and regulations for the management of its water works, not inconsistent with this act or with any other provision of law, and may choose such other officers not provided for in this act as it may deem necessary or proper.

SECTION 12. Whoever wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this act, or wilfully or wantonly injures any reservoir, well, standpipe, aqueduct, pipe or other property owned or used by the district for any of the purposes of this act, shall forfeit and pay to the district three times the amount of damages assessed therefor, to be recovered in an action of tort, and upon conviction of any of the above wilful or wanton acts shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months.

SECTION 13. Upon a petition in writing addressed to said

board of water commissioners requesting that certain real estate, accurately described therein, located in said town and abutting on said district and not otherwise served by a public water supply be included within the limits thereof, and signed by the owners of such real estate, or a major portion of such real estate, said water commissioners shall cause a duly warned meeting of the district to be called, at which meeting the voters may vote on the question of including said real estate within the district. If a majority of the voters present and voting thereon vote in the affirmative the district clerk shall within ten days file with the town clerk of said town and with the state secretary an attested copy of said petition and vote; and thereupon said real estate shall become and be part of the district and shall be holden under this act in the same manner and to the same extent as the real estate described in section one.

SECTION 14. This act shall be submitted for acceptance to the voters of the town of Tyngsborough at the next annual town meeting in the form of the following question which shall be placed upon the official ballot used for the election of town officers at said meeting: "Shall an act passed by the General Court in the year nineteen hundred and eighty-two, entitled 'An Act establishing the Tyngsborough Water District', 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 December 8, 1982.

Chap. 517. AN ACT AUTHORIZING THE CITY OF BROCKTON TO APPROPRIATE MONEY FOR THE PAYMENT OF AND TO PAY A CERTAIN UNPAID BILL.

Be it enacted, etc., as follows:

The city of Brockton is hereby authorized to appropriate money for the payment of, and after such appropriation, the treasurer of said city is hereby authorized to pay East Bridgewater Associates seventy-nine thousand seven hundred and thirty-six dollars and seventeen cents, for services rendered to the city of Brockton by said Associates during the years nineteen hundred and seventy-five to nineteen hundred and seventy-eight, inclusive, said bill being legally unenforceable against said city, having been incurred in excess of available appropriations.

Approved December 8, 1982.

Chap. 518. AN ACT FURTHER REGULATING THE STUDY COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION OF OBJECTIVE METHODS OF COMPUTING THE PERCENTAGE DIFFERENTIAL TO BE UTILIZED FOR HOSPITALS.

Be it enacted, etc., as follows:

Section 58 of chapter 6A of the General Laws, as appearing in section 1B of chapter 372 of the acts of 1982, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

There shall be a study commission, consisting of three members, one representing nonprofit hospital service corporations under chapter one hundred and seventy-six A, one representing companies authorized to sell accident and health insurance under chapter one hundred and seventy-five, and one selected by mutual agreement of the other two members who shall serve as chairman at all meetings and hearings of the study commission. If such third member is not selected by mutual agreement of the other two members within one hundred and twenty days after the effective date of this section, such third member shall be appointed by the president of the American Arbitration Association. Resolutions of the study commission may be adopted only upon the affirmative vote of at least two of its members. The provisions of chapter two hundred and sixty-eight A shall not apply to members of said commission. The study commission shall adopt operating procedures governing the conduct of its activities within one hundred and eighty days after the effective date of this section.

Approved December 8, 1982.

EMERGENCY LETTER - December 10, 1982. @ 2:05 P.M.

Chap. 519. AN ACT MAKING A CORRECTIVE CHANGE RELATIVE TO THE COMPENSATION OF CERTAIN PUBLIC OFFICERS.

Be it enacted, etc., as follows:

SECTION 1. Section 9 of chapter 3 of the General Laws, as most recently amended by section 1 of chapter 455 of the acts of 1982, is hereby further amended by striking out the fifth and sixth sentences and inserting in place thereof the following

sentence:- The assistant floor leader of each of the major political parties in the senate and the assistant floor leader of each of the major political parties in the house of representatives, and the second assistant floor leaders of each of the major political parties in the senate and house of representatives, the third assistant floor leader of the minority party in the senate and 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, the senate chairman and the house chairman of the committee on post audit and oversight and the senate chairman and the house chairman on the committee of taxation shall each receive forty-five thousand dollars.

SECTION 2. This act shall take effect as of January fifth, nineteen hundred and eighty-three.

Approved December 8, 1982.

EMERGENCY LETTER - December 10, 1982. @ 2:05 P.M.

Chap. 520. AN ACT FURTHER REGULATING THE BOARD OF FIRE PREVENTION REGULATIONS.

Be it enacted, etc., as follows:

Chapter 148 of the General Laws is hereby amended by striking out section 28, as most recently amended by section 2 of chapter 462 of the acts of 1980, and inserting in place thereof the following section:-

Section 28. The board shall make such rules and regulations, and the head of the fire department shall make such orders or rules not inconsistent therewith, as may be necessary to promulgate a comprehensive fire safety code for the following purposes:

(1) to prevent or remedy any condition in or about any building, structure or other premises or any ship or vessel which may tend to become a fire hazard or to cause a fire.

(2) to provide adequate safety requirements for the protection of the public in the event of a fire in or about any building, structure or other premises or any ship or vessel.

(3) to provide for the safe storage, use, handling and manufacturing of corrosive liquids, highly oxidizing materials, highly toxic materials or poisonous gases.

Approved December 8, 1982.

Chap. 521. AN ACT AUTHORIZING THE WATER RESOURCES COMMISSION TO ACQUIRE A WATER IMPOUNDMENT SITE FROM THE SALEM AND BEVERLY WATER SUPPLY BOARD AND TRANSFER SAID LAND AND INTEREST BACK TO SAID WATER SUPPLY BOARD AND AUTHORIZE CONSTRUCTION OF A WATER SUPPLY RESERVOIR.

Be it enacted, etc., as follows:

SECTION 1. The water resources commission is hereby authorized to acquire for the sum of one million five hundred thousand dollars, by deed approved as to form by the attorney general, a parcel of land and easements owned by the Salem and Beverly Water Supply Board acting on behalf of the cities of Salem and Beverly as tenants in common; in the town of Topsfield consisting of two hundred and fifty acres more or less and as identified by plans prepared by Raymond C. Pressey Inc., dated December 27, 1977 and recorded in the southern district registry of deeds in Essex county, Plan Book 146, Plan 78, 8 sheets. The land is further described as the site of the Salem and Beverly Water Supply Board proposed Topsfield Reservoir.

SECTION 2. The water resources commission is hereby further authorized and directed to convey said parcel of land together with all rights and interests acquired by section one to the Salem and Beverly Water Supply Board acting on behalf of the cities of Salem and Beverly by deed approved as to form by the attorney general, for the sum of one dollar. Said land shall be the property of the Salem and Beverly Water Supply Board acting on behalf of the cities of Salem and Beverly and shall be used for the purpose of constructing and developing a water supply facility.

SECTION 3. The Salem and Beverly Water Supply Board may enter into an agreement for the temporary supervision and maintenance of such land acquired under this act and the compatible private use subject to such conditions as may be imposed by the department of environmental quality engineering to insure the site remains suitable as a drinking water supply reservoir. Said lands shall be subject to payments in lieu of taxes as provided in section five D of chapter fifty-nine of the General Laws.

SECTION 4. The Salem and Beverly Water Supply Board is

hereby further authorized to construct on any land acquired under this act such water supply facilities, including, but not limited to, dams, dikes, spillways and appurtenances, as may be necessary in the building of a water supply reservoir on the site at such time as the board acting on behalf of the cities deems necessary.

Approved December 8, 1982.

Chap. 522. AN ACT AUTHORIZING THE TOWN OF OXFORD TO BECOME A PARTICIPATING MEMBER OF THE UPPER BLACKSTONE WATER POLLUTION ABATEMENT DISTRICT.

Be it enacted, etc., as follows:

Section 1 of chapter 752 of the acts of 1968 is hereby amended by adding the following paragraph:-

The town of Oxford by vote at a town meeting may become a participating member of the district; provided, however, that the board by a majority vote approves such membership.

Approved December 8, 1982.

Chap. 523. AN ACT DESIGNATING THE BOAT RAMP AT PLYMOUTH HARBOR IN THE TOWN OF PLYMOUTH AS THE LEO F. DeMARSH MEMORIAL BOAT RAMP.

Be it enacted, etc., as follows:

The public boat ramp in Plymouth harbor in the town of Plymouth shall be designated and known as the Leo F. DeMarsh Memorial boat ramp in memory of Leo F. DeMarsh a deputy chief engineer of the department of public works. A suitable marker bearing said designation shall be attached thereto by the department of environmental management.

Approved December 8, 1982.

Chap. 524. AN ACT VALIDATING AND CONFIRMING THE ACTS AND PROCEEDINGS TAKEN AT THE BIENNIAL STATE ELECTION HELD IN THE

CURRENT YEAR IN THE TOWN OF SOUTH HADLEY.

Be it enacted, etc., as follows:

SECTION 1. All acts and proceedings of the town of South Hadley taken at the biennial state election held in the current year on November second, and done in pursuance thereof, are hereby ratified, validated and confirmed, notwithstanding the failure of the town to post the warrant for said state election within the time prescribed by law as set forth in chapter fifty-four of the General Laws.

SECTION 2. This act shall take effect as of November second, nineteen hundred and eighty-two.

Approved December 8, 1982.

Chap. 525. AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO SELL AND CONVEY A CERTAIN PARCEL OF LAND IN MARLBOROUGH.

Be it enacted, etc., as follows:

The metropolitan district commission, with the approval of the division of capital planning and operations, is hereby authorized to sell and convey a certain parcel of land under its jurisdiction and used for water supply purposes to Dennis P. Kennedy and Carolyn M. Kennedy.

Said land is located in the city of Marlborough and is bound and described as follows:

Beginning at the southeast corner of the premises at land of Old Colony Petroleum Co., Inc. and land of The City of Marlborough, said point being 94.83' from the westerly side of Maple St., thence by land of said City of Marlborough S86°-04'-20"W 21.555' to a corner at land of Dennis P. & Carolyn M. Kennedy, thence by land of said Kennedy N17°-58'-22"E 50.42' to an angle, thence still by land of said Kennedy N06°-56'-26"W 53.21' to a corner at other land of the Metropolitan District Commission, thence by other land of said Metropolitan District Commission N86°-04'-20"E 20.03' to a corner at land of said Old Colony Petroleum Co., Inc., thence by land of said Old Colony Petroleum Co., Inc. S06°-56'-26"E 56.57' to an angle, thence still by land of said Old Colony Petroleum Co., Inc. S17°-58'-22"W 46.80' to the point of beginning. Said

described lot is subject to a right of way 20' wide, contains 2,070 sq.ft. and is shown on a plan entitled "Sketch of Land in Marlborough, Mass." Scale 1" = 40' Dated: February 25, 1982 by Highland Land Surveyors, Inc. 69 Maple St. Marlboro, Mass.

Said conveyance shall be upon such terms and for such consideration as may be acceptable to the Metropolitan District Commission.

Approved December 8, 1982.

Chap. 526. AN ACT INCREASING THE AMOUNT OF INSURANCE ON THE PURCHASE OF A NEW OR USED MOTOR VEHICLE ON DEBTORS OF A BANK, ASSOCIATION, FINANCIAL OR OTHER INSTITUTION.

Be it enacted, etc., as follows:

Section 133 of chapter 175 of the General Laws is hereby amended by striking out clause (c), as most recently amended by chapter 350 of the acts of 1961, and inserting in place thereof the following clause:-

(c) a group of persons who at any time are debtors of a bank, association, financial or other institution, including its subsidiary or affiliated institutions, if any, for a loan, or of the vendor of any property for its purchase price, or of a guarantor of the obligation, under an agreement to pay any such indebtedness, or any balance thereof, in instalments over a period of not more than ten years, or who at any time have been granted a policy loan pursuant to a policy provision therefor, written under a policy issued, with or without medical examination, and made payable to such creditor or the assignee of the indebtedness, or the insurance company granting the policy loan, including the insurance company which issues such policy, and insuring the life of each debtor, or the person granted such policy loan, for an amount not exceeding his individual indebtedness or policy loan with interest, and not exceeding fifteen thousand dollars; provided, that not less than one hundred persons shall become insured under such a group policy each year after its date of issue; and provided, further, that no such debtor shall be insured in such a group for a period of more than ten years on account of a debt arising out of said loan or an obligation for the said purchase price;.

Approved December 10, 1982.

EMERGENCY LETTER - December 10, 1982 @ 2:05 P.M.

Chap. 527. AN ACT MAKING A CORRECTIVE CHANGE RELATIVE TO THE COMPENSATION OF CERTAIN JUDICIAL OFFICERS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 455 of the acts of 1982 is hereby amended by inserting after section 10 the following section:-

Section 10A. Notwithstanding the provisions of sections eight to ten, inclusive, of this act, the salaries for the positions mentioned in said sections eight to ten, inclusive, in effect prior to December sixteenth, nineteen hundred and eighty-one, shall remain in effect for a person appointed to any such position after said December sixteenth, nineteen hundred and eighty-one.

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

Approved December 13, 1982.

EMERGENCY LETTER - December 16, 1982 @ 3:21 P.M.

Chap. 528. AN ACT RELATIVE TO RULES PROMULGATED BY THE OFFICE OF INSPECTOR GENERAL.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide rules and regulations governing the proceedings of the office of inspector general, therefore 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 six of chapter twelve A of the General Laws, the rules of procedure of the office of inspector general promulgated by said office on June eleventh, nineteen hundred and eighty-two and which were revised and resubmitted by the inspector general on November eighth, nineteen hundred and eighty-two, and which shall be filed in the offices of the senate clerk and house clerk are hereby approved. The senate clerk shall cause such regulations to be sent to the governor for his approval pursuant to the provisions of said section six. If the governor approves such regulations he shall forward the same to the state secretary who shall publish the same in accordance with section five of chapter

thirty A.

Approved December 15, 1982.

Chap. 529. AN ACT RELATIVE TO THE LICENSING AND KEEPING OF DOGS IN THE CITY OF PITTSFIELD.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section one hundred and thirty-nine of chapter one hundred and forty of the General Laws or any other provision of law to the contrary, the annual fees to be charged by the city of Pittsfield for the issuance of licenses for dogs shall be determined by city ordinance.

SECTION 2. Notwithstanding the provisions of section one hundred and forty-seven of said chapter one hundred and forty or any other provision of law to the contrary, all money received for licenses or from the sale of dog licenses by the city of Pittsfield, or recovered as fines or penalties by said city under the provisions of said chapter one hundred and forty relating to dogs, shall be paid into the treasury of said city and shall not thereafter be paid over by the city treasurer to Berkshire county.

SECTION 3. Notwithstanding the provisions of section one hundred and thirty-seven of said chapter one hundred and forty or any other provision of law to the contrary, the registering, numeral listing, description and licensing of dogs, if kept in said city, shall be conducted in the office of the animal commission of said city, or its designees.

SECTION 4. Notwithstanding any provision of law to the contrary, any animal pound, as defined in section one of chapter forty-nine A of the General Laws which is located in said city, is hereby exempt from the provisions of section three of said chapter forty-nine A, and no such animal pound located in said city or otherwise shall be permitted to deliver from its available impounded animals, any animal to a licensee as defined in said section one of said chapter forty-nine A for the purpose of scientific investigation, experimentation, instruction, or testing of drugs or medicine.

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

Approved December 15, 1982.

Chap. 530. AN ACT AUTHORIZING THE TOWN OF ANDOVER TO SELL AND CONVEY OR LEASE AND LEASE BACK CERTAIN PROPERTY FOR OFFICE USE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of sections three, four, fifteen and fifteen A of chapter forty and section thirty-one of chapter forty-four of the General Laws or any other general or special law to the contrary, the town of Andover is hereby authorized to sell or to lease for a term of not more than forty years, including all rights to extend or renew, all or a portion of the property now or formerly known as the Punchard Junior High School Wing and East Wing of the East Junior High School to a purchaser or purchasers or to a lessee or lessees who shall undertake to rehabilitate and remodel the existing buildings for office use in accordance with plans and specifications approved on behalf of the town. Said town is also authorized to lease or sublease, as the case may be, from said purchaser or purchasers or lessee or lessees as aforesaid, the property so sold or leased for a period not to exceed forty years, including all rights to extend or renew. Such lease or sublease may provide that payments by said town be unconditional and included in the amounts assessed in each year as provided in section twenty-three of chapter fifty-nine of the General Laws, but the obligations represented by such payments shall not be included in any determination of the borrowing capacity of said town under any limitation of its indebtedness.

SECTION 2. The net proceeds of any sale authorized in section one of this act shall be deposited in a special account in the stabilization fund of said town and shall not be withdrawn from said fund for any purpose other than to repurchase the said property except by a two-thirds vote adopted at two separate town meetings, at least one of which shall be an annual town meeting. Said vote shall be at a town meeting held at least six months apart. Any income from moneys held in said special account or any rent payable to the town may be deemed general revenues of the town and deposited from time to time with the town treasurer.

SECTION 3. Notwithstanding any provisions of the Andover zoning by-laws, only the regulations and requirements of such by-laws currently applicable to property in a general business district shall apply to the property described in section one; provided, however, that the selectmen of said town may waive

any parking requirements otherwise applicable in a general business district.

SECTION 4. Except as provided in section two, actions by or on behalf of the town authorized by this act shall be taken by the board of selectmen.

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

Approved December 15, 1982.

Chap. 531. AN ACT RELATIVE TO THE TREATMENT OF CERTAIN TRUSTS UNDER THE ESTATE TAX.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, in the case of a will executed before December thirty-first, nineteen hundred and seventy-eight, or a trust created before such date, if a deduction from any federal estate tax would not be allowed because of a failure to meet the requirements set forth pursuant to section two thousand and fifty-five of the Internal Revenue Code, and if the relevant governing instrument is amended or conformed on or before either December thirty-first, nineteen hundred and eighty-one, or, if later, on or before the thirtieth day after any judicial proceedings which are required to amend or conform such instrument and which are commenced on or before said December thirty-first, nineteen hundred and eighty-one, become final, and if such amendment or conformation would cause any relevant trust to qualify as a charitable remainder annuity trust, a charitable remainder unitrust, as described in section six hundred and sixty-four of said Internal Revenue Code, or a pooled income fund, as described in paragraph five of subsection c of section six hundred and forty-two of said Internal Revenue Code, and as a result thereof, such a deduction from any federal estate tax would be allowed, then a similar deduction shall be allowed from any tax imposed pursuant to chapter sixty-five C of the General Laws to the extent that it can be attributed to property included in the Massachusetts gross estate.

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

Approved December 15, 1982.

Chap. 532. AN ACT FURTHER REGULATING CERTAIN COURT FEES.

Be it enacted, etc., as follows:

Section 40 of chapter 262 of the General Laws is hereby amended by adding the following paragraph:-

Notwithstanding the provisions of this section, no fee shall be charged for the filing of a complaint to modify a temporary order or final judgment relating to support, maintenance or education of a child nor for the issuance of a temporary restraining order against a spouse related to a complaint for divorce or separate support.

Approved December 15, 1982.

Chap. 533. AN ACT EXTENDING JURISDICTION OF APPEALS UNDER THE SUBDIVISION CONTROL LAW TO THE LAND COURT DEPARTMENT OF THE TRIAL COURT.

Be it enacted, etc., as follows:

SECTION 1. Section 17 of chapter 40A of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 32 of chapter 478 of the acts of 1978, and inserting in place thereof the following sentence:- Any person aggrieved by a decision of the board of appeals or any special permit granting authority, whether or not previously a party to the proceeding, or any municipal officer or board may appeal to the superior court department in which the land concerned is situated or, if the land is situated in Hampden county, either to said superior court department or to the division of the housing court department for said county, or to the land court department, or to the division of the district court department within whose jurisdiction the land is situated except in Hampden county, by bringing an action within twenty days after the decision has been filed in the office of the city or town clerk.

SECTION 2. Section 81BB of chapter 41 of the General Laws, as most recently amended by section 2 of chapter 199 of the acts of 1957, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- Any person, whether or not previously a party to

the proceedings, or any municipal officer or board, aggrieved by a decision of a board of appeals under section eighty-one Y, or by any decision of a planning board concerning a plan of a subdivision of land, or by the failure of such a board to take final action concerning such a plan within the required time, may appeal to the superior court for the county in which said land is situated or to the land court pursuant to the provisions of clause (k) of section one of chapter one hundred and eighty-five; provided, that such appeal is entered within twenty days after such decision has been recorded in the office of the city or town clerk or within twenty days after the expiration of the required time as aforesaid, as the case may be, and notice of such appeal is given to such city or town clerk so as to be received within such twenty days.

Approved December 15, 1982.

EMERGENCY LETTER - December 16, 1982 @ 3:21 P.M.

Chap. 534. AN ACT FURTHER REGULATING THE ISSUING OF CERTAIN LICENSES FOR CERTAIN PREMISES.

Be it enacted, etc., as follows:

Section 4 of chapter 136 of the General Laws is hereby amended by striking out paragraph (6), as appearing in section 2 of chapter 616 of the acts of 1962, and inserting in place thereof the following paragraph:-

(6) The provisions of this section shall not apply to premises licensed under the provisions of section one hundred and eighty-three A of chapter one hundred and forty; provided, however, that paragraph (2), insofar as it regulates activities on such premises between the hours of two o'clock in the morning and one o'clock in the afternoon on Sunday, shall apply to premises licensed under said section one hundred and eighty-three A of said chapter one hundred and forty.

Approved December 15, 1982.

Chap. 535. AN ACT MAKING AN APPROPRIATION FOR THE METROPOLITAN DISTRICT COMMISSION PARKS AND RECREATION DIVISION.

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 several purposes and subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in chapter one hundred and ninety-one of the acts of nineteen hundred and eighty-two, for the fiscal year ending June thirtieth, nineteen hundred and eighty-three the sum so appropriated to be in addition to any amounts available for the purpose.

SECTION 2.

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS

Metropolitan Parks District.

2440-0010 For the administration of the metropolitan district commission parks and recreation division, division of central services and division of highways; for maintenance of parks, reservations and the Charles river basin, for the maintenance of boulevards, parkways, locks, bridges and dams, and for the maintenance of vehicles and metropolitan district commission parks district garages and the purchase of supplies and equipment; including not more than six hundred and fifteen permanent positions; provided that the metropolitan district commission shall annually pay a reasonable fee to the town of Hull for the use of its sewage treatment plant; provided further, that the commission shall not permit access or curb cuts to Chestnut Hill reservoir driveway under its control to any proposed development which includes a structure of more than ten stories in height or two hundred feet in height until and unless an environmental impact study is filed with the commission and it is determined that such a structure does not adversely effect the use or enjoyment of such premises by the public; provided, further, that the commissioner shall assist the secretary of the executive office of environmental affairs in the preparation of the report required under item

2000-0100	$1,100,000
Highway Fund	67.0%
MDC Parks District Fund	33.0%

Approved December 15, 1982.

Chap. 536. AN ACT RELATIVE TO THE QUALIFICATIONS OF CERTAIN DIRECTORS OF BANKS.

Be it enacted, etc., as follows:

SECTION 1. Section 28 of chapter 170 of the General Laws, as appearing in section 46 of chapter 155 of the acts of 1982, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Any such corporation may convert itself into a federal savings and loan association or federal savings bank if authorized by a vote of a majority of the shareholders of such corporation qualified to vote and voting in person or by proxy at a meeting especially called to consider the subject.

SECTION 2. Section 49 of said chapter 170, as most recently amended by section 45 of said chapter 155, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- Any such corporation may convert itself into a federal savings and loan association or federal savings bank if authorized by a vote of a majority of the shareholders of such corporation qualified to vote and voting in person or by proxy at a meeting especially called to consider the subject.

SECTION 3. The second paragraph of section 13 of chapter 172 of the General Laws is hereby amended by striking out the first sentence, as amended by chapter 113 of the acts of 1981, and inserting in place thereof the following sentence:- Each director shall own, in his own right and free of any lien or encumbrance, common stock, either of such corporation or of a company owning seventy-five per cent of the stock of such corporation, having a par value, or a fair market value on the date the person became a director, of not less than one thousand dollars.

SECTION 4. Section one of this act shall take effect on July first, nineteen hundred and eighty-three and section two shall take effect as of December first, nineteen hundred and eighty-two.

Approved December 15, 1982.

Chap. 537. AN ACT FURTHER REGULATING THE GLOUCESTER PIER ADVISORY BOARD.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 740 of the acts of 1981 is hereby amended by striking out the fifth, sixth and seventh paragraphs and inserting in place thereof the following three paragraphs:-

The board shall recommend to the commissioner, in writing, a list of three candidates for the position of executive director.

The qualifications for the executive director shall be set by the board in consultation with the commissioner and the director. The commissioner shall have the authority to reject the list of candidates recommended by the board and request, in writing, that the board submit, in writing, a list of three additional candidates to the commissioner.

The board shall meet from time to time to review the operation and maintenance of the pier and may advise the division and the executive director with respect to the division's exercise of any power or duty as provided by this act. The board shall also submit to the director of the division of waterways, prior to the end of each calendar year, a written report detailing their recommendations for the continued operation and maintenance of the pier.

SECTION 2. The eighth paragraph of said section 3 of said chapter 740 is hereby amended by adding the following sentence:- Upon the expiration of the term of any member, said member may continue to exercise the powers and duties consistent with this act until his reappointment, or until the appointment of his successor; provided, however, that no member whose term has expired, and who has not been reappointed, shall have any powers or duties as a member of the board for more than sixty days after the date of expiration of his term.

SECTION 3. Said chapter 740 is hereby further amended by striking out section 5 and inserting in place thereof the following two sections:-

Section 5. In addition to all powers otherwise granted to the division in the act or by law, the division shall have the following powers:-

(a) to hold, use, occupy, maintain, improve and operate the pier as a public pier for the benefit of all persons engaging in the fish and fishing industries for providing for sorting, handling, freezing and storing frozen fish; and to provide for businesses and activities on the pier for the benefit of all persons engaged in the fish and fishing industries; to operate

and maintain the pier as a public pier terminal for discharging fish or other commodities from vessels, the sorting, handling, freezing and storing of frozen fish, operated for the benefit of the public and provided that no one concern or individual or allied concerns shall be permitted the exclusive use of the pier or its facilities;

(b) to promulgate regulations for the conduct of its business and to issue policies in connection with the performance of its functions and duties under this act;

(c) to apply for and receive funds from any source, public or private, by gift, grant, bequest, loan or otherwise, either absolutely or in trust, and to expend the same on behalf of the division for any of its purposes or to act as an agent conduit in administering or disbursing funds or financial other aid from any source; and to receive and accept contributions from any source of property, labor or other things of value, to be held, used and applied only for the purpose for which such gifts and contributions may be made;

(d) to appear before boards, commissioners, departments or other agencies of government, municipal, state or federal, on matters relative to the pier;

(e) to procure insurance against any loss in connection with the property of the division in such amounts and from such insurers as may be necessary or desirable;

(f) to undertake projects on the property, including without limitation the construction and improvement of piers, wharves, buildings, jetties, breakwaters, floats, moorings and similar facilities; provided, however, that the division shall find that each such project is necessary for or will be of material utility in the maintenance, protection or development of the pier;

(g) to repair, maintain, market and operate all property in which the division has an interest and to provide, enter into contracts with or otherwise cooperate with the city and other persons in the provision of adequate water, sewer, solid waste disposal, utility and other services within the pier;

(h) to rent or lease as landlord, or license use of, any building, facility, property or structure, or portion thereof, or parking or other area held by the division hereunder on such terms and conditions as it deems appropriate;

(i) to fix and revise from time to time, and to charge and collect, rates, fees, rentals and other charges for the use of any building, structure, facility, other property or portion thereof under the division's control or any service provided by it; provided, that said property and facilities shall be operated in such a manner as to make such facilities available at the lowest charges consistent with sound management;

(j) to undertake studies and plans relative to the maintenance, protection and development of the pier, including without limitation capital expenditure plans, related physical changes, economic studies and plans for the development of fishing, and short-range and long-range plans for the development of the pier and other related facilities or activities;

(k) to enter into agreements or contracts with the city or with any local, county, state or federal authority or commission thereof to provide assistance to the division, including without limitation for police and fire protection and general administrative support and fiscal management, subject to appropriation;

(l) to do any and all things necessary or convenient to carry out its purposes and exercise the powers conferred by this act;

(m) to lease to the government land bank, established by chapter two hundred and twelve of the acts of nineteen hundred and seventy-five, the pier, with the building and improvements thereon which shall be used by the government land bank, for public use, provided that, said pier shall not be used for support facilities related to off-shore oil and gas exploration and development. Any such sale or lease may be made upon such terms as may be agreed upon by the division and the government land bank and shall not be subject to the provisions of sections forty E to forty M, inclusive, of chapter seven of the General Laws and sections ten and eleven of chapter five hundred and seventy-nine of the acts of nineteen hundred and eighty.

Section 6. The division may promulgate, and may revise or modify from time to time, such rules and regulations governing the security, protections, use, operation and maintenance of its property, including without limitation the pier, as it deems appropriate. The division shall specify fines for the violation of any such rules and regulations not exceeding one thousand dollars per violation. Town, county and commonwealth law enforcement officials shall have jurisdiction to enforce any such rules and regulations and to prosecute any violations thereof. Said regulations shall be promulgated pursuant to and in accordance with chapter thirty A of the General Laws.

Approved December 15, 1982.

Chap. 538. AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO LEASE CERTAIN LAND IN THE TOWN OF GEORGETOWN FOR A COMMUTER PARKING FACILITY.

Be it enacted, etc., as follows:

The department of public works acting for and on behalf of the commonwealth is hereby authorized to lease, for nominal consideration to be determined by said department, from the town of Georgetown a certain parcel of land extending from Library street to East Main street in said town presently being used as a town parking lot, and to use said parcel of land, more particularly described as follows, as a commuter parking facility:-

Commencing at the northwesterly corner at a point in the southerly side of Main Street; then

thence running southerly by Main Street one hundred sixteen feet to land of J.L. Huntington;

thence southwesterly one hundred fifty-seven feet eight inches by land of said Huntington;

thence southeasterly nine feet by land of said Huntington to land now or formerly of G.J. Tenney;

thence southwesterly one hundred ninety-three feet by land of said Tenney to the northerly side of Library Street;

thence northwesterly one hundred eleven feet four inches by said Library Street to land of Hale;

thence northeasterly about one hundred feet by land of Hale and Harriman;

thence northwesterly about eleven feet six inches by land of said Hale and Harriman;

thence northeasterly about fifty-seven feet six inches by land of said Harriman to a point;

thence north about eight feet to land of said Harriman to land of Mason;

thence northerly seventy-four feet by land of said Mason to land of Stickney;

thence northerly about fifty-nine feet by land of Stickney to land now or formerly of Daniels;

thence southerly twenty-five feet by land of said Daniels;

thence easterly on two courses about one hundred thirty-one feet six inches to Main Street and to the point of beginning.

Containing in all approximately fifty thousand nine hundred eighty square feet of land (or one and seventeen hundredths acres), more or less.

Approved December 15, 1982.

Chap. 539. AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO SELL AND CONVEY A CERTAIN PARCEL OF LAND IN MARLBOROUGH.

The metropolitan district commission, with the approval of the division of capital planning and operations, is hereby authorized to sell and convey a certain parcel of land under its jurisdiction and used for water supply purposes to John P. Costedio.

Said land is located in the city of Marlborough and is bound and described as follows:

Beginning at the southwest corner of the premises on the northerly side of Bridge Street and at Lot #2, thence by said Lot #2 N14°-28'-54"W 43.00' to an angle, thence still by said Lot #2 N46°-02'-04"W 113.09' to a corner at land of B.B. Realty Corp. N. or F., thence by land of said B.B. Realty Corp. N. or F. S82°-05'-54"E 64.00' to a corner at Lot #1, thence by said Lot #1 S14°-28'-54"E 47.00' to a stone bound at an angle, thence still by said Lot #1 S45°-51'-55"E 78.72' to a corner on the northerly side of said Bridge Street, thence by the northerly side of said Bridge Street S74°-24'-06"W 41.00' to the point of beginning. Said described lot contains 3,534 sq.ft. and is shown on a plan entitled "Plan of Land in Marlborough, Mass." Owned by: Robert W. & Josephine H. Grogan. Scale: 1" = 20'. Date: September 19, 1972 by Highland Land Surveyors, Inc. Marlborough, Mass. Said plan is recorded in the Middlesex South District Registry of Deeds as Plan #1407 of 1972.

Said conveyance shall be upon such terms and for such consideration as may be acceptable to the Metropolitan District Commission.

Approved December 15, 1982.

Chap. 540. AN ACT AUTHORIZING THE DEPARTMENT OF SOCIAL SERVICES TO ESTABLISH AN ADOPTION SUBSIDY PROGRAM.

Be it enacted, etc., as follows:

SECTION 1. Chapter 18B of the General Laws is hereby amended by adding the following section:-

Section 21. The department shall establish an adoption subsidy program for the purpose of facilitating the adoption of children with special needs who are in substitute care and who would not otherwise be placed in an appropriate adoptive home or be adopted. The department acting under such program shall take into consideration the circumstances of the adopting parents and the needs of the child being adopted and the department shall determine the amount to be paid by the department to the adoptive parents.

The department shall promulgate regulations to implement the provisions of this section.

SECTION 2. Chapter nine hundred and sixty-three of the acts of nineteen hundred and seventy-one, as amended by chapter five hundred and seventy-six of the acts of nineteen hundred and seventy-two, is hereby repealed.

SECTION 3. Section 6 of chapter 210 of the General Laws, as amended by chapter 388 of the acts of 1971, is hereby amended by adding the following paragraph immediately following the first paragraph:-

In evaluating whether a petitioner is of sufficient ability to provide suitable support for the child, the court shall give consideration to assurances by the department of social services that it will provide an adoption subsidy for the child.

Approved December 15, 1982.

Chap. 541. AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO ACQUIRE TWO CERTAIN PARCELS OF PUBLIC LAND IN THE CITY OF WALTHAM FROM THE CITY OF CAMBRIDGE FOR HIGHWAY PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any other law to the contrary, the department of public works, acting for and in 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, two certain parcels of land or any interest in land hereinafter described, or such portions thereof as said department may determine, and to divert said lands from their present use to highway use, as hereinafter provided. Said land shall be acquired by the department only after the city of Cambridge acting through its water board, and the executive office of transportation and construction agree in writing that certain actions be taken by the department to protect said city's water supply and to minimize any adverse environmental impact resulting from the altered use of the land. Said land shall be acquired by eminent domain only after the city of Cambridge, through its water board and the executive office of transportation and construction, agree in writing that certain action be taken by the department of public works to protect

said city's water supply.

Said land to be so acquired and diverted is shown on a map entitled "Plan of Land, Waltham, Massachusetts, For Legislative Purposes, Scale: 1" = 300', Date: June 2, 1982", which said department is directed to file with the chief engineer of the department, and which land is owned by the city of Cambridge, located in the city of Waltham and is identified on a department layout plan as follows:

Parcel A

A certain parcel of land, hereinafter referred to as Parcel A, situated on Winter Street, City of Waltham, Middlesex County, Commonwealth of Massachusetts, and supposedly owned by the City of Cambridge, and being bounded and described as follows:

Beginning at a point on the southwest corner of said parcel, said point being on the 1956 State Highway location line;

thence leaving said location line north 13°-26'-45" east 114.34 feet;

thence south 88°-23'-46" east 113.52 feet;

thence south 21°-36'-00" west 81.55 feet to a point on the aforementioned 1956 State Highway location line;

thence along said 1956 State Highway location line south 73°-41'-06" west 114.66 feet to the point of beginning, said parcel containing about 0.25± acres.

Said parcel is shown as Parcel A on a plan entitled "Plan of Land, Waltham, Massachusetts, For Legislative Purposes, Scale: 1" = 300', Date: June 2, 1982".

Parcel B

A certain parcel of land, hereinafter referred to as Parcel B, situated on Winter Street, City of Waltham, Middlesex County, Commonwealth of Massachusetts, supposedly owned by the City of Cambridge, and to be taken in behalf of the City of Waltham, and being bounded and described as follows:

Beginning at a point on the southwest corner of said parcel, said point being on the 1962 County Commissioners layout line;

thence leaving said 1962 County layout north 1°-30'-00" west 9.17 feet;

thence easterly to southeasterly by a curve to the right of 934.00 feet radius 562.35 feet;

thence south 57°-12'-00" east 32.79 feet;

thence southeasterly to easterly by a curve to the left of 796.00 feet radius 577.99 feet;

thence north 81°-11'-47" east 109.15 feet;

thence easterly to northerly by a curve to the left of 40.00 feet radius 48.02 feet;
thence north 12°-25'-00" east 35.87 feet;
thence northerly to easterly by a curve to the right of 80.00 feet radius 109.72 feet;
thence south 89°-00'-00" east 571.72 feet to a point on the existing City of Cambridge property line;
thence along said Cambridge property line south 21°-36'-00" west 68.33 feet;
thence leaving said Cambridge property line north 88°-23'-46" west 113.52 feet;
thence south 13°-26'-45" west 114.34 feet to a point on the said 1962 County layout;
thence along said County layout line south 76°-14'-14" west 451.10 feet;
thence westerly by a curve to the right of 572.45 feet radius 267.57 feet;
thence north 76°-58'-56" west 106.09 feet;
thence westerly to northwesterly by a curve to the right of 630.86 feet radius 241.32 feet;
thence north 55°-03'-56" west 249.23 feet;
thence northwesterly to westerly by a curve to the left of 871.33 feet radius 550.54 feet to the point of beginning, the last six (6) courses being the existing said 1962 County layout and said parcel containing about 5.0± acres.
Said parcel is shown as Parcel B on a plan entitled "Plan of Land, Waltham, Massachusetts, For Legislative Purposes, Scale: 1" = 300', Date: June 2, 1982".

SECTION 2. For the purposes of this act, the department of public works is hereby authorized to divert to a highway use for the alteration of the intersection at Winter street and state highway route 128 in the city of Waltham the above-described parcels being owned by the city of Cambridge and being used by said city of Cambridge as vacant land adjacent to its water works.

Approved December 15, 1982.

Chap. 542. AN ACT AUTHORIZING THE CLERK AND CHIEF PROBATION OFFICER OF THE WEST ROXBURY DISTRICT COURT TO ADJUST THEIR BOOKS ON ACCOUNT OF CLERICAL ERRORS.

Be it enacted, etc., as follows:

SECTION 1. The clerk of the district court of West Roxbury is hereby authorized to adjust his accounts by deducting from his cashbook, receipts of money due Suffolk county, the sum of seventeen thousand two hundred and five dollars which sum represents a clerical error.

SECTION 2. The chief probation officer of the district court of West Roxbury is hereby authorized to adjust his accounts by deducting from his cashbook, receipts of money due Suffolk county, the sum of twenty-two thousand four hundred and eighteen dollars which sum represents a clerical error.

Approved December 15, 1982.

Chap. 543. AN ACT AUTHORIZING THE CITY OF CAMBRIDGE TO LEASE THE BUILDING AT THE CAMBRIDGE HOSPITAL KNOWN AS THE LEE B. MACHT COMMUNITY HEALTH CENTER FOR A TERM NOT EXCEEDING NINETY-NINE YEARS AND TO SUB-LEASE SPACE AT SUCH BUILDING DURING THE TERM OF ANY LEASE OF SUCH BUILDING.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section three of chapter forty of the General Laws or any other general or special law to the contrary, the city of Cambridge is hereby authorized to lease the building at The Cambridge Hospital known as The Lee B. Macht Community Health Center for a term not exceeding ninety-nine years on such terms and conditions and with such appurtenant property and rights as the city shall determine.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, upon or after lease of the building referred to in section one by the city of Cambridge, the city is hereby authorized from time to time to sublease space at such building for all or any portion of the term of such lease on such terms and conditions and with such appurtenant property and rights as said city shall determine.

SECTION 3. The authority granted by this act shall be exercised by the city council of the city of Cambridge by a majority vote thereof. The said city council may by such vote authorize and direct the city manager of said city, or such other

official of said city of Cambridge as said city council may by its vote designate, to execute and deliver such leases, subleases and other documents as may be reasonably necessary or appropriate to enter into transactions hereby authorized. The execution and delivery of any lease, sublease or other document by such duly authorized official shall be conclusive evidence that the same was within the authority conferred by this act and by the vote of said city council and upon such execution and delivery such lease, sublease or other document shall be a valid and binding obligation of said city of Cambridge enforceable in accordance with the terms thereof.

SECTION 4. This act shall take effect upon acceptance by a majority vote of the city council of the city of Cambridge.

Approved December 15, 1982.

EMERGENCY LETTER - December 21, 1982 @ 10:25 A.M.

Chap. 544. AN ACT REGULATING THE SALE OF LIFE LEASES AND LONG-TERM LEASES IN NURSING HOMES, RETIREMENT HOMES AND HOMES FOR THE AGED.

Be it enacted, etc., as follows:

Chapter 93 of the General Laws is hereby amended by adding the following section:-

Section 76. (a) The following terms, as used in this section, shall have the following meanings:

"Continuing care", the furnishing to an individual, other than an individual related by consanguinity or affinity to the person furnishing such care, of board and lodging together with nursing services, medical services or other health related services, regardless of whether or not the lodging and services are provided at the same location, pursuant to a contract effective for the life of the individual or for a period in excess of one year.

"Entrance fee", an initial or deferred transfer to a provider of a sum of money or other property made or promised to be made as full or partial consideration for acceptance of a specified individual as a resident in a facility. No part of any fee payable on a periodic basis for board, lodging, medical or other health related services rendered by the provider to a resident shall be considered as constituting an entrance fee. No

application charge or other sum payable in addition to such periodic fees, which does not exceed four times such periodic fees, shall be considered as constituting an entrance fee.

"Facility", the place or places in which a person undertakes to provide continuing care to an individual.

"Living unit", a room, apartment, cottage or other area within a facility set aside for the exclusive use or control of one or more identified individuals.

"Provider", a person undertaking to provide continuing care in a facility that charges an entrance fee.

"Resident", an individual entitled to receive continuing care in a facility.

(b) At the time of or prior to the execution of a contract to provide continuing care, or at the time of or prior to the transfer of any money or other property to a provider by or on behalf of a prospective resident, whichever shall first occur, the provider shall deliver a disclosure statement to the person with whom the contract is to be entered into, the text of which shall contain, to the extent not clearly and completely set forth in the contract for continuing care attached as an exhibit thereto, at least the following information:

(1) The name and business address of the provider and a statement of whether the provider is a partnership, corporation, or other type of legal entity.

(2) The names of the officers, directors, trustees, or managing or general partners of the provider and a description of each such person's occupation with the provider.

(3) A description of the business experience of the provider in the operation or management of similar facilities and of the manager of the facility if the facility will be managed on a day-to-day basis by an organization other than the provider.

(4) A statement as to whether or not the provider is, or is affiliated with, a religious, charitable or other nonprofit organization; the extent of the affiliation, if any, the extent to which the affiliate organization will be responsible for the financial and contract obligations of the provider, and the provision of the federal Internal Revenue Code, if any, under which the provider or affiliate is exempt from the payment of income tax.

(5) The location and description of the physical property or properties of the facility, existing or proposed; and to the extent proposed, the estimated completion date or dates, whether or not construction has begun and the contingencies subject to which construction may be deferred.

(6) Certified financial statements of the provider, including (a) a balance sheet as of the end of the most recent fiscal year

and (b) income statements for the three most recent fiscal years of the provider or such shorter period of time as the provider shall have been in existence. If the provider's fiscal year ended more than ninety days prior to the date the application is filed, interim financial statements as of a date not more than ninety days prior to such filing shall be included, but need not be certified.

(7) If the operation of the facility has not yet commenced, a statement of the anticipated source and application of the funds used or to be used in the purchase or construction of the facility, including: (i) an estimate of the cost of purchasing or constructing and equipping the facility including such related costs as financing expense, legal expense, land costs, occupancy development costs, and all other similar costs which the provider expects to incur or become obligated for prior to the commencement of operations, (ii) a description of any mortgage loan or other long-term financing intended to be used for the financing of the facility, including the anticipated terms and costs of such financing, (iii) an estimate of the total entrance fees to be received from residents at or prior to commencement of operation of the facility, (iv) an estimate of the funds, if any, which are anticipated to be necessary to fund start-up losses and provide reserve funds to assure full performance of the obligations of the provider under contracts for the provision of continuing care, (v) a projection of estimated income from fees and charges other than entrance fees, showing individual rates presently anticipated to be charged and including a description of the assumptions used for calculating the estimated occupancy rate of the facility and the effect on the income of the facility of government subsidies for health care services, if any, to be provided pursuant to the contracts for continuing care, and (vi) such other material information concerning the facility or the provider as the provider wishes to include.

(c) All contracts for continuing care used by a provider shall provide that:

(1) The party contracting with the provider may rescind the contract at any time prior to occupying a living unit in the facility, in which event the party shall, within a reasonable period, receive a refund of all money or property transferred to the provider, less (a) those costs specifically incurred by the provider or facility at the request of the party and described in the contract or an addendum thereto signed by the party; and (b) a reasonable service charge, if set out in the contract, not to exceed one per cent of the entrance fee. If the unit is available for occupancy on the occupancy date agreed upon in the contract, and the party has failed to occupy said unit, the

party shall be deemed to have rescinded the contract, unless the party and the provider agree in writing to extend the occupancy date.

(2) If the unit is not available for occupancy on the date agreed upon in the contract, and the party has not rescinded the contract, the contract shall be automatically canceled, unless the party and the provider agree in writing to extend the occupancy date. If the contract is automatically canceled the party shall, within a reasonable period, receive a refund of all money or property transferred to the provider plus a reasonable inconvenience fee, if set out in the contract, not to exceed one per cent of the amount of the entrance fee.

(3) If a resident dies before occupying a living unit in the facility, the contract is automatically canceled and the legal representative of the resident shall receive a refund of all money or property transferred to the provider, less (a) those costs specifically incurred by the provider or facility at the request of the resident and described in the contract or an addendum thereto signed by the resident; and (b) a reasonable service charge, if set out in the contract, not to exceed one per cent of the entrance fee.

(4) The entrance fee minus no more than one per cent for each month of occupancy shall be refunded to the resident when the resident leaves the facility or dies.

(5) The services provided or proposed to be provided under contracts for continuing care at the facility, including the extent to which medical care is furnished, and specifying those services which are included in the basic contract and those made available at or by the facility at extra charge.

(6) A description of all fees required of residents, including the entrance fee and periodic charges, if any. The description shall include: (i) a statement of the fees that will be charged if the resident marries while at the facility, and a statement of the terms concerning the entry of a spouse to the facility and the consequences if the spouse does not meet the requirement for entry, (ii) the circumstances under which the resident will be permitted to remain in the facility in the event of possible financial difficulties of the resident, (iii) the conditions under which a living unit occupied by a resident may be made available by the facility to a different or new resident other than on the death of the original resident and (iv) the manner by which the provider may adjust periodic charges or other recurring fees and the limitations on such adjustments, if any. If the facility is already in operation, or if the provider or manager operates one or more similar facilities within the commonwealth, there shall be included tables showing the frequency and average dollar amount

of each increase in periodic rates at each such facility for the previous five years or such shorter period as the facility may have been operated by the provider or manager.

(7) The health and financial conditions required for an individual to be accepted as a resident and to continue as a resident once accepted, including the effect of any change in the health or financial condition of a person between the date of entering a contract for continuing care and the date of initial occupancy of a living unit by that person.

(8) The provisions that have been made or will be made, if any, to provide reserve funding or security to enable the provider to fully perform its obligations under contracts to provide continuing care at the facility, including the establishment of escrow accounts, trusts or reserve funds, together with the manner in which such funds will be invested and the names and experience of persons who will make the investment decisions.

Any contract drawn in violation of this section may be rescinded by the resident and the resident shall be entitled to a full refund of the entrance fee.

Approved December 15, 1982.

Chap. 545. AN ACT FURTHER REGULATING THE INSTALLATION OF AUTOMATIC SPRINKLER SYSTEMS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 148 of the General Laws is hereby amended by inserting after section 26F the following section:-

Section 26G. In any city or town which accepts the provisions of this section, every building or addition of more than seven thousand five hundred gross square feet in floor area shall be protected throughout with an adequate system of automatic sprinklers in accordance with the provisions of the state building code. No such sprinkler system shall be required unless sufficient water and water pressure exists. For purposes of this section, the gross square feet of a building or addition shall include the sum total of the floor areas for all floor levels, basements and sub-basements, measured from outside walls, irrespective of the existence of interior fire resistive walls, floors and ceilings.

In such buildings or additions, or in certain areas of such buildings or additions, where the discharge of water would be an actual danger in the event of fire, the head of the fire

department shall permit the installation of such other fire suppressant systems as are prescribed by the state building code in lieu of automatic sprinklers. Automatic suppressant or sprinkler systems shall not be required in rooms or areas of a telephone central office equipment building when such rooms or areas are protected with an automatic fire alarm system. Sprinkler systems shall not be required in a one story building having a fire resistance rating as prescribed in the state building code that is used solely for offices provided the building is protected by an automatic fire alarm system. This section shall not apply to buildings or additions used for residential purposes.

The head of the fire department shall enforce the provisions of this section.

SECTION 2. This act shall apply to construction of buildings or additions or major alterations commenced after July first, nineteen hundred and eighty-three.

Approved December 15, 1982.

Chap. 546. AN ACT RELATING TO THE MASSACHUSETTS HOUSING FINANCE AGENCY.

Be it enacted, etc., as follows:

SECTION 1. Section 5 of chapter 708 of the acts of 1966, as most recently amended by section 7 of chapter 632 of the acts of 1979, is hereby amended by striking out paragraph (g) and inserting in place thereof a new paragraph:

(g) FINDINGS.- Prior to making or financing a loan commitment or loan under this act, the MHFA shall find (1) that low income persons and families can afford the adjusted rentals set for 25 per cent of the units in the proposed project on the basis of the use of not more than 25 per cent of annual income or such greater portion of their annual income as may be required by federal or commonwealth laws or regulations applicable to any housing subsidy program of any agency of the United States government or the commonwealth to be used in connection with the proposed project; (2) that there exists a shortage of decent, safe, and sanitary housing at low rents available to persons and families of low income within the general housing market area to be served by the proposed project; (3) that private enterprise without the assistance contemplated by this act cannot supply such housing; (4) that such project

either is itself designed to house persons and families of varied economic means or will not create or contribute to an undue concentration of low-income families in any one neighborhood; and (5) that programs of public agencies within the general housing market are to be served by the project have accomplished or will accomplish within the next five years the elimination by demolition, condemnation, effective closing, or compulsory repair or improvement of unsafe or unsanitary dwelling units situated within such market area substantially equal in number to the number of units to be provided by such project provided that the accomplishment of such elimination may be deferred beyond the five-year period in any general housing market area where there continues to be an acute shortage of decent, safe, or sanitary housing available to persons and families of low income. Where more than one family is living in an unsafe or unsanitary dwelling unit, the elimination of such unit shall count as the elimination of units equal to the number of families accommodated therein. The findings as to the elimination of unsafe and unsanitary dwelling units need not be made in the case of any project located in a rural, non-farm area, or of any project developed on the site of a substandard area or of any project undertaken within an urban renewal or land assembly and redevelopment area.

SECTION 2. Section 6 of chapter 708 of the acts of 1966, as most recently amended by section 7 of chapter 632 of the acts of 1966, is hereby amended by striking out paragraph (a) and inserting in place thereof a new paragraph (a) as follows:

(a) The MHFA shall, pursuant to regulations adopted by it, make the following rental determinations for each housing unit located in a project to which MHFA has made or financed a mortgage loan hereunder: (1) the market rate rental, which is the rental which would be appropriate if the project had been originally financed at then current market interest rates; (2) the below-market rate rental, which is the market rate rental adjusted for the extent to which the applicable MHFA loan interest rate is below such then current interest rates; and (3) the adjusted rental, which is the below-market rate rental, further adjusted downward at least 10 per cent to make available units to low-income persons and families who could not otherwise rent units at the below-market rental without expending more than one-fourth of their annual income for such housing; provided, however, that the adjusted rental may be increased to such amount as may be required by federal laws or regulations applicable to any housing subsidy program of any agency of the United States government to be used in connection with a

project. These rental determinations may be reviewed and adjusted by MHFA from time to time.

Approved December 16, 1982.

EMERGENCY LETTER - December 16, 1982 @ 3:21 P.M.

Chap. 547. AN ACT RELATIVE TO THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY FARES FOR SENIOR CITIZENS.

Be it enacted, etc., as follows:

Section 5 of chapter 161A of the General Laws is hereby amended by striking out paragraph (e½), inserted by section 1 of chapter 574 of the acts of 1969, and inserting in place thereof the following paragraph:-

(e½) Notwithstanding other provisions of this section or the provisions of section fifteen of chapter one hundred and fifty-nine, the authority shall charge a person sixty-five years and older who resides within the commonwealth ten cents cash fare for transportation on its rapid transit lines and for local bus service and one-half the regular adult cash fare adjusted to the next lowest amount which is a multiple of five for transportation on its commuter rail lines and for zone and express bus service; provided, however, that such person shall first obtain an identification card from the authority stating that the holder is eligible for a reduced fare. Such identification card shall be issued by the authority for a fee not to exceed fifty cents upon furnishing by the applicant of evidence reasonably sufficient to establish said age.

Approved December 15, 1982.

EMERGENCY LETTER - December 20, 1982 @ 10:39 A.M.

Chap. 548. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A CERTAIN PARCEL OF LAND IN THE CITY OF REVERE UNDER THE CONTROL OF THE METROPOLITAN DISTRICT COMMISSION TO APRIL REALTY TRUST.

Be it enacted, etc., as follows:

SECTION 1. The division of capital planning and operations in the name of and on behalf of the commonwealth is hereby authorized to convey to April Realty Trust, by a deed approved as to form by the attorney general, land of the commonwealth in the city of Revere under the control of the metropolitan district commission presently used for park purposes. Said land consists of fourteen thousand five hundred and fifty-eight square feet and is bounded and described as follows:

Beginning at a stone bound set at the intersection of the boundary line between land now or formerly of April Realty Trust and land of the Commonwealth of Massachusetts (MDC) with the southeasterly side line of other land of the Commonwealth of Massachusetts (MDC) known as Revere Beach Boulevard, which point is distant south 31° 58' 31" east measuring along said line as shown on the aforesaid plan:

Thence the line runs south 31° 58' 31" east by said land of the Commonwealth known as Revere Beach Boulevard, seventeen and 34/100 (17.34) feet to a point;

Thence southeasterly, southerly and southwesterly by a line curving to the right with a radius of twenty-seven and 81/100 (27.81) feet, thirty-one and 17/100 (37.17) feet to a point;

Thence southwesterly by a line curving to the left, a distance of forty-one and 59/100 (41.59) feet to a point;

Thence south 7° 00' 50" west, twenty-five and 33/100 (25.33) feet to a point;

Thence south 5° 59' 05" east, twenty-four and 31/100 (24.31) feet to a point;

Thence south 12° 37' 23" east, twenty-six and 32/100 (26.32) feet to a point;

Thence south 15° 10' 34" east, nine and 04/100 (9.04) feet to a point at the intersection of the southwesterly side line of said Revere Beach Boulevard with the northeasterly side line of other land of the Commonwealth (M.D.C.) known as Ocean Avenue, the last six (6) courses and distances being by said southwesterly side line of Revere Beach Boulevard;

Thence turning and running southwesterly and westerly by a line curving to the right with a radius of fifty-one and 34/100 (51.34) feet, sixty-one and 79/100 (61.79) feet to a point;

Thence northwesterly by a line curving to the right with a radius of forty-two and 00/100 (42.00) feet, forty and 56/100 (40.56) feet to a point;

Thence north 20° 20' 15" west, ninety-four and 79/100 (94.79) feet to a stone bound set at the intersection of the boundary line between said land of the Commonwealth and said land of April Realty Trust with the northeasterly side line of said Ocean Avenue, the last three (3) courses and distances being by said

northeasterly side line of Ocean Avenue;

Thence turning and running north 58° 16' 29" east by said land of April Realty Trust, one hundred thirty-five and 72/100 (135.72) feet to the bound first mentioned and point of beginning; containing fourteen thousand five hundred fifty-eight (14,558) square feet according to said plan.

Said conveyance shall be upon such terms as may be acceptable to the commission.

SECTION 2. The sale of the land provided in section one shall be made at fair market value to be determined by the division of capital planning and operations as the average of three independant appraisals, commissioned by said division. Said appraisals shall be conducted by the appraisers selected by said division and shall be paid for by said April Realty Trust. Said division shall inform said April Realty Trust of the price to be remitted to metropolitan district commission as soon as possible after the appraisals are submitted.

Approved December 16, 1982.

Chap. 549. AN ACT CLARIFYING THE ALLOCATION OF PARI-MUTUEL BETTING FUNDS FOR CERTAIN CITIES AND TOWNS.

Be it enacted, etc., as follows:

Chapter 58 of the General Laws is hereby amended by striking out section 18D, inserted by section 5 of chapter 558 of the acts of 1981, and inserting in place thereof the following section:-

Section 18D. The state treasurer, upon certification of the state racing commission, shall annually distribute to each city and town, within which racing meetings are conducted in which the major portion of the racingstrip is located, under licenses issued under the provisions of chapter one hundred and twenty-eight A, the sum of one-quarter of one per cent of the total pari-mutuel wager from each commercial racetrack within said city or town for the preceding calendar year, which sum shall be allocated from the commonwealth's share.

Approved December 20, 1982.

EMERGENCY LETTER - December 20, 1982 @ 4:24 P.M.

Chap. 550. AN ACT RELATIVE TO THE ASSESSMENT LIMITATIONS OF REGIONAL WATER AND REGIONAL SEWERAGE DISTRICTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for a change in the assessment on limitations of regional water and regional sewerage districts, therefore 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 59 of the General Laws is hereby amended by striking out section 20A, as amended by section 9 of chapter 782 of the acts of 1981, and inserting in place thereof the following two sections:-

Section 20A. No county, district, including the metropolitan district commission, public authority, the commonwealth, or other governmental entity authorized by law to assess costs, charges or fees upon cities and towns, except regional school districts, regional water districts and regional sewerage districts, may increase the total of such costs, charges or fees by more than the sum of: (1) two and one-half per cent of the total of such costs, charges or fees over the preceding fiscal year; and (2) any increases in costs, charges or fees for services customarily provided locally or for services subscribed to at local option.

Section 20B. No regional water district or regional sewerage district authorized by law to assess costs, charges or fees upon cities and towns may increase the total of such costs, charges or fees by more than the sum of: (1) two and one-half per cent of the total of such costs, charges or fees over the preceding fiscal year; and (2) any increases in costs, charges or fees for services customarily provided locally or for services subscribed to at local option; provided, however, that such districts may exceed this limitation in the manner provided by this section.

In all but two-member districts, any increase above the limitation set out above shall be approved by a two-thirds vote of the district's governing body and, thereafter, shall require the approval of two-thirds of the local appropriating authorities of the several municipalities.

In a two-member district, any increase above the limitation set out above shall be approved by a two-thirds vote of the district's governing body and, thereafter, shall require the

approval of the local appropriating authorities of both member municipalities. In the event both municipalities fail to approve in the manner required, the district's governing body shall convene a special district-wide meeting open to all registered voters in both municipalities at which the increase shall be considered. At such special meeting, the increase shall require the approval of a majority of those present and voting, by a counted vote.

In the event that the increase does not receive the necessary approvals as required by this section, it shall be recommitted to the district's governing body which shall have thirty days to amend and to resubmit said increase for approval in accordance with this section.

SECTION 2. This act shall apply to all fiscal years beginning on or after July first, nineteen hundred and eighty-two.

Approved December 20, 1982.

Chap. 551. AN ACT RELATIVE TO THE TAXATION OF PRIVATE RESOURCE RECOVERY FACILITIES.

Be it enacted, etc., as follows:

Section 24A of Chapter 16 of the General Laws is hereby amended to read as follows:

Section 24A. The operator of a privately owned or operated resource recovery facility shall pay to the city or town in which the facility is located a tax of one dollar per ton of solid waste processed at the facility. Said tax shall be increased every January 1, effective January 1, 1981 by the percentage increase of the Boston Consumer Price Index for all urban consumers for the twelve month period ending the previous October 1. Such tax shall be in lieu of all taxes, fees, charges or assessments imposed by the city or town in which the facility is located, except for real estate taxes imposed solely upon the land on which the said facility is located. For purpose of this section, a solid waste disposal facility or resource recovery facility shall not include a transfer station.

Approved December 20, 1982.

EMERGENCY LETTER - December 21, 1982 @ 10:25 A.M.

Chap. 552. AN ACT RELATIVE TO THE DISTRICT COURT DEPARTMENT.

Be it enacted, etc., as follows:

SECTION 1. Section six of chapter 218, as most recently amended by section 173 of chapter 478 of the acts of 1978, is hereby further amended by striking out the third paragraph of said section in its entirety and inserting in place thereof the following paragraph:-

Except as provided by section two of chapter one thousand and ninety of the acts of nineteen hundred and seventy-one, of section two of chapter three hundred and fifty-six of the acts of nineteen hundred and seventy-three, of section two of chapter nine hundred and fifty-nine of the acts of nineteen hundred and seventy-three, and of section two of chapter five hundred and twenty-two of the acts of nineteen hundred and seventy-six, there shall be appointed in each division an additional number of justices equivalent to the number of justices provided for said division in the first paragraph, which additional number shall correspond to the number of special justices authorized on January thirty-first, nineteen hundred and seventy-six for a district court having substantially the same territorial jurisdiction as said division; provided that in no event shall the total number of justices and special justices in the district court department hereby exceed one hundred and fifty-three; and provided further that such appointments made under this paragraph shall be made to those divisions where vacancies first occur in the office of special justice after February first, nineteen hundred and seventy-six, and thereafter where vacancies occur in positions authorized under this paragraph.

SECTION 2. Any person who assumed the office of special justice of a division of the district court department of the trial court after July first, nineteen hundred and seventy-nine but prior to the effective date of this act, shall be deemed to have been appointed and confirmed in accordance with the provisions of law to, and to have assumed for all purposes, the office of justice of the division of the district court department of the trial court in which said person assumed the office of special justice.

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

Approved December 21, 1982.

EMERGENCY LETTER - December 22, 1982 @ 9:52 A.M.

Chap. 553. AN ACT RELATIVE TO THE DETERMINATION OF NEED PROGRAM.

Be it enacted, etc., as follows:

SECTION 1. Section 32 of chapter 6A, as most recently amended by section 1 of chapter 675 of the acts of 1979, is hereby further amended by adding the following paragraph:-

The rate setting commission shall review and comment upon all capital expenditure projects requiring a determination of need pursuant to the provisions of section twenty-five of chapter one hundred and eleven of the General Laws, including but not limited to the less costly or more effective alternative financing methods of providing such services; the immediate and long-term financial feasibility of the proposal; the probable impact of the proposal on costs of and charges for services; and the availability of funds for capital and operating needs. The commission shall transmit to the department of public health its written recommendations on each project which shall become part of the written record compiled by said department during its review of such project. The commission shall appear and comment on any application for a determination of need where a public hearing is required pursuant to the provisions of said section twenty-five C of said chapter. To carry out the purposes of this paragraph, the commission shall appoint a senior professional employee to act as a liaison with said department.

SECTION 2. The third paragraph of section 37 of chapter 6A of the General Laws, as most recently amended by section 55 of chapter 329 of the acts of 1980, is hereby amended by inserting after the word "hospital" the only time it appears, the following words:- ; provided, however, that costs increases resulting from expenditures not considered to be a substantial capital expenditure as defined in section twenty-five B of chapter one hundred and eleven shall not be deemed costs beyond the reasonable control of the individual hospital.

SECTION 3. Section 25B of chapter 111 of the General Laws is hereby amended by striking out the definition of "Substantial capital expenditure", as most recently amended by section 1 of chapter 670 of the acts of 1981, and inserting in place thereof the following definition:-

"Substantial capital expenditure", (1) the expenditure, or obligation of a sum of money for construction of a health care facility (A) which under generally accepted accounting principles

is not properly chargeable as an expense of operation and maintenance, or is made by lease or comparable arrangement, and (B) which exceeds, or may reasonably be regarded as leading to an expenditure for construction in excess of the expenditure minimum determined pursuant to this section for an undertaking sufficiently specific to constitute the subject matter of an application for a determination of need under section twenty-five C; or (2) the obtaining by lease or comparable arrangement, by donation, or by transfer for less than fair market value of capital equipment or a facility or part thereof with a fair market value in excess of the expenditure minimum.

Expenditure minimum shall mean, with respect to expenditures for, or the obtaining of medical, diagnostic or therapeutic equipment, four hundred thousand dollars, and shall mean, with respect to all other expenditures and acquisitions, six hundred thousand dollars.

SECTION 4. Said section 25B of said chapter 111 is hereby further amended by striking out the definition of "Substantial change in services", as most recently amended by section 2 of said chapter 670, and inserting in place thereof the following definition:-

"Substantial change in services", a change in service as further defined by the department; provided, however, that the department shall not define an increase in staff by itself to constitute a substantial change in service unless said increase in staff will result in an addition to annual operating costs which exceed the expenditure minimum determined pursuant to this section; provided further, that each of the following will be included within the department's definition of a substantial change in service: (i) the addition of a service which entails annual operating costs in excess of the expenditure minimum; and (ii) any increase in bed capacity of more than four beds; and provided, further, that any decrease in the level of service offered by a nursing, convalescent or rest home which does not involve a capital expenditure shall not be subject to the provisions of sections twenty-five C to twenty-five G, inclusive.

Expenditure minimum shall mean, with respect to expenditures for an increase in staff, or for a change in service, two hundred and fifty thousand dollars in annual operating costs.

SECTION 5. Section 25C of chapter 111 of the General Laws is hereby amended by striking out the fifth paragraph, as most recently amended by section 7 of chapter 541 of the acts of 1980, and inserting in place thereof the following paragraph:-

Applications for such determination shall be filed with the

department, together with such other forms and information as shall be prescribed by, or acceptable to, the department. For projects with a maximum capital expenditure of three million dollars or greater, the filing day shall be the first business day of September; for emergency and unique applications as determined by the department, the filing day shall be the business day on which such application is received; for all other applications, filing days shall be the first business day of January, May, and September. A duplicate copy of any application together with supporting documentation therefor, shall be a public record and kept on file in the department. The department may require a public hearing on any application. A reasonable fee, established by the department, shall be paid upon the filing of such application; provided, that in no event shall such fee exceed one-tenth of one per cent of the capital expenditures, if any, proposed by the applicant.

SECTION 6. Said section 25C of said chapter, as so appearing, is hereby further amended by striking the sixth paragraph thereof and by inserting in its place the following paragraph:-

Except in the case of an emergency situation determined by the department as requiring immediate action to prevent further damage to the public health or to a health care facility, the department shall not act upon an application for such determination unless (a) the application has been on file with the department for at least thirty days, (b) the rate setting commission, the state, and appropriate regional comprehensive health planning agencies and, in the case of long-term care facilities only, the department of elder affairs, have been provided copies of such application and supporting documents and given reasonable opportunity to comment thereon, and (c) a public hearing has been held thereon when requested by the applicant, the state or appropriate regional comprehensive health planning agency, or any ten taxpayers of the commonwealth. If, in any filing period, an individual application is filed which would implicitly decide any other application filed during such period, the department shall not act only upon an individual.

Approved December 22, 1982.

EMERGENCY LETTER - December 22, 1982 @ 9:52 A.M.

Chap. 554. AN ACT PROVIDING FOR CAPITAL PUNISHMENT IN CERTAIN CASES OF FIRST DEGREE MURDER.

Be it enacted, etc., as follows:

SECTION 1. Subsection (a) of section 27 of chapter 94C of the General Laws is hereby amended by inserting after the word "duties", in line 7, as appearing in section 1 of chapter 1071 of the acts of 1971, the words:- , or a person authorized to administer a sentence of death imposed under the provisions of chapter two hundred and seventy-nine while in the performance of his lawful duties thereunder.

SECTION 2. Subsection (b) of said section 27 of said chapter 94C is hereby amended by inserting after the word "duties", in line 8, as so appearing, the words:- , a person authorized to administer a sentence of death imposed under the provisions of chapter two hundred and seventy-nine while in the performance of his lawful duties thereunder.

SECTION 3. Chapter 265 of the General Laws is hereby amended by striking out section 2, as most recently amended by section 2 of chapter 488 of the acts of 1979, and inserting in place thereof the following section:-

Section 2. Whoever is guilty of murder committed with deliberately premeditated malice aforethought or with extreme atrocity or cruelty, and who had attained the age of eighteen years at the time of the murder, may suffer the punishment of death pursuant to the procedures set forth in sections sixty-eight to seventy-one, inclusive, of chapter two hundred and seventy-nine. Any other person who is guilty of murder in the first degree shall be punished by imprisonment in the state prison for life. Whoever is guilty of murder in the second degree shall be punished by imprisonment in state prison for life. No person shall be eligible for parole under section one hundred and thirty-three A of chapter one hundred and twenty-seven while he is serving a life sentence for murder in the first degree, but if his sentence is commuted therefrom by the governor and council under the provisions of section one hundred and fifty-two of said chapter one hundred and twenty-seven he shall thereafter be subject to the provisions of law governing parole for persons sentenced for lesser offenses.

SECTION 4. Chapter 279 of the General Laws is hereby amended by striking out section 4, as most recently amended by section 49 of chapter 344 of the acts of 1979, and inserting in place thereof the following section:-

Section 4. Sentence shall be imposed upon conviction of a crime, regardless of whether an appeal has been taken, except

as otherwise provided in section sixty-one in case of a conviction of a capital crime.

If sentence is imposed upon conviction of a crime punishable by death, the justice imposing the sentence shall at the same time stay the execution of the sentence, such stay to be effective until revoked by the superior court department of the trial court, which is hereby granted full powers of revocation in the premises. The clerk of such court shall, forthwith upon the revocation by the court of any such stay of execution of sentence, certify that said stay has been revoked and cause said certificate to be served upon the superintendent of the state prison, or the officer performing his duties, by any officer qualified to serve criminal process; and the officer serving the same shall forthwith make due return of service to the clerk.

SECTION 5. Sections forty-three to fifty-six, inclusive, of said chapter two hundred and seventy-nine are hereby repealed.

SECTION 6. Said chapter 279 is hereby further amended by adding the following fifteen sections:-

Section 57. Immediately upon the pronouncing of the sentence of death upon a person convicted of a capital crime, and immediately upon the revocation under section four of the stay of execution of such a sentence, the clerk shall make, sign and deliver to the sheriff of the county where the conviction is had a warrant under the seal of the court stating the conviction and sentence, and that a stay of execution of the sentence has been granted under section four, and that such stay has been revoked under said section, and shall at the same time transmit to the superintendent of the state prison a certified copy of the warrant. Such warrant shall be directed to said superintendent commanding him to cause execution to be done in accordance with the provisions of such sentence. The clerk of the court shall, upon revocation under section four of the stay of execution of the sentence, make out and deliver to the governor a certified copy of the whole record of the conviction and sentence, including any rescripts from the supreme judicial court.

Section 58. The sheriff of the county in a jail whereof a prisoner sentenced to the punishment of death is confined, or a deputy designated by the sheriff, within ten days after receipt by the sheriff of the warrant for the execution of such sentence shall, at a time chosen by the sheriff, convey such prisoner to the state prison and deliver him, with the warrant in either case, to the superintendent thereof or to the officer performing his duties and such prisoner shall be placed in a cell provided for the purpose. Within fourteen days thereafter, the

superintendent or officer performing his duties shall cause said prisoner to be examined by a psychiatrist for the purpose of rendering a written and signed opinion as to whether or not said prisoner is psychologically fit to be transferred from special confinement to confinement with the general prison population, and in the case of a female, to the general prison population at the reformatory for women, with full participation in the educational and work programs, within the prison, afforded prisoners under sentence other than the punishment of death. Upon receipt of said psychiatric opinion, and other pertinent information, the superintendent or officer performing his duties may transfer said prisoner to confinement with the general prison population with the right of full participation in the privileges afforded other prisoners as aforesaid. If the superintendent, or officer performing his duties, does not so transfer said prisoner, he shall notify said prisoner of his decision forthwith, whereupon said prisoner may appeal said decision within ten days of said notification by giving notice to the superintendent, or officer performing his duties, on a form provided him at the time of the receipt of the notification of the adverse decision. Upon receipt of such notice, the superintendent or officer performing his duties shall notify the commissioner of correction forthwith whereupon the commissioner shall hold a hearing on said appeal within fifteen days of receipt of notice that such appeal has been made. The commissioner or his appointee shall conduct said hearing and shall render a decision granting or denying said appeal within five days following the date of the hearing. A prisoner who is denied such transfer by the superintendent, or officer performing his duties, shall remain in a cell for the purpose of the execution of his sentence, and shall thereafter be kept therein, unless an appeal made by him of the adverse decision is granted, until the sentence of death is executed upon him, and no person shall be allowed access to him without an order of the court, except the officers and employees of the prison, his counsel, such physicians, priest, or minister of religion as the superintendent may approve and members of the prisoner's family who are identified to the satisfaction of the superintendent. Any prisoner confined to a cell for the purpose of the execution of his sentence shall have his record reviewed annually for the purpose of determining whether or not said prisoner should be placed in the general population, and shall be entitled to a hearing, as provided above, on each adverse decision.

Notwithstanding the foregoing, the superior court may make any order relative to the custody of a prisoner confined in the state prison or the reformatory for women under this section in

case said prisoner is granted a new trial.

Section 59. The sentence of death shall be executed by the superintendent of the state prison, or by a person acting under his direction, not earlier than twenty days nor later than thirty days after service upon said superintendent, or officer performing his duties, of a certificate of the clerk of the court that the stay of the execution of the sentence has been revoked under section four, unless the governor pardons the crime, commutes the punishment therefor or respites the execution or said execution is otherwise delayed by process of law. If the execution is respited or stayed by process of law, the sentence of death shall be executed within the week beginning on the day next after the day on which the term of respite or stay expires. The sentence of death shall be executed upon such day within the limits of time provided in this section as the superintendent elects; but no previous announcement thereof shall be made, except to such persons as may be permitted to be present in accordance with section sixty-five.

Section 60. The punishment of death shall be inflicted by causing a current of electricity of sufficient intensity to cause death to pass through the body of the prisoner, the application of said current to be continuous until he is dead or, at the election of the prisoner, by intravenous injection of a substance or substances in a lethal quantity sufficient to cause death and until such prisoner is dead. The sentence shall be executed within an enclosure or building for that purpose at the state prison and the company which furnishes the electric power or light to the state prison shall provide all necessary electricity for executions by electrocution at such times as the superintendent orders.

Section 61. If a person convicted of a capital crime is, at the time when sentence is to be imposed, found by the court to be insane, it may cause such person to be removed to one of the state hospitals for such term and under such limitations as it may order. If a person convicted of a capital crime is, at the time when sentence is to be imposed, found by the court to be pregnant, the court shall not pass sentence upon her until it finds that she is no longer pregnant.

Section 62. After examination by two psychiatrists designated by the commissioner of mental health, if it appears that a prisoner under sentence of death has become insane, the governor, with the advice and consent of the council, may, from time to time for a stated period, respite the execution of said sentence until it appears to their satisfaction that the prisoner is no longer insane. Upon such respite, the governor may order the removal of such prisoner to the hospital at the Massachusetts

Correctional Institution, Bridgewater. Within ten days prior to the termination date of said respite, the medical director of said hospital shall have the said prisoner examined by two psychiatrists designated by the commissioner of mental health. If, after said examination, the said medical director is of the opinion that the prisoner is no longer insane, he shall so certify to the superintendent of the state prison, accompanied by a written statement regarding the mental condition of said prisoner. The superintendent shall thereupon cause the prisoner to be reconveyed to the state prison and to be kept there pursuant to the sentence of the court, and shall notify the governor of the return of said prisoner, and of his mental condition. If, however, in the opinion of the said medical director of said hospital the said prisoner is still insane, he shall so certify to the governor, accompanied by a written statement regarding the mental condition of the prisoner. Thereupon, the governor, with the advice and consent of the council, may further respite the execution of the sentence from time to time for a stated period, until it is determined that the prisoner is no longer insane, as herein provided.

If it appears to the satisfaction of the governor and council that a prisoner under sentence of death is pregnant, the governor, with the advice and consent of the council, shall from time to time respite the execution of said sentence for stated periods until it appears to their satisfaction that she is no longer pregnant.

Section 63. The governor, with the advice and consent of the council, may from time to time respite the execution of a sentence of death for stated periods so long as he may consider it necessary to afford him, with the advice and consent of the council, an opportunity to investigate and consider the facts of the case for the purpose of considering whether or not to pardon the prisoner.

Section 64. The execution of a sentence of death may be stayed from time to time for stated periods by the supreme judicial court, or a justice thereof, pending the final determination of any judicial question arising in or out of the case in which the sentence is imposed.

Section 65. There shall be present at the execution of the sentence of death, in addition to the superintendent, deputy and such officers of the state prison as the superintendent deems necessary, the commissioner of correction or his representative, the person performing the execution under the direction of the superintendent, if any, and the following physicians: the prison physician, the state surgeon, and a medical examiner for Norfolk county, or if any or all are unable to be present, such

physicians as the superintendent approves. The physicians present shall be the legal witnesses of the execution. There may also be present, upon the request of the prisoner who is to be executed, the immediate members of the family of the prisoner. There may also be present, upon the request of said prisoner, a priest, minister, or other representative of religion. There may also be present the sheriff of the county where the prisoner was convicted, or his deputy, and, with the approval of the superintendent, not more than three other persons.

Section 66. There shall be a post mortem examination by a medical examiner for Norfolk county of the body of every prisoner executed in conformity with the sentence of a court.

Section 67. When the superintendent has executed the sentence of death upon a prisoner in obedience to a warrant from the court, he shall forthwith make return thereof under his hand, with the doings thereon, to the office of the clerk of said court.

Section 68. In all cases in which a sentence of death may be imposed, the court shall submit to the jury special questions concerning the issue of murder in the first degree. If the jury determines beyond a reasonable doubt that the defendant is guilty of murder in the first degree, the jury shall specify whether the defendant is guilty of murder with deliberate premeditation, murder with extreme atrocity or cruelty, or murder in the commission or attempted commission of a crime punishable by imprisonment for life, or two or more of these. Upon a verdict of guilty of murder in the first degree with deliberate premeditation, or murder in the first degree with extreme atrocity or cruelty, a presentence hearing shall be conducted, unless the commonwealth stipulates that none of the aggravating circumstances as defined in paragraph (a) of section sixty-nine exists, before the jury before which the case was tried; provided, however, that if in the opinion of the judge presiding at the presentence hearing, it is impossible or impracticable for the trial jury to sit at the presentence hearing, a new jury shall be impanelled to sit at the presentence hearing. The selection of that jury shall be according to the laws and rules governing the selection of a jury for the trial of a capital case. 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 presented by either the commonwealth or defendant in mitigation of punishment regardless of its admissibility under the rules governing the admission of evidence at criminal trials. During such hearing, the jury shall also hear such evidence in aggravation of punishment as is relevant to the statutory

aggravating circumstance or statutory aggravating circumstances as defined in said paragraph (a) of said section sixty-nine; provided, however, that only such evidence in aggravation of punishment as the commonwealth has made known to the defendant prior to his trial shall be admissible, and provided further, that said evidence is otherwise admissible according to the rules governing the admission of evidence at criminal trials. The jury shall also hear arguments by the defendant or his counsel or both and by the commonwealth regarding the punishment to be imposed. The commonwealth and the defendant or his counsel shall be allowed to make opening statements and closing arguments at the presentence hearing. The order of those statements and arguments and the order of presentation of evidence shall be the same as at trial. Upon the conclusion of evidence and arguments at the presentence hearing, the court shall instruct the jury orally and shall provide to the jury in writing the statutory aggravating circumstance or statutory aggravating circumstances as determined by the court to be warranted by the evidence, and also any and all statutory mitigating circumstance or statutory mitigating circumstances for its deliberation. The judge shall also instruct the jury to consider any other relevant mitigating circumstance or mitigating circumstances. The judge shall also instruct the jury that they may not find that the penalty of death shall be imposed unless they shall first make a unanimous determination of the existence of one or more statutory aggravating circumstances beyond a reasonable doubt, and make a unanimous determination that the statutory aggravating circumstance or statutory aggravating circumstances outweigh the statutory or other mitigating circumstance or statutory or other mitigating circumstances beyond a reasonable doubt.

The jury shall then retire to determine whether any statutory aggravating circumstance or statutory aggravating circumstances, as defined by said paragraph (a) of said section sixty-nine or any mitigating circumstance or mitigating circumstances, including but not limited to those defined by paragraph (b) of said section sixty-nine, exist. The jury shall further determine whether the statutory aggravating circumstance or statutory aggravating circumstances it finds to exist outweigh the statutory or other mitigating circumstance or statutory or other mitigating circumstances it finds to exist. The jury shall be instructed that: (1) it may choose to find that the penalty of death shall be imposed upon the defendant or (2) it may choose not to find that the penalty of death shall be imposed upon the defendant. The jury, if its unanimous verdict is to impose the penalty of death, shall designate in writing, signed by the

foreman of the jury, the statutory aggravating circumstance or statutory aggravating circumstances which it unanimously found existed beyond a resonable doubt, and that the statutory aggravating circumstance or statutory aggravating circumstances it so unanimously found outweighed any statutory mitigating circumstance or other mitigating circumstance or statutory mitigating circumstances or other mitigating circumstances beyond a reasonable doubt. The process of weighing the statutory aggravating circumstance or statutory aggravating circumstances and statutory mitigating circumstance or statutory mitigating circumstances or other mitigating circumstance or other mitigating circumstances to determine the sentence, shall not be a mere tallying of statutory aggravating circumstance or statutory aggravating circumstances and statutory or other mitigating circumstance or statutory or other mitigating circumstances for the purpose of numerical comparison. Instead, it shall be a process by which the statutory aggravating circumstance or statutory aggravating circumstances and statutory mitigating circumstance or other mitigating circumstance or statutory mitigating circumstances or other mitigating circumstances relevant to sentence are considered for the purpose of determining whether the sentence, in view of all the relevant circumstances in an individual case, shall be life imprisonment without parole, or death.

After the jury has made its findings, the court shall set a sentence in accordance with section seventy.

The declaration of a mistrial during the course of the presentence hearing or any error in the presentence hearing determined on final appeal or otherwise shall not affect the validity of the conviction.

Section 69. (a) In all cases in which the death penalty may be authorized, the statutory aggravating circumstances are:

(1) the murder was committed on a victim who was killed while serving in the performance of his official duties as one or more of the following: police officer, special police officer, state or federal law enforcement officer, firefighter, officer or employee of the department of correction, officer or employee of a sheriff's department, officer or employee of a jail or officer or employee of a house of correction;

(2) the murder was committed by a defendant who was at the time incarcerated in a jail, house of correction, prison, state prison or a correctional or penal institution or a facility used for the housing or treatment or housing and treatment of prisoners;

(3) the murder was committed on a victim who was killed while engaged in the performance of his official duties as a judge, prosecuting attorney, juror, or witness;

(4) the murder was committed by a defendant who had previously been convicted of murder in the first degree, or of an offense in any other federal, state or territorial jurisdiction of the United States which is the same as or necessarily includes the elements of the offense of murder in the first degree;

(5) the murder was committed by the defendant pursuant to a contract, agreement or understanding by which he was to receive money or anything of value in return for committing the murder;

(6) the murder was committed by the defendant for the purpose of avoiding, interfering with, or preventing a lawful arrest of the defendant or another, or the murder was committed by the defendant for the purpose of effectuating an escape or attempting to effectuate an escape of the defendant or another from custody in a place of lawful confinement;

(7) the murder involved torture to the victim or the intentional infliction of extreme pain prior to death demonstrating a total disregard to the suffering of the victim;

(8) the murder was committed as part of a course of conduct involving the killing of or causing serious bodily injury to or the attempted killing of or the attempted causing of serious bodily injury to more than one person by the defendant;

(9) the murder was committed by means of a destructive device, bomb, or explosive planted, hidden, mailed, delivered, or concealed in any place, area, dwelling, building, or structure by the defendant or the murder was committed by means such that the defendant knew or reasonably should have known that his act or acts would create a grave risk of death or serious bodily injury to more than one person; or

(10) the murder was committed by the defendant and occurred during the commission or attempted commission or flight after committing or flight after attempting to commit aggravated rape, rape, rape of a child, indecent assault and battery on a child under fourteen, assault with intent to rape, assault on a child under sixteen years of age with intent to rape, kidnapping for ransom, kidnapping, armed robbery, unarmed robbery, breaking and entering with intent to commit a felony, armed assault in a dwelling, arson, confining or putting in fear or otherwise harming another for the purpose of stealing from depositories, or the murder occurred while the defendant was in possession of a sawed-off shotgun or a machine gun.

(b) In all cases in which the death penalty may be authorized, the mitigating circumstances shall be any factors proffered by the defendant or the commonwealth which are relevant in determining whether to impose a sentence less than death, including, but not limited to, any aspect of the

defendant's character, propensities, or record and any of the circumstances of the murder, including but not limited to the following:

(1) the defendant has no significant history of prior criminal convictions;

(2) the victim was a participant in the defendant's conduct or had consented to it;

(3) the murder was committed while the defendant was under extreme duress or under the domination or control of another;

(4) the offense was committed while the capacity of the defendant to appreciate the criminality of his conduct or to conform his conduct to the requirements of the law was impaired as a result of a mental disease or defect, organic brain damage, emotional illness brought on by stress or prescribed medication, intoxication, or legal or illegal drug use by the defendant which was insufficient to establish a defense to the murder but which substantially affected his judgment;

(5) the defendant was over the age of seventy-five at the time of the murder, or any other relevant consideration regarding the age of the defendant at the time of the murder;

(6) the defendant was battered or otherwise physically, sexually, or mentally abused by the victim in connection with or immediately prior to the murder for which the defendant was convicted;

(7) the defendant was experiencing post-traumatic stress syndrome caused by military service during a declared or undeclared war.

Section 70. Where, upon a trial by jury, a person is convicted of a crime which is punishable by death, a sentence of death shall not be imposed unless findings in accordance with section sixty-eight are made. Where such findings are made and the jury finds that the death penalty shall be imposed, the court shall sentence the defendant to death. Where such findings are not made or not unanimously made or where a sentence of death is not a unanimous finding by the jury, the court shall sentence the defendant to life imprisonment as provided in section two of chapter two hundred and sixty-five.

Section 71. In addition to review of the entire case pursuant to section thirty-three E of chapter two hundred and seventy-eight, the supreme judicial court shall review the sentence of death imposed pursuant to sections sixty-eight, sixty-nine and seventy of chapter two hundred and seventy-nine. If the supreme judicial court determines that (1) the sentence of death was imposed under the influence of passion, prejudice or any other arbitrary factor or (2) the evidence does not support the jury's finding of a statutory

aggravating circumstance or statutory aggravating circumstances as defined in section sixty-nine or (3) the evidence does not support the jury's finding that the statutory aggravating circumstance or statutory aggravating circumstances defined in section sixty-nine outweigh the statutory or other mitigating circumstance or statutory or other mitigating circumstances or (4) the sentence of death is excessive or disproportionate to the penalty imposed in other similar cases of one or more jurisdictions legally authorized to impose said penalty of death, with the greater weight of such comparison to be given to similar Massachusetts cases in which the death penalty will have been imposed, with due consideration of both those cases in which a sentence of life imprisonment was imposed and those cases in which a sentence of death was imposed, or in the event that the court determines any or all of the four factors as enumerated in this section exist, the court shall (1) reverse the sentence of death and remand for a new presentence hearing pursuant to section sixty-eight of chapter two hundred and seventy-nine, or (2) reverse the sentence of death and remand to the superior court department of the trial court for sentence of imprisonment in the state prison for life. The court shall also have the authority to affirm the sentence of death.

SECTION 7. If any of the provisions of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are declared severable.

SECTION 8. This act shall take effect on January first, nineteen hundred and eighty-three and shall apply to those offenses committed on or after the effective date of this act.

Approved December 22, 1982.

EMERGENCY LETTER - December 31, 1982 @ 11:07 A.M.

Chap. 555. AN ACT FURTHER DEFINING THE DUTIES OF THE STATE AUDITOR.

Be it enacted, etc., as follows:

Section 12 of chapter 11 of the General Laws, as most recently amended by chapter 556 of the acts of 1981, is hereby further

amended by striking out the tenth sentence and inserting in place thereof the following sentence:- The department of the state auditor is hereby authorized to inspect, review or audit, in conformity with accepted auditing and accounting practices, the accounts, books and records of vendors contracting or agreeing to provide services or materials of any description, or any other thing of value pursuant to any and all contracts or agreements between the commonwealth, its departments, agencies, bureaus, boards, commissions, institutions, or authorities and said vendors to the extent necessary to determine compliance by said vendors with the provisions and requirements of such contracts or agreements and the laws of the commonwealth.

Approved December 22, 1982.

EMERGENCY LETTER - December 27, 1982 @ 11:44 A.M.

Chap. 556. AN ACT PERMITTING THE OPENING OF CERTAIN RETAIL STORES ON SUNDAYS.

Be it enacted, etc., as follows:

Section 6 of chapter 136 of the General Laws is hereby amended by striking out clause (50), added by chapter 722 of the acts of 1977, and inserting in place thereof the following clause:-

(50) The keeping open of a store or shop and the sale at retail of goods therein, but not including the retail sale of goods subject to chapter one hundred and thirty-eight, and the performance of labor, business, and work directly connected therewith on Sunday; provided, however, that this exemption shall not apply to any legal holiday as defined in this chapter; and provided, further, that any store or shop which qualifies for exemption under this clause but does not qualify for exemption under any other clause in this section shall not open for business on Sunday prior to the hour of noon. Any store or shop which qualifies for exemption under this clause or under clause (25) or clause (27) of this section and which employs more than a total of seven persons, including the proprietor, on Sunday or any day throughout the week, shall compensate all employees engaged in the work performed on Sunday pursuant to the provisions of this clause, or clause (25) or clause (27) of this section, excepting those bona fide executive or administrative or professional persons earning more than two hundred dollars a week, at a rate not less than one and one-half

times the employee's regular rate. No employee engaged in work subject to the provisions of this clause shall be required to perform such work, and refusal to work for any retail establishment on Sunday shall not be grounds for discrimination, dismissal, discharge, reduction in hours, or any other penalty. Any violation of the provisions of this clause shall be deemed an unfair labor practice under the provisions of chapter one hundred and forty-nine.

Approved December 23, 1982.

Chap. 557. AN ACT AUTHORIZING THE SEEKONK WATER DISTRICT TO BORROW MONEY TO PAY A CERTAIN JUDGMENT.

Be it enacted, etc., as follows:

SECTION 1. The Seekonk Water District is hereby authorized to borrow for a term not to exceed two years a sum in the aggregate amount of fifty-nine thousand one hundred ninety-one dollars and sixty-four cents together with such additional sums as may be required to pay interest from the date of judgment until the date of payment for the purpose of paying a judgment to the firm of Armstrong, Pollis and Clapp of the town of North Attleboro, attorneys for Heritage Homes of Attleboro, Inc. Said district may issue bonds or notes therefor, which shall bear upon their face the words Seekonk Water District Loan, Act of 1982.

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

Approved December 23, 1982.

Chap. 558. AN ACT DIRECTING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY CERTAIN LAND OF THE COMMONWEALTH IN THE TOWN OF IPSWICH TO ESSEX COUNTY.

Be it enacted, etc., as follows:

SECTION 1. The division of capital planning and operations, acting for and on behalf of the commonwealth, as provided for in section forty F of chapter seven of the General Laws, is hereby authorized and directed to convey to Essex county, to be used

for highway purposes, the land of the commonwealth under the control of the department of environmental management, located in the town of Ipswich, described in a plan of land entitled, "County of Essex, Massachusetts, Plan of Land owned by the Commonwealth of Massachusetts located in Ipswich, Massachusetts, James R. Carlin, County Engineer, November 27, 1976, Scale 1"=40'" filed in the office of the County Engineer and to be filed in the southern district registry of deeds in Essex county and more particularly described as follows:-

Parcel #1. A parcel of land located on the southerly side of Linebrook Road in the town of Ipswich and bounded northerly by Linebrook Road about 151 feet, easterly by land of the town of Ipswich about 88 feet and southerly by remaining land of the Commonwealth of Massachusetts about 190 feet, said parcel containing about 6,455 square feet.

Parcel #2. A parcel of land located southerly of Linebrook Road in the town of Ipswich, and bounded northerly by land of the Commonwealth of Massachusetts about 503 feet, easterly by land of Hawkins about 68 feet, southerly by land of the Commonwealth of Massachusetts about 495 feet and westerly by land of Hills about 60 feet, said parcel containing about 29,600 square feet.

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

Approved December 23, 1982.

Chap. 559. AN ACT PROVIDING FOR THE APPOINTMENT OF THE TREASURER-TOWN COLLECTOR IN THE TOWN OF DUXBURY.

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 provision of law to the contrary, commencing on the fourth Saturday in March, nineteen hundred and eighty-three, the treasurer-town collector of the town of Duxbury shall be appointed by the board of selectmen. 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 and the office of town collector.

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

Approved December 23, 1982.

Chap. 560. AN ACT CREATING THE MASSACHUSETTS CORPORATION FOR EDUCATIONAL TELECOMMUNICATIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide immediately for the establishment of a statewide, multipurpose, educational telecommunications network 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. Purpose. It is hereby found and declared that:-

The commonwealth is lagging behind other states in utilizing development in telecommunications technology in order to solve educational, health and human services, and manpower problems, to facilitate cooperation among public and private institutions, and to make education and information more accessible to the citizens of the commonwealth.

There is an urgent need to link private and public post-secondary educational institutions, school systems, libraries, and health institutions in the commonwealth to the many potential users of telecommunications by the establishment of a statewide, electronic, multisystem, multipurpose telecommunications network. Such a network would encourage and facilitate economies of scale and complementarity among such entities by providing a direct communication link for education, information, and data resource sharing; provide a means of delivering education and information to the home and community; contribute substantially to enlarging the pool of trained manpower essential to the economy of the commonwealth by connecting educational institutions to public and private worksites; and effect cost savings and improvements in the many non-instructional applications of telecommunications.

Therefore, it is found that it is in the public interest to promote the education, prosperity and general welfare of its citizens, a public purpose for which public money may be expended, by creating the Massachusetts Corporation for Educational Telecommunications to establish and operate a statewide telecommunications network to meet the educational and informational needs of business, industry, government, and the inhabitants of the commonwealth.

SECTION 2. The following terms as used in this act shall have the following meaning, except where the context clearly

indicates otherwise:

"Board", the board of directors of the Massachusetts Corporation for Educational Telecommunications.

"Network", the statewide educational telecommunications network to be established by the Massachusetts Corporation for Educational Telecommunications pursuant to the provisions of this act.

"Corporation", the Massachusetts Corporation for Educational Telecommunications.

"Current expenses", as applied to the network or any portion thereof established pursuant to the provisions of this act, the amount of reasonable and necessary expenses for the administration and operation of the network after it has become operational.

"Project cost", as applied to the network or any portion thereof created pursuant to the provisions of this act, embraces all or any part of the cost of construction, acquisition, alteration, enlargement, reconstruction, and remodeling of the network, including all lands, structures, real or personal property, rights, rights of way, air rights, franchises, easements and interests acquired or used in connection with the network, 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, financing charges, interest prior to, during, and for a period after completion of such construction and acquisition, amounts reasonably required to make the network operational, the cost of architectural, engineering, financial and legal services, plans, specifications, studies, surveys, estimates of costs and revenues, administrative expenses, expenses necessary or incident to determining the feasibility or practicability of constructing the network and such other expenses as may be necessary or incident to the construction and acquisition of the network.

"Start-up expenses", as applied to the network or any portion thereof created pursuant to the provisions of this act embraces all or part of the expenses for the administration and operation of the network incurred in the establishment of the network prior to the time the network becomes operational.

SECTION 3. There is hereby created a body, politic and corporate, to be known as the Massachusetts Corporation for Educational Telecommunications, hereinafter referred to as MCET. MCET is hereby constituted a public instrumentality of the commonwealth and the exercise by MCET of the powers conferred in this act shall be deemed and held to be the performance of an

essential public function. MCET is hereby placed in the University of Massachusetts but shall not be subject to the supervision or control of said university or of any board, bureau, department, office, or any agency or officer of the commonwealth except as specifically provided in this act.

MCET shall be governed and its powers exercised by a board of directors which shall consist of eighteen directors and shall be representative of the racial, ethnic and cultural diversity of the commonwealth, the secretary of economic development and manpower affairs, the commissioner of the department of education, the chancellor of the board of regents of higher education, the president of the University of Massachusetts, the president of WGBH Educational Foundation, the chairman of the advisory council to MCET and twelve persons appointed by the governor, three of whom shall be presidents of private institutions of higher education in the commonwealth, one of whom shall be the president of a Massachusetts state college, one of whom shall be the president of a Massachusetts community college, two of whom shall be representatives of the Massachusetts Municipal Association, one of whom shall be the superintendent of a kindergarten through twelfth grade local public school district in the commonwealth and four of whom shall be bona fide representatives of other major sectors significantly affected by MCET. Each member appointed by the governor shall serve for a term of seven years and thereafter until his or her successor is appointed, except that in making the initial appointments the governor shall appoint one member to serve for two years, two to serve for three years, two to serve for four years, two to serve for five years, two to serve for six years and two to serve for seven years. Any person appointed to fill a vacancy in the office of a member of the board shall be appointed in a like manner and shall serve for the remainder of the unexpired term. Any appointed member shall be eligible for reappointment, and may be removed from his or her appointment by the governor for cause. Nine directors shall constitute a quorum and the affirmative vote of a majority of the directors present and eligible to vote shall be necessary for any action to be taken by the board. The directors shall serve without compensation, but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their duties. The board shall meet no less than four times in each year, and shall have final authority over the activities of MCET.

The board shall annually elect from among its members a chairman and vice-chairman. The board shall also designate a secretary and treasurer who need not be members of the board. The secretary shall keep a record of the proceedings of the

corporation and shall be custodian of all books, documents, and papers filed with the corporation, and its official seal. The secretary shall cause copies to be made of all minutes and other records and documents of the corporation and shall certify that such copies are true copies and all persons dealing with the corporation may rely upon such certification. The treasurer shall be chief financial and accounting officer of the corporation and shall be in charge of its funds, books of account and accounting records.

The board shall hire an executive director and establish his salary. The executive director shall be the chief administrative and operational officer of the corporation and shall direct and supervise its administrative affairs and general management. The executive director shall attend meetings of the board and may, subject to the general supervision of the board, employ other employees, consultants, and agents, including counsel and advisors.

Neither the corporation nor any of its officers, directors, agents, employees, consultants or advisors shall be subject to the provisions of sections nine A, forty-five, forty-six and fifty-two of chapter thirty, chapter thirty-one, or section twenty-seven and sections twenty-seven A to twenty-seven F, inclusive, of chapter one hundred and forty-nine of the General Laws; provided, that in purchasing products or services, the corporation shall at all times follow generally accepted good business practices.

The provisions of chapter two hundred and sixty-eight A of the General Laws shall apply to all directors, officers, and employees of the corporation except that the corporation may purchase from, sell to, borrow from, contract with or otherwise deal with any organization in which any director of the corporation is in any way interested or involved; provided, however, that such interest or involvement is disclosed in advance to the directors and recorded in the minutes of the proceedings of the corporation; and provided, further, that no director having such an interest or involvement may participate in any decision relating to such organization.

All officers and employees of the corporation having access to its cash or negotiable securities shall give bond to the corporation at its expense, in such amount and with such surety as the board may prescribe. The persons required to give bond may be included in one or more blanket or scheduled bonds. The board may purchase liability insurance for directors, officers and employees, and may indemnify said persons against the claims of others.

There shall be an advisory council to MCET, which shall

consist of no more than twenty-six members appointed by the governor for terms of seven years who shall be broadly representative of potential providers and users of said network and who are not otherwise represented on the board of directors of MCET. The council shall meet no less than three times a year and shall annually elect a chairman from among its membership.

SECTION 4. MCET shall have the following powers:-

(a) to make, amend, and repeal by-laws, rules and regulations, and policies for the management of its affairs and the operation of the network, including the regulation of network use and program content; provided that said rules, regulations and policies shall demonstrate, both in text and in application, a firm commitment to the promotion of equal access to MCET services by racial and ethnic communities;

(b) to adopt an official seal;

(c) to sue and be sued, in its own name;

(d) to develop, operate, and maintain a statewide, electronic, multisystem, multipurpose telecommunications network providing educational and information services and utilizing available and successor telecommunications technologies, which may include, but need not be limited to, leased lines, satellite systems, instructional television fixed service or multipoint distribution service systems, land lines, and a point-to-point microwave system, or any combination thereof;

(e) to encourage the use of said network by providing post-secondary institutions and other entities assistance in the development and production of educational and informational programming which meets the educational, cultural and economic needs of the entire population of the commonwealth; provided, however, that MCET shall not be authorized to produce such programs;

(f) to acquire, own, hold, lease, rent, dispose of and encumber real and personal property of any nature or any interest therein in the exercise of its powers and performance of its duties under this act;

(g) to enter into agreements or transactions with any federal, state or municipal agency or other public institution or with any private individual, partnership, firm, corporation, association or other entity;

(h) to appoint officers, employers, consultants, agents and advisors and fix their compensation;

(i) to appear in its own behalf before boards, commissions, courts, departments, or other agencies of federal, state or municipal government;

(j) to procure insurance against any losses in connection with

its property in such amounts, and from such insurers, as may be necessary or desirable;

(k) to apply for, accept, hold, use, and dispose of any and all donations, grants, bequests, and devises, conditional or otherwise, of money, property, services, or other things of value which may be received from the United States or any agency thereof, any governmental agency, any institution, person, firm or corporation, public and private, such donations, grants, bequests and devises to be applied for, accepted, held, used or disposed of for any and all of the purposes specified in this act and in accordance with any terms and conditions thereof. Receipt of each such donation or grant shall be detailed in the annual report of the corporation, which shall include the identity of the donor or lender, the nature of the transaction and any conditions attaching thereto;

(l) to fix and revise from time to time, charge, and collect rates, rents, fees and charges for the use of or access to the telecommunications network described herein or any portion thereof;

(m) to invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in such investments as may be lawful for fiduciaries in the commonwealth;

(n) to borrow money;

(o) to exercise any other powers of a corporation organized under chapter one hundred and fifty-six B of the General Laws; and

(p) to do any and all things necessary or convenient to carry out the purposes of this act.

SECTION 5. (a) There is hereby established a fund for carrying out the purposes of this act, hereinafter referred to as the Telecommunications Fund, to which shall be credited any appropriations authorized by the general court specifically designated to be credited to MCET.

(b) The corporation shall hold the telecommunications fund in an account or accounts separate from other funds. All appropriations, grants and other funds received by the corporation and not specifically designated to be credited to the telecommunications fund, including all fees and charges collected by the corporation, and the proceeds of all investments, may be used to pay for the proper general expenses of the corporation.

(c) Unless otherwise specified, all moneys of the corporation from whatever source derived shall be paid to the treasurer of the corporation. Said moneys shall be deposited in the first instance by the treasurer in one or more national banks, trust

companies or banking companies in compliance with section thirty-four of chapter twenty-nine of the General Laws. Funds in such accounts shall be paid out on the warrant or other order of the treasurer of the corporation or of such other person or persons as the board may authorize to execute such warrant or warrants.

(d) The corporation shall draw upon the principal and income of the telecommunications fund to meet the start-up expenses and project costs of establishing and operating the statewide telecommunications network described in this act, provided that the corporation shall not utilize the principal of the Telecommuncations Fund to support current expenses of the network.

SECTION 6. The corporation annually shall submit a complete and detailed report of its activities within ninety days after the end of its fiscal year to the clerk of the house of representatives and to the clerk of the senate.

SECTION 7. The books and records of the corporation shall be subject to an annual audit by the auditor of the commonwealth.

SECTION 8. The corporation shall establish a network, and take any and all actions necessary or appropriate thereto, including disbursing available funds from the Telecommunications Fund to meet the project costs and start-up expenses of such a network, only after:

(a) formulation of a detailed plan for the creation and operation of such a network; provided, that the plan shall be supported by independently verifiable information; and provided, further, that the plan shall include but not be limited to:

(1) a detailed description of the proposed network, including an analysis of lands, structures, facilities, machinery and equipment reasonably necessary for the successful operation thereof; an analysis of the feasibility of using surplus state real property for such a network; and a statement of the proposed project costs reasonably associated with the establishment of such a network, with a detailed breakdown of such project costs, including the estimate of the cost to the commonwealth of the debt service on any bonds or notes issued or to be issued in support of such a network;

(2) a statement of the proposed annual start-up expenses, project costs and current expenses of the network for the first five years of its existence, including a detailed breakdown of such costs and expenses, with a reasonable projection of said

costs and expenses which the corporation expects to meet through assistance provided by rates, rents, fees, and charges imposed upon users and support from any other source; and

(3) a description of the public benefits to be engendered by the network, including particularly an analysis of increased and enhanced employment and educational opportunities;

(4) a description of the proposed activities of the network, including the proposed utilization thereof by participating businesses and institutions;

(5) a proposal for capital outlay appropriation from the commonwealth in support of the establishment of the network and such annual maintenance appropriations as may reasonably be required for the successful operation of the network; and

(b) the board has approved the establishment of the network described in the plan, having found and incorporated in its minutes that:

(1) the network as proposed in the plan will substantially further the basic purpose of this act to provide for the establishment and operation of a statewide educational telecommunications network that would facilitate the delivery of education and information among such institutions of learning as public and private higher education, the schools, libraries, cultural and health institutions, and public and corporate learning centers, and between these institutions of learning and the public;

(2) there is no reasonable expectation that the network proposed will duplicate the actual or proposed facilities or programs of institutions or consortia of institutions located within the commonwealth, or, to the extent that a possibility for such duplication may be found to exist, the network as proposed in the plan may reasonably be characterized as enhancing or supplementing the ability of such an institution or consortium of institutions to conduct such actual or proposed facilities or programs;

(3) the establishment or operation of the network as proposed in the plan are beyond the financial means of any single institution or consortium of institutions located in the commonwealth, either because the capital costs or operating costs associated therewith are prohibitive or because the capital costs or operating costs associated with maintaining such a network at a level consistent with developing technology are prohibitive; and

(c) submission by the board of the plan and findings formulated pursuant to this section to the governor, the president of the senate and the speaker of the house of representatives, the chairman of the senate committee on ways

and means and the chairman of the house committee on ways and means.

SECTION 9. No monies shall be credited to the Telecommunications Fund in support of the network unless and until the plan and findings required pursuant to section seven of this act have been received and approved in writing by the house and senate committees on ways and means.

Approved December 23, 1982.

Chap. 561. AN ACT EXEMPTING THE POSITION OF DIRECTOR OF FIRE SERVICES WITHIN THE DEPARTMENT OF COMMUNITY SAFETY IN THE TOWN OF ARLINGTON FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of director of fire services in the department of community safety in the town of Arlington 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 an incumbent holding the position of director of fire services in the department of community safety in the town of Arlington on the effective date of this act.

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

Approved December 23, 1982.

Chap. 562. AN ACT PROVIDING THAT CERTAIN LICENSES FOR THE FILLING AND MAINTAINING OF SOLID FILL AND STRUCTURES AND BUILDINGS IN AND OVER TIDEWATERS OF LYNN HARBOR SHALL BE IRREVOCABLE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately facilitate the redevelopment and renewal of a portion of Lynn harbor, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of general or special law to the contrary, the following licenses and authority heretofore granted to fill and maintain filled lands, rebuild and extend timber piers and boathouses, drive piles as foundation for buildings and wharves, locate and maintain floats, build and maintain seawalls, wharves, bulkheads and structures in and over the tidewaters of Lynn harbor are deemed to have been granted in the public interest, declared to presently serve the public interest and are hereby deemed to be irrevocable, subject to the conditions set forth in section three:

A. The license granted by the commonwealth to Michael Cashman, being license #801, dated May 1, 1884, and recorded with the southern district registry of deeds in the county of Essex in book 1130, Page 118.

B. The license granted by the commonwealth to Michael Cashman, being license #1037, dated November 3, 1887, recorded with the southern district registry of deeds in the county of Essex in book 1232, Page 101.

C. The license granted by the commonwealth to Isaac C. Wyman, being license #1392, dated September 24, 1891, recorded with the southern district registry of deeds in the county of Essex in book 1323, Page 70.

D. The license granted by the commonwealth to Michael Cashman, being license #1797, dated June 27, 1895, recorded with the southern district registry of deeds in the county of Essex in book 1459, Page 537.

E. The license granted by the commonwealth to Brooks and Sprague, Inc., being license #5054, dated June 1, 1966, and recorded with the southern district registry of deeds in the county of Essex in book 5418, Page 491.

F. The license granted by the commonwealth to Bay State Cutting Die Co., Inc., being license #6269, dated August 22, 1974, recorded with the southern district registry of deeds in the county of Essex in book 6105, Page 111.

SECTION 2. The licenses identified in section one pertain to property as described herein as Parcels I and II, located in the city of Lynn:

Parcel I. The property together with the structures and buildings thereon, known as 98 Lynnway, and formerly known as 949 Washington Street, and more particularly described as follows:

NORTHEASTERLY by Washington Street on two courses, seventy-two and 36/100 (72.36) feet and five and 86/100 (5.86)

feets, respectively;

SOUTHEASTERLY by land now or formerly of Lee, ninety-one and 43/100 (91.43) feet;

NORTHEASTERLY by land now or formerly of Lee, four and 91/100 (4.91) feet;

SOUTHEASTERLY by land of Lynn Yacht Club, on two courses, one hundred seventy-four and 22/100 (174.22) feet and one thousand eight and 22/100 (1008.22) feet, respectively;

SOUTHWESTERLY by mean low water, eight and 69/100 (8.69) feet; and

NORTHWESTERLY by lands of Brook & Sprague, Inc. and of land now or formerly of Moss Trust, on three courses, nine hundred ninety-six and 29/100 (996.29) feet, one hundred forty-three and 71/100 (143.71) feet, and one hundred thirty (130) feet, respectively.

Containing 20,144 square feet of upland and 35,244 square feet of harbor flats, more or less, according to Plan of Land belonging to Leader Machine Co., Inc., situated in Lynn, Mass., dated September 14, 1946, Bradford & Wee, C.E.'s, recorded with the southern district registry of deeds in the county of Essex in book 3479, page 600.

There is excepted from the above described premises that portion of the land and buildings taken by right of eminent domain by the metropolitan district commission on November 5, 1953, said taking of said premises being more particularly described in an instrument of taking recorded in said southern district registry of deeds, book 4025, page 47, and being shown as Parcel #67 on plan entitled "Commonwealth of Massachusetts, Metropolitan District Commission, Parks Division, Lynnway, Plan of Taking, Edwards, Kelcey and Beck, Consulting Engineers, Boston, Mass." dated November 2, 1953, and recorded in said southern district registry of deeds, Plan Book 84, Plan 31, Sheet 23 and said parcel so taken and excepted herein contains approximately 4,928 square feet according to said plan.

Parcel II. The property, with the structures and buildings thereon, known as 102 and 106 Lynnway, which land is shown on a Plan of Land in Lynn, Mass., dated March 14, 1925, Frank E. Gowdy and A.D. Martin Surveyors, duly recorded and bounded as follows:

NORTHEASTERLY by the Lynnway, by three lines measuring respectively 52.51 feet, 2 feet and 92.41 feet;

NORTHWESTERLY by land now or formerly of Eastern Massachusetts Railroad Company by two lines measuring respectively 97.31 feet and 363.60 feet;

SOUTHWESTERLY by Lynn Harbor, 49.53 feet;

SOUTHEASTERLY by said Harbor, 264 feet;

SOUTHWESTERLY again by said Harbor, 11 feet;
SOUTHEASTERLY again by said Harbor, 11 feet;
SOUTHWESTERLY again by said Harbor, 24.25 feet;
SOUTHEASTERLY again by land now or formerly of F. Speir, by two lines measuring respectively 152 feet and 50.09 feet.

This section shall not be construed to either, extinguish any rights of the commonwealth in the unlicensed properties or structures described herein, or divest the commonwealth of title or other interests in land in said unlicensed properties or structures.

SECTION 3. The general court hereby declares and finds that the lands described in sections one and two of this act consists in part of filled flats and submerged lands; that the land bears a resulting cloud on title which constitutes a serious impediment to the marketing and financing of improvements to the land; that the present use of the land no longer serves maritime commerce; and that the renewal of the property for any use permitted by the applicable zoning laws will serve a proper public purpose by assisting the economic revival of the city of Lynn and promoting the use and enjoyment of Lynn harbor by the public, and will not be detrimental to the public navigation of the remaining waters of Lynn harbor. Therefore, the licenses described in said sections one and two, to the extent that said licenses pertain to land falling within the property description provided in said sections, are hereby deemed to have been granted in the public interest, to serve presently the public interest, and to be irrevocable subject to the following conditions subsequent:-

(a) that the owner of the land described in sections one and two recognizes the public's interest held in trust by the commonwealth to tidelands for the reserved public rights of fishing, fowling, and navigation, and to that end, the owner shall restrict the use of the land to its present activities, that of the operation of a restaurant and parking area, or similar such activities which are not detrimental to the public navigation on, and which will not have an adverse environmental impact on the waters of Lynn harbor;

(b) that the owner shall, in cooperation with the city of Lynn and the commonwealth, provide public access during the development of property adjacent to the lands described in sections one and two, which is proposed to be developed as a public park for fishing, fowling, navigational and recreational purposes, to be known as the Heritage State Park of Lynn. Said public access shall not interfere unreasonably with the access of the owner to the filled lands described in sections one and two;

(c) that the owner shall provide the commonwealth with an easement for the construction of a lateral pedestrian accessway on the filled lands described in sections one and two immediately abutting Lynn harbor of a width and design compatible with the wharf walkway to be located seaward of the private development associated with the Heritage State Park of Lynn, which said private development abuts the property described in sections one and two. Said easement shall not interfere unreasonably with the access of the owner to the harbor;

(d) that the owner shall construct a lateral pedestrian walkway on the filled lands described in sections one and two immediately abutting Lynn harbor of a width and design and material compatible with the wharf walkway to be located seaward of said private development associated with the Heritage State Park of Lynn. Said walkway shall not interfere unreasonably with the access of the owner to the harbor;

(e) that the owner shall maintain in good repair said lateral pedestrian walkway on the filled lands immediately abutting Lynn harbor.

In the event that said conditions are not implemented within two years of the completion of the construction of the Heritage State Park of Lynn, and in the event that such conditions are not continually complied with thereafter, the licenses described in said sections one and two shall revert to the status that existed immediately prior to the effective date of this act. A certificate confirming compliance with these conditions shall be filed within two years of completion of construction of said Heritage State Park of Lynn in the southern district registry of deeds in the county of Essex, executed by the owner and department of environmental quality engineering on behalf of the commonwealth. This act shall not be construed to extinguish any rights that the commonwealth or the public may have in lands lying outside of the property description provided in sections one and two.

SECTION 4. In the event of a taking of any land referred to in section one by the commonwealth or any of its political subdivisions, the measure of damages recoverable by reason of such taking shall be determined in accordance with provisions of chapter seventy-nine of the General Laws.

Approved December 23, 1982.

Chap. 563. AN ACT DESIGNATING THE MARRIED COUPLES' HOME AT TAUNTON STATE HOSPITAL AS THE KENNETH DORN BUILDING.

Be it enacted, etc., as follows:

The building at Taunton state hospital used for the married couples' home shall be designated and known as the Kenneth Dorn Building in honor of Kenneth Dorn who served on the board of trustees of said hospital for thirty-three years. A suitable plaque bearing said designation shall be attached thereto by the board of trustees.

Approved December 23, 1982.

Chap. 564. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO GRANT CERTAIN EASEMENTS ON, OVER AND ACROSS CERTAIN LAND IN THE TOWN OF WENDELL FOR THE TRANSMISSION OF ELECTRIC POWER TO THE NEW ENGLAND POWER COMPANY.

Be it enacted, etc., as follows:

SECTION 1. The division of capital planning and operations in the name and on behalf of the commonwealth, is hereby authorized to grant to the New England Power Company, an electric corporation organized and existing under the laws of the commonwealth, an easement approved as to form by the attorney general for the construction, maintenance and operation of towers, poles and wires for the transmission of electricity on, over and across land of the commonwealth under the control of the department of environmental management in the town of Wendell. Said land contained in the easement area consists of a strip being one hundred and sixty feet in width containing fifty-four acres more or less, is bounded and described as follows:-

Said strip extends from Stone Road so called at the southerly extremity of said strip in a general northeasterly direction by a total of seven tangents crossing intervening land now or formerly of Roy D. Wetmore, the old road to Erving and various cart roads to land now or formerly of Douglas A. Johnson at the northeasterly extremity of said strip.

Said strip is more particularly bounded and described as follows: namely, being 160 feet in width with its sidelines 105 feet distant northwesterly, and 55 feet distant southeasterly, of and parallel with the center line of an existing electric transmission circuit as now constructed within said strip.

Said center line begins at a point on the northerly side of

Stone Road, said point being s 62° 40' E a distance of 417.5 feet from a concrete bound at the end of a stone wall and a corner of land of Commonwealth of Massachusetts on the northerly side of Stone Road thence running N 28° 54' E a distance of 978 feet to a point, said point being S 40° 51' W a distance of 137.3 feet from a concrete bound at the southwesterly corner of land of New England Power Company.

thence running N 04° 06' W a distance of 2419 feet to a point;
thence running N 39° 35' E a distance of 2165 feet to a point;
thence running N 57° 10' E a distance of 4450 feet to a point;
thence running N 21° 21' E a distance of 1853 feet to a point;
thence running N 70° 20' E a distance of 1380 feet to a point;
thence running S 83° 33' E a distance of 1655 feet to a point in the dividing line between land now or formerly of Douglas A. Johnson and land of Commonwealth of Massachusetts said point being S 06° 38' E a distance of 87.6 feet from a stone bound on said dividing line. This easement is designated on a preliminary sketch plan entitled "Plan showing proposed transmission line crossing land of the Commonwealth of Massachusetts (division of forestry) scale 1" = 200' date October 29, 1980, Warner B. Goff Massachusetts registered land surveyor No. 23606."

SECTION 2. In consideration for said conveyance provided for in section one, New England Power Company shall convey to the commonwealth through the department of environmental management by a deed approved as to form by the attorney general, all right, title and interest in eight parcels of land comprising one hundred and sixteen acres more or less in the towns of Wendell, Hawley, Wales and Plainfield as designated by the commissioner of the department of environmental management.

SECTION 3. The commissioner of the department of environmental management acting for and on behalf of the commonwealth is hereby authorized to sell and convey to Marjorie Wetmore and Roy D. Wetmore by a deed containing a conservation restriction approved as to form by the attorney general, all the right, title and interest of the commonwealth in and to certain parcels of land in the town of Orange. Said parcels comprising fifty-nine acres more or less are bounded and described as follows:-

Parcel #1. Situate in the Northeasterly part of Orange and known as the Wilbur Lot.

Beginning at the Northeast corner of the pasture formerly of one Amos Goddard; thence North on the Royalston town line to the Southeast corner of the pasture formerly of Hollis Goddard;

thence West on said Hollis Goddard pasture to land formerly of one Eli Forrester; thence on said Forrester's land and land formerly of Elijah Walker to a stake and stones about fifty-four (54) rods to said Forrester's Pasture; thence East on said Forrester's land and formerly owned by said Amos Goddard to the first mentioned corner. Containing fifty-five (55) acres more or less and being the portion of the premises known as Parcel #1 conveyed by New England Box Company to the Commonwealth of Massachusetts by deed dated December 3, 1923, recorded at the registry of deeds in Franklin County at Book 675, Page 343.

Parcel #2. Situate in the Northeasterly part of Orange and adjoining Parcel #1 above described.

Bounded on the West and South by land formerly of G. D. Goddard; and on the North and East by Parcel #1 above described formerly land of James Y. Wilbur. Containing four (4) acres more or less and being the portion of the premises known as Parcel #2 in the above referenced conveyance.

SECTION 4. In consideration for said conveyance provided for in section three, Marjorie Wetmore and Roy D. Wetmore shall convey to the commonwealth through the department of environmental management all right, title and interest in certain parcels of land located in the towns of Warwick, Orange and Royalston, comprising one hundred and sixteen acres more or less, and bounded and described as follows:-

PARCEL 1. The land in Royalston, bounded and described as follows:-

BEGINNING at the northwest corner thereof by land formerly of Benjamin W. Bliss; thence southerly by land formerly of Eli Forristall thirty-nine (39) rods to a stake and stones; thence easterly by land formerly of Joseph Davis to the east side of Lot #44; thence northerly on land formerly of Joseph Davis thirty-nine (39) rods to a stake and stones; thence westerly by land formerly of said Joseph Davis to hard land; thence westerly on land formerly of Benjamin W. Bliss to the place of beginning.

Containing by estimation twenty (20) acres, more or less with a right of way over certain land as described in a deed from Levi W. Wheeler to Sumner F. Leonard, dated June 24, 1903, and meaning and intending to convey the land described in said deed. Being the same premises conveyed to Marjorie Wetmore by deed of Theodore L. Hutchinson, dated September 10, 1969, and recorded with the Worcester district registry of deeds, Book 4977, Page 42.

PARCEL 2. Three parcels of land partly in Orange and partly in Warwick; in said County of Franklin, bounded and described in a deed from James T. Hammond to Esther Lavalla, dated May 15, 1876, and recorded with Franklin County registry of deeds in Franklin County, Book 318, Page 325, to which deed reference is made for a more complete description. Being also the same premises conveyed to Roy D. Wetmore and Marjorie M. Wetmore, as tenants by the entirety, by Hattie Wetmore by deed dated April 12, 1943 and recorded at the registry of deeds in Franklin County, Book 866, Page 174.

SECTION 5. Upon delivery of deeds to the parcels of land referenced in section four, the commissioner of the department of environmental management is authorized to pay an equitable sum to Roy D. Wetmore and Marjorie M. Wetmore as further compensation for said property as determined by three independent appraisers, plus one-half the cost of said appraisals as agreed by the parties.

Approved December 23, 1982.

Chap. 565. AN ACT PROVIDING FOR A CENTRAL FILE FOR CITY AND TOWN SANITARY CODES.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 8 of chapter 21A of the General Laws, as amended by section 76 of chapter 706 of the acts of 1975, is hereby further amended by adding the following two sentences:- The department of environmental quality engineering shall maintain, in one location, copies of all city and town sanitary codes, and all rules, regulations and standards that pertain to public health, and any amendments and additions thereto, which have been adopted by boards of health pursuant to section thirty-one of chapter one hundred and eleven. The department shall make said information available for public inspection and reference, and shall charge a fee for reproducing and mailing said information which shall be in an amount sufficient to cover the expense of providing such services.

SECTION 2. Section 31 of chapter 111 of the General Laws is hereby amended by adding the following paragraph:-

Boards of health shall file with the department of environmental quality engineering, attested copies of sanitary

codes, and all rules, regulations and standards which have been adopted, and any amendments and additions thereto, for the maintenance of a central register pursuant to section eight of chapter twenty-one A.

Approved December 23, 1982.

Chap. 566. AN ACT AUTHORIZING THE TOWN OF WENHAM TO COMBINE THE OFFICES OF TOWN TREASURER AND TOWN COLLECTOR IN SAID TOWN INTO THE OFFICE OF TOWN TREASURER/COLLECTOR IN SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The office of treasurer/collector of the town of Wenham is hereby established. Said town treasurer/collector shall be appointed by the board of selectmen of said town for a term of one year and shall perform all the duties hereinbefore performed by the town treasurer and town collector of said town and shall have such other powers and duties as may from time to time be established. Said board may establish such qualifications for said office as it deems necessary and appropriate. The provisions of law relative to town treasurers and to town collectors shall, except insofar as the same may be inconsistent with the provisions of this act, apply to said town treasurer/collector. In the event of a vacancy in said office, the same shall be filled in like manner for the unexpired portion of the term.

SECTION 2. Notwithstanding the provisions of section one of this act, the incumbent in the offices of town treasurer and town collector upon the effective date of this act shall continue to hold said offices and to perform the duties thereof until the appointment and qualification of the town treasurer/collector.

SECTION 3. This act shall take effect May fourteenth, nineteen hundred and eighty-three.

Approved December 23, 1982.

Chap. 567. AN ACT AUTHORIZING CORPORATION AND PERSONAL ESTIMATED INCOME TAX PAYMENTS TO BE MADE TO A DESIGNATED BANK DEPOSITARY.

Be it enacted, etc., as follows:

Chapter 62C of the General Laws is hereby amended by inserting after section 45A the following section:-

Section 45B. With respect to declarations of estimated tax and estimated tax payments required under the provisions of chapters sixty-two B and sixty-three B, the commissioner may, by regulation, provide that such declarations be filed and estimated tax payments be made to a bank designated as a depositary and fiscal agent under section forty-five. The use of a bank for this purpose shall not be considered a violation of the provisions of section twenty-one; provided, however, that all employees of said bank having access to declarations or documents to which section twenty-one is applicable shall be subject to the provisions of said section twenty-one, including the penalties for their violation under subsection (c) of said section twenty-one.

Approved December 23, 1982.

EMERGENCY LETTER - December 24, 1982 @ 11:58 A.M.

Chap. 568. AN ACT RELATIVE TO GRANTING PERMITS TO THE COMMISSION FOR THE BLIND TO OPERATE VENDING FACILITIES IN PUBLIC BUILDINGS AND ON PUBLIC PROPERTY.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by striking out section 133, as appearing in chapter 535 of the acts of 1966, and inserting in place thereof the following seven sections:-

Section 133. The following words and phrases, wherever used in sections one hundred and thirty-three A to one hundred and thirty-three F, inclusive, shall unless a different meaning clearly appears from the context have the following meanings:

(1) "Blind persons", a person who, after examination by a physician or by an optometrist, whichever such person shall select, has been determined to have

(a) not more than 20/200 central visual acuity in the better eye with correcting lenses, or

(b) an equally disabling loss of the visual field as evidenced by a limitation to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than twenty per cent.

(2) "Commission", the Massachusetts Commission for the Blind.

(3) "Commissioner", the commissioner of the Massachusetts Commission for the Blind.

(4) "Jurisdiction", the control of the maintenance, operation and protection of public buildings and property of the commonwealth.

(5) "Public buildings or property", any building, land, or other real property owned by any department or agency of the commonwealth, or any counties thereof, with the exception of any building, land, or other real property under the jurisdiction of any state college, state university, or state institution of higher learning.

(6) "Vending facility", snack bars, cart service, shelters, counters, and such other appropriate auxiliary equipment which may be operated by blind licensees and which is necessary for the sale of newspapers, periodicals, confections, tobacco products, foods, beverages, and other articles or services dispensed automatically or manually and prepared on or off the premises in accordance with all applicable health laws, and including the vending or exchange of chances for any lottery authorized by law, and conducted by any agency of the commonwealth.

(7) "Vendor", a blind person licensed by the commission for the blind to operate a vending facility under the terms of the Randolph-Shepard Act.

(8) "Randolph-Shepard Act", the Randolph-Shepard Vending Stand Act (Pub. L. 74-732) as amended by Pub. L. 83-565 and Pub. L. 93-516, 20 U.S.C. Ch. 6A, Sec. 107.

(9) "Randolph-Shepard Vending Facilities Program", the program for the operation of vending facilities by blind persons established by the Randolph-Shepard Act.

(10) "State licensing agency", the state agency designated by the Commissioner of the Rehabilitation Services Administration under the regulations implementing the Randolph-Shepard Act to issue licenses to blind persons for the operation of vending facilities on federal and other property.

Section 133A. The officer, board or other authority in charge of any buildings or property of the commonwealth, or any county thereof, with the exception of any building, land, or other real property under the jurisdiction of any state college, state university, or state institution of higher learning. Notwithstanding any general or special law to the contrary:

(1) Shall adopt such policies and take such actions as may be necessary to assure that blind persons licensed by the commission for the blind will be given preference in the

establishment and operation of vending facilities on property under their jurisdiction.

(2) Shall cooperate with the commission in surveys of property and buildings under their control in order to find suitable locations for the operation of vending facilities by blind persons, and after it has been determined that there is need for a vending facility and after the commission has determined that such a facility may be properly and satisfactorily operated by a blind person, shall cooperate with the commission in the installation of such vending facility.

(3) Shall no later than December thirty-first, nineteen hundred and eighty-three, notify the commission in writing of any and all existing locations where vending facilities might be operated by the commission under the Randolph-Shepard Vending Facility Program.

(4) Shall no less than thirty days prior to the reactivation or licensing for the operation of any vending facility inform the commission of such contemplated action.

Section 133B. In carrying out the provisions of this chapter, the commission:

(1) Shall prescibe such regulations as are consistent with the Randolph-Shepard act and may be necessary to carry out the purposes of this act.

(2) Shall conduct surveys to find locations where vending facilities may be properly and satisfactorily operated by blind persons who are participants in the Randolph-Shepard Vending Facilities Program and shall establish vending facilities as it deems appropriate.

(3) Shall provide such management and supervisory services as it deems necessary to assure that each vending facility will be operated in the most effective and productive manner possible.

(4) Shall provide plans and specifications for proposed vending facilities and equipment to the appropriate officer, board or authority for approval prior to installation, which approval shall not be unreasonably withheld.

(5) Shall take any such other action as the commissioner may deem necessary or appropriate to carry out the purposes of this chapter.

Section 133C. To effectuate further the purposes of this act, when new construction, remodeling, leasing, acquisition or improvement of public buildings or properties with the exception of any building, land, or other real property under the jurisdiction of any state college, state university, or state institution of higher learning is authorized, the agency directing such construction, remodeling, leasing, acquisition or improvement, shall, when plans include provisions to dispense

food products, make available suitable space and facilities for vending facilities to be operated therein by blind persons licensed by the commission for the blind pursuant to the provisions of this chapter.

Section 133E. Notwithstanding any general or special laws to the contrary, no rental or other charge shall be demanded, assessed, exacted, required or received for the granting of authority to a vendor licensed by the commission for the blind to operate a vending facility pursuant to the provisions of this chapter.

Section 133F. In buildings and properties where a vending facility now exists the present operator shall not be removed nor shall he be precluded in any way from exercising any renewal of his existing lease.

Approved December 23, 1982.

Chap. 569. AN ACT RELATIVE TO AUTHORIZING THE INTERSTATE LIBRARY COMPACT TO INCREASE ITS MEMBER STATES.

Be it enacted, etc., as follows:

Section 1 of chapter 693 of the acts of 1963 is hereby amended by striking out lines 1 to 3, inclusive, and inserting in place thereof the following words:- The interstate library compact is hereby entered into by the commonwealth with all states legally joining therein in the form substantially as follows:-.

Approved December 23, 1982.

Chap. 570. AN ACT AUTHORIZING AND DIRECTING THE DEPARTMENT OF PUBLIC WORKS TO INSTALL PEDESTRIAN CROSSING SIGNALS AT THE INTERSECTION OF RUSS STREET AND NORTH MAIN STREET IN THE TOWN OF RANDOLPH.

Be it enacted, etc., as follows:

The department of public works is hereby authorized and directed to install and maintain pedestrian crossing signals at the intersection of Russ street and North Main street in the town of Randolph.

Approved December 23, 1982.

Chap. 571. AN ACT FURTHER DEFINING SENIORITY IN CIVIL SERVICE WITH REFERENCE TO REEMPLOYMENT LISTS.

Be it enacted, etc., as follows:

Section 33 of chapter 31 of the General Laws, as most recently amended by section 117 of chapter 835 of the acts of 1974, is hereby further amended by adding the following paragraph:-

Any person in such service who has received an appointment from a reemployment list, as set forth in section forty, shall carry forward their seniority as prescribed herein; provided, however, that any lay-offs occurring after a reemployment date shall have such reemployment date as the determining factor in lay-offs by seniority.

Approved December 23, 1982.

Chap. 572. AN ACT PROVIDING THAT CERTAIN LICENSES FOR THE FILLING AND MAINTAINING FILLED LANDS, FOR DRIVING AND MAINTAINING PILES AS FOUNDATIONS FOR STRUCTURES AND FOR MAINTAINING WALLS, BRIDGES, PIERS AND OTHER STRUCTURES IN AND OVER THE WATERS OF THE CHARLES RIVER SHALL BE IRREVOCABLE.

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 and maintain filled lands for driving and maintaining piles as foundations for structures and for maintaining walls, bridges, piers and other structures in and over the Charles River shall be irrevocable.

1. The license granted by the Commonwealth of Massachusetts to Boston and Maine Railroad, being License No. 3386, dated October 31, 1951, and being recorded with Middlesex South District Registry of Deeds, Book 7847, Page 304.

2. A portion of the license granted by the Commonwealth of Massachusetts to Boston and Maine Railroad, being License No. 2719, dated December 12, 1944, and being recorded with Middlesex South District Registry of Deeds, Book 6883, Page 61 and Suffolk County Registry of Deeds, Book 6180, Page 427.

3. A portion of the license granted by the Commonwealth of

Massachusetts to Boston and Maine Railroad being License No. 968, dated December 4, 1928, and being recorded with Suffolk County Registry of Deeds, Book 5088, Page 523.

Said licenses having been granted, in part, for the purposes of filling portions of the Charles and Mystic Rivers. Said property more particularly described as follows:

Beginning at a point located at the corner of the Charles River sea wall and the 1967 State Highway layout line in Boston; thence running northwest along the west side State Highway layout at a distance of nine hundred thirty-four (934.00) feet to a point; thence turning and running southwest at 90 degree angle to the previous line a distance of fifty-four (54.00) feet to the edge of the Miller's River; thence turning and running southeast along the edge of the Millers River a distance of seven hundred thirty (730.00) feet to the Charles River sea wall, thence turning and running Northeast along the Charles River sea wall a distance of three hundred and thirty (330.00) feet to the point of beginning, be all of said measurement more or less, said parcel containing about three and fifty hundredths (3.50) acres.

SECTION 2. The general court hereby finds and declares that the property described in section one of this act consists in part of filled flats and submerged lands; that the property bears a resulting cloud on title which constitutes a serious impediment to the marketing and financing of improvements to the land; that the present use of the land no longer serves maritime commerce; and that development of the property for use permitted by applicable zoning laws and codes serves a public purpose by assisting in the economic revival of the area and will not be detrimental to public navigation of the remaining waters of the Charles River. Therefore, the licenses described in section one, to the extent that said licenses pertain to land falling within the property description provided in said section, are hereby deemed to have been granted in the public interest, to serve presently the public interest, and to be irrevocable subject to the following conditions:

(a) That the owner of the land agrees to forego the filling of or construction over the waters of the Charles River and Millers River lying outside of the property description provided in section one;

(b) That the owner agrees to restrict the use of the land to activities which are not detrimental to the public navigation on and which will not have an adverse environmental impact on the waters of the Charles River; and

(c) That the owner agrees to cooperate with the commonwealth

relative to the maintenance and repair of public highway structures and facilities adjacent to the property described in section one by providing reasonable access to the commonwealth or its designee across said property if necessary to accomplish such maintenance and repairs.

In the event that such conditions are not complied with the licenses described in said section one shall revert to the status held prior to the effective date of this act. This act shall not be construed to extinguish any rights that the commonwealth or the public may have in lands lying outside of the property description provided in section one.

Approved December 23, 1982.

Chap. 573. AN ACT FURTHER REGULATING THE INSTALLATION OF SMOKE DETECTORS IN CERTAIN RESIDENTIAL BUILDINGS AND STRUCTURES.

Be it enacted, etc., as follows:

SECTION 1. Section 26D of chapter 148 of the General Laws, as appearing in section 1 of chapter 712 of the acts of 1979, is hereby amended by striking out the definition of "Approved smoke detector" and inserting in place thereof the following two definitions:-

"Approved monitored battery power smoke detector", shall be a smoke detector which is activated by a battery power source provided that the battery is monitored to assure that the following conditions are met:

(a) a distinctive audible trouble signal is given before the battery is incapable of operating the device for alarm purposes, and that such audible trouble signal is produced at least once every minute for seven consecutive days, and

(b) the unit is capable of producing an alarm signal for at least four continuous minutes at the battery voltage at which a trouble signal is normally obtained followed by seven days of trouble signal operation, and

(c) the monitored batteries meeting these specifications are clearly identified on the unit near the battery compartment.

"Approved primary power smoke detector", shall be a smoke detector which is 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; provided, that:

(a) all power supplies shall be sufficient to operate the alarm signal for at least four continuous minutes, and
(b) all such detector systems shall be installed in accordance with the Massachusetts Electrical Code.

SECTION 2. Said chapter 148 is hereby further amended by striking out section 26E, as so appearing, and inserting in place thereof the following section:-

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 an approved monitored battery power smoke detector or an approved primary power smoke detector. For buildings or structures occupied in whole or in part for residential purposes and containing a maximum of two dwelling units, either an approved monitored battery power smoke detector or an approved primary power smoke detector shall be installed on each level of habitation and on the basement level; provided, however, that the head of the fire department shall allow the installation of approved monitored battery power smoke detectors. Such approved monitored battery power smoke detector or approved primary power smoke detector shall be installed in the following manner: an approved monitored battery power smoke detector or an approved primary power 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 monitored battery power smoke detector or an approved primary power 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, either an approved monitored battery power smoke detector or an approved primary power smoke detector shall be installed in each dwelling unit outside each separate sleeping area; provided, however, that the head of the fire department shall allow the installation of approved monitored battery power smoke detectors; and provided, further, that in all common hallways of said residential buildings or structures a series of interconnected approved primary power smoke detectors shall be installed. The head of the fire department shall enforce the provisions of this section. The provisions of section thirty shall not apply to this section.

Approved December 23, 1982.

Chap. 574. AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO ACQUIRE CERTAIN PUBLIC LAND IN THE CITY OF FITCHBURG FOR HIGHWAY PURPOSES.

Be it enacted, etc., as follows:

The deputy commissioner of the division of capital planning and operations, acting for and on behalf of the commonwealth, as provided for in section forty F of chapter seven of the General Laws, is hereby authorized to acquire the public lands or interests in land hereinafter described, or such portions thereof as the commissioner may determine, and to divert said lands from their present use to highway use by the department of public works, as hereinafter provided.

Said land to be so acquired and diverted are shown on a map entitled "The Commonwealth of Massachusetts Plan of Land in the City of Fitchburg Worcester County To Be Taken for Highway Purposes by the Department of Public Works", which map the said department is directed to file with the chief engineer of the department, and which lands are to be identified on a department layout plan as follows:

Three certain parcels of land in the City of Fitchburg located at the northerly side of state highway route 2 and the northwesterly side of Princeton road, bounded and described as follows:

Parcel No. 1

A parcel of land supposed to be owned by the Fitchburg Redevelopment Authority and bounded as follows: Southeasterly by Princeton Road (Route 3) about eighty-nine (89) feet; southerly by land now or formerly of New England Power Company about seventy (70) feet; northwesterly by land now or formerly of the Fitchburg Redevelopment Authority about one hundred twenty-eight (128) feet; northeasterly by land now or formerly of William A. Bergeron II and Linda A. Bergeron II about forty-six (46) feet; containing about one tenth (0.1) of an acre of land, more or less.

Parcel No. 2

A parcel of land supposed to be owned by the Fitchburg Redevelopment Authority and bounded as follows: Southwesterly by state auto route 2 (1953 State Highway Layout) about one thousand one hundred sixty-eight (1,168) feet; northwesterly,

northerly and northeasterly by land now or formerly of the Fitchburg Redevelopment Authority about one thousand two hundred three (1,203) feet; easterly in part by land now or formerly of Alexander M. Ferris and Mary M. Ferris and in part by land now or formerly of the Commonwealth of Massachusetts about three hundred seventy-six (376) feet; containing about nine and seventy-two hundredths (9.72) acres of land, more or less.

Parcel No. 3

A parcel of land supposed to be owned by the Fitchburg Redevelopment Authority and bounded as follows: Southeasterly by state auto route 2 (1953 State Highway Layout) about six hundred fifty-seven (657) feet; westerly along town of Westminster and City of Fitchburg line by land now or formerly of George A. LeClair and Ronald G. LeClair about two hundred eighty-one (281) feet; northeasterly by land now or formerly of the Fitchburg Redevelopment Authority about six hundred twenty (620) feet; containing about one and thirty-three hundredths (1.33) acres of land, more or less.

For the purposes of this act, the department of public works is hereby authorized to divert the above-described parcels of land from their present use for industrial development by the Fitchburg Redevelopment Authority and to divert said parcels of land to highway use.

Approved December 23, 1982.

Chap. 575. AN ACT AUTHORIZING THE TRUSTEES OF BRIDGEWATER STATE COLLEGE TO EXPEND A CERTAIN SUM OF MONEY FOR THE PURPOSE OF RECONSTRUCTING BURRILL AVENUE IN THE TOWN OF BRIDGEWATER.

Be it enacted, etc., as follows:

The trustees of Bridgewater state college are hereby authorized to expend, subject to appropriation, a sum not exceeding two hundred thousand dollars for the purpose of reconstructing Burrill avenue in the town of Bridgewater, the primary access road to the Great hill portion of the college property.

Approved December 23, 1982.

Chap. 576. AN ACT FURTHER DEFINING AN INSURANCE BROKER AND INSURANCE AGENT.

Be it enacted, etc., as follows:

Section 162 of chapter 175 of the General Laws, as amended by chapter 286 of the acts of 1941, is hereby amended by inserting after the second paragraph the following paragraph:-

Solicitation of negotiation of policies of insurance as referred to in the first and second paragraph that takes place off the premises of an insurance broker, agent or company shall be by a duly licensed broker or agent. Solicitation or negotiation of policies of insurance performed on the premises of an insurance broker, agent or company, may be done by an employee insofar as such solicitation or negotiation is under the immediate direction and general supervision of a duly licensed broker or agent. All binders of insurance and insurance policies shall be signed by a licensed individual or by such person acting under a power of attorney; provided, however, that the provisions of this paragraph shall apply only to the solicitation or negotiation of property or casualty policies of insurance.

Approved December 23, 1982.

Chap. 577. AN ACT RELATIVE TO THE DESIGNATION OF CLERK OF THE EQUITY PROCEEDINGS IN PLYMOUTH COUNTY.

Be it enacted, etc., as follows:

Chapter 221 of the General Laws is hereby amended by striking out section 61, as amended by section 241 of chapter 478 of the acts of 1978, and inserting in place thereof the following section:-

Section 61. The justices of the superior court may designate for a term of three years from the date of such designation, one of the assistant clerks for the county of Plymouth, to perform, under the direction of the clerk of courts for the county of Plymouth, the duties of clerk pertaining to the equity proceedings of said court, who shall receive from said county, in addition to the salary paid to him as an assistant clerk, a sum equivalent to five per cent of the salary of the clerk.

Approved December 23, 1982.

Chap. 578. AN ACT ESTABLISHING A BOARD OF WATER AND SEWER COMMISSIONERS IN THE TOWN OF HOPEDALE.

Be it enacted, etc., as follows:

There shall be in the town of Hopedale a board of water and sewer commissioners consisting of three members who shall be elected by ballot to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year, from the next succeeding annual town election and at the annual town election held on the day on which the shortest of such terms expires, and at each annual town election thereafter, one such commissioner shall be elected by ballot for a term of three years. A majority of said commissioners shall constitute a quorum for the transaction of business. After the election of a board of water and sewer commissioners under authority of this act, any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town election called for the purpose. Any such vacancy may be filled temporarily in the manner provided by section eleven of chapter forty-one of the General Laws, and the person so appointed shall perform the duties of the office until the next annual election in said town or until another person is qualified. Such board shall have all the powers and duties of both water commissioners and sewer commissioners in sections sixty-five and sixty-nine B of said chapter forty-one.

Approved December 23, 1982.

Chap. 579. AN ACT PROVIDING TENURE OF OFFICE FOR BARBARA M. STEVENS, INCUMBENT IN THE OFFICE OF EXECUTIVE DIRECTOR OF THE HOPEDALE HOUSING AUTHORITY.

Be it enacted, etc., as follows:

The tenure of Barbara M. Stevens, incumbent in the office of executive director of the Hopedale Housing Authority, shall be unlimited unless incapacitated by physical or mental disability from performing the duties thereof, but she may be removed therefrom for cause after hearing conducted by said Authority of said town in the manner provided by section forty-three of chapter thirty-one of the General Laws.

Approved December 23, 1982.

Chap. 580. AN ACT RELATIVE TO THE LICENSING AND KEEPING OF DOGS IN THE TOWN OF REHOBOTH.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section one hundred and thirty-seven of chapter one hundred and forty of the General Laws or any other provision of law to the contrary, the registering, numbering, describing and licensing of dogs, if kept in said town, shall be conducted in the office of the town clerk of said town.

SECTION 2. Notwithstanding the provisions of section one hundred and forty-seven of said chapter one hundred and forty of the General Laws or any other provision of law to the contrary, all money received for licenses or from the sale of dog licenses by the town of Rehoboth, or recovered as fines or penalties by said town under the provisions of said chapter one hundred and forty relating to dogs, shall be paid into the treasury of said town and shall not thereafter be paid over to Bristol county.

Approved December 23, 1982.

Chap. 581. AN ACT ESTABLISHING A SET-OFF DEBT COLLECTION PROCEDURE TO COLLECT SUPPORT DEBTS.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by inserting after chapter 62C the following chapter:-

CHAPTER 62D.
SET-OFF DEBT COLLECTION.

Section 1. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Claimant agency", the department of public welfare, in the exercise of its duty to collect support owed to the department for past public assistance paid, pursuant to section twenty-one of chapter eighteen and section three of chapter one hundred and eighteen.

"Debt", any liquidated sum due and owing to the claimant

agency as reimbursement for past assistance paid to the debtor's spouse or children, whether or not there is an outstanding judgment for that sum.

"Debtor", any individual owing money for support payments to the claimant agency, which obligation has not been adjudged satisfied by court order, set aside by court order, or discharged in bankruptcy.

"Department", the department of revenue.

"Refund", an individual's income tax refund from the commonwealth.

Section 2. The claimant agency shall not be allowed to effect final set-off and collect debts through the remedy established by this chapter unless both the debt and the refund, if any, are at least fifty dollars.

Section 3. Subject to the limitations contained in this chapter, the department shall, upon the request of the claimant agency, render assistance in the collection of the delinquent accounts or debts owed to the claimant agency. This assistance shall be provided by setting off refunds due the debtor from the department by the sum certified by the claimant agency as due and owing.

Section 4. The claimant agency seeking to collect a debt through set-off shall notify the department in writing of its intent, certify the amount of the debt, identify the source of the debt, including, where necessary, the name of the court and the date and terms of its order, and supply information necessary to identify the debtor whose refund is sought to be set-off. Whenever possible, such identifying information shall include the full name of the debtor, social security number, address, and any other information required by regulations promulgated by the department. The notification and the furnishing of information by the claimant agency to the department must occur on or before a date specified by the department in the year preceding the calendar year in which the refund would be paid. Subject to said notification deadline, the notification shall be effective only to initiate set-off for claims against refunds that would be made in the calendar year subsequent to the year in which notification is made to the department.

Section 5. The department, upon receipt of notification from the claimant agency, shall determine whether the debtor is entitled to a refund of at least fifty dollars. If the debtor is entitled to a refund of at least fifty dollars, the department shall transfer to the claimant agency an amount equal to the refund owed or the amount of the debt certified by the claimant agency, whichever is less. When the refund exceeds the debt, the department shall send the excess amount to the debtor. Upon

receipt of such funds transferred from the department pursuant to this section, the claimant agency shall deposit and hold such funds in an escrow account until a final determination of the validity of the debt is made.

At the time of the transfer of funds to the claimant agency pursuant to this section, the department shall notify the taxpayer or taxpayers whose refund is sought to be set-off that such transfer has been made. Such notice shall state the name of the debtor, the basis for the claim to the refund, the amount of the claimed debt, and the intention to set-off the refund against the debt. In addition, such notice shall state that the debtor has the opportunity to contest the validity and amount of the debt sought to be collected through set-off by applying in writing for a hearing before the claimant agency within thirty days of the date of mailing of the notice. The notice shall also include the name and mailing address of the claimant agency to which the application for a hearing shall be sent and shall advise the debtor that failure to apply in writing for a hearing within the thirty day period shall be deemed a waiver of the opportunity to contest the set-off.

In the case of a joint return, the notice shall also state the name of a nondebtor spouse named in the return, if any, against whom no debt is claimed and the fact that a debt is not claimed against such nondebtor spouse. The notice shall advise the nondebtor spouse that he may apply in writing for a hearing before the claimant agency to determine what portion of the refund is attributable to the income of the nondebtor spouse. The notice shall include the name and mailing address of the claimant agency to which the application for a hearing shall be sent and shall advise the nondebtor spouse that the failure to apply in writing for a hearing within the thirty day period shall be deemed a waiver of the opportunity to contest the set-off.

Section 6. If the claimant agency receives a written application from the debtor or nondebtor spouse contesting the claim upon which the proposed set-off is based, an administrative hearing shall be held by the claimant agency pursuant to the provisions of chapter thirty A. The purpose of said hearing shall be to determine whether the claim is valid and if so, whether the claimed sum asserted as due and owing is correct. No issue previously litigated by the parties in a court of competent jurisdiction and upon which a final decision on the merits has been rendered shall be considered at the hearing. If the amount due is incorrect, a proper adjustment shall be made. Where a nondebtor spouse is contesting the portion of the refund attributable to his income, the nondebtor spouse shall have the burden of proving what portion of a refund transferred to a

claimant agency, if any, is attributable to his income.

Section 7. Any debtor shall have the right to appeal said action in accordance with the provisions of chapter thirty A. The claimant agency unless stayed by court order, shall finalize the set-off pursuant to section eight.

Section 8. Upon the final determination of the amount of the debt due and owing by means of a hearing pursuant to section six or upon the default of the debtor to request, in a timely manner, a hearing pursuant to section five, the claimant agency shall remove the amount of the debt due and owing from the escrow account established pursuant to said section five and shall credit such amount to the debtor's obligation and, whenever necessary, shall advise the appropriate court of such credit.

Section 9. Upon transfer of the debt due and owing from the escrow account, established pursuant to section five, to the credit of the debtor's account, the claimant agency shall notify the debtor in writing of the finalization of the set-off. Such notice shall include the amount of the refund transferred to the claimant agency, the amount of the debt finally determined to be owed to the claimant agency, the amount of the set-off, the amount of the refund, if any, returned to the nondebtor spouse, and the amount of any outstanding balance, if any, due to the debtor after the set-off. The claimant agency shall disburse any such outstanding balance due to the debtor along with the notice of the final set-off.

Section 10. Notwithstanding section twenty-one of chapter sixty-two C or any other provision of law prohibiting disclosure by the department of the contents of taxpayers' records of information and notwithstanding any confidentiality statute of the claimant agency, all information exchanged among the department, the claimant agency, the debtor, and the nondebtor spouse necessary to accomplish and effectuate the intent of this chapter is lawful.

The information obtained by the claimant agency from the department in accordance with the aforementioned exemption allowed shall only be used by the claimant agency in the pursuit of its debt collection duties and practices and any person employed by, or formerly employed by, the claimant agency who discloses any such information for any other purpose, except as otherwise allowed by section forty-three of chapter two hundred and seventy-one, shall be penalized under the provisions of said section forty-three.

Section 11. The commissioner of the department shall promulgate rules and regulations and establish proper forms necessary to carry out the provisions of this chapter.

Section 12. The collection remedy under this chapter shall be in addition to and not in substitution of any other remedy available at law.

SECTION 2. Subsection (b) of section 21 of chapter 62C of the General Laws is hereby amended by adding the following clause:-

(12) the disclosure to the claimant agency of information necessary to effect a set-off for debt collection pursuant to chapter sixty-two D.

SECTION 3. Chapter 66 of the General Laws is hereby amended by striking out section 17A, as most recently amended by section 54C of chapter 367 of the acts of 1978, and inserting in place thereof the following section:-

Section 17A. The records of the department of public welfare relative to all public assistance, and the records of the commission for the blind relative to aid to the blind, shall be public records; provided that they shall be open to inspection only by public officials of the commonwealth, which term shall include members of the general court, representatives of the federal government and those responsible for the preparation of annual budgets for such public assistance, the making of recommendations relative to such budgets, or the approval or authorization of payments for such assistance, or for any purposes directly connected with the administration of such public assistance, including the use of said records by the department of public welfare in set-off debt collections under chapter sixty-two D, and including the use of said records by the department of public welfare in concert with related wage reports to ascertain or confirm any fraud, abuse or improper payments to an applicant for or recipient of public assistance; and provided, further, that information relative to the record of an applicant for public assistance or a recipient thereof may be disclosed to him or his duly authorized agent. The commonwealth shall destroy public assistance records ten years after the discontinuance of aid granted under the provisions of chapters sixty-nine, one hundred and seventeen, one hundred and eighteen, one hundred and eighteen A, one hundred and eighteen D and one hundred and nineteen, in such manner as the commissioner or director may prescribe.

SECTION 4. Chapter 271 of the General Laws is hereby amended by striking out section 43, as most recently amended by section 54E of said chapter 367, and inserting in place thereof the following section:-

Section 43. Any person who, except for purposes directly connected with the administration of general public assistance, old age assistance, aid to the blind, or aid to families with dependent children, and in accordance with the rules and regulations of the department of public welfare made under authority of section ten of chapter eighteen, or of the commission for the blind made under authority of section one hundred and forty-nine of chapter six, as the case may be, shall solicit, disclose, receive, make use of, or authorize, knowingly permit, participate in, or acquiesce in the use of, any list of, or names of, or any information concerning, persons applying for or receiving general public assistance, old age assistance, aid to families with dependent children or aid to the blind, directly or indirectly derived from the records, papers, files or communications of the department of public welfare, any city or town welfare department or bureau of old age assistance, or the commission for the blind, as the case may be, or acquired in the course of the performance of official duties, shall be punished by a fine of not more than one hundred dollars. Nothing herein shall prevent the disclosure, by the commissioner of revenue to the commissioner of public welfare, in concert with a wage reporting system, of such information as may be necessary to ascertain or confirm the existence of any fraud, abuse or improper payments to an applicant for or recipient of public assistance and nothing herein shall prevent the disclosure of information necessary for set-off debt collection pursuant to chapter sixty-two D.

Approved December 23, 1982.

EMERGENCY LETTER - December 24, 1982 @ 12:07 P.M.

Chap. 582. AN ACT DIRECTING THE RECONVEYANCE OF CERTAIN LAND IN EAST BRIDGEWATER BY THE PLYMOUTH COUNTY COMMISSIONERS.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the county commissioners of Plymouth county are hereby authorized and directed to convey to the owners of record all their right, title and interest in land located on Union street in the town of East Bridgewater, taken by the said commissioners as a result of Decree No. 1505 and an order of taking, dated August third, nineteen hundred and eighty-two

and recorded with the Plymouth registry of deeds, upon repayment within one year of the effective date of this act, by said owners to the said commissioners the amount of any award previously paid on account of said taking and the receipt of a release of all claims for damages from said owner.

A copy of this act shall be filed by the said commissioners in the said registry for recording, and the register of deeds of said registry shall cause to be entered on the margin of the record of the original order of taking a reference to the book and page number of the recording of this act.

All orders of payment to be made to or by the treasurer of said county relating to said taking are hereby revoked and no award relative to said taking shall be hereinafter paid by said treasurer or any other person.

Said commissioners may assess the town of East Bridgewater to reimburse the county for any award paid under said Decree No. 1505 which has not been repaid to the county under this act within one year from its effective date; and the county may further, after the expiration of the year, assess upon the town all reasonable engineering, legal and recording costs incurred by it in performing duties required by this act.

Approved December 23, 1982.

EMERGENCY LETTER - December 29, 1982 @ 10:04 A.M.

Chap. 583. AN ACT PROVIDING TENURE FOR GUY A. SANTAGATE AS A MEMBER OF THE BOARD OF ASSESSORS OF THE CITY OF CHELSEA.

Be it enacted, etc., as follows:

Notwithstanding the provisions of sections 2-73 through 2-87, inclusive, of the revised ordinances of the city of Chelsea or any general or special law or ordinance to the contrary, the tenure of office of Guy A. Santagate as a member of the board of assessors in the city of Chelsea shall be unlimited but he may be removed for just cause in accordance with the provisions of chapter thirty-one of the General Laws. Nothing in this act shall be construed to prevent the said Guy A. Santagate from being elected as chairman of said board.

Approved December 23, 1982.

Chap. 584. AN ACT FURTHER REGULATING THE INDEMNIFICATION FOR MEDICAL EXPENSES OF CERTAIN RETIRED POLICE OFFICERS AND FIREFIGHTERS.

Be it enacted, etc., as follows:

Section 100B of chapter 41 of the General Laws, as appearing in chapter 317 of the acts of 1972, is hereby amended by inserting after the word "meeting", in line 6, the words:- or a special town meeting.

Approved December 23, 1982.

EMERGENCY LETTER - December 24, 1982 @ 12:09 P.M.

Chap. 585. AN ACT FURTHER DEFINING THE AUTHORITY OF THE COUNTY COMMISSIONERS OF BRISTOL COUNTY AND THE SELECTMEN OF THE TOWN OF DARTMOUTH TO IMPLEMENT CERTAIN PROVISIONS IN THE CONSTRUCTION OF A CORRECTIONAL FACILITY IN SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the county commissioners of Bristol county may take by eminent domain, after a public hearing or acquire by purchase or otherwise any land and buildings that may be necessary for the purpose of constructing a new jail or house of correction, including all land necessary for access to such site or existing sewer lines to service such site, provided that title to any land and buildings acquired by the county by eminent domain or otherwise for such purpose shall be transferred to the commonwealth under the provisions of chapter three hundred and forty-seven of the acts of nineteen hundred and eighty-two and the regulations promulgated thereunder if a grant is authorized under said chapter three hundred and forty-seven to acquire the land and any buildings thereon, or to construct, design, plan, reconstruct, rehabilitate, renovate, modernize, finish or expand a correctional facility located on said land. After the completion of such facility, as provided for in said chapter three hundred and forty-seven the facility shall be operated and maintained by the county as a county house of correction.

SECTION 2. The county may use funds awarded by the secretary of human services under chapter three hundred and forty-seven of the acts of nineteen hundred and eighty-two for the acquisition of land, including any buildings located thereon, for a jail, house of correction or other county correctional facility, as set forth in section one, and for the construction, design, planning, reconstruction, rehabilitation, renovation, modernization, completion, demolition or expansion of a county correctional facility or for the purchasing of equipment and furnishings for such facility. In addition, the county is authorized to service said correctional facility from the existing sanitary sewer located along Faunce Corner road in the town of Dartmouth, and to use the above mentioned funds for any land acquisition, designs or construction necessary for such purpose, regardless of whether the extension of the existing sewer by the town of Dartmouth, as provided in section five of chapter three hundred and forty-seven of the acts of nineteen hundred and eighty-two, has been completed.

SECTION 3. Section 5 of chapter 347 of the acts of 1982 is hereby amended by striking out the third paragraph and inserting in place thereof the following two paragraphs:-

When in making the grants authorized by this section, if the secretary approves a grant for the acquisition of land, the planning and construction of a jail in the town of Dartmouth, the secretary shall also approve a grant of not less than eight million four hundred thousand dollars for the design and construction of an interceptor sewer to service the facilities on the property where the facility is to be constructed, and to include the design and construction for an addition to the present sewerage treatment plant, and the interceptor sewerage needs of that section of the town of Dartmouth along Faunce Corner Road, through which the interceptor sewer runs, including the acquisition of such additional land and interests therein as may be necessary for the installation of said interceptor sewer, 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 three independent appraisals of the value of the property has been made by qualified disinterested appraisers; and provided further, however, that notwithstanding any general or special law to the contrary, any land taken by eminent domain proceedings or any interest therein so taken for jail purposes under this section which are determined to be not needed for said purposes, shall be conveyed by the commonwealth to the town of Dartmouth industrial development commission.

Notwithstanding any law to the contrary, the secretary of human services is authorized to provide grant funds to the town of Dartmouth, upon application by the selectmen of the town, for the design and construction of the interceptor sewer and the addition to the sewerage treatment plant, and for the acquisition of such land and interests therein as may be necessary for the installation of the interceptor sewer.

SECTION 4. Chapter four hundred and twelve of the acts of nineteen hundred and seventy-three is hereby repealed.

Approved December 23, 1982.

EMERGENCY LETTER - December 24, 1982 @ 12:10 P.M.

Chap. 586. AN ACT FURTHER REGULATING THE PROCEDURE RELATIVE TO VIOLATIONS OF MOTOR VEHICLE LAWS.

Be it enacted, etc., as follows:

SECTION 1. Section twenty F of chapter ninety is hereby repealed.

SECTION 2. The General Laws are hereby amended by striking out chapter ninety C and inserting in place thereof the following chapter:-

CHAPTER 90C.
PROCEDURE FOR MOTOR VEHICLE OFFENSES.

Section 1. In this chapter, unless the context otherwise requires, the following words shall have the following meanings:-

"Audit sheet", a sheet of paper which shall contain a list of the issuance and disposition of each citation in each citation book in such form as the registrar shall approve, and which shall include, but need not be limited to, the following information: the police department or organization to which the citation book was issued, the offense, the name and address of the offender, the name of the issuing officer and the disposition.

"Automobile law violation", any violation of any statute, ordinance, by-law or regulation relating to the operation or control of motor vehicles other than a violation (1) of any rule, regulation, order, ordinance or by-law regulating the parking of motor vehicles established by any city or town or by any commission or

body empowered by law to make such rules and regulations therein, or (2) of any provision of chapter one hundred and fifty-nine B.

"Citation", a notice upon which a police officer shall record an occurrence involving all automobile law violations by the person cited. Each citation shall be numbered consecutively and shall be in such form and such parts as established and approved jointly by the administrative justices of the district and Boston municipal court departments, after consultation with the registrar.

"Citation book", twenty-five citations, stapled or bound together in book form. Each such book shall be consecutively numbered.

"District court", a division of the district court department or a session thereof for holding court and the Boston municipal court department or a session thereof for holding court.

"Division", a division of the district court department or, in the case of the Boston municipal court department, the department.

"Police chief", the chief or the head of the organized police department of a city or town, the commissioner of public safety, the superintendent of the metropolitan district commission police, the registrar of motor vehicles, the state superintendent of buildings, the chairman of the Massachusetts Turnpike Authority, such person as the trustees of the University of Massachusetts shall appoint as chief of the police officers appointed under section thirty-two A of chapter seventy-five, such persons as the commissioner of mental health may designate at each institution of the department of mental health as chief of the special police officers thereat appointed under section ten B of chapter one hundred and forty-seven or the chief of the Massachusetts Bay Transportation Authority police department.

"Police officer", any officer, other than an investigator or examiner of the commercial motor vehicle division of the department of public utilities, authorized to make arrest or serve criminal process, any person appointed by the registrar under section twenty-nine of chapter ninety, any person appointed by the trustees of the University of Massachusetts under section thirty-two A of chapter seventy-five and any person appointed by the commissioner of public safety under section ten B of chapter one hundred and forty-seven.

"Registrar", the registrar of motor vehicles.

Section 2. Each police chief shall issue citation books to each permanent full-time police officer of his department whose duties may or will include traffic duty or traffic law enforcement, or directing or controlling traffic, and to such other officers as he

at his discretion may determine. Each police chief shall obtain a receipt on a form approved by the registrar from such officer to whom a citation book has been issued. Each police chief shall also maintain citation books at police headquarters for the recording of automobile law violations by police officers to whom citation books have not been issued.

Notwithstanding any provision of general or special laws to the contrary, other than a provision of this chapter, any police officer assigned to traffic enforcement duty shall, whether or not the offense occurs within his presence, record the occurrence of automobile law violations upon a citation, filling out the citation and each copy thereof as soon as possible and as completely as possible and indicating thereon whether a written warning shall be issued; whether the violation is one which may be the subject of an application for a complaint as provided by subsection B of section three; or whether the matter may be disposed of non-criminally in accordance with subdivision (1) of subsection (A) of said section three. Said police officer shall inform the violator of the violation and shall give a copy of the citation to the violator. Such citation shall be signed by said police officer and by the violator to acknowledge that the citation has been received. If a written warning is indicated no further action need be taken by the violator.

A failure to give a copy of the citation to the violator at the time and place of the violation shall constitute a defense in any trial for such violation, except where the violator could not have been stopped or where additional time was reasonably necessary to determine the nature of the violation or the identity of the violator, or where the court finds that a circumstance, not inconsistent with the purpose of this section to create a uniform and simplified method for disposing of violations of automobile law, justifies the failure. In such case the automobile law violation shall be recorded upon a citation as soon as possible after such violation and the citation shall be delivered to the violator or mailed to him at his residential or mail address or to the address appearing on his license or registration as appearing in registry of motor vehicles record.

At or before the completion of his tour of duty, a police officer to whom a citation book has been issued and who has recorded the occurrence of an automobile violation upon a citation shall deliver to his police chief or to the person duly authorized by said chief all remaining copies of such citation duly signed, except the police officer's copy which shall be retained by him. If the police officer has directed that a written warning be issued, the part of the citation designated as the registry of motor vehicles record shall be forwarded forthwith by the police

chief or person authorized by him to the registrar of motor vehicles and shall be kept by the registrar in his main office. If the registrar receives three such written warnings to the same offender within any twelve-month period, starting with the date of the first violation, after due hearing pursuant to section twenty-two of chapter ninety, he shall forthwith suspend the license or right to operate of such person for a period of seven days.

If the police officer has not directed that a written warning be issued, said police chief or person duly authorized by him shall retain one copy of the citation for department use and shall at a time not later than the beginning of the fourth court day after the date of the violation cause to have delivered two such copies to the clerk-magistrate of the appropriate district court division. The clerk-magistrate of each division shall maintain a separate docket for all such citations and shall, following adjudication of such citation by said division or payment of such citation to said division, forward forthwith one copy of such citation with the court abstract thereon to the registry. No other form of notice, except as provided in this section, need be given to the violator.

If a citation is spoiled, mutilated or voided, it shall be endorsed with a full explanation thereof by the police officer voiding such citation, and shall be returned to the registrar forthwith and shall be duly accounted for upon the audit sheet for the citation book from which said citation was removed.

Section 3. (A) (1) If a police officer records the occurrence of an automobile law violation as defined in section one for which the maximum penalty does not exceed one hundred dollars for the first offense and does not provide for a penalty of imprisonment, the citation shall notify the violator that he may contest the violation at a non-criminal trial before a clerk-magistrate of the district court division having jurisdiction of the judicial district in which the violation occurred or that, in the alternative, he may waive said trial and pay the penalty for the violation as established by schedules of penalties promulgated by the chief justices of the district and Boston municipal court departments for their respective departments. The scheduled penalties shall not exceed the maximum fines established by law for the particular violation. A copy of such schedule of fines shall be so posted in the office of the clerk-magistrate of each district court division and be plainly visible to the public. The total amount of the fines payable by the violator shall be indicated by the police officer on the citation in accordance with such schedule.

If the violator elects to waive trial and pay the scheduled fine he must, not later than ten days after the date of said violation,

appear before the clerk-magistrate of the district court division having jurisdiction of the judicial district in which the violation occurred, either personally or through an agent duly authorized in writing, with the citation appropriately marked, or within said time, mail to such magistrate, with the citation appropriately marked, the scheduled fine provided therein. Such payment, when made by mail, shall be made only by postal note, money order, or check. The payment of such fine shall operate as a final disposition of the case.

Appearances and proceedings pursuant to this subdivision shall not be deemed criminal. The violator shall not be required to report to any probation officer and no record of the case shall be entered in any probation records.

Notwithstanding the foregoing, if a police officer records the occurrence of an automobile law violation as defined herein, he may direct that a written warning be issued.

If any person notified to appear hereunder indicates by return of the citation, appropriately marked, within ten days after the date of the violation, that he requests a trial on the merits of the violation charged, the clerk-magistrate shall as soon as practicable notify the officer concerned and the violator of the date on which they shall appear ready for trial before the clerk-magistrate. Clerk-magistrates shall exercise their authority to conduct such hearings and all other authority hereunder subject to the limitations of section sixty-two C of chapter two hundred and twenty-one. Either party may appeal the finding and disposition of the clerk-magistrate to a justice of the court in which the case was heard, who shall then hear the case de novo. The decision of the judge shall be final and no further review shall be allowed. Upon imposing a penalty after trial, the clerk-magistrate or the justice, as the case may be, may impose at a minimum the scheduled fine as defined in this section for the particular violation or may increase the penalty to an amount not exceeding the maximum fine permitted by law for the particular violation.

If any person fails without good cause to appear for trial at the time indicated by the clerk-magistrate, or, having claimed an appeal de novo, fails without good cause to appear before the justice of the court at the time scheduled for hearing the case, notice of such hearing having been given either personally or by mail to the address shown on registry of motor vehicle records unless another address is indicated on the citation or on the request for trial, the court shall issue a warrant for the arrest of such person and proceed against him criminally according to law and the registrar shall be notified that he may suspend the right or license of such person to operate a motor vehicle after

due hearing pursuant to section twenty-two of chapter ninety, because of his failure to so appear. If a right or license is so suspended, the holder of the license or right shall not be eligible for reinstatement of his license until he shall have appeared before said court and answered to the charge made against him. The clerk-magistrate of the court shall, if the citation is properly returned at a later time, notify the registrar forthwith of such fact.

(2) If a violator fails within ten days of the date of violation either to confess the violation charged and pay the scheduled fine or notify the clerk-magistrate that he wishes to contest the violation at a trial before the clerk-magistrate, the clerk-magistrate shall treat one part of the citation as an application for complaint and prepare such complaint. The court shall issue a warrant for the arrest of such violator and proceed against him criminally according to law and the registrar shall be notified that he may suspend the right or license of such person to operate a motor vehicle after due hearing pursuant to section twenty-two of chapter ninety, because of his failure to so appear. If a right or license is so suspended, the holder of the license or right shall not be eligible for reinstatement of his license until he shall have appeared before said court and answered to the charge made against him. The clerk-magistrate of the court shall, if the citation is properly returned at a later time, notify the registrar forthwith of such fact.

(B) If a police officer records the occurrence of an automobile law violation as defined in section one for which the maximum statutory penalty for the first offense exceeds one hundred dollars or provides for a sentence of imprisonment, the police officer may direct that a written warning be issued, may arrest the violator without a warrant pursuant to section twenty-one of chapter ninety for such offenses as specified in said section or may direct that an application for a complaint be filed. If the police officer directs that an application for a complaint be filed, he shall so indicate on the citation. If he so indicates, the citation given to the violator shall have printed thereon a statement that the violator shall, if he so requests in writing to the appropriate court within four days of the alleged violation, be granted a hearing on said violation before any process shall issue, as provided in section thirty-five A of chapter two hundred and eighteen. If an application for a complaint is so indicated and a complaint is issued, with or without the above-mentioned hearing, the procedure established for criminal cases shall then be followed. If the police officer directs that an application for a complaint be filed, the citation shall serve as the application and the police chief or person authorized by him shall

deposit the part of the citation designated as the application, and such other parts as the administrative justices of the district court department and the Boston municipal court department may require for their respective departments, with the court having jurisdiction over the violation at a time no later than the beginning of the fourth court day after the date of the violation. The police chief may, from time to time, designate one person to sign all such complaints.

If a violation under this subsection is recorded, the violator shall not have the option to dispose of the matter as provided in subdivision (1) of subsection (A). If a violation under this subsection is recorded by a police officer in conjunction with and arising from the same occurrence as a violation that could be disposed of pursuant to the provisions of subdivision (1) of subsection (A), none of the violations may be disposed of pursuant to the provisions of said subdivision (1) of subsection (A).

Section 4. Nothing in this chapter shall prevent a person other than a police officer from applying for a criminal complaint for an automobile law violation, and such person need not show that the alleged violator has been issued a citation in connection with such violation.

Nothing in this chapter shall be construed to prevent a police officer from arresting any person without a warrant pursuant to the provisions of section twenty-one of chapter ninety for such offenses as specified in said section when such arrest is deemed necessary. If such arrest is made, such arrest shall be noted on the citation and one of the copies of the citation forwarded to the district court division which shall serve as the application for complaint. The police chief may from time to time, designate one person to sign all such complaints. If such arrest is made in good faith, the arresting officer shall not be liable in civil proceedings arising from such arrest.

Any provision of this chapter to the contrary notwithstanding, any payment of a fine made pursuant to the provisions of this chapter shall operate as a conviction for purposes of registry of motor vehicles action pursuant to chapter ninety.

Section 5. A citation issued pursuant to this chapter shall not be deemed a writ as comprehended under the provisions of Article V of Chapter VI of Part the Second of the Constitution of Massachusetts.

Section 6. The registrar shall print citation books and distribute the same to each police chief, and shall obtain receipts therefor. Each police chief shall accept and be responsible for all citation books issued to his department. The registrar shall also furnish two audit sheets with each citation book, said audit sheets to have the same number as the citation book.

When a citation has been completed the police chief or an officer of a rank not less than sergeant, or in the case of the state police of a rank not less than corporal and who is in charge of a state police barracks, shall record the issuance and disposition of said citation and enter the required information upon the audit sheet. When the twenty-five citations in a citation book are issued or used, the police chief shall sign and return one of the completed audit sheets to the registrar, keeping the other audit sheet for the files of his department. The registrar may at any time demand and inspect any citation, citation book or audit sheet used by any police department or police chief.

Section 7. The clerk-magistrate of a district court division or an assistant clerk or other person designated by said clerk-magistrate shall accept waiver of trial, plea of guilty, and payment of fine from any person summoned to appear before such court on a complaint alleging violation of any law relating to the operation, parking or control of bicycles, or relating to the parking of motor vehicles, for which the punishment is a fine or forfeiture not exceeding the sum of fifty dollars and does not include a sentence of imprisonment, or on a complaint alleging violation of the weight limits provided in section nineteen A of chapter ninety. Judgment shall be entered against any person filing such waiver of trial and plea of guilty. Such waivers and pleas shall be made in writing on forms which shall be established by the administrative justice of the Boston municipal court department for said department and by the administrative justice of the district court department for all district court divisions. Such forms shall also contain instructions to offenders as to procedure under this section and shall not contain information for the use of probation officers.

Fines under this section shall be in accordance with a schedule of fines which shall be established by the administrative justice of the Boston municipal court department for said department and by the administrative justice of the district court department for all district court divisions. A copy of such schedule of fines shall be posted in the office of the clerk-magistrate of each district court division and shall be plainly visible to the public. The fines listed on said schedule shall not exceed the maximum fines established by law for the particular type of violation.

No such waiver, plea, and payment of fine shall be accepted under this section unless made before said clerk-magistrate, either personally or by an agent duly authorized in writing, or by mailing to such clerk-magistrate such payment, if by mail, to be made only by postal note, money order, or check made out to the clerk-magistrate of the division.

Section 8. Nothing in this chapter shall be construed to supersede the powers and duties of the registrar as provided in chapter ninety.

Section 9. It shall be unlawful and official misconduct to dispose of a citation or copies thereof, or of the record of the issuance of same in a manner other than as required by the provisions of this chapter.

Section 10. Whoever knowingly falsifies a citation or copies thereof or a record of the issuance of same, or disposes of such citation, copy, or record, in a manner other than as required by the provisions of this chapter, or attempts so to falsify or dispose, or attempts to incite or procure another so to falsify or dispose shall be punished by a fine of not more than five hundred dollars or by imprisonment for a term not to exceed one year, or both such fine and imprisonment.

Section 11. If any of the provisions of this chapter, or the application of such provision to any persons or circumstances, shall be held invalid, the remainder thereof, or the application of such provision to persons or circumstances other than those wherein it is held invalid, shall not be affected thereby.

SECTION 3. The first paragraph of section 62C of chapter 221 of the General Laws, as appearing in section 250 of chapter 478 of the acts of 1978, is hereby amended by striking out clause (e) and inserting in place thereof the following clause:-

(e) receive citations and conduct trials pursuant to subdivision (1) of subsection (A) of section three of chapter ninety C.

SECTION 4. This act shall take effect one hundred and twenty days after passage.

Approved December 23, 1982.

Chap. 587. AN ACT INCREASING THE SALARIES OF DISTRICT COURT CLERKS.

Be it enacted, etc., as follows:

Paragraph (2) of section 79 of chapter 218 of the General Laws is hereby amended by striking out the first paragraph, as most recently amended by section 16 of chapter 632 of the acts of 1981, and inserting in place thereof the following paragraph:-

The clerk of a Class I district court division shall receive as a salary a sum equivalent to the salary of the clerk, superior court department for criminal business in the county of Suffolk

established under section ninety-four of chapter two hundred and twenty-one; the clerk of a Class II district court division shall receive as a salary a sum equivalent to eighty per cent of the salary of a clerk of a Class I district court division; and the clerk of a Class III district court division shall receive as a salary a sum equivalent to seventy per cent of a Class I district court division.

Approved December 23, 1982.

EMERGENCY LETTER - December 31, 1982 @ 11:08 A.M.

Chap. 588. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO SELL AND CONVEY A CERTAIN PARCEL OF LAND IN THE TOWN OF WAYLAND TO EDWIN W. MARSTON, SR. AND CATHERINE A. MARSTON.

Be it enacted, etc., as follows:

The division of capital planning and operations is hereby authorized to sell and convey in the name of and on behalf of the commonwealth to Edwin W. Marston, Sr. and Catherine A. Marston, by a quitclaim deed approved as to form by the attorney general, a certain parcel of land under the control of the metropolitan district commission, acquired for water supply purposes, located in the town of Wayland.

Said land is shown on a plan on file in said commission being bounded and described as follows:

Beginning at a point by deed now or formerly of the commonwealth of Massachusetts and by land now or formerly of Marston, thence

NORTHERLY: by land now or formerly of Marston 99.9 feet thence turning and running

WESTERLY: by land now or formerly of Marston 98.30 feet thence turning and running

SOUTHERLY: by land now or formerly of the commonwealth of Massachusetts 39.25 feet thence turning and running

EASTERLY: by land of the commonwealth of Massachusetts 98.79 feet to point of beginning.

Said land containing 6,372 square feet more or less.

Approved December 27, 1982.

Chap. 589. AN ACT RELATIVE TO THE RETIREMENT OF CERTAIN MEMBERS OF THE JUDICIARY.

Be it enacted, etc., as follows:

Notwithstanding any provision of chapter thirty-two of the General Laws or any other general or special law to the contrary, the pension of any justice of any court who retires or resigns from his office pursuant to any section of said chapter thirty-two on or after December fifteenth, nineteen hundred and eighty-two and prior to January fifth, nineteen hundred and eighty-three shall be adjusted so that it shall be based upon the rate of salary payable to the like justices of the court in effect on January fifth, nineteen hundred and eighty-three.

The pension of any justice of any court who has made the election as provided in section sixty-five C of said chapter thirty-two, prior to the effective date of this act but after December fifteenth, nineteen hundred and eighty-two, shall be adjusted so that it shall be based upon the rate of salary payable to the like justices of the court in effect on January fifth, nineteen hundred and eighty-three.

The adjusted pensions or retirement allowances provided for pursuant to this act shall be paid from the same source and in the same manner as the salaries of like justices of his court are paid, except that the adjusted pensions or retirement allowances for those justices subject to section sixty-five D of said chapter thirty-two shall be paid from the source and in the manner provided in said section sixty-five D.

Approved December 28, 1982.

EMERGENCY LETTER - December 28, 1982 @ 1:54 P.M.

Chap. 590. AN ACT DIRECTING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO LEASE CERTAIN LAND IN THE TOWN OF SAUGUS TO CARUSO MUSIC COMPANY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the metropolitan district commission is hereby authorized and directed to lease a certain parcel of land located in the town of Saugus to the Caruso Music Company, a corporation duly organized under the laws of the commonwealth,

for a term of five years and such other terms and conditions as may be agreed to by the parties and with an option for an additional period of five years. Said land being bounded and described as follows:-

Beginning at a point at the intersection of the boundary lines between land now or formerly of Humble Oil and Refining Company, land now or formerly of Caruso Music Company, and land of Commonwealth of Massachusetts (Metropolitan District Commission) known as Lynn Fells Parkway, which point is distant southeasterly measuring along said boundary line, between said land of Humble Oil and Refining Company and said land of Caruso Music Company, one hundred twenty-five and 42/100 (125.42) feet from the southeasterly side line of land of Commonwealth of Massachusetts (Department of Public Works) known as Route 1 (Newburyport Turnpike).

Thence the line runs in a northeasterly direction by a line curving to the right with a radius of one thousand seventy-five and 00/100 (1075.00) feet, by said land of Caruso Music Company, four hundred eighty-three and 75/100 (483.75) feet to a point;

Thence turning and running southerly by said land of Commonwealth of Massachusetts, known as Lynn Fells Parkway, one hundred fifty and 00/100 (150.00) feet to a point;

Thence turning and running in a southwesterly direction by a line curving to the left with a radius of nine hundred twenty-five and 00/100 (925.00) feet, four hundred sixteen and 25/100 (416.25) feet to a point;

Thence turning and running northerly, one hundred fifty and 00/100 (150.00) feet to the point of beginning, the last two (2) courses and distances being by said land of Commonwealth of Massachusetts known as Lynn Fells Parkway, comprising sixty-seven thousand five hundred (67,500) square feet more or less of land according to said plan.

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

Approved December 28, 1982.

Chap. 591. AN ACT FURTHER DEFINING THE TERM CLINIC.

Be it enacted, etc., as follows:

SECTION 1. Section 51 of chapter 111 of the General Laws, as most recently amended by chapter 572 of the acts of 1980, is hereby further amended by striking out the first sentence and

inserting in place thereof the following sentence:- 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, city, town, or county it deems responsible and suitable to establish or maintain a hospital, an institution for the care of unwed mothers or a clinic, which meets the requirements of the department established in accordance with its rules and regulations.

SECTION 2. The definition of "Clinic" of section 52 of said chapter 111, as amended by section 1 of chapter 674 of the acts of 1979, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- For purposes of this section, clinic shall not include a clinic conducted by a hospital licensed under section fifty-one or by the federal government or the commonwealth.

Approved December 28, 1982.

Chap. 592. AN ACT FURTHER REGULATING FOREST CUTTING PRACTICES WITHIN THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Chapter 132 of the General Laws is hereby amended by striking out section 40, as appearing in chapter 539 of the acts of 1943, and inserting in place thereof the following section:-

Section 40. It is hereby declared that the public welfare requires the rehabilitation, maintenance, and protection of forest lands for the purpose of conserving water, preventing floods and soil erosion, improving the conditions for wildlife and recreation, protecting and improving air and water quality, and providing a continuing and increasing supply of forest products for public consumption, farm use, and for the woodusing industries of the commonwealth.

Therefore, it is hereby declared to be the policy of the commonwealth that all lands devoted to forest growth shall be kept in such condition as shall not jeopardize the public interests, and that the policy of the commonwealth shall further be one of cooperation with the landowners and other agencies interested in forestry practices for the proper and profitable management of all forest lands in the interest of the owner, the public and the users of forest products.

SECTION 2. Said chapter 132 is hereby further amended by striking out section 41, as so appearing, and inserting in place thereof the following section:-

Section 41. The governor shall appoint a state forestry committee, to consist of eight members representing, respectively: forest land owners; primary woodusing industries; licensed timber harvesters; consulting foresters; environmental organizations; water supply agencies; fisheries and wildlife; and one member representing the public at large. The director of the division of forests and parks, hereinafter referred to as the director, shall be an ex officio member of the committee and shall vote only in case of a tie.

In the initial appointments of said committee members, three shall be appointed for a one year term, three for a two year term, and two for a three year term. Thereafter, as the term of a committee member expires, his successor, with like qualifications as his predecessor, shall be appointed for a term of three years. Said committee shall select its own chairman. The members of said committee shall serve without pay, but shall be reimbursed for actual travelling expenses within the commonwealth, when approved by said director.

The state forestry committee, with recommendations of such other advisory committees as the director in his discretion may appoint, shall prepare tentative minimum forest cutting practices and guidelines. Before recommending any forest practices, said committee shall hold hearings, with due notice being given, in conformance with chapter thirty A, in at least three places conveniently located throughout the commonwealth. Said committee may thereafter recommend such practices or modifications thereof and submit them to the director of forests and parks. Said director shall, subject to the approval by the commissioner of environmental management, thereupon adopt the practices and place them in effect, by posting in all city and town halls in the region affected and by publication in at least one daily newspaper in every county affected. Such approved practices may be amended at any time by said committee in the same manner, on its own motion or upon the petition of not less than twenty-five forest owners or licensed timber harvesters of the commonwealth or upon petition of any person authorized under section four of chapter thirty A.

SECTION 3. Said chapter 132 is hereby further amended by striking out section 42, as amended by chapter 566 of the acts of 1977, and inserting in place thereof the following section:-

Section 42. Every owner of land who proposes to cut forest products on land devoted to forest purposes, or to cause such

products to be cut, except as provided in section forty-four, shall send by certified mail or hand deliver written notice of his intention to begin any cutting operation to the abutters of record on file with the assessors of the town in which the land lies, and whose closest boundary is within two hundred feet of the edge of the cutting area, at least ten days prior to operations; and shall send by certified mail or hand deliver, written notice of his intention to begin any cutting operation, and his proposed cutting operation, and his proposed cutting plan, including information as may be necessary to describe such proposed activity, to the director or his agent at the appropriate regional office and to the conservation commission of the town in which the land lies at least ten days prior to operations; and in the case of classified forest land, the owner shall provide a reasonable estimate on the stumpage value of the forest products to be cut and properly paint or blaze any boundaries located within fifty feet of the cutting area.

No work may commence until a final work order, with a designated file number, is issued to the landowner by said director or his agent except as hereinafter provided.

The licensed timber harvester shall have a copy of the final work order on the site whenever work is done, for inspection by the director or his agent, who shall give final approval or disapproval to the operation and report in writing to said director the nature of the operation, its extent, the amount of product cut, and such other information as said director may require.

In the event that the director, or his agent, does not act on the notice of intent within the designated ten days from day of receipt of the notice, work may commence, except in wetland areas as defined in section forty of chapter one hundred and thirty-one, in conformity with the submitted plan, provided the licensed timber harvester shall have a copy of the submitted plan on the site of the operation whenever work is done.

An applicant landowner or licensed timber harvester who is aggrieved by any decision of the director or his agent may appeal said decision within ten days of receipt of the decision to the director or his designee who shall act as hearing officer and will hold an informal hearing within ten days and render his written decision to said aggrieved party within five days of the hearing. An applicant landowner or licensed timber harvester further aggrieved by the decision of the director may appeal said decision within thirty days to the superior court.

SECTION 4. Said chapter 132 is hereby further amended by striking out section 43, as amended by section 1 of chapter 756 of the acts of 1970, and inserting in place thereof the following

section:-

Section 43. Whoever, not being exempt from section forty-two and forty-three under the provisions of section forty-four, fails to give notice and a written plan, to said director or his agent as provided by said section forty-two, or whoever, either as land or stumpage owner or independent contractor fails to follow the plan of operations approved or not disapproved by said director or his agent shall be punished by a fine of not more than one hundred dollars for each acre of land on which cutting occurred in violation of, or in the absence of, said plan and final work order except as provided by section forty-two. The director or his agent is hereby authorized to issue a stop order to shut down immediately any operation that fails to meet the law or regulations until such deficiency is corrected to the satisfaction of the director's agent, or if not corrected, until the director holds a hearing relative to revocation of the harvester's license as provided in section forty-six.

SECTION 5. Said chapter 132 is hereby further amended by striking out section 44, as amended by chapter 427 of the acts of 1952, and inserting in place thereof the following section:-

Section 44. The provisions of sections forty-two and forty-three shall not apply to (1) cutting by an owner or tenant of any forest product for his own noncommercial use; (2) cutting or sale of such products by any owner to an amount not exceeding twenty-five thousand board feet or fifty cords on any parcel of land at any one time; (3) cutting for clearance or maintenance on rights of way pertaining to public utilities and public highways; (4) clearing land for building or for purposes of cultivation or (5) maintenance cutting in pastures.

SECTION 6. Said chapter 132 is hereby further amended by striking out section 45, as amended by section 2 of chapter 756 of the acts of 1970, and inserting in place thereof the following section:-

Section 45. For the purpose of sections forty to forty-four, inclusive, said director may cooperate with the University of Massachusetts, the United States Forest Service, and any other appropriate public or private organization and may authorize their employees to perform the duties outlined in section forty-two, subject to the approval of the director. The members of said committee, the director, his agents and other designated persons may in the performance of their duties under said sections pass through or over private property.

SECTION 7. Said chapter 132 is hereby further amended by

striking out section 46, as most recently amended by section 249 of chapter 572 of the acts of 1980, and inserting in place thereof the following section:-

Section 46. No person, firm or corporation engaged in the business of harvesting timber or other forest products for hire or profit shall cut such products on land devoted to forest purposes and for purposes not exempted by section forty-four without first obtaining a license to do so from the director who is hereby authorized to issue such licenses, and to withhold or revoke such licenses after hearing for failure to comply with sections forty-two to forty-six, inclusive. Applicants shall demonstrate general familiarity with the laws of the commonwealth that concern timber harvesting and provide the director such reasonable information as he may require concerning the amount and type of forest products cut by him during the previous year. The fee for the issuance of such license, which shall expire on June thirtieth of each year, shall be determined annually by the commissioner of administration under the provision of section three B of chapter seven for the filing thereof. Each licensed timber harvester shall, upon request, be provided with a copy of current laws and regulations concerning timber harvesting in the commonwealth.

Whoever violates any provision of this section shall be punished by a fine of not more than five hundred dollars for each violation. The superior court shall have jurisdiction in equity to enforce the provisions of sections forty-two to forty-six, inclusive, and remedy any violations thereof.

Approved December 28, 1982.

EMERGENCY LETTER - December 29, 1982 @ 10:02 A.M.

Chap. 593. AN ACT PROVIDING THAT CERTAIN STATEMENTS REQUIRED TO BE FILED BY PERSONS ENTERING INTO CONTRACTS WITH THE COMMONWEALTH SHALL BE CONFIDENTIAL.

Be it enacted, etc., as follows:

SECTION 1. Section 39R of chapter 30 of the General Laws, inserted by section 62 of chapter 579 of the acts of 1980, is hereby amended by adding the following subsection:-

(f) Records and statements required to be made, kept or filed under the provisions of this section shall not be public records as defined in section seven of chapter four and shall not be

open to public inspection.

SECTION 2. This act shall apply to all contracts, as defined in subsection (a) of section thirty-nine R of chapter thirty of the General Laws, awarded or executed on or after July first, nineteen hundred and eighty-one.

Approved December 28, 1982.

Chap. 594. AN ACT RELATIVE TO THE APPOINTMENT AND REMOVAL OF PROBATION OFFICERS IN THE PROBATE COURTS OF FRANKLIN AND HAMPSHIRE COUNTIES.

Be it enacted, etc., as follows:

The first paragraph of section 83 of chapter 276 of the General Laws is hereby amended by striking out the first sentence, as appearing in section 290 of chapter 478 of the acts of 1978, and inserting in place thereof the following sentence:- The superior court, the justices of the probate court for each county, other than for the counties of Barnstable and Nantucket counties and the county of Dukes County, the administrative justices of the municipal court of the city of Boston, subject to the approval of the associate justices thereof, and the justices of each other district court and of the Boston juvenile court, the Bristol county juvenile court, the Worcester juvenile court and the Springfield juvenile court may appoint such male and female probation officers as they may respectively from time to time deem necessary for their respective courts; provided, that the justice of the probate court for the county of Barnstable shall appoint probation officers to serve the probate courts of the counties of Barnstable and Nantucket and the county of Dukes County; and provided further that any such appointment shall be reviewed by the chief administrative justice of the trial court for compliance with the standards promulgated under section eight of chapter two hundred and eleven B.

Approved December 28, 1982.

Chap. 595. AN ACT FURTHER REGULATING LEGAL SERVICES PLANS OF INSURANCE.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 176H of the General Laws, as appearing in section 5 of chapter 774 of the acts of 1977, is hereby amended by striking out the definition of "Insurance certificate" and inserting in place thereof the following definition:-

"Insurance certificate", a contract entered into between an insurer and an insured under an insured legal services plan, or a statement of legal services provided by an insurer to an insured under a group insurance policy.

SECTION 2. Said chapter 176H is hereby further amended by striking out section 4, as so appearing, and inserting in place thereof the following section:-

Section 4. An insurance certificate shall be issued to each insured under an insured legal services plan. No insurance certificate shall be issued unless it contains the following provisions:-

(a) A statement of covered legal services and the basis for payment for such legal services;

(b) A statement of the duration of the legal services provided and of the terms and conditions upon which such services may be extended, renewed, amended, canceled or otherwise terminated; and

(c) A statement of the period of grace which will be allowed for making any payment due to the insurer which in any event shall not be less than thirty days.

SECTION 3. Said chapter 176H is hereby further amended by striking out section 5, as so appearing, and inserting in place thereof the following section:-

Section 5. No insurer shall issue a group insurance policy providing benefits for legal services or an insurance certificate which is a contract, or any amendment to such group policy provisions or insurance certificate previously approved and issued without prior approval of the commissioner, and prior to such approval the insurer shall file a copy of the group insurance policy or the insured legal services plan and insurance certificate contract to be issued thereunder with the commissioner and shall provide copies thereof to the advisory committee on prepaid legal services. The advisory committee on prepaid legal services shall review the group insurance policy or the insured legal services plan and insurance certificate contract and advise the commissioner in writing whether such group policy provisions or plan and certificate are in conformity with rules of the supreme judicial court governing the practice of law.

After the filing of any such plan, certificate, or group insur-

ance policy provisions the commissioner shall either approve the plan in writing or hold a public hearing upon such plan, upon not less than fifteen days written notice to all interested parties, otherwise, after thirty days after such filing, the plan, certificate, or group insurance policy shall be deemed approved. The advisory committee on prepaid legal services shall be a party with respect to any plan, certificate or group policy filed under this section, shall have the right to participate in any hearing held hereunder, and shall receive notice of the approval by the commissioner of any plan, certificate or group policy under the provisions of this section. Any such plan, certificate or group policy shall be approved unless the commissioner finds that the plan, certificate or group policy contains a provision which is unfair, inequitable, misleading, or deceptive, or that the plan, certificate or group policy does not comply with the provisions of this chapter or any other applicable provision of law, or rule of the supreme judicial court.

SECTION 4. Said chapter 176H is hereby further amended by striking out section 6, as so appearing, and inserting in place thereof the following section:-

Section 6. The rates to be charged by an insurer for an insurance certificate contract under an insured legal services plan approved under the provisions of this chapter shall be filed and determined in accordance with the provisions of sections one to five, inclusive, and six to twenty, inclusive, of chapter one hundred and seventy-five A. The rates to be charged by an insurer under a group insurance policy for legal services benefits shall be filed and determined in accordance with such provisions of chapter one hundred and seventy-five A; provided, however, that such filing and determination procedure shall not apply to any insurer which maintains at all times an unassigned surplus of not less than twenty million dollars.

SECTION 5. Section 13 of said chapter 176H, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The commissioner, or any deputy examiner or any other person designated by the commissioner, shall, at least once in three years, and at other times the commissioner deems prudent, visit any sponsor, other than an employer or employee organization subject to the Employee Retirement Income Security Act of 1974, P.L. 93-406, and examine into its affairs.

SECTION 6. Section 14 of said chapter 176H, as so appearing, is hereby amended by striking out the first sentence and

inserting in place thereof the following sentence:- Any dispute or controversy arising between an insurer or sponsor and any attorney, insured, or member, or any person whose insurance certificate contract or membership certificate has been canceled or to whom an insurer or sponsor has refused to issue an insurance certificate contract or membership certificate or between any attorney and an insured or member may within thirty days after such dispute or controversy arises make written request to the commissioner for a hearing thereon.

SECTION 7. Section 16 of said chapter 176H, as so appearing, is hereby amended by striking out, in lines 10 and 11, the words "nor to a legal services plan established under the provisions of federal law".

SECTION 8. Section 17 of said chapter 176H, as so appearing, is hereby amended by striking out the second paragraph.

Approved December 28, 1982.

EMERGENCY LETTER - December 31, 1982 @ 11:07 A.M.

Chap. 596. AN ACT RELATIVE TO THE LICENSING AND KEEPING OF DOGS IN THE TOWN OF SAUGUS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section one hundred and thirty-seven of chapter one hundred and forty of the General Laws or any other provision of law to the contrary, the registering, numbering, describing and licensing of dogs, if kept in said town, shall be conducted in the office of the town clerk of said town.

SECTION 2. Notwithstanding the provisions of section one hundred and forty-seven of said chapter one hundred and forty or any other provision of law to the contrary, all money received for licenses or from the sale of dog licenses by the town of Saugus, or recovered as fines or penalties by said town under the provisions of said chapter one hundred and forty relating to dogs, shall be paid into the treasury of said town and shall not thereafter be paid over to Essex county.

Approved December 28, 1982.

Chap. 597. AN ACT PROVIDING FOR THE ISSUANCE WITHOUT PAYMENT OF A FEE OF DISTINCTIVE LICENSE PLATES TO FORMER PRISONERS OF WAR.

Be it enacted, etc., as follows:

SECTION 1. The fifth paragraph of section 1 of chapter 60A of the General Laws, as inserted by section 1 of chapter 242 of the acts of 1974, is hereby amended by inserting after the first sentence the following two sentences:- In any city or town which accepts the provisions of this sentence, by a vote of the city council with the approval of the mayor, in a town, by a vote of the town meeting, and in a municipality having a town council form of government, by a vote of the town council. The excise tax imposed by this section shall not apply to a motor vehicle owned and registered by a former prisoner of war defined as any regularly appointed, enrolled, enlisted, or inducted member of the military forces of the United States who was captured, separated and incarcerated by an enemy of the United States during an armed conflict.

SECTION 2. The sixth paragraph of section 2 of chapter 90 of the General Laws, as most recently amended by section 1 of chapter 687 of the acts of 1977, is hereby further amended by inserting after the third sentence the following sentence:- The registrar of motor vehicles may issue, without charge, to former prisoners of war, defined as any regularly appointed, enrolled, enlisted, or inducted member of the military forces of the United States who was captured and incarcerated by an enemy of the United States during an armed conflict, upon presentation of satisfactory evidence of such prisoner of war status, as determined by the registrar, distinctive registration plates for one pleasure passenger vehicle owned and principally used by said individual.

SECTION 3. Section 33 of said chapter 90, as most recently amended by section 44 of chapter 572 of the acts of 1980, is hereby further amended by inserting after the twenty-second paragraph the following paragraph:-

No fee shall be exacted for the registration of one pleasure passenger vehicle owned and principally used by a former prisoner of war who is entitled to display thereon the distinctive number plates authorized by section two.

Approved December 28, 1982.

Chap. 598. 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. Chapter seven hundred and eighty-six of the acts of nineteen hundred and seventy-nine is hereby repealed.

SECTION 2. 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, through the town of Stoneham to the new Stoneham metered connection in the vicinity of Elm street and Central street and from there construct a twenty inch main along Elm street, 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 3. The commission, acting for and on behalf of the commonwealth, may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, any land, water rights, rights of way, or easements, public or private, in the towns of Stoneham, Wakefield and Winchester and the city of Woburn necessary or desirable for accomplishing for any purpose mentioned in this act, and may construct such water mains and appurtenant structures thereof under or over any bridge, railroad, railway, boulevard or other public way, or within the location of any railroad and may enter upon or go upon any private land, public way or railroad location for the purpose of laying such water mains and appurtenant structures or maintaining and repairing the same and may do any other thing proper or necessary for the purposes of this act; provided, that it shall not take in fee any land of any railroad or railway corporation, and that it shall not enter upon or construct any water main or appurtenant structures or other works within the location of any railroad or railway corporation except at such time and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the department of public utilities; and provided, further, that it shall not enter upon or construct or repair any water main or appurtenant structure within the location of any state highway except at such time and in such manner and location as it may agree upon with the commissioner of public works, or, in case of failure to agree as may be approved by the governor and council.

SECTION 4. 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 recom-

mend 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 5. To meet the expenditure necessary in carrying out the provisions of this act or to refinance notes issued as provided in section four, 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 1982 and shall be on the serial payment plan for such maximum term of years, not exceeding thirty years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, the maturities thereof to be so arranged that the amounts payable in the several years of the period of amortization other than the final year shall be as nearly equal as in the opinion of the state treasurer it is practicable to make them. Said bonds shall bear interest semiannually at such rate as the state treasurer with the approval of the governor, shall fix. The initial maturities of such bonds shall be payable not later than one year from the date of issue thereof and the entire issue not later than June thirtieth, two thousand and eighteen. 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 December 28, 1982.

Chap. 599. AN ACT AUTHORIZING THE TOWN OF FOXBOROUGH TO RECALL ELECTED OFFICIALS.

Be it enacted, etc., as follows:

SECTION 1. Any holder of an elective office in the town of Foxborough 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 Foxborough

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. Said recall petition shall be returned and filed with said town clerk on or before the first workday following twenty days after the filing of the affidavit. Said petition before being returned and filed shall be signed by ten per cent of the registered voters as of the day the petition is taken out 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.

Said recall petition shall be submitted, at or before three o'clock in the afternoon of the Monday 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 reelected, 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 reelected 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 directions to the voters required under the provisions of section forty-two of chapter fifty-four of the General Laws and beneath the names of candidates nominated in accordance with the provision of law relating to elections.

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 six 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. This section, however, shall not preclude any person from running for elected office within said town.

SECTION 9. This act shall be submitted for acceptance to the voters of the town of Foxborough 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 eighty-two, entitled 'An Act authorizing the Town of Foxborough 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 Foxborough 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 Foxborough of an act passed by the general court in the year nineteen hundred and eighty-two, entitled 'An Act authorizing the Town of Foxborough 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 December 28, 1982.

Chap. 600. AN ACT AUTHORIZING THE TOWN OF WAREHAM TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES TO GLENN HAVEN VARIETY, INC.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the town of Wareham is hereby authorized to issue to Glenn Haven Variety, Inc. d/b/a J. C. Package a license for the sale of all alcoholic beverages not to be drunk on the premises 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 said section seventeen.

(The foregoing was laid before the Governor on the 15th day of December, 1982 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. 601. AN ACT AUTHORIZING THE TOWN OF DIGHTON TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES TO JOHN E. AND ADELE L. COLLARD.

Be it enacted, etc., as follows:

SECTION 1. The licensing authority of the town of Dighton is hereby authorized to issue a license for the sale of all alcoholic beverages not to be drunk on the premises under the provisions of section fifteen of chapter one hundred and thirty-eight of the General Laws to John E. Collard and Adele L. Collard d/b/a Johnny's Market. Said license shall be subject to all the provisions of said chapter one hundred and thirty-eight except section seventeen.

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

(The foregoing was laid before the Governor on the 15th day of December, 1982 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. 602. AN ACT AUTHORIZING THE COMMISSIONER OF ADMINISTRATION TO SET FEES AND CHARGES PAID TO THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. The last paragraph of section 3B of chapter 7 of the General Laws, added by section 1 of chapter 572 of the acts of 1980, is hereby amended by striking out, in line 3, the word "eighty-two" and inserting in place thereof the word:- eighty-three.

SECTION 2. Chapter 572 of the acts of 1980 is hereby amend-

ed by striking out section 417 and inserting in place thereof the following section:-

Section 417. This act shall expire on December thirty-first, nineteen hundred and eighty-three.

SECTION 3. Chapter 572 of the acts of 1980 is hereby amended by adding the following section:-

Section 417A. Sixty days prior to the increase of any fee, the secretary of administration and finance shall submit information relative to the purpose for a fee increase with the senate and house committees on ways and means; provided however, that no such notification shall be effective prior to March first, nineteen hundred and eighty-three.

Approved December 23, 1982.

EMERGENCY LETTER - December 29, 1982 @ 2:42 P.M.

Chap. 603. AN ACT FURTHER REGULATING ZONING.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for further regulation of zoning, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

Be it enacted, etc., as follows:

SECTION 1. Chapter 40A of the General Laws is hereby amended by inserting after section 9 the following section:-

Section 9A. Zoning ordinances or by-laws may provide for special permits authorizing the establishment of adult bookstores or adult motion picture theatres as hereinafter defined. Such zoning ordinance or by-law may state the specific improvements, amenities or locations of proposed uses for which such permit may be granted and may provide that the proposed use be a specific distance from any district designated by zoning ordinance or by-law for any residential use or from any other adult bookstore or adult motion picture theatre or from any establishment licensed under the provisions of section twelve of chapter one hundred and thirty-eight.

As used in this section, the following words shall have the following meanings:-

"Adult bookstore", an establishment having as a substantial or significant portion of its stock in trade, books, magazines, and

other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in section thirty-one of chapter two hundred and seventy-two.

"Adult motion picture theatre", an enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in section thirty-one of chapter two hundred and seventy-two.

Zoning ordinances or by-laws shall provide that special permits shall only be issued following public hearings held within sixty-five days after filing of an application with the special permit granting authority, a copy of which shall forthwith be given to the city or town clerk by the applicant, and may provide that certain classes of special permits shall be issued by one special permit granting authority and others by another special permit granting authority as provided in the ordinance or by-law. Such special permit granting authority shall adopt and from time to time amend rules relative to the issuance of such permits, and shall file a copy of said rules in the office of the city or town clerk. Such rules shall prescribe a size, form, contents, style and number of copies of plans and specifications and the procedure for a submission and approval of such permits.

Special permit granting authorities shall act within ninety days following a public hearing for which notice has been given by publication or posting as provided in section eleven, and by mailing to all parties in interest; provided, however, that a city council having more than five members designated to act upon such a permit may appoint a committee of such council to hold the public hearing. Failure by a special permit granting authority to take final action upon an application for a special permit within said ninety days following the date of public hearing shall be deemed to be a grant of the permit applied for. Special permits issued by a special permit granting authority shall require a two-thirds vote of boards with more than five members, a vote of at least four members of a five member board and a unanimous vote of a three member board. Zoning ordinances or by-laws shall provide that a special permit granted under this section shall lapse within a specified period of time, not more than two years, and including such time required to pursue or await the determination of an appeal referred to in section seventeen, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.

SECTION 2. Chapter 272 of the General Laws is hereby amended by striking out section 28, as most recently amended by section 1 of chapter 430 of the acts of 1974, and inserting in place thereof the following section:-

Section 28. Whoever disseminates to a minor any matter harmful to minors, as defined in section thirty-one, knowing it to be harmful to minors, or has in his possession any such matter with the intent to disseminate the same to minors, shall be punished by imprisonment in the state prison for not more than five years or in a jail or house of correction for not more than two and one-half years, or by a fine of not less than one thousand nor more than ten thousand dollars for the first offense, not less than five thousand nor more than twenty thousand dollars for the second offense, or not less than ten thousand nor more than thirty thousand dollars for the third and subsequent offenses, or by both such fine and imprisonment. A prosecution commenced under this section shall not be continued without a finding nor placed on file. It shall be a defense in any prosecution under this section that the defendant was in a parental or guardianship relationship with the minor. It shall also be a defense in any prosecution under this section if the evidence proves that the defendant was a bona fide school, museum or library, or was acting in the course of his employment as an employee of such organization or of a retail outlet affiliated with and serving the educational purpose of such organization.

SECTION 3. Said chapter 272 is hereby further amended by striking out section 29, as amended by section 9 of said chapter 430, and inserting in place thereof the following section:-

Section 29. Whoever disseminates any matter which is obscene, knowing it to be obscene, or whoever has in his possession any matter which is obscene, knowing it to be obscene, with the intent to disseminate the same, shall be punished by imprisonment in the state prison for not more than five years or in a jail or house of correction for not more than two and one-half years or by a fine of not less than one thousand nor more than ten thousand dollars for the first offense, not less than five thousand nor more than twenty thousand dollars for the second offense, or not less than ten thousand nor more than thirty thousand dollars for the third and subsequent offenses, or by both such fine and imprisonment. A prosecution commenced under this section shall not be continued without a finding nor placed on file. It shall be a defense under this section if the evidence proves that the defendant was a bona fide school, museum or library, or was acting in the course of his employment as an employee of such organization or of a retail outlet affiliated with

and serving the educational purpose of such organization.

SECTION 4. The second paragraph of section 29A of said chapter 272, as appearing in section 2 of chapter 364 of the acts of 1982, is hereby amended by striking out, in line 1, the word "affirmative".

SECTION 5. The second paragraph of section 29B of said chapter 272, as so appearing, is hereby amended by striking out, in line 1, the word "affirmative".

SECTION 6. The definition of "Harmful to minors" in section 31 of said chapter 272, as appearing in section 12 of chapter 430 of the acts of 1974, is hereby amended by striking out clause (2) and inserting in place thereof the following clause:-

(2) is patently contrary to prevailing standards of adults in the county where the offense was committed as to suitable material for such minors.

SECTION 7. The definition of "Obscene" in said section 31 of said chapter 272, as so appearing, is hereby amended by striking out clause (1) and inserting in place thereof the following clause:-

(1) appeals to the prurient interest of the average person applying the contemporary standards of the county where the offense was committed.

SECTION 8. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not impair any of the remaining provisions.

SECTION 9. This act shall take effect upon its passage.

Approved December 29, 1982.

Chap. 604. AN ACT PROVIDING FURTHER PROTECTION OF ELDERLY PERSONS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 19A of the General Laws is hereby amended by adding the following thirteen sections:-

Section 14. For the purposes of sections fourteen to twenty-seven, inclusive, the following words and terms shall, unless the

context otherwise requires, have the following meaning:

"Abuse", an act or omission which results in serious physical or emotional injury to an elderly person; provided, however, that no person shall be considered to be abused or neglected for the sole reason that such person is being furnished or relies upon treatment in accordance with the tenets and teachings of a church or religious denomination by a duly accredited practitioner thereof.

"Caretaker", the person responsible for the care of an elderly person, which responsibility may arise as the result of a family relationship, or by a voluntary or contractual duty undertaken on behalf of an elderly person, or may arise by a fiduciary duty imposed by law.

"Conservator", a person who is appointed to manage the estate of a person pursuant to chapter two hundred and one.

"Court", the probate and family court.

"Department", the department of elder affairs.

"Elderly person", an individual who is sixty years of age or over.

"Emergency", a situation in which an elderly person is living in conditions which present a substantial risk of death or immediate and serious physical or mental harm.

"Geriatric evaluation process", a team of medical psychological, psychiatric, social work professionals designated or established by the department for the purpose of conducting comprehensive physical, mental, social evaluation of an elderly person.

"Guardian", a person who has qualified as a guardian of an elderly person pursuant to chapter two hundred and one, but shall not include a guardian ad litem.

"Protected person", an elderly person for whom a conservator or guardian has been appointed or other protective order has been made.

"Protective services", services which are necessary to prevent, eliminate or remedy the effects of abuse to an elderly person.

"Protective services agency", a public or nonprofit private agency, corporation, board, or organization designated by the department pursuant to this chapter to furnish protective services to elderly persons.

Section 15. (a) Any physician, medical intern, dentist, nurse, family counselor, probation officer, social worker, policeman, licensed psychologist, coroner, registered physical therapist, registered occupational therapist, osteopath, podiatrist, executive director of a licensed home health aid agency or executive director of a homemaker service agency who has reasonable cause to believe that an elderly person is suffering from or has died as a result of abuse, shall immediately make a verbal

report of such information or cause a report to be made to the department or its designated agency and shall within forty-eight hours make a written report to the department or its designated agency. Any person so required to make such reports who fails to do so shall be punished by a fine of not more than one thousand dollars.

(b) The executive director of a home care corporation, licensed home health agency or homemaker service agency shall establish procedures within such agency to ensure that homemakers, home health aides, case managers or other staff of said agency who have reasonable cause to believe that an elderly person has been abused shall report such case to the executive director of the corporation or agency. The executive director shall immediately make a verbal report of such information or cause a report to be made to the department or its designated agency and shall within forty-eight hours make a written report to the department or its designated agency.

(c) In addition to a person required to report under the provisions of subsection (a) of this section, any other person may make such a report to the department or its designated agency, if any such person has reasonable cause to believe that an elderly person is suffering from or has died as a result of abuse.

(d) No person required to report pursuant to the provisions of subsection (a) shall be liable in any civil or criminal action by reason of such report. No other person making such report pursuant to the provisions of subsection (b) or (c) shall be liable in any civil or criminal action by reason of such report if it was made in good faith. No employer or supervisor may discharge, demote, transfer, reduce pay, benefits or work privileges, prepare a negative work performance evaluation, or take any other action detrimental to an employee or supervisee who files a report in accordance with the provisions of this section by reason of such report.

(e) Reports made pursuant to subsections (a) and (b) shall contain the name, address and approximate age of the elderly person who is the subject of the report, information regarding the nature and extent of the abuse, the name of the person's caretaker, if known, any medical treatment being received or immediately required, if known, any other information the reporter believes to be relevant to the investigation, and the name and address of the reporter and where said reporter may be contacted, if the reporter wishes to provide said information. The department shall publicize the provisions of this section and the process by which reports of abuse shall be made.

Section 16. (a) Subject to appropriation, the department

shall develop a coordinated system of protective services for elderly persons who are determined to be abused. In planning this system, the department shall require input from the department of social services, the existing protective service agencies and other agencies currently involved in the provision of social, health, legal, nutritional, and other services to the elderly, as well as elderly advocacy organizations.

(b) Within this protective services system, the department shall establish a mechanism for the receipt of reports made pursuant to section fifteen which shall operate and be accessible on a twenty-four hour per day basis. If the department or its designated agency has reasonable cause to believe that an elderly person has died as a result of abuse, the death shall immediately be reported to the district attorney of the county in which the elderly person resided. Within forty-five days of the receipt of a report made pursuant to subsection (a) of said section fifteen, the department or its designated agency shall notify the reporter, in writing, of its response to the report. Such notification shall be made to a person who makes a report pursuant to subsection (c) of said section fifteen if said reporter so requests.

(c) Subject to appropriation, the department shall designate at least one local agency to act on behalf of the department with a geographic area as defined by the department. The department may designate any public agency or private nonprofit organization which has the capacity to implement a service plan through direct access to social, health and mental health services. The department shall utilize existing resources and services of public and nonprofit private agencies in providing protective services. The department shall insure that assessment, evaluation and service delivery shall be provided through the designated local agency closest to the elderly person's community.

In designating agencies, the department shall insure that: (1) persons conducting assessment, evaluation and service delivery have demonstrated experience in providing protective and other social health services to elders, have these protective functions as their primary employment responsibility, and have other professional qualifications as determined by the secretary; (2) continuity of care under one protective services worker is assured throughout assessment, evaluation and services delivery to the extent possible; and (3) the department and the designated agencies have the capacity to respond to an emergency and provide or arrange for services to alleviate the immediate danger of abuse of an elderly person on twenty-four hours per day basis.

The department shall monitor assessments, evaluations, and the provision of protective services by designated local agencies.

(d) The department shall issue regulations establishing criteria and procedures for the designation of protective services agencies or for the termination or designation or redesignation of protective services agencies.

(e) The department shall be responsible for continuing coordination and supervision of the system. In carrying out these duties, the department shall, subject to appropriation: (1) adopt rules and regulations for the system; (2) continuously monitor the effectiveness of the system and perform evaluative research about it; and (3) utilize grants from federal, state and other public and private sources to support the system.

Section 17. A protective services agency is authorized:

(1) to receive and investigate reports of abuse;

(2) to furnish protective services to an elderly person with his or her consent;

(3) to petition the court for appointment of a conservator or guardian or for issuance of an emergency order for protective services;

(4) to furnish protective services to an elderly person on an emergency basis as hereinafter provided;

(5) to furnish protective services to a protected person with the consent of such person's guardian or conservator;

(6) to serve as conservator, guardian, or temporary guardian of a protected person; and

(7) to perform all other functions determined by the department to be necessary for the administration of this chapter.

Section 18. (a) The department or its designated agency shall assess and evaluate the information reported pursuant to the provisions of section fifteen.

Such assessment shall include a visit to the residence of the elderly person who is the subject of the report and may include consultations with appropriate service agencies and individuals who have knowledge of the elderly person's situation including the person filing the report. The elderly person who is the subject of the report shall receive written notice that an assessment is being conducted and shall have the right to review the file and report developed as a result of the assessment.

If the assessment results in a determination that the elderly person is suffering from abuse, the department or the designated agency shall evaluate the elderly person's functional capacity, situation, and resources and shall develop a service plan for the provision of protective services. Said plan shall be appropriate to the needs of the elderly person and shall utilize the least restrictive alternatives.

The department shall adopt rules and regulations establishing time limits for the completion of assessments and evaluations and

for the implementation of service plans; provided, however, that if an emergency exists, assessments shall be completed within twenty-four hours of the receipt of the report.

If an assessment results in a determination that the elderly person has suffered serious abuse, the department or designated agency shall report such determination to the district attorney of the county within which the elderly person resides within forty-eight hours. The district attorney may investigate and decide whether to initiate criminal proceedings.

(b) The department or the designated agency shall provide or arrange for protective services in accordance with the service plan developed pursuant to the provisions of subsection (a). Protective services shall include, but not be limited to, the following: the capacity to respond to an emergency; protective services case work; the capacity to provide or arrange for homemaker, home-health aide, transportation, legal assistance, counseling and nutrition services and guardianship and conservatorship, or protective order through the court.

The department or the designated agency is authorized to provide or arrange for additional services necessary to assist and protect elderly persons who have been abused, including, but not limited to the following: emergency housing, medical care, mental health care, emergency financial assistance, foster care and adult day care services.

Section 19. (a) Any elderly person who requests or affirmatively consents to the receipt of protective services may receive said services. If the person withdraws or refuses consent, the service shall not be provided or continued except as provided in section twenty.

(b) No person shall interfere with the provision of protective services to an elderly person who requests or consents to receive such services. In the event that interference occurs on a continuing basis, the department, a protective services agency, or the public guardian may petition the court to enjoin such interference.

Section 20. (a) If the department or its designated agency has reasonable cause to believe that an elderly person is suffering from abuse and lacks the capacity to consent to the provision of protective services, the department or its designated agency may petition the court for a finding that the elderly person is incapable of consenting to the provision of protective services. Said petition shall set forth the specific facts upon which the department or the designated agency relied in making the determination. The court shall hold a hearing on the matter within fourteen days of the filing of the petition. The court shall give notice to the elderly person who is the subject of the petition at

least five days prior to the date set for the hearing. The elderly person who is the subject of the petition shall have the right to be present, be represented by counsel, present evidence, and examine and cross-examine witnesses. If the elderly person who is the subject of the petition is indigent, the court shall appoint counsel to represent such elderly person. If the court determines that the elderly person lacks the capacity to waive the right to counsel, the court shall appoint a guardian ad litem to represent the interests of such elderly person. If, after hearing, the court determines, based upon clear and convincing evidence, that such elderly person has been abused, is in need of protective services and lacks the capacity to consent and no other person who is authorized to consent is available or willing to consent, the court may appoint a conservator, guardian, or other person authorized to consent to the provision of protective services; provided, however, that the court shall establish the least restrictive form of fiduciary representation that will satisfy the needs of such elderly person. In addition to or in the alternative, the court may issue an order requiring the provision of services. The order shall contain a specific description of the services to be provided and insure that the least restrictive alternatives are utilized.

(b) If an emergency exists and the department, its designated agency, a member of the immediate family or a caretaker has reasonable cause to believe that an elderly person is suffering from abuse and lacks the capacity to consent to the provision of protective services, said department, designated agency, member of the immediate family or caretaker may petition the court for an emergency order of protective services. The court shall give notice to the elderly person who is the subject of the petition at least twenty-four hours prior to the hearing. The court may dispense with notice upon finding that immediate and reasonable foreseeable physical harm to the individual or others will result from the twenty-four hour delay and that reasonable attempts have been made to give such notice. If after the hearing, the court determines, based on clear and convincing evidence, that the elderly person has been or is being abused, that an emergency exists, and that the elderly person lacks the capacity to consent to the provision of services, the court may order the provision of protective services on an emergency basis. The court shall order only those services necessary to remove the conditions creating the emergency and shall specifically designate the authorized services in its order. The order for emergency protective services shall remain in effect for a period not to exceed seventy-two hours. Said order may be extended for an additional seventy-two hour period if the court finds that the

extension is necessary to remove the emergency.

(c) The court shall not order an institutional placement or change of residence unless it finds that no less restrictive alternative will meet the needs of the elderly person. No elderly person may be committed to a mental health facility pursuant to this chapter. The elderly person or his or her court-appointed representative, the department, or the designated agency may petition to have any order issued pursuant to subsection (a) or (b) set aside or modified at any time.

Section 21. (a) Subject to appropriation, the department shall establish a geriatric evaluation process for the purpose of conducting a comprehensive physical, mental, or social evaluation of an elderly person for whom a petition has been filed in a court for appointment of a conservator or guardian, under the provisions of clause (3) of section seventeen, or for an emergency order for protective services.

(b) The evaluation of an elderly person conducted by the geriatric evaluation process shall include at least the following:

(1) the name and address of the place where the person is residing and of the person or agency, if any, who is providing services at present;

(2) a description of the treatment and services, if any, presently being provided to the person;

(3) an evaluation of the person's present physical, mental, and social conditions; and

(4) a recommendation concerning the least restrictive course of services, care or treatment consistent with the person's needs.

(c) Subject to appropriation, the cost of this evaluation shall be borne by the department.

(d) Such elderly person shall have the right, at his own expense to secure an independent medical and psychological or psychiatric examination relevant to the issue involved in any hearing under this section and to present a report of his independent evaluation or the evaluator's personal testimony as evidence at the hearing.

Section 22. The department shall establish, by regulation, financial eligibility guidelines which provide a procedure for reimbursement by elderly persons for all or part of cost of protective services. If the department or the designated agency determines, pursuant to section eighteen, that an elderly person who is in need of protective services has sufficient resources to pay for part or all of the cost of protective services, it shall initiate said procedures for reimbursement. If the department or designated agency determines that an elderly person does not have sufficient resources, no reimbursement for any such costs

shall be charged to the elderly person.

No elderly person shall be required to reimburse the department for part or all of the cost of protective services unless he or she has been notified prior to the commencement of service provision that a reimbursement will be charged. No elderly person shall be required to reimburse the department for protective services before service provision commences.

Section 23. (a) Except as otherwise provided in this section, all records containing personal data which are created, collected, used, maintained or disseminated pursuant to this chapter shall not be public records, and shall be governed by the provisions of chapter sixty-six A, the notice provisions of section sixty-three of chapter thirty and the enforcement provisions of section three B of chapter two hundred and fourteen.

(b) If the department, any designated agency, or any other agency obligated to make an assessment under this chapter determines that the allegations in a report cannot be substantiated, it shall within three months of such determination, either (i) destroy said report and any other records containing personal data created because of the receipt of said report or (ii) physically remove therefrom all personal identifiers; provided, however, that the department, the designated agency or any other agency obligated to make assessments may create and hold whatever statistical records it needs for purposes of planning and reporting, as may be prescribed by regulations adopted by the department pursuant to section two of chapter thirty. Each government agency shall promulgate regulations prescribing the manner of creating and holding its own such statistical records, and the department shall adopt such regulations for itself and any designated agency.

(c) The department, any designated agency, or any other agency obligated to make an assessment under this chapter shall inform in writing an individual, upon his request, whether he is a data subject, as that term is defined in section one of chapter sixty-six A, with respect to records created or maintained under this chapter, and if so, the department or agency shall make such data fully available to him or his authorized representative, upon his request, in a form comprehensible to him, unless doing so is prohibited or excused under the provisions of this or any other statute. In making any disclosure or information to a data subject the department or agency may remove personal identifiers relating to a third person, except where such third person is an officer or employee of a government or non-governmental department or agency obligated to make assessments under this chapter.

(d) Any agent or employee of the department, a designated

agency, or any other agency obligated to make an assessment under this chapter who violates the provisions of chapter sixty-six A, as modified by this section, with respect to records created or maintained under this chapter shall be punished by a fine of not more than five hundred dollars, or, if harm shall have resulted to anyone whose privacy was sought to be protected by the provision violated, by a fine of not more than one thousand dollars, and, if such agent or employee is employed by the commonwealth, he shall also be subject to administrative disciplinary action pursuant to regulations adopted by the department or agency under section two of chapter thirty A.

Section 24. Within one hundred and twenty days following the end of each fiscal year, the department shall submit a report to the governor, the general court and the public which shall include a description of the activities of the department and all designated agencies pursuant to sections fourteen to twenty-seven, inclusive, during the preceding fiscal year. Said report shall contain statistical information about the number and types of reports received under section fifteen; the results of the assessments and evaluations conducted and the amount, type and costs of services provided under section eighteen; and information on the quality of services provided and the results of such services in terms of alleviating abuse. Said report shall identify problems that may arise in the implementation of this chapter and shall contain the recommendations of the department for action on the part of the legislature.

Section 25. The secretary shall adopt and from time to time revise rules and regulations for the implementation of the provisions of sections fifteen to twenty-four, inclusive.

Section 26. Nothing in this chapter shall be construed to be a limitation of the powers and responsibilities assigned by law to other departments or agencies.

SECTION 1A. The department of elder affairs shall, subject to appropriation, implement the provisions of section one of this act on or before July first, nineteen hundred and eighty-three.

SECTION 2. If any provision of the act, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect any other provision or application of the act which can be given effect without the invalid provision or application, and to this end the provisions of the act are declared severable.

Approved December 29, 1982.

EMERGENCY LETTER - December 29, 1982 @ 2:42 P.M.

Chap. 605. AN ACT RELATIVE TO THE ELECTION OF THE CITY COUNCIL AND SCHOOL COMMITTEE IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of sections one hundred and twenty-eight to one hundred and thirty-four, inclusive, of chapter forty-three of the General Laws, there shall be in the city of Boston, a city council to consist of nine members elected from equally populous districts and four members elected at-large.

SECTION 2. Notwithstanding the provisions of sections one hundred and twenty-eight to one hundred and thirty-four, inclusive, of chapter forty-three of the General Laws, there shall be in the city of Boston, a school committee to consist of nine members elected from equally populous districts and four members elected at-large.

SECTION 3. Notwithstanding the provisions of sections one hundred and twenty-eight to one hundred and thirty-four, inclusive, of chapter forty-three of the General Laws, the city council shall, on or before March ninth, nineteen hundred and eighty-two, adopt an ordinance after public hearing providing for the division of the city into nine districts; the respective district lines shall be the same for the city council and the school committee. Each such district shall be compact and shall contain, as nearly as may be, an equal number of inhabitants as determined by the most recent state decennial census, shall be composed of contiguous existing precincts, and shall be drawn with a view toward preserving the integrity of existing neighborhoods.

Said districts shall continue in force until redrawn by the city council as provided for herein. The council shall redraw the districts for the purpose of city council and school committee representation as specified in this section on or before August first, nineteen hundred and eighty-six and on or before that date every subsequent tenth year.

In the year nineteen hundred and eighty-five, and in each subsequent year, the city of Boston shall not be required to make a new division of its territory into wards as required by section one of chapter fifty-four of the General Laws.

The city council shall adopt an ordinance providing for signature requirements for nomination papers for candidates for city council or school committee but in no event shall these require-

ments exceed two per cent of the vote cast in the preceding mayoral election in the respective district.

SECTION 4. Notwithstanding the provisions of sections one hundred and twenty-eight to one hundred and thirty-four, inclusive, of chapter forty-three of the General Laws, if by March tenth, nineteen hundred and eighty-two, the city council shall fail to make a division of the city into districts as required by section three of this act, the mayor shall propose a plan of districts in the required number to the local election district review commission, which shall approve the same with or without amendments as it deems appropriate and necessary to meet constitutional requirements, after a public hearing.

SECTION 5. Notwithstanding the provisions of sections one hundred and twenty-eight to one hundred and thirty-four, inclusive, of chapter forty-three of the General Laws, the municipal year and date of municipal election for city council and school committee shall be governed by sections fourteen and eighteen of chapter four hundred and fifty-two of the acts of nineteen hundred and forty-eight.

SECTION 6. Every city councillor and school committee member who is elected to represent an individual district shall have been an inhabitant of a place within the district for which he is chosen for at least one year immediately preceding his election, and he shall cease to represent such district when he shall cease to be an inhabitant thereof.

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

Approved December 29, 1982.

Chap. 606. AN ACT PROVIDING FOR THE ACQUISITION OF A CERTAIN PORTION OF TENNEY ESTATE, SO-CALLED, IN THE TOWN OF METHUEN BY THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately acquire a certain portion of Tenney Estate, so-called, therefore 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 division of capital planning and operations acting in the name and on behalf of the commonwealth shall acquire a certain parcel of land and buildings thereon for the restoration and improvement thereof; provided, that no payment shall be made for such acquisition until at least two independent appraisals of the value of said property have been made by two qualified disinterested appraisers; and provided, further, that the unexpended balance of section seven A of chapter three hundred and thirteen of the acts of nineteen hundred and eighty-two, and three hundred and fifty thousand dollars of the unexpended balance remaining in item 2030-8811 of section two of chapter five hundred and seventy-eight of the acts of nineteen hundred and eighty are hereby transferred and made available for the purposes of this item and such appropriation shall expire on June thirtieth, nineteen hundred and eighty-eight. Said land after such acquisition shall be under the control of the department of environmental management.

SECTION 2. A certain parcel of land with the buildings thereon in the town of Methuen and being part of the land referred to in the deed to Basilian Salvatorian Order Inc. recorded in the Essex county registry of deeds, north district, in Book 775, Page 188, said land being bounded and described as follows:-

BEGINNING at a point being the Southwesterly property corner at Park Street and land now or formerly of the Baptist Church Society;

THENCE Northerly three hundred and nine and zero tenths (309.0) feet along the Easterly sideline of Park Street to a point;

THENCE Northeasterly one hundred twenty-eight and three tenths (128.3) feet along the Easterly sideline of Park Street to a point;

THENCE more Northeasterly fifty-eight and five tenths (58.5) feet along the Easterly sideline of Park Street to the corner of a stone post;

THENCE N30-30-20E fifty-nine and seventy-five hundredths (59.75) feet along the Easterly sideline of Park Street to the corner of a stone post;

THENCE more Northeasterly seventy-four and thirty-five hundredths (74.35) feet along the Easterly sideline of Park Street to the corner of Whittier Street;

THENCE Southeasterly seventy-eight and four tenths (78.4) feet along the Southerly sideline of Whittier Street to a point;

THENCE Easterly three hundred forty-five and six tenths (345.6) feet on a curve to the left along the Southerly sideline

of Whittier Street to a point;

THENCE Northeasterly sixty-four and zero tenths (64.0) feet on a curve to the left along the Southerly sideline of Whittier Street to a point;

THENCE Northerly eighty-eight and zero tenths (88.0) feet along the Southerly sideline of Whittier Street to a point at the corner of Vine Street;

THENCE Southeasterly one hundred thirty-one and zero tenths (131.0) feet along the Southerly sideline of Vine Street to a point;

THENCE Northeasterly twenty-seven and five tenths (27.5) feet along the Easterly sideline of Vine Street to a point;

THENCE Northeasterly three hundred twenty and three tenths (320.3) feet along the Westerly face of a stone wall by land now or formerly of Edward Andrew Bower to a point;

THENCE more Northeasterly fifty-three and three tenths (53.3) feet along the Westerly face of a stone wall by land now or formerly of Edward Andrew Bower to a point;

THENCE more Northeasterly one hundred twenty-seven and seven tenths (127.7) feet along the Westerly face of a stone wall by land now or formerly of Edward Andrew Bower to a point being the Southeasterly corner of Highland Ave;

THENCE Southeasterly ninety and seventy-five hundredths (90.75) feet by land now or formerly of William Munro to a stone bound;

THENCE Northeasterly one hundred thirty-eight and zero tenths (138.0) feet by land now or formerly of William Munro to a stone bound;

THENCE Northwesterly three hundred fifteen and zero tenths (315.0) feet by land now or formerly of William Munro to a drill hole on the Southerly sideline of Pleasant Street;

THENCE Northeasterly one hundred fifty-three and five tenths (153.5) feet along the Southerly sideline of Pleasant Street to a point;

THENCE more Northeasterly one hundred thirty-four and seven tenths (134.7) feet along the Southerly sideline of Pleasant Street to a point;

THENCE more Northeasterly sixty-nine and twenty-five hundredths (69.25) feet along the Southerly sideline of Pleasant Street to a drill hole at land now or formerly of the Inhabitants of the Town of Methuen;

THENCE S14-51-20E seven hundred seventy-five and fifty-three hundredths (775.53) feet along land now or formerly of the Inhabitants of the Town of Methuen to an iron pin;

THENCE S85-38-50W three hundred eighty-three and ninety-seven hundredths (383.97) feet by land now or formerly of the

Basilian Salvatorian Order Inc. to an iron pin;

THENCE S01-11-40W three hundred fifty-nine and eighty-nine hundredths (359.89) feet by land now or formerly of the Basilian Salvatorian Order Inc. to an iron pin;

THENCE S54-15-30W three hundred eighteen and sixty-three hundredths (318.63) feet by land now or formerly of the Basilian Salvatorian Order Inc. to an iron pin;

THENCE S60-04-00W two hundred five and seventy-eight hundredths (205.78) feet by land now or formerly of the Basilian Salvatorian Order Inc. to an iron pin;

THENCE S75-41-40W seventy-two and ninety-five hundredths (72.95) feet by land now or formerly of the Basilian Salvatorian Order Inc. to an iron pin at land now or formerly of the Congregation of the Presentation of Mary, Inc.;

THENCE N79-56-20W one hundred eighty-seven and forty-eight hundredths (187.48) feet by land now or formerly of the Congregation of the Presentation of Mary, Inc. to a stone bound;

THENCE Westerly two hundred fifty-two and six tenths (252.6) feet by land now or formerly of the Congregation of the Presentation of Mary, Inc. to a point;

THENCE Southwesterly eighty and zero tenths (80.0) feet by land now or formerly of the Congregation of the Presentation of Mary, Inc. to a point at land now or formerly of K.H. Pollard;

THENCE Northwesterly two hundred eighty-one and seventy-five hundredths (281.75) feet by land now or formerly of K.H. Pollard and land now or formerly of C.M. and J.M. Pollard to a point;

THENCE Northwesterly sixty-four and five tenths (64.5) feet by land now or formerly of the Baptist Church Society to the point of beginning.

MEANING AND INTENDING to describe a parcel of land, being a portion of the land as shown on a plan of Grey Court recorded in the Essex Registry of Deeds, North District, as plan #2647.

Approved December 29, 1982.

Chap. 607. AN ACT REQUIRING THE COMMONWEALTH TO PAY THE COST OF TRANSPORTATION OF PERSONS ATTENDING CERTAIN EDUCATIONAL AND MENTAL HEALTH FACILITIES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the reimbursement to cities and towns for costs incurred for the transportation of persons to and from facilities operated by or

approved by the departments of public health and mental health, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 27 of chapter 19 of the General Laws is hereby amended by striking out the second paragraph, as appearing in section 3 of chapter 888 of the acts of 1970, and inserting in place thereof the following paragraph:-

Whenever transportation to such nursery school or to a pre-school program of the department of public health is required, the department of mental health or the department of public health, as appropriate, shall notify the department of education of the admission of the child to such school or program and the department of education shall provide the transportation services as provided in section thirteen of chapter seventy-one B.

SECTION 2. Said section 27 of said chapter 19 is hereby further amended by striking out the fifth paragraph, as so appearing.

SECTION 3. Said chapter 19 is hereby further amended by striking out section 28, as so appearing, and inserting in place thereof the following section:-

Section 28. Whenever a mentally retarded person qualifies for attendance at an educational, habilitational or day care program or facility of the department of mental health, the department shall notify the department of education of admission to the said school or program and said department shall provide the transportation services as provided in section thirteen of chapter seventy-one B.

SECTION 4. Chapter 71B of the General Laws is hereby amended by striking out section 13, as most recently amended by section 701 of chapter 367 of the acts of 1978, and inserting in place thereof the following section:-

Section 13. The department shall establish, maintain and operate a program of transportation services for children of pre-school age who attend programs of the department of mental health or the department of public health pursuant to the provisions of section twenty-seven of chapter nineteen and mentally retarded persons who attend an educational, habilitational or day care programs or facilities of the department of mental health under the provisions of said chapter nineteen, on such days as such facility or school is in session.

SECTION 5. Notwithstanding the provisions of any law or regulation to the contrary, for the fiscal year ending June thirtieth, nineteen hundred and eighty-three, when transportation to any pre-school program is required, as provided for by section twenty-seven of chapter nineteen of the General Laws, the department of public health shall notify the school department of the city or town in which the child resides of his admission to the said program. Following such notification, the school department shall pay the cost of transporting the child to and from such program on such days as it is in session. The school department shall submit vouchers for this transportation by December thirty-first, nineteen hundred and eighty-two and June thirtieth, nineteen hundred and eighty-three. It shall be reimbursed for the cost by the department of education within sixty days after the submission and approval of said vouchers.

SECTION 6. Notwithstanding the provisions of any law or regulation to the contrary for the fiscal year ending June thirtieth, nineteen hundred and eighty-three, whenever a mentally retarded person qualifies for attendance at an educational, habilitational, or day care program or facility of the department of mental health under the provisions of chapter seventy-one B of the General Laws, the department of mental health shall notify the school department of the city or town in which the person resides, of his admission to such program or facility. Following such notification, the school department shall pay the cost of transporting the person to and from such facility on such days as it is in session. The school department shall submit vouchers for this transportation by December thirty-first, nineteen hundred and eighty-two and June thirtieth, nineteen hundred and eighty-three. It shall be reimbursed for the cost by the department of education within sixty days after the submission and approval of said vouchers.

SECTION 7. Sections one, two, three and four of this act shall take effect on July first, nineteen hundred and eighty-three.

Approved December 29, 1982.

Chap. 608. AN ACT FURTHER REGULATING CERTAIN SHORT-TERM RESIDENTIAL MORTGAGE NOTES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to exempt certain lenders from the

renewal of certain mortgage notes, therefore 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 60 of chapter 183 of the General Laws, as most recently amended by section 61 of chapter 155 of the acts of 1982, is hereby further amended by adding the following paragraph:-

The provisions of this section shall not apply to such transaction entered into by a person, partnership, association, trust or corporation making five or less mortgage loans in a calendar year; provided, however, that in computing the number of mortgage loans there shall be counted in the loans of more than one partnership, association, trust or corporation, the majority interest of which are owned or controlled directly or indirectly by the same person or persons, partnerships, associations, trusts or corporations and including in the loans of a partnership, trust or company not incorporated the loans of the several members thereof; provided, further, that a note exempted by the provisions of this paragraph shall contain the following statement appearing conspicuously therein: THIS NOTE IS A CONTRACT FOR A SHORT-TERM LOAN. THIS LOAN IS PAYABLE IN FULL AT MATURITY. YOU MUST REPAY THE ENTIRE PRINCIPAL BALANCE OF THE LOAN AND UNPAID INTEREST WHEN DUE. THE LENDER IS UNDER NO OBLIGATION TO REFINANCE THE LOAN AT THAT TIME. YOU WILL, THEREFORE, BE REQUIRED TO MAKE PAYMENT OUT OF OTHER ASSETS YOU MAY OWN, OR WILL HAVE TO FIND A LENDER WILLING TO LEND YOU THE MONEY AT PREVAILING MARKET RATES, WHICH MAY BE CONSIDERABLY HIGHER THAN THE INTEREST RATE ON THIS LOAN. The provisions of this paragraph shall not be construed as imposing any requirements for finance charge disclosure as may otherwise be required by chapter one hundred and forty D.

Approved December 29, 1982.

Chap. 609. AN ACT ESTABLISHING THE MASSACHUSETTS LEGAL ASSISTANCE CORPORATION.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by inserting after chapter 221 the following chapter:-

CHAPTER 221A.
THE MASSACHUSETTS LEGAL ASSISTANCE CORPORATION ACT.

Section 1. As used in this chapter, the following words and terms shall have the following meanings:-

"Board", the board of directors of the Massachusetts Legal Assistance Corporation.

"Corporation", the Massachusetts Legal Assistance Corporation.

"Eligible client", any indigent person who is a resident of the commonwealth.

"Fee generating case", any matter which, if undertaken on behalf of an eligible client by an attorney in private practice, may reasonably be expected to result in payment of the fee of such attorney from an award to the client or by the opposing party.

"Fiscal year", the twelve-month period beginning on July first and ending on June thirtieth.

"Fund", the Legal Assistance Fund.

"Indigent person", a person who receives public assistance under the Massachusetts Aid to Families with Dependent Children, general relief or veterans' benefits programs or receives assistance under Title XVI of the Social Security Act, or the Medicaid Program, 42 USC 1396 to 1396(n), inclusive, or a person whose income, after taxes, is one hundred and twenty-five per cent or less of the current poverty threshold annually established by the United States Office of Management and Budget, or a person who is otherwise considered indigent due to hardship circumstances under standards established by the board.

"Local program", a qualified legal services program serving clients in an area limited to certain counties, cities, or towns of the commonwealth.

"Qualified legal services program", a nonprofit program which provides legal services in civil cases without charge to indigent persons and has a board of directors composed of both attorneys and consumers of legal services. Legal services programs which have been or are funded in whole or in part by the Legal Services Corporation established pursuant to 42 USC 2996 to 2996(l), inclusive, shall be presumed to be qualified legal services programs.

"Recipient", a qualified legal services program receiving financial assistance under this chapter.

"Statewide program", a qualified legal services program serving eligible clients, or providing support services to local programs throughout the commonwealth.

Section 2. There is hereby created a body politic and corporate to be known as the Massachusetts Legal Assistance Cor-

poration for the purpose of providing financial support for legal assistance programs that provide representation to persons financially unable to afford such assistance in proceedings or matters other than criminal proceedings or matters, except those proceedings or matters in which the commonwealth is required to provide representation. The corporation is hereby constituted a public instrumentality of the commonwealth and the exercise by the corporation of the powers conferred in this chapter shall be deemed and held to be the performance of an essential public function. The corporation is hereby placed under the supreme judicial court but shall not be subject to the supervision or control of said court or of any other board, bureau, department, or agency of the commonwealth except as specifically provided in this chapter.

Section 3. The corporation shall be governed and its corporate powers exercised by a board of directors consisting of eleven persons, one of whom shall be the chief administrative justice of the trial court, or his or her designee, and ten of whom shall be appointed by the justices of the supreme judicial court. The appointees of the justices of the supreme judicial court shall be as follows: three members shall be persons who at the time of their appointment are currently serving, or have served within the previous five years, as unpaid directors of qualified legal services programs, two members shall be eligible clients, two members shall be from nominations submitted by the president of the Massachusetts Bar Association, one member shall be from nominations submitted by the president of the Boston Bar Association, and two members shall be from nominations submitted by the County Bar Associations for the counties of Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket, Norfolk, Plymouth and Worcester, acting through their presidents and by a majority of those County Bar Association presidents, present and voting at a meeting called for that purpose by the president of the Massachusetts Bar Association. Appointees shall serve for a term of five years, provided that in making the initial appointments the court shall appoint the three persons who are current or former directors of qualified legal services programs to terms of one, two, and three years, respectively; the two persons who are nominated by the president of the Massachusetts Bar Association to terms of one and two years, respectively; the person who is nominated by the president of the Boston Bar Association to a term of three years; and the two persons who are nominated by the presidents of the County Bar Associations to terms of one and two years, respectively. Each member shall be supportive of the purposes of this chapter and have an interest in the delivery of quality legal

services to the indigent. Any person appointed to fill a vacancy in the office of a member of the board shall be appointed in a like manner to the unexpired term of such member and shall be eligible for reappointment. Any member may be removed from his appointment by the court for cause. The members shall annually elect a member of the board to serve as chairman. Six members of the board shall constitute a quorum. The members shall not receive a salary but shall be reimbursed for actual and necessary travel expenses. The provisions of chapter two hundred and sixty-eight A shall apply to all directors, officers and employees of the corporation, except that the corporation may provide financial assistance to a qualifying legal service program in which a director may have an interest or involvement; provided, however, that such interest and involvement is disclosed in advance to the other members of the board and contemporaneously recorded in the minutes of the board; and provided, further, that no director having such an interest or involvement may participate in any particular matter, as defined in section one of chapter two hundred and sixty-eight A, relating to such organization.

Section 4. The board shall hire an executive director and establish his salary. The executive director shall be the chief administrative and operational officer of the corporation. The executive director shall attend meetings of the board and may, subject to the approval of the board, employ other employees, consultants, and agents, including legal counsel and advisors. Neither the corporation nor any of its officers, agents, employees, consultants, or advisors shall be subject to the provisions of sections nine A, forty-five, forty-six, and fifty-two of chapter thirty or the provisions of chapter thirty-one.

Section 5. The directors shall annually elect one of their members as vice chairman and shall designate a secretary and treasurer who need not be members of the board. The secretary shall keep a record of the proceedings of the corporation and shall be custodian of all books, documents, and papers filed with the corporation and its official seal. The secretary shall cause copies to be made of all minutes and other records and documents of the corporation and shall certify that such copies are true copies and all persons dealing with the corporation may rely on such certification.

All officers and employees of the corporation having access to its cash or negotiable securities shall give bond to the corporation, at its expense, in such amount and with such surety as the board may prescribe. The persons required to give bond may be included in one or more blanket or scheduled bonds.

Section 6. The corporation shall have the following powers:

(a) to make, amend, and repeal by-laws, rules and regulations, for the management of its affairs;

(b) to adopt an official seal;

(c) to sue and be sued, in its own name, subject to the provisions of section eight;

(d) to make contracts and execute all instruments necessary or convenient for the carrying on of its business;

(e) to acquire, own, hold, dispose of and encumber personal property of any nature or any interest therein;

(f) to enter into agreements or transactions with any federal, state or municipal agency or other institutions;

(g) to appear in its own behalf before boards, commissions, departments or other agencies of federal, state or municipal government, subject to the provisions of section eight;

(h) to appoint officers, employees, consultants, agents and advisors and prescribe their duties and fix compensation within the limits provided by law;

(i) to procure insurance against any losses in connection with its property in such amounts, and from such insurers, as may be necessary or desirable;

(j) to accept any and all donations, grants, appropriations, bequests, and devises, conditional or otherwise, of money, property, service, or other things of value which may be received from the commonwealth, the United States or any agency thereof, any other governmental agency, any institution, person, firm or corporation, public and private; to be held, used or applied for any or all the purposes specified in this act, in accordance with the terms and conditions of any such grant. Receipt of each such donation or grant shall be detailed in the annual report of the corporation. Such report shall include the identity of the donor or lender, the nature of the transaction and any conditions attaching thereto;

(k) to accept and evaluate applications from qualified legal services programs and to determine the amount of financial assistance to be provided to such qualified legal services programs;

(l) to prepare, publish and distribute, with or without charge, as the corporation may determine, such technical studies, reports, bulletins and other materials as it deems appropriate;

(m) to exercise any other powers of a corporation organized under chapter one hundred and fifty-six B; and

(n) to do any and all things necessary to carry out the purpose of this chapter.

Section 7. The corporation shall have authority to insure the compliance of recipients and their employees with the provisions of this chapter and the rules, regulations, and guidelines pro-

mulgated pursuant to this chapter, and to terminate after a hearing financial support to a recipient which fails to comply. Any such action shall be in accordance with the provisions of chapter thirty A.

No question of whether representation is authorized under this chapter, or the rules, regulations or guidelines promulgated pursuant to this chapter, shall be considered in, or affect the final disposition of any proceeding in which a person is represented by a recipient or an employee of a recipient. A litigant in such a proceeding may refer such question to the corporation which shall review and dispose of a question promptly and take appropriate action.

If a recipient finds that any of its employees has violated or caused the recipient to violate the provisions of this chapter or the rules, regulations, and guidelines promulgated pursuant to this chapter, the recipient shall take appropriate remedial or disciplinary action.

The corporation shall not under any provision of this chapter interfere with any attorney in carrying out his professional responsibilities to his client as established in the canons of ethics and the code of professional responsibility adopted by the supreme judicial court.

The corporation shall ensure that activities under this chapter are carried out in a manner consistent with such professional responsibilities.

No attorney shall receive any compensation, either directly or indirectly, for the provision of legal assistance under this chapter unless such attorney is admitted or otherwise authorized by law, rule, or regulation to practice law or provide such assistance in the commonwealth.

The corporation shall insure that no employee of the corporation or of any recipient while carrying out legal assistance activities under this chapter, shall engage in, or encourage others to engage in, any public demonstration or picketing, boycott or the like. No such employee shall, at any time, engage in, or encourage others to engage in any of the following activities: any rioting or civil disturbance, any activity which is in violation of an outstanding injunction of any court of competent jurisdiction, any other illegal activity, or any intentional identification of the corporation or any recipient with any electoral or partisan political activity.

In areas where significant numbers of eligible clients speak a language other than English as their principal language, the corporation shall, to the extent feasible, ensure that their principal language is used in providing legal assistance to such clients under this chapter.

Section 8. The corporation shall not itself participate in litigation unless the corporation or a recipient of the corporation is a party, or a recipient is representing an eligible client in litigation in which the interpretation of this chapter or a regulation promulgated under this chapter is an issue, and shall not participate on behalf of any client other than itself; nor shall the corporation undertake to influence the passage or defeat of any legislation by the general court or by the Congress of the United States except that personnel of the corporation may testify or make other appropriate communication when formally requested to do so by a legislative body, a committee, or a member thereof, or in connection with legislation or appropriations directly affecting the activities of the corporation.

Neither the corporation nor any recipient shall contribute or make available corporate funds or program personnel or equipment to any political party or association, or so contribute to the campaign of any candidate for public or party office.

No class action suit, class action appeal, or amicus curiae class action may be undertaken, directly or through others, by a staff attorney employed by a recipient except with the express approval of a project director of a recipient in accordance with policies established by the governing body of such recipient.

Attorneys employed by a recipient shall be appointed to provide legal assistance without reasonable compensation only when such appointment is made pursuant to a statute, rule, or practice applied generally to attorneys practicing in the court where the appointment is made.

Employees of the corporation or of recipients shall not at any time intentionally identify the corporation or the recipient with any partisan or nonpartisan political activity associated with a political party or association, or the campaign or any candidate for public or party office.

Section 9. The corporation shall, subject to appropriation or to the amount of monies available from the fund, or from funds made available from any other public or private source, provide financial assistance to both local and statewide programs. In each fiscal year at least eighty per cent of such financial assistance shall be distributed to local programs on a basis proportionate to the number of eligible clients within the service areas of such local programs. Up to twenty per cent of such assistance may be distributed to statewide programs.

In the distribution of such assistance the corporation shall insure the maintenance of the highest quality of service and professional standards, the preservation of attorney-client relationships, and the protection of the integrity of the adversary process from any impairment, and that recipients, consistent

with goals established by the corporation, shall adopt procedures for determining and implementing priorities for the provision of such assistance, taking into account the relative needs of eligible clients for such assistance, including such outreach, training, and support services as may be necessary, including, particularly, the needs for service on the part of significant segments of the population of eligible clients with special difficulties of access to legal services or special legal problems, including elderly and handicapped individuals, and appropriate training and support services; and, in order to provide such assistance to such significant segments of the population of eligible clients; that attorneys employed full time in legal assistance activities supported in major part by the corporation refrain from any compensated outside practice of law, and any uncompensated outside practice of law except as authorized in guidelines promulgated by the corporation; and that no financial assistance distributed pursuant to this chapter shall be used to provide legal assistance with respect to any fee generating case, or to provide legal assistance with respect to any criminal proceeding or civil action arising out of or brought for the purpose of challenging the validity of a criminal conviction, or to provide services to persons who are not eligible clients; and that a substantial amount of financial assistance distributed pursuant to this chapter shall be provided, under standards established by the board, for compensation for legal services to indigent persons which are provided by attorneys who engage in the private practice of law.

Section 10. The corporation shall annually submit a complete and detailed report of its activities within ninety days after the end of the fiscal year to the clerk of the house of representatives, to the clerk of the senate, and to the governor. The annual report shall include, but not be limited to, descriptions of all programs funded, an evaluation of the performance of each program, a summary of the public monies expended, and descriptions of the individuals served by such programs.

Section 11. The books and records of the corporation shall be subject to an annual audit by the auditor of the commonwealth.

Section 12. There shall be established and set up on the books of the commonwealth a fund, as defined in section one. All revenues collected from surcharges established pursuant to section four C of chapter two hundred and sixty-two shall be credited to the fund. On or before the last day of each calendar quarter, the state treasurer shall distribute to the corporation all revenues received by the fund. The corporation shall establish procedures for the application by qualified legal services programs for financial assistance from funds so received or from other sources for the purposes established in this chapter. The

corporation shall determine if such applications comply with the provisions of this chapter and shall determine the amounts of financial assistance to be provided to the qualified legal services programs.

Application for such financial assistance shall be made by qualified legal services programs by July first of each year. The corporation shall determine the amount of financial assistance to be distributed and the recipients of such financial assistance by September first of each year and payment of such financial assistance shall be made by October first of each year. In its discretion, the corporation may allow a second round of applications to be completed by January first, the distribution of which shall be determined by March first and payment of which shall be made by April first of each year.

Every recipient of such financial assistance shall annually submit to the corporation a financial statement including an audit of such monies approved by a certified public accountant.

SECTION 2. Section 27A of chapter 261 of the General Laws, as amended by section 5 of chapter 539 of the acts of 1980, is hereby further amended by striking out the definition of "Normal fees and costs" and inserting in place thereof the following definition:-

"Normal fees and costs", the fees and costs a party normally is required to pay in order to prosecute or defend the particular type of proceeding in which he is involved shall include, but not be limited to, the following: in all civil cases, filing or entry fees, including the surcharges required by section four C of chapter two hundred and sixty-two; fees and related costs for service of process, including publications of a citation when publication is ordered; fees and costs for the issuance or service of a subpoena and witness fees for trial or deposition; jury trial fees; removal fees; costs assessed in a bill of costs; in equity, fees for the issuance of an injunction, restraining order, writ or other process; in the probate and family court department, fees for an amendment of record.

SECTION 3. Chapter 262 is hereby amended by inserting after section 4B the following section:-

Section 4C. Any party entering a complaint, petition, or other civil action in any court of the commonwealth, except small claims cases, in which an initial filing fee is payable, and to which a separate docket number is assigned shall pay to the clerk of said court a surcharge of five dollars in addition to the fee otherwise required by this chapter. A party entering a small claims action shall pay a surcharge of two dollars. All

such charges collected pursuant to this section shall be transmitted monthly by the clerk of court to the treasurer and shall be credited to the Legal Assistance Fund established in section twelve of chapter two hundred and twenty-one A.

Approved December 29, 1982.

EMERGENCY LETTER - March 1, 1983 @ 10:57 A.M.

Chap. 610. AN ACT REGULATING THE LICENSING OF PRIVATE TRADE, BUSINESS AND CORRESPONDENCE SCHOOLS.

Be it enacted, etc., as follows:

SECTION 1. Section 1A of chapter 75C of the General Laws, inserted by section 2 of chapter 826 of the acts of 1977, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

If, after investigation, the state auditor finds the applicant is financially qualified to operate a correspondence school, he shall certify to the commissioner of education the financial eligibility of the applicant to apply for a license to operate a correspondence school. The state auditor shall establish the eligibility of the applicant annually. Renewal of such license for any succeeding two year period shall be issued only after such an investigation has been conducted and certification of the financial eligibility of the applicant for renewal has been made by the state auditor, and every such applicant for renewal shall submit to the said state auditor the financial information required under this section. Financial statements shall be submitted to the state auditor thirty days prior to the annual review.

SECTION 2. Section 6 of said chapter 75C, as appearing in section 1 of chapter 652 of the acts of 1963, is hereby amended by striking out, in lines 1 and 2, the words "one year" and inserting in place thereof the words:- two years.

SECTION 3. Section 3 of chapter 75D is hereby amended by striking out the second paragraph, as most recently amended by section 6 of chapter 826 of the acts of 1977, and inserting in place thereof the following paragraph:-

If, after investigation, the state auditor finds that the applicant is financially qualified to operate a private business school, he shall certify to the commissioner the financial eligibility of the applicant to apply for a license to operate a private business school. The state auditor shall establish the eligibility of the

applicant annually. Renewal of such license for any succeeding two year period shall be issued only after such an investigation has been conducted and certification of the financial eligibility of the applicant for renewal has been made by the state auditor. Every such applicant for renewal shall submit to the state auditor the financial information required under this section. Financial statements shall be submitted to the state auditor thirty days prior to the annual review. Notwithstanding the provisions of section twelve of chapter eleven pertaining to maintenance of the records in the department of the state auditor, such financial information submitted to the state auditor shall be retained in the office of the state auditor and shall not be classified as public records.

SECTION 4. Section 4 of said chapter 75D, as appearing in section 1 of chapter 1096 of the acts of 1971, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

The commissioner shall also approve each separate course of instruction offered by a licensee according to such standards or guidelines as may be established by the commissioner. A licensee shall submit course changes, improvements and modifications to the commissioner whenever such changes occur. Course approval shall be valid for two years from the date of issue, but may be revoked or suspended if the commissioner finds that the form or content of the course substantially differs from standards or guidelines established by him.

SECTION 5. Section 5 of said chapter 75D, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "one year" and inserting in place thereof the words:- two years.

SECTION 6. Section 7 of said chapter 75D is hereby amended by striking out the fourth paragraph, as amended by section 7 of chapter 826 of the acts of 1977, and inserting in place thereof the following paragraph:-

A license issued hereunder shall be valid for two years from date of issue.

SECTION 7. Section 20A of chapter 93 of the General Laws, inserted by section 9 of said chapter 826, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

If, after investigating, the state auditor finds that the applicant is financially qualified to operate a private trade school, he

shall certify to the commissioner of education the financial eligibility of the applicant to apply for a license to operate a private trade school. The state auditor shall establish the eligibility of the applicant annually. Renewal of such license for any succeeding two year period shall be issued only after such an investigation has been conducted and certification of the financial eligibility of the applicant for renewal has been made by the state auditor. Every such applicant for renewal shall submit to the said state auditor the financial information required under this section. Financial statements shall be submitted to the state auditor thirty days prior to the annual review.

SECTION 8. The sixth sentence of section 21B of said chapter 93, as amended by section 57 of chapter 572 of the acts of 1980, is hereby further amended by striking out, in line 1, the words "one year" and inserting in place thereof the words:- two years.

SECTION 9. Section 21E of said chapter 93 is hereby amended by striking out the last paragraph, as appearing in section 13 of chapter 826 of the acts of 1977, and inserting in place thereof the following paragraph:-

A license issued hereunder shall be valid for two years from date of issue.

SECTION 10. To facilitate orderly transition from annual to biannual licensure under the provisions of this act, any license issued in accordance with the provisions of chapter seventy-five C or chapter seventy-five D, or sections twenty A to twenty-one F, inclusive, of chapter ninety-three prior to January first, nineteen hundred and eighty-four, shall remain valid for a period, not less than twelve months, nor more than twenty-four months, after the effective date of such license.

SECTION 11. This act shall take effect on January first, nineteen hundred and eighty-three.

Approved December 29, 1982.

Chap. 611. AN ACT MAKING CERTAIN CHANGES IN THE MEDICAL ASSISTANCE PROGRAM AND IN THE CHARGE SYSTEM AT STATE INSTITUTIONS.

Be it enacted, etc., as follows:

SECTION 1. Section 13 of Chapter 118E of the General Laws, as most recently amended by Chapter 351 of the Acts of 1981, is hereby repealed and the following section is inserted in place thereof:-

In determining the resources of an individual, there shall be included any interest in real or personal property owned by such individual within the preceding two years if such individual made an assignment or transfer of such interest at less than fair market value for the purpose of becoming eligible for assistance under this chapter; provided, however, that this provision may be waived if the department determines that application of the provision would work an undue hardship on a particular individual. For purposes of making this determination, the amount of uncompensated value which is included in said resources shall be reduced by incurred medical bills, for which the individual is liable. Said medical bills cannot also be applied to excess income as provided in section ten of this chapter. This section shall apply only to assignments or transfers made after June thirtieth, nineteen hundred and eighty-three.

SECTION 2. Chapter 123 of the General Laws, as most recently amended by Chapter 329 of the Acts of 1980, is hereby amended by striking out section 32 and inserting in place thereof the following section:-

The department may make charges for the care of any person in its facilities. To the extent that any person in its facilities is eligible for third party payment of charges for care, the department shall make said charges for care at rates established by the rate setting commission under chapter six A. To the extent that third party payment is not available, or is not sufficient to pay said charges, the charges may be recovered from said person or from any person with a legal obligation to support the person; provided, however, that said person shall be entitled to retain one thousand dollars in cash or personal property; and provided, further, that the department shall make adjustments to the charges based upon said person's individual circumstances. If a superintendent of a facility for the mentally retarded holds the funds of a resident in a dependent funds account, the amount recoverable from the resident which would be paid from the dependent funds shall be deferred until the death of the resident, at which time the accumulated deferred payment shall be owed to the department by the estate of the resident; provided, however, that this shall not prevent the department from recovering charges without deferral from any of the resident's funds which are held outside of a dependent funds account.

The department shall not recover charges from a resident of a

facility for the mentally retarded until the status of the dependent and independent funds of said resident has been reviewed by the department pursuant to section four of this chapter.

The department also shall establish, by regulation, a system of charges for care in programs funded by or under a contract with the department which is consistent with the provisions of this section.

SECTION 3. Said chapter 123, as so amended, is hereby further amended by striking out section 37.

SECTION 4. The department of mental health shall provide notice of the provisions of this act to any resident of a facility for the mentally retarded, his or her next of kin, and his or her guardian or conservator within thirty days of the passage of this act.

SECTION 5. This act shall take effect on June 30, 1983, or upon approval by the federal Department of Health and Human Services of Title XIX state plan amendments required by the provisions of this act, whichever is later.

Approved December 29, 1982.

Chap. 612. AN ACT FURTHER REGULATING THE CONDUCT OF PUBLIC OFFICIALS AND EMPLOYEES.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 268A of the General Laws is hereby amended by striking out the definition of "Particular matter" and inserting in place thereof the following definition:-

(k) "Particular matter", any judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, finding, but excluding enactment of general legislation by the general court and petitions of cities, towns, counties and districts for special laws related to their governmental organizations, powers, duties, finances and property.

SECTION 2. Said section 1 of said chapter 268A is hereby further amended by striking out the definition of "Special county employee" and inserting in place thereof the following definition:-

(m) "Special county employee", a county employee who is

performing services or holding an office, position, employment or membership for which no compensation is provided; or who is not an elected official and (1) occupies a position which, by its classification in the county agency involved or by the terms of the contract or conditions of employment, permits personal or private employment during normal working hours, provided that disclosure of such classification or permission is filed in writing with the State Ethics Commission and the office of the county commissioners prior to the commencement of any personal or private employment, or (2) in fact does not earn compensation as a county employee for an aggregate of more than eight hundred hours during the preceding three hundred and sixty-five days. For this purpose compensation by the day shall be considered as equivalent to compensation for seven hours per day. A special county employee shall be in such a status on days for which he is not compensated as well as on days on which he earns compensation.

SECTION 3. Said section 1 of said chapter 268A is hereby further amended by striking out the definition of "Special municipal employee", as most recently amended by chapter 430 of the acts of 1981, and inserting in place thereof the following definition:-

(n) "Special municipal employee", a municipal employee who is not a mayor, a member of a board of aldermen, a member of a city council or a selectman in a town with a population in excess of five thousand persons, and whose position or employment has been expressly classified by the city council, or board of aldermen if there is no city council, or the board of selectmen as that of a special employee under the terms and provisions of this chapter. All employees who hold equivalent offices, positions, employment or membership in the same municipal agency shall have the same classification; provided, however, no municipal employee shall be classified as a "special municipal employee" unless he occupies a position for which no compensation is provided or which, by its classification in the municipal agency involved or by the terms of the contract or conditions of employment, permits personal or private employment during normal working hours, or unless he in fact does not earn compensation as a municipal employee for an aggregate of more than eight hundred hours during the preceding three hundred and sixty-five days. For this purpose compensation by the day shall be considered as equivalent to compensation for seven hours per day. A special municipal employee shall be in such status on days for which he is not compensated as well as on days on which he earns compensation. All employees of any city or town

wherein no such classification has been made shall be deemed to be "municipal employees" and shall be subject to all the provisions of this chapter with respect thereto without exception.

SECTION 4. Said section 1 of said chapter 268A is hereby further amended by striking out the definition of "Special state employee", as most recently amended by chapter 245 of the acts of 1977, and inserting in place thereof the following definition:-

(o) "Special state employee", a state employee:

(1) Who is performing services or holding an office, position, employment or membership for which no compensation is provided, or

(2) Who is not an elected official and

(a) occupies a position which, by its classification in the state agency involved or by the terms of the contract or conditions of employment, permits personal or private employment during normal working hours, provided that disclosure of such classification or permission is filed in writing with the state ethics commission prior to the commencement of any personal or private employment, or

(b) in fact does not earn compensation as a state employee for an aggregate of more than eight hundred hours during the preceding three hundred and sixty-five days. For this purpose compensation by the day shall be considered as equivalent to compensation for seven hours per day. A special state employee shall be in such a status on days for which he is not compensated as well as on days on which he earns compensation.

SECTION 5. The third paragraph of section 7 of said chapter 268A, as amended by section 11 of chapter 210 of the acts of 1978, is hereby further amended by striking out clause (b) and inserting in place thereof the following clause:- (b) to a state employee other than a member of the general court who is not employed by the contracting agency or an agency which regulates the activities of the contracting agency and who does not participate in or have official responsibility for any of the activities of the contracting agency, if the contract is made after public notice or where applicable, through competitive bidding, and if the state employee files with the state ethics commission a statement making full disclosure of his interest and the interests of his immediate family in the contract, and if in the case of a contract for personal services (1) the services will be provided outside the normal working hours of the state employee, (2) the services are not required as part of the state employee's regular duties, the employee is compensated for not more than five hundred hours during a calendar year, and (3) the head of the

contracting agency makes and files with the state ethics commission a written certification that no employee of that agency is available to perform those services as a part of their regular duties.

SECTION 6. The fourth paragraph of said section 7 of said chapter 268A, inserted by chapter 446 of the acts of 1968, is hereby amended by inserting after the word "welfare", in line 5, the words:- or the rate setting commission.

SECTION 7. Said section 7 of said chapter 268A is hereby further amended by adding the following paragraph:-

This section shall not prohibit a state employee from being employed on a part-time basis by a facility operated or designed for mental health care, public health, correctional facility or any other facility principally funded by the state which provides similar services and which operates on an uninterrupted and continuous basis; provided that such employee does not participate in, or have official responsibility for, the financial management of such facility, that he is compensated for such part-time employment for not more than four hours in any day in which he is otherwise compensated by the commonwealth, and at a rate which does not exceed that of a state employee classified in step one of job group XX of the general salary schedule contained in section forty-six of chapter thirty, and that the head of the facility makes and files with the state ethics commission a written certification that there is a critical need for the services of the employee. Such employee may be compensated for such services, notwithstanding the provisions of section twenty-one of chapter thirty.

SECTION 8. Said chapter 268A is hereby further amended by striking out section 11, as most recently amended by section 2 of chapter 10 of the acts of 1980, and inserting in place thereof the following section:-

Section 11. (a) No county employee shall, otherwise than as provided for the proper discharge of official duties, directly or indirectly receive or request compensation from anyone other than a county or a county agency in relation to any particular matter in which a county agency is a party or has a direct and substantial interest.

(b) No person shall knowingly, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly give, promise or offer such compensation.

(c) No county employee shall, otherwise than as provided by law for the proper discharge of official duties, act as agent or

attorney for anyone other than a county or a county agency in prosecuting any claim against a county or county agency, or as agent or attorney for anyone in connection with any particular matter in which a county or county agency is a party or has a direct and substantial interest.

Whoever violates any provision of this section shall be punished by a fine of not more than three thousand dollars or by imprisonment for not more than two years, or both.

A county employee shall be subject to paragraphs (a) and (c) only in relation to the county of which he is an employee. A special county employee shall be subject to said paragraphs (a) and (c) only in relation to a particular matter (a) in which he has at any time participated as a county employee, or (b) which is or within one year has been a subject of his official responsibility, or (c) which is pending in the county agency in which he is serving. Clause (c) of the preceding sentence shall not apply in the case of a county employee who serves on no more than sixty days during any period of three hundred and sixty-five consecutive days.

This section shall not prevent a county employee from taking uncompensated action, not inconsistent with the faithful performance of his duties, to aid or assist any person who is the subject of disciplinary or other personnel administration proceedings with respect to those proceedings.

This section shall not prevent a county employee, including a special employee, from acting, with or without compensation, as agent or attorney for or otherwise aiding or assisting members of his immediate family or any person for whom he is serving as guardian, executor, administrator, trustee or other personal fiduciary except in those matters in which he has participated or which are the subject of his official responsibility; provided, that the state or county official responsible for appointment to his position approves.

This section shall not prevent a present or former special county employee from aiding or assisting another person for compensation in the performance of work under a contract with or for the benefit of the county; provided, that the head of the special county employee's department or agency has certified in writing that the interest of the county requires such aid or assistance and the certification has been filed with the state ethics commission. The certification shall be open to public inspection.

This section shall not prevent a county employee from giving testimony under oath or making statements required to be made under penalty for perjury or contempt.

This section shall not prohibit a county employee from holding

an elective or appointive office in a city, town or district nor in any way prohibit such an employee from performing the duties or receiving the compensation provided for such office. No such elected or appointed official may vote or act on any matter which is within the purview of the agency by which he is employed or over which such employee has official responsibility.

SECTION 9. Said chapter 268A is hereby further amended by striking out section 12, as amended by section 15 of chapter 210 of the acts of 1978, and inserting in place thereof the following section:-

Section 12. (a) A former county employee who knowingly acts as agent or attorney for or receives compensation directly or indirectly from anyone other than a county or a county agency in connection with any particular matter in which the county or a county agency of the same county is a party or has a direct and substantial interest and in which he participated as a county employee while so employed, or

(b) A former county employee who, within one year after his last employment has ceased, appears personally before any agency of the county as agent or attorney for anyone other than the county in connection with any particular matter in which the county or a county agency of the same county is a party or has a direct and substantial interest and which was under his official responsibility as a county employee at any time within a period of two years prior to the termination of his employment, or

(c) A partner of a former county employee who knowingly engages, during a period of one year following the termination of the latter's employment by the county, in any activity in which the former county employee is himself prohibited from engaging by clause (a), or

(d) A partner of a county employee who knowingly acts as agent or attorney for anyone other than the county in connection with any particular matter in which the county or a county agency of the same county is a party or has a direct and substantial interest and in which the county employee participates or has participated as a county employee or which is the subject of his official responsibility, shall be punished by a fine of not more than three thousand dollars or by imprisonment for not more than two years, or both.

If a partner of a special county employee or of a former county employee is also a member of another partnership in which the special or former employee has no interest, activities of the latter partnership in which the special or former employee takes no part shall not thereby be subject to clause (c) or (d).

This section shall not prevent a present or former special

county employee from aiding or assisting another person for compensation in the performance of work under a contract with or for the benefit of the county; provided, that the head of the special county employee's department or agency has certified in writing that the interest of the county requires such aid or assistance and the certification has been filed with the state ethics commission. The certification shall be open to public inspection.

SECTION 10. Said chapter 268A is hereby further amended by striking out section 14, as most recently amended by section 17 of chapter 210 of the acts of 1978, and inserting in place thereof the following section:-

Section 14. A county employee who has a financial interest, directly or indirectly, in a contract made by a county agency of the same county, in which the county or a county agency is an interested party of which financial interest he has knowledge or has reason to know, shall be punished by a fine of not more than three thousand dollars or by imprisonment for not more than two years, or both.

This section shall not apply if such financial interest consists of the ownership of less than one per cent of the stock of a corporation.

This section shall not apply (a) to a county employee who in good faith and within thirty days after he learns of an actual or prospective violation of this section makes full disclosure of his financial interest to the contracting agency and terminates or disposes of the interest, or (b) to a county employee who does not participate in or have official responsibility for any of the activities of the contracting agency, if the contract is made through competitive bidding and his direct and indirect interests and those of his immediate family in the corporation or other commercial entity with which the contract is made do not in the aggregate amount to ten per cent of the total proprietary interests therein, or (c) to a special county employee who does not participate in or have official responsibility for any of the activities of the contracting agency and who files with the state ethics commission a statement making full disclosure of his interest and the interests of his immediate family in the contract, if the county commissioners approve the exemption of his interest from this section.

SECTION 11. Paragraph (b) of section 19 of said chapter 268A, as amended by chapter 395 of the acts of 1965, is hereby further amended by striking out clause (3) and inserting in place thereof the following clause:-

(3) if the particular matter involves a determination of general policy and the interest of the municipal employee or members of his immediate family is shared with a substantial segment of the population of the municipality.

SECTION 12. The third paragraph of section 20 of said chapter 268A, as amended by chapter 135 of the acts of 1979, is hereby further amended by striking out clause (b) and inserting in place thereof the following clause:-

(b) to a municipal employee who is not employed by the contracting agency or an agency which regulates the activities of the contracting agency and who does not participate in or have official responsibility for any of the activities of the contracting agency, if the contract is made after public notice or where applicable, through competitive bidding, and if the municipal employee files with the clerk of the city or town a statement making full disclosure of his interest and the interest of his immediate family, and if in the case of a contract for personal services (1) the services will be provided outside the normal working hours of the municipal employee, (2) the services are not required as part of the municipal employee's regular duties, the employee is compensated for not more than five hundred hours during a calendar year, (3) the head of the contracting agency makes and files with the clerk of the city or town a written certification that no employee of that agency is available to perform those services as part of their regular duties, and (4) the city council, board of selectmen or board of aldermen approve the exemption of his interest from this section.

SECTION 13. Section 21 of said chapter 268A, as appearing in section 1 of chapter 779 of the acts of 1962, is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph:-

(b) The state ethics commission, the district attorney for that district, or the city or town or state may bring a civil action against any person who has acted to his economic advantage in violation of said sections two, three, eight and fifteen to twenty, inclusive, and may recover damages for the city or town in the amount of such economic advantage or five hundred dollars, whichever is greater. If there has been no final criminal judgment of conviction or acquittal of the same violation, the state ethics commission, the district attorney or the city or town or state may in the discretion of the court recover additional damages for the city or town in an amount not exceeding twice the amount of the economic recovery or five hundred dollars, whichever is greater, and a judgment for such damages shall bar any

criminal prosecution for the same violation.

SECTION 14. Said chapter 268A is hereby further amended by striking out section 23, as amended by chapter 508 of the acts of 1975, and inserting in place thereof the following section:-

Section 23. In addition to the other provisions of this chapter, and in supplement thereto, standards of conduct, as hereinafter set forth in this section, are established for all state, county and municipal employees. Where a current employee is found to have violated these provisions, appropriate administrative action as is warranted may also be taken by the appropriate constitutional officer, by the head of a state, county or municipal agency.

No current officer or employee of a state, county or municipal agency shall:

(1) accept other employment which will impair his independence of judgment in the exercise of his official duties;

(2) use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others;

(3) by his conduct give reasonable basis for the impression that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is unduly affected by the kinship, rank, position or influence of any party or person.

No current or former officer or employee of a state, county or municipal agency shall:

(1) accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority;

(2) improperly disclose materials or data within the exemptions to the definition of public records as defined by section seven of chapter four, and were acquired by him in the course of his official duties nor use such information to further his personal interests.

SECTION 15. Paragraph (a) of section 4 of chapter 268B of the General Laws, as appearing in section 20 of chapter 210 of the acts of 1978, is hereby amended by inserting after the word "general", in line 10, the words:- , the United States Attorney or a district attorney of competent jurisdiction.

SECTION 16. Paragraph (d) of said section 4 of said chapter 268B, as so appearing, is hereby amended by striking out clause (3) and inserting in place thereof the following clause:-

(3) pay a civil penalty of not more than two thousand dollars for each violation of this chapter or chapter two hundred and

sixty-eight A.

SECTION 17. Said chapter 268B is hereby amended by adding the following section:-

Section 8. No officer or employee of the commonwealth or of any county, city or town shall discharge an officer or employee, or change his official rank, grade or compensation, or deny him a promotion, or threaten so to do, for filing a complaint with or providing information to the commission or testifying in any commission proceeding.

Approved December 29, 1982.

Chap. 613. AN ACT RELATIVE TO SCHOOL BUILDING ASSISTANCE FOR GROWTH COMMUNITIES, SO-CALLED.

Be it enacted, etc., as follows:

SECTION 1. Section 7 of chapter 645 of the acts of 1948, as most recently amended by chapter 302 of the acts of 1976, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Such cost shall include fifty per cent of the interest paid or payable by such city, town or county and the entire interest paid or payable by such regional school district on any bonds or notes issued to finance such project; provided, that in the case of school projects ordered or approved by a court as necessary for desegregation or such projects as may be required in the judgment of the board of education to reduce or eliminate racial imbalance, such cost shall include one hundred per cent of interest paid or payable by such city; provided further that in the case of a school project for a growth district as classified according to section 9 of this act such cost shall include one hundred per cent of interest paid or payable by such district.

SECTION 2. Section 9 of chapter 645 of the acts of 1948, as most recently amended by section 6 of chapter 302 of the acts of 1976, is hereby further amended by inserting after clause (d) the following two paragraphs:-

Notwithstanding the provisions of this section and this act to the contrary the total construction grant for any approved school project for a district classified as a growth district which is approved or submitted after December thirty-first, nineteen hundred and eighty-two shall be sixty per cent of the product

of the final approved cost of the project multiplied by a percentage, which shall be the proportion, to the nearest tenth of one per cent, which the most recent equalized valuation per school attending child for the entire commonwealth bears to the most recent total equalized valuation per school attending child of the towns comprising such district; provided, however, that no grant shall be approved for any amount less than sixty-five per cent nor more than seventy-five per cent of such approved cost. In order for a district to be classified as a growth district the board by a written finding shall determine that the district conforms to the following criteria:

(1) The actual increase in school attending children in the district has been more than five per cent over the past five years;

(2) the projected increase in enrollment for the next five years will be five per cent or more; and

(3) such projected increase in enrollment for the next five years is greater than the state-wide projection. For the purposes of this paragraph district shall mean any city, town, or regional school district within the commonwealth.

Notwithstanding any provisions of this section and this act to the contrary the total construction grant for any school project for which there is an agreement between the city, town or regional school district constructing the school project and any department within the executive office of human services for the ongoing use of such project by the residents of an institution under said department shall be seventy-five per cent of the final approved cost of such projects; provided, however, any such agreement shall be approved by the secretary of administration and finance, and the house and senate committees on ways and means.

SECTION 3. Notwithstanding any provision of section 11 of chapter 15 of the General Laws to the contrary, the board of education may increase the amount of grants for school construction submitted or approved after December thirty-first, nineteen hundred and eighty-one and prior to July first, nineteen hundred and eighty-four to an amount not to exceed ninety per cent of the approved cost whenever the board is satisfied that the construction of a school house is for the purpose of reducing or eliminating racial imbalance; provided, however, any such grant for an amount greater than seventy-five per cent of the approved cost shall be approved by the board of education, the concurrence of the house and senate committees on ways and means.

SECTION 4. The definition of "Approved School Project" in

Section 5 of Chapter 645 of the Acts of 1948 is hereby amended by inserting after the second sentence the following new sentence:-

Approved school project shall also mean any project for the replacement, renovation and modernization of the heating system in any schoolhouse; provided that said project will result in a heating system that is less expensive and more energy efficient to operate than the present system, which has been approved by the commission for the purposes of sections seven through nine, inclusive.

SECTION 5. Section 8B of Chapter 645 of the Acts of 1948 is hereby amended by striking out the first sentence and inserting in place thereof the following new sentence:-

The board of education shall approve school projects and reimbursements under this chapter in accordance with the following order of priorities: (1) priority shall be given to school projects needed in the judgment of said board to replace or renovate a building which is structurally unsound or otherwise in a condition seriously jeopardizing the safety of school children, where no alternative exists; (2) priority shall be given to school projects needed in the judgment of said board to prevent severe overcrowding expected to result from increased enrollments or to eliminate existing severe overcrowding; (3) priority shall be given to school projects needed in the judgment of said board to prevent loss of accreditation; (4) priority shall be given to any school project needed in the judgment of said board for the replacement, renovation or modernization of the heating system in any schoolhouse to increase energy conservation and decrease energy related costs in said schoolhouse; and (5) priority shall be given to school projects needed in the judgment of said board to replace or add to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements.

Approved December 29, 1982.

Chap. 614. AN ACT AUTHORIZING CERTAIN LICENSED PSYCHOLOGISTS TO PERFORM EVALUATIONS FOR THE INVOLUNTARY ADMISSION TO A MENTAL HOSPITAL.

Be it enacted, etc., as follows:

Section 12 of chapter 123 of the General Laws, as most recently

amended by section 2 of chapter 144 of the acts of 1975, is hereby further amended by striking out paragraphs (a) and (b) and inserting in place thereof the following two paragraphs:-

(a) Any physician who is licensed pursuant to section two of chapter one hundred and twelve or a qualified psychologist licensed pursuant to sections one hundred and eighteen to one hundred and twenty-nine, inclusive, of said chapter one hundred and twelve, after examining a person has reason to believe that failure to hospitalize such person would create a likelihood of serious harm by reason of mental illness may restrain or authorize the restraint of such person and apply for the hospitalization of such person for a ten day period at a public facility or at a private facility authorized for such purposes by the department. If an examination is not possible because of the emergency nature of the case and because of the refusal of the person to consent to such examination, the physician or qualified psychologist, on the basis of the facts and circumstances, may determine that hospitalization is necessary and may apply therefor. In an emergency situation, if a physician or qualified psychologist is not available, a police officer, who believes that failure to hospitalize a person would create a likelihood of serious harm by reason of mental illness may restrain such person and apply for the hospitalization of such person for a ten day period at a public facility or a private facility authorized for such purpose by the department. An application for hospitalization shall state the reasons for the restraint of such person and any other relevant information which may assist the admitting physician or physicians. Whenever practicable, prior to transporting such person, the applicant shall telephone or otherwise communicate with a facility to describe the circumstances and known clinical history and to determine whether the facility is the proper facility to receive such person and also to give notice of any restraint to be used and to determine whether such restraint is necessary.

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

Approved December 29, 1982.

Chap. 615. AN ACT RELATIVE TO GROUP INSURANCE COVERAGE FOR EMPLOYEES OF WORCESTER COUNTY.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (b) of section 2 of chapter 32A of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 1 of chapter 397 of the acts of 1980, and inserting in place thereof the following sentence:-

(b) "Employee", any person in the service of the commonwealth, which shall include a person employed by the National Guard as a technician, and who is not at the same time an employee of the United States, and a person who is an employee of a mosquito control project, the Massachusetts Parking Authority, the metropolitan area planning council, the division of savings bank life insurance, the Massachusetts State College Building Authority, Worcester county, the county cooperative extension service of Suffolk county, a local housing authority or a redevelopment authority, whether such person be employed, appointed or elected by popular vote, provided the duties of such person require that his time be devoted to the service of the commonwealth during the regular work week of permanent employees, except that persons elected by popular vote, other than those serving as members of mosquito control projects, local housing and redevelopment authorities, will be considered employees during the entire term for which they are elected regardless of the hours devoted to the service of the commonwealth.

SECTION 2. The fourth paragraph of section 8 of chapter 32A of the General Laws is hereby amended by inserting after the word "Authority", in line 10, as appearing in chapter 330 of the acts of 1975, the words:- , Worcester county.

SECTION 3. Chapter 32B of the General Laws is hereby amended by striking out section 1, as amended by section 1 of chapter 806 of the acts of 1975, and inserting in place thereof the following section:-

Section 1. The purpose of this chapter is to provide a plan of group life insurance, group accidental death and dismemberment insurance and group general or blanket hospital, surgical, medical, dental and other health insurance for certain persons in the service of counties, except Worcester county, cities, towns and districts and their dependents.

SECTION 4. Section 2 of said chapter 32B is hereby amended by striking out paragraph (a), as appearing in section 1 of chapter 730 of the acts of 1956, and inserting in place thereof the following paragraph:-

(a) "Appropriate public authority", as to a county, except Worcester county, the county commissioners; as to a city, the mayor; as to a town, the selectmen; and as to a district, the governing board thereof.

SECTION 5. Paragraph (d) of section 2 of said chapter 32B, as most recently amended by chapter 580 of the acts of 1958, is hereby further amended by adding the following sentence:- Nothing in this paragraph shall apply to Worcester county or its employees.

SECTION 6. Section 2 of said chapter 32B is hereby amended by striking out paragraph (g), as appearing in section 3 of chapter 558 of the acts of 1958, and inserting in place thereof, the following paragraph:-

(g) "Political subdivision", any county, except Worcester county, city, town or district.

SECTION 7. Section 3A of said chapter 32B is hereby amended by striking out, in lines 1, 18, and 24, as appearing in chapter 900 of the acts of 1977, the word "or" and inserting in place thereof, in each instance, the words:- except Worcester county, or.

SECTION 8. Paragraph (d) of section 7A of said chapter 32B, as amended by section 1 of chapter 641 of the acts of 1972, is hereby further amended by inserting after the word "county", in line 1, the words:- , except Worcester county.

SECTION 9. The fifth paragraph of section 8A of said chapter 32B is hereby amended by inserting after the word "county", in line 1, as appearing in section 1 of chapter 374 of the acts of 1965, the words:- , except Worcester county.

SECTION 10. Said chapter 32B is hereby amended by striking out section 9A, as most recently amended by section 10 of chapter 806 of the acts of 1975, and inserting in place thereof the following section:-

Section 9A. A county, except Worcester county, by vote of the county commissioners, a city having a Plan D or Plan E charter by majority vote of its city council, any other city by vote of its city council, approved by the mayor, and a district

by vote of the district at a district meeting, may provide that it will pay one-half of the amount of the premium to be paid by a retired employee under the provisions of the first sentence of section nine. A town shall provide for such payment if a majority of the votes cast in answer to the following question which shall be printed on the official ballot to be used at an election in said town is in the affirmative:- "Shall the town pay one-half the premium costs payable by a retired employee for group life insurance and for group general or blanket hospital, surgical, medical, dental and other health insurance?".

SECTION 11. Section 9C of said chapter 32B is hereby amended by inserting after the word "county", in line 16, as appearing in chapter 303 of the acts of 1967, the words:- , except Worcester county.

SECTION 12. Section 9D of said chapter 32B, as most recently amended by section 15 of chapter 806 of the acts of 1975, is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

A county, except Worcester county, by vote of the county commissioners; a city having a Plan D or Plan E charter by majority vote of its city council, any other city by vote of its city council, approved by the mayor; a district, except as hereinafter provided, by vote of the registered voters of the district at a district meeting; a regional school district by vote of the regional district school committee; a veterans' services district by vote of the district board; a welfare district by vote of the district welfare committee; a district established under the provisions of section twenty-seven A of chapter one hundred and eleven by vote of the joint committee; may provide that it will pay one-half of the amount of the premium to be paid by the surviving spouse of an insured employee or a retired employee for hospital, surgical, medical, dental and other health insurance continued as provided in section nine B. A town shall provide for such payment either by a vote of the town, or by a majority of affirmative votes cast in answer to the following question which shall be printed upon the official ballot to be used at an election in said town:- "Shall the town pay one-half of the premium costs payable by the surviving spouse of an employee or retired employee for group general, or blanket hospital, surgical, medical, dental or other health insurance?".

SECTION 13. Section 9D½ of said chapter 32B, inserted by chapter 260 of the acts of 1978, is hereby amended by striking out, in line 1, the word "by" and inserting in place thereof the

words:- , except Worcester county, by.

SECTION 14. Section 9E of said chapter 32B is hereby amended by striking out, in line 1, the word "by", as appearing in section 4 of chapter 789 of the acts of 1973, and inserting in place thereof the words:- , except Worcester county, by.

SECTION 15. Section 9F of said chapter 32B, as most recently amended by section 5 of said chapter 789, is hereby further amended by striking out, in line 1, the word "by" and inserting in place thereof the words:- , except Worcester county, by.

SECTION 16. Section 9G of said chapter 32B, as amended by section 17 of chapter 806 of the acts of 1975, is hereby further amended by inserting, after the word "county", in line 18, the words:- , except Worcester county.

SECTION 17. Said chapter 32B is hereby further amended by striking out section 10, as most recently amended by section 2 of chapter 870 of the acts of 1977, and inserting in place thereof the following section:-

Section 10. This chapter, except sections seven A, eight A, nine A, nine C, nine D, nine E, nine F, eleven A, eleven B, eleven D, eleven E, eleven F and sixteen, may be accepted in a county, except Worcester county, by vote of the registered voters of the district at a district meeting; in a regional school district by vote of the regional district school committee; in a veterans' services district by vote of the district board; in a welfare district by vote of the district welfare committee; in a health district established under section twenty-seven A of chapter one hundred and eleven by vote of the joint committee; and in a town by submission for acceptance to the registered voters in the form of the following question which shall be printed upon the official ballot to be used at an election:- "Shall certain provisions of chapter thirty-two B of the General Laws, authorizing any county, except Worcester county, city, town or district to provide a plan of contributory group life insurance, group accidental death and dismemberment insurance, and group general or blanket hospital, surgical, medical, dental and other health insurance for certain persons in the service of such county, city, town or district and their dependents, be accepted by this town?" If a majority of the voters voting on the question shall vote in the affirmative, this chapter, except sections seven A, eight A, nine A, nine C, nine D, nine E, nine F, eleven A, eleven B, eleven D, eleven E, eleven F and sixteen, shall take effect in such town.

Notwithstanding the provisions of any general law to the contrary, neither the acceptance of this chapter nor the acceptance of any individual section thereof by a governmental unit shall be revoked or rescinded.

This chapter shall not apply to Worcester county nor to its employees, and they shall be eligible for coverage under the provisions of chapter thirty-two A. This action shall be a transferral and not a revocation or rescission.

SECTION 18. The first paragraph of section 10A of said chapter 32B, as appearing in section 19 of chapter 806 of the acts of 1975, is hereby amended by inserting after the word "county", in line 20, the words:- , except Worcester county".

SECTION 19. The second paragraph of said section 10A of said chapter 32B, as appearing in section 19 of chapter 806 of the acts of 1975, is hereby amended by adding the following two sentences:- This section shall not apply to Worcester county nor its employees, and they shall be eligible for coverage under the provisions of chapter thirty-two A. This action shall be a transferral and not a revocation or rescission.

SECTION 20. Said chapter 32B is hereby further amended by striking out section 11, as most recently amended by section 20 of said chapter 806, and inserting in place thereof the following section:-

Section 11. The appropriate public authority in each county, except Worcester county, city, town or district which has accepted this chapter shall from time to time issue rules and regulations establishing a schedule of group life, accidental death and dismemberment insurance for each employee and a schedule of hospital, surgical, medical, dental and other health insurance benefits for active and retired employees and their dependents which schedules shall be the maximum schedules of insurance coverage to be made available for active and retired employees and their dependents of the governmental unit.

The appropriate public authority in each city, town or district which has accepted this chapter may notify the county commissioners of its election to participate in the schedule of benefits made available by said county, except Worcester county, for its employees; and subject to the approval of said commissioners the employees of the city, town or district so applying will become insured at the earliest practicable date, but in no event later than the commencement of the next policy anniversary date. Such coverage shall be furnished at uniform premium rates to all participating counties, except Worcester county, cities, towns

and districts. Two or more counties establishing identical benefit schedules may join under one such policy or policies and may be considered as one governmental unit. The county commissioners may at their discretion establish a central administrative office and employ such personnel as may be necessary to carry out the provisions of this chapter.

Upon request, the commission shall furnish information and advisory rulings in accordance with the provisions of section eight of chapter thirty A.

SECTION 21. The seventh paragraph of section 11A of said chapter 32B, as amended by section 4 of chapter 843 of the acts of 1973, is hereby further amended by adding the following sentence:- This section shall not apply to Worcester county nor to its employees.

SECTION 22. The eighth paragraph of said section 11A of said chapter 32B, as appearing in section 5 of chapter 334 of the acts of 1961, is hereby amended by inserting after the word "county", in lines 1 and 2, in each instance, the words:- , except Worcester county.

SECTION 23. The tenth paragraph of section 11D of said chapter 32B, as appearing in chapter 383 of the acts of 1967, is hereby amended by inserting after the word "county", in lines 1 and 2, in each instance, the words:- , except Worcester county.

SECTION 24. The first paragraph of section 11E of said chapter 32B, as appearing in section 3 of chapter 626 of the acts of 1970, is hereby amended by inserting after the word "county", in line 11, and in line 12, the first time it appears, in each instance, the words:- , except Worcester county.

SECTION 25. The second paragraph of section 11F of said chapter 32B, as appearing in section 2 of chapter 203 of the acts of 1971, is hereby amended by inserting after the word "county", in lines 1 and 2, in each instance, the words:- , except Worcester county.

SECTION 26. Section 15 of said chapter 32B, inserted by section 2 of chapter 373 of the acts of 1967, is hereby amended by adding the following sentence:- This section shall not apply to Worcester county.

SECTION 27. The seventh 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 inserting after the word "county", in lines 1 and 2, in each instance, the words:- , except Worcester county.

Approved December 29, 1982.

Chap. 616. AN ACT PROVIDING FOR THE ESTABLISHMENT AND ADMINISTRATION OF RENT REGULATIONS AND THE CONTROL OF EVICTIONS IN THE WAGON WHEEL MOBILE HOME PARK IN THE TOWN OF BROOKFIELD.

ACTS, 1982. - Chap. 616.

Be it enacted, etc., as follows:

SECTION 1. Declaration of Emergency. The general court finds and declares that a serious public emergency exists with respect to the housing of a substantial number of citizens in the town of Brookfield, which emergency has been created by excessive, abnormally high and unwarranted rental increases imposed by owners of the Wagon Wheel Mobile Home Park, located therein; that unless said mobile home park rents and eviction of tenants are regulated and controlled, such emergency will produce serious threats to the public health, safety and general welfare of the citizens of said town, particularly the elderly; that such emergency should be met by the commonwealth immediately and with due regard for the rights and responsibilities of the town of Brookfield.

SECTION 2. General Powers. The town of Brookfield may, by its by-laws, regulate rents for the use or occupancy of mobile home park accommodations at the Wagon Wheel Mobile Home Park in said town, establish a rent board for the purpose of regulating rents, minimum standards for use or occupancy of said mobile home park accommodations and eviction of tenants therefrom and may, by its by-laws, require registration by owners of said mobile home park accommodations, under penalty of perjury, of information relating to the mobile home park accommodations. Such rents, standards and evictions may be regulated by the rent board so as to remove hardships or correct inequities for both the owner and the tenants of said mobile home park accommodations. Said rent board shall have all powers necessary or convenient to perform its functions, may make rules and regulations, require registration by owners of said mobile home park accommodations, under penalty of perjury, of information relating to the mobile home park accommodations, sue and be sued, compel the attendance of persons and the production of papers and information, and issue appropriate orders which shall be binding on both the owner and tenants of said mobile home park accommodations. Violations of any by-laws adopted pursuant to this act or any order of said rent board shall be punishable by a fine of not more than one thousand dollars for any one

offense.

SECTION 3. Standard for Adjusting Rents. (a) In regulating rents, for mobile home park accommodations at the Wagon Wheel Mobile Home Park, the rent board established under section two may make such individual or general adjustments, either upward or downward, as may be necessary to assure that rents for said mobile home park accommodations in said town are established at levels which yield to owners a fair net operating income which will yield a return, after all reasonable operating expenses, on the fair market value of the property equal to the debt service rate generally available from institutional first mortgage lenders or such other rates of return as the board, on the basis of evidence presented before it, deems more appropriate to the circumstances of the case. The fair market value of the property shall be the assessed valuation of the property or such other valuation as the board, on the basis of evidence presented before it, deems more appropriate to the circumstances of the case. (b) Said town in its by-laws or said rent board by regulation may establish further standards and rules consistent with this act.

SECTION 4. Incorporation of Administrative Procedure Act. The provisions of chapter thirty A of the General Laws shall be applicable to the rent board, established under section two, as if said rent board were an agency of the commonwealth, including those provisions giving agencies the power to issue, vacate, modify and enforce subpoenas, and those provisions relating to judicial review of an agency order.

SECTION 5. Conference of Jurisdiction. (a) The Western Worcester Division of the district court department shall have original jurisdiction, concurrently with the superior court, of all petitions for review brought pursuant to section fourteen of chapter thirty A of the General Laws. (b) The superior court shall have jurisdiction to enforce the provisions of this act and any by-laws adopted thereunder and may restrain violations thereof.

SECTION 6. Defense to Summary Process for Possession. The town of Brookfield may by its by-laws regulate the eviction of tenants and the rent board, established under section two, may issues orders which shall be a defense to an action of summary process for possession and such orders shall be reviewable pursuant to sections two and three.

SECTION 7. Exemption from Civil Service. The personnel of the rent board established under section two shall not be subject to the provisions of section nine A of chapter thirty of the General Laws or of chapter thirty-one of the General Laws.

SECTION 8. Severability. If any provision of this act or the application of such provision to any person or circumstances shall be held invalid, the validity of the remainder of this act and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 9. This act shall take effect upon its passage.

Approved December 29, 1982.

Chap. 617. AN ACT DEFINING TREATMENT PROGRAM UNITS RELATIVE TO THE DEPARTMENT OF PUBLIC HEALTH.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 111B of the General Laws, as most recently amended by section 1 of chapter 1040 of the acts of 1973, is hereby amended by inserting after the definition of "Treatment" the following definition:-

"Treatment program unit", any public or private place, or portion thereof, providing any type of inpatient recovery services or outpatient services, or both, designed especially for the treatment and rehabilitation of alcoholics. This classification shall not include detoxification facilities or halfway houses for alcoholics.

SECTION 2. Said chapter 111B is hereby further amended by inserting after section 6A the following section:-

Section 6B. The department shall be empowered to classify "treatment program units", as defined in section three, and shall issue for a term of two years, and may renew for like terms, a license, subject to revocation by it for cause, to any person, other than a department, agency or institution of the federal government, the commonwealth or any political subdivision thereof, deemed by it to be responsible and suitable to establish and maintain a treatment program unit. In the case of a department, agency or institution of the commonwealth or any political subdivision thereof, the department shall grant approval to establish and maintain a treatment program unit for a term of two years,

and may renew such approval for like terms, subject to revocation by it for cause.

The department shall promulgate rules and regulations, establishing requirements and standards for licensing and approval of treatment program units. The requirements and standards established in the rules and regulations shall include, but not be limited to:-

(1) The need for the treatment program;

(2) The range of therapeutic programs designed to meet the need of the patients of the treatment program;

(3) Licensing fees, applications and revocation procedures.

Each treatment program unit shall be individually licensed or approved.

Each treatment program unit shall file with the department from time to time, such data, statistics, schedules or information as the department may reasonably require for the purposes of this section, and any licensee or other person operating a treatment program unit who fails to furnish such data, statistics, schedules or information as required, or who files fraudulent returns thereof, shall be punished by a fine of not more than one hundred dollars.

The department, after holding a hearing in accordance with chapter thirty A, may refuse to grant, suspend, revoke, limit or restrict the applicability of any license or approval for any failure to meet the requirements of its rules, regulations or standards concerning such treatment program units.

No person, excepting a department, agency or institution of the federal government, the commonwealth or any political subdivision thereof, shall operate a treatment program unit without approval from the department pursuant to this section. The superior court shall have jurisdiction in equity to restrain any violation of the provisions of this section and to take such other action as equity and justice may require to enforce its provisions.

Whoever knowingly establishes or maintains a treatment program unit without a license granted pursuant to this section shall be punished by a fine of not more than five hundred dollars.

Each treatment program unit shall be subject to visitation and inspection by the department and the department shall inspect each treatment program unit prior to granting or reviewing a license or approval. The department may examine the books and records and accounts of any treatment program unit if it deems such examination is necessary for the purpose of this section. The department is hereby authorized to make a complaint to a district court, to a justice of any court record or to a magistrate authorized to issue warrants, who may thereupon issue a warrant to any officers or employees of the department authorizing them

to enter and inspect at reasonable times, and to examine the books and accounts of any treatment program unit refusing to consent to such inspection or examination by the department which the department has reason to believe is operating in violation of the provisions of this section.

Approved December 29, 1982.

Chap. 618. AN ACT RELATIVE TO THE STANDARD VALUATION OF LIFE INSURANCE POLICIES.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 132 of chapter 175 of the General Laws, as appearing in section 6 of chapter 227 of the acts of 1943, is hereby amended by adding the following sentence:- The foregoing provision numbered 8 shall also not apply to policies which cause on a basis guaranteed in the policy unscheduled changes in benefits or premiums or which provide an option for changes in benefits or premiums other than a change to a new policy.

SECTION 2. Subdivision 6A of section 144 of said chapter 175 is hereby amended by striking out paragraph (k), as appearing in section 2 of chapter 334 of the acts of 1982, and inserting in place thereof the following paragraph:-

(k) After the effective date of this subdivision, any company may file with the commissioner a written notice of its election to comply, with respect to any plan of insurance, with the provisions of this subdivision after a specified date before January first, nineteen hundred and eighty-nine, which shall be the operative date of this subdivision for that plan of insurance for such company. If a company makes no such election, the operative date of this subdivision for that plan of insurance for such company shall be January first, nineteen hundred and eighty-nine.

SECTION 3. Subdivision 7 of said section 144 of said chapter 175, as so appearing, is hereby amended by striking out clause (iv) and inserting in place thereof the following clause:- (iv) as term insurance on the life of a child or on the lives of children provided in a policy on the life of a parent of the child, if such term insurance expires before the child's age is twenty-six, is uniform in amount after the child's age is one, and has not become paid-up by reason of the death of a parent of the child.

Approved December 29, 1982.

Chap. 619. AN ACT PROVIDING FOR CONTINUING EDUCATION FOR THE RENEWAL OF REGISTRATION OF PHARMACISTS.

Be it enacted, etc., as follows:

SECTION 1. Section 24A of chapter 112 of the General Laws is hereby amended by adding the following paragraph:-

The board shall adopt rules and regulations for a system of continuing education, compliance with which shall be a requirement and condition precedent to the renewal of licenses issued by the board. The board shall accept all conferences and programs from providers approved by the American Council on Pharmaceutical Education as meeting this requirement.

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

Approved December 29, 1982.

Chap. 620. AN ACT RELATIVE TO THE TAX STATUS OF REAL ESTATE OWNED BY REDEVELOPMENT AND HOUSING AUTHORITIES.

Be it enacted, etc., as follows:

The last paragraph of section 16 of chapter 121B of the General Laws, as appearing in section 1 of chapter 751 of the acts of 1969, is hereby amended by inserting after the word "otherwise", in lines 11 and 12, the words:- ; and provided, further, that nothing in this chapter or in chapter fifty-nine shall be construed to require a city or town to impose a tax on the leasehold of real estate owned by an operating agency and leased by it beyond any amount which the city or town and the operating agency have agreed to be the payment in lieu of taxes hereunder.

Approved December 29, 1982.

Chap. 621. AN ACT ESTABLISHING SALARIES OF OFFICERS IN CHARGE OF POOLS OF JURORS IN MIDDLESEX COUNTY.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 20A of chapter 212 of the General Laws, as appearing in section 121 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:- The officers so designated shall perform their duties under the direction of the court, and receive such compensation as the chief administrative justice shall establish, except that in Middlesex county the juror pool officers shall receive a salary of not less than twenty-eight thousand one hundred and seventy dollars per annum.

SECTION 2. Notwithstanding any general or special law to the contrary, there shall no longer be any chief juror pool officer in Middlesex county, and there shall be no more than two juror pool officers in said county.

Approved December 29, 1982.

Chap. 622. AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO CONVEY TO HENRY F. AND RUTH A. RICHARDSON FOR ACCESS PURPOSES TWO ADJACENT TWENTY FOOT EASEMENTS ACROSS THE CHICOPEE VALLEY AQUEDUCT ON CHURCH STREET IN THE TOWN OF LUDLOW.

Be it enacted, etc., as follows:

The division of capital planning and operations is hereby authorized to convey, upon terms and conditions and a sum to be mutually agreed upon, to Henry F. Richardson and Ruth A. Richardson for access purposes of two residential building lots, Lots 18 and 19, on Church street in the town of Ludlow two adjacent twenty foot easements resulting in two twenty foot driveways across the Chicopee Valley aqueduct as depicted in Exhibit #1, on file with the metropolitan district commission, with metes and bounds described as follows, calculated from a map by Richard H. Stowe, Reg. L.S. dated July 23, 1973, recorded with registry of deeds in the county of Hampden in Book of Plans #146, page 9:

Beginning at I.P. S57°-55'-40"E and going south 20 feet;

Thence turning and going S8°-58'-30"E a distance of 54.69 feet;

Thence turning and going N57°-55'-40"W a distance of 20 feet to and I.P.;

Thence continuing 20 feet and turning S8°-58'-30"W to a point;

Thence turning S57°-55'-40"E for a distance of 20 feet to the point of beginning, containing an area of 2188± square feet.

Approved December 29, 1982.

Chap. 623. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A CERTAIN PARCEL OF LAND UNDER THE CONTROL OF THE DEPARTMENT OF MENTAL HEALTH TO THE COLUMBIA CULTURAL TRUST, NO. 540 IN THE CITY OF TAUNTON.

Be it enacted, etc., as follows:

Chapter 655 of the acts of 1981 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The division of capital planning and operations, acting in the name of 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 Columbia Cultural Trust, No. 540, recorded in the northern district registry of deeds in Bristol county, Book 2145, Page 249, a certain parcel of land under the control of the department of mental health.

Approved December 29, 1982.

Chap. 624. AN ACT ESTABLISHING AN ENVIRONMENT DEPARTMENT IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. There shall be in the city of Boston a department known as the environment department which shall provide support staff and resources to enable the following city commissions to carry out their responsibilities as required by law: air pollution control, art commission, Back Bay architectural commission, Beacon Hill architectural commission, Boston landmarks commission, conservation commission.

SECTION 2. The environment department shall be under the charge of a board, known as the commission on the environment, consisting of seven members, known as the environment commissioners, the members being the chairpersons of the commissions set forth in section one and the director of the environment

department. The commission shall meet from time to time as necessary to establish policy for the administration of the staff and resources of the department. The commission shall elect one of its members as chairperson. Meetings may be at the call of the chairperson or of any two members and shall be subject to the requirements of section twenty-three B of chapter thirty-nine of the General Laws. The members of the commission shall serve without compensation and shall be deemed to be special municipal employees for the purposes of chapter two hundred and sixty-eight A of the General Laws.

SECTION 3. There shall be an officer known as director of the environment department. The director shall be qualified to serve in this capacity by education and experience, and shall be appointed by the mayor, for a term expiring on the first Monday of January following the next biennial election at which a mayor is elected. The director shall be responsible for administering the affairs of the department subject to the policies from time to time established by the commission on the environment.

There shall be a deputy director appointed by the director and qualified to serve in this capacity by education and experience. The director and deputy director shall be qualified in the fields of either the natural environment or historic preservation so that each field of expertise is represented at either the director or deputy director level. The deputy director shall attend meetings of the commission as a nonvoting member.

Subject to appropriation, the director shall hire such staff as is necessary to administer the functions of the various commissions. The staff shall have appropriate technical expertise in the following areas: architecture and architectural history, preservation planning and environmental engineering. Chapter thirty-one of the General Laws shall not be applicable to the department.

SECTION 4. The first paragraph of section 4 of chapter 616 of the acts of 1955, as amended by section 1 of chapter 429 of the acts of 1965, is hereby further amended by striking out, in line 1, the word "building" and inserting in place thereof the word:- environment.

SECTION 5. The first sentence of the first paragraph of section 4 of chapter 625 of the acts of 1966, as amended by section 3 of chapter 463 of the acts of 1974, is hereby further amended by striking out, in lines 1 and 2, the words "Boston Redevelopment Authority" and inserting in place thereof the words:- environment department.

SECTION 6. The third paragraph of said section 4 of said chapter 625 is hereby amended by striking out, in line 5, the word "board" and inserting in place thereof the words:- environment department.

SECTION 7. Said section 4 of said chapter 625 is hereby further amended by striking out the fourth paragraph.

SECTION 8. Section 8 of said chapter 625 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Within eight days after the filing of an application for a certificate of design approval, Saturdays, Sundays and legal holidays excluded, the commission or such member or employee as the commission may from time to time designate so to do shall determine the properties deemed by it to be materially affected by such application and, unless a public hearing on such application is waived in writing by all persons entitled to notice thereof, shall forthwith cause its secretary to give by mail, postage prepaid, to the applicant, to the owners of all such estates as they appear on the then most recent real estate tax list, and to any person filing written request for notice of hearings, such request to be renewed yearly in December, reasonable notice of a public hearing on such application to be held not sooner than twenty days after the date on which the copy of the application was transmitted to the board. The public hearing may be conducted by the commission itself or by such member or members or employee or employees as the commission may from time to time designate; provided, however, that if such public hearing is not conducted by the commission itself, the person or persons so conducting it shall transmit a written report and recommendation thereon forthwith to the commission. There shall be available at such public hearing a report and recommendation from the commission, together with material, plans or drawings to aid the commission in reaching its decision.

Prior to the public hearing the commission shall transmit a copy of the report to the board for its consideration and recommendations.

The commission shall not render any decision until such report and the recommendation of the environment department and the board have been received and considered, provided that if no such report and recommendations have been received by the time of the public hearing, the commission may render its decision without such report and recommendations.

SECTION 9. The first paragraph of section 3 of chapter 772

of the acts of 1975 is hereby amended by striking out, in line 2, the words "Boston Redevelopment Authority" and inserting in place thereof the words:- environment department.

SECTION 10. The fourth paragraph of said section 3 of said chapter 772 is hereby amended by striking out, in line 2 and in lines 5 and 6, the words "Boston Redevelopment Authority" and inserting in place thereof, in each instance, the words:- environment department.

Approved December 29, 1982.

Chap. 625. AN ACT AUTHORIZING THE SOUTH MIDDLESEX REGIONAL VOCATIONAL TECHNICAL SCHOOL DISTRICT TO PAY FIFTY PER CENT OF THE PREMIUM FOR GROUP HEALTH INSURANCE FOR CERTAIN RETIRED TEACHERS.

Be it enacted, etc., as follows:

The South Middlesex Regional Vocational Technical School District, acting by and through its School Committee, is hereby authorized to enter into an agreement with the South Middlesex Regional Vocational Technical Teachers Association, which agreement may become a part of the collective bargaining agreement between said committee and said association, that the South Middlesex Regional Vocational Technical District may pay fifty per cent of the premium actually paid for group health insurance by teachers who have, retired directly from the South Middlesex Regional Vocational Technical School District, are receiving a pension or annuity allowance from the teachers retirement system, have attained the age of fifty-five years and have served for a minimum of ten years in the South Middlesex Regional Vocational Technical School District.

Approved December 29, 1982.

Chap. 626. AN ACT RELATIVE TO BRANCH OFFICES AND ACQUISITIONS OF FINANCIAL INSTITUTIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to make certain changes in the law relative to mergers and consolidation of banks effective forthwith, therefore it is hereby declared to be an emergency

law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 167 of the General Laws is hereby amended by striking out sections 37 to 45A, inclusive, and inserting in place thereof the following six sections:-

Section 37. No out-of-state banking association or corporation shall transact banking business in this commonwealth, other than as provided for in chapter one hundred and sixty-seven B, until it has received a certificate from the board of bank incorporation authorizing it to do so. The said board may grant such certificate conditioned upon the performance of such requirements as to auditing as said board may prescribe. Any such banking association or corporation transacting banking business in this commonwealth shall be subject to the supervision of the commissioner, and shall annually, within thirty days after the last business day of December, and at other times during each year on any past day to be specified by the commissioner, make to him in such form as may be prescribed by him a return, signed and sworn to by the treasurer, or the corresponding officer, of the corporation, showing accurately the condition thereof at the close of business on said day. The president and a majority of the directors shall certify on oath that the report is correct according to their best knowledge and belief.

For purposes of this section and sections thirty-eight through forty-one of this chapter, inclusive, (i) the term "out-of-state banking association or corporation" shall mean an association or corporation with its principal place of business in one of the states of Connecticut, Maine, New Hampshire, Rhode Island, or Vermont or in a country other than the United States and which is not controlled by a bank holding company with its principal place of business in any state other than in the commonwealth or in one of the states mentioned herein, (ii) the term "Massachusetts bank" shall mean any federally or state-chartered banking institution with its principal place of business in the commonwealth, and (iii) the term "bank holding company" and the concept of control shall have the same meanings as set forth in the Bank Holding Company, Act of 1956 (12USC1841 et seq.).

Section 38. Any out-of-state banking association or corporation, as defined in section thirty-seven, doing a business similar to any business referred to in section one may establish and maintain branch offices or depots in the commonwealth, or merge with or purchase the assets or stock of any Massachusetts bank, if such banking association or corporation is expressly authorized

to do so by the laws under which it is organized and operates; provided that the laws of the state in which such banking association or corporation has its principal place of business expressly authorized, under conditions no more restrictive than those imposed by this chapter, as determined by the commissioner, Massachusetts banks to establish and maintain branches and depots in such state or to merge with or purchase the assets of a banking institution in such state. Such banking association or corporation shall establish and maintain branches or depots in the commonwealth, or merge with or purchase the assets of a Massachusetts bank, in accordance with the same laws which govern such activities by Massachusetts banks; provided, that the initial branch office other than one established pursuant to chapter one hundred and sixty-seven B, or, if more than one, the branch deemed to be the initial office by such association or corporation, shall be considered the main office in the commonwealth for the purposes of determining the geographical limitations on the establishment of branch offices; and provided, further, that in any merger or purchase in which the out-of-state banking association or corporation is the continuing entity such association shall be exempt from the provisions of sections thirty-nine to forty-one, inclusive.

Section 39. The commissioner shall annually at least, and as much oftener as he deems expedient, examine, either personally or by a competent examiner appointed by him, every such association or corporation and thoroughly inspect and examine its affairs to ascertain its financial condition and whether it has complied with the law. The proper charges incurred by reason of any such examination shall be paid by the association or corporation examined.

Section 40. For the purposes aforesaid, the commissioner or the person making the examination shall have free access to the vaults, books and papers of any such association or corporation, and may summon the directors, officers or agents thereof, and such other witnesses as he deems necessary, for examination relative to the affairs, transactions and condition of such association or corporation, and for that purpose is empowered to administer oaths.

Section 41. If, upon examination, it appears that such association or corporation is insolvent, or that its capital is impaired, or that its condition is such as to render the continuance of its business hazardous to the public or to those having funds in its custody, the commissioner shall apply, or, if such association or corporation appears to have exceeded its powers or failed to comply with any provision of law, may apply to the supreme judicial court, which shall have jurisdiction in equity on such

application, to issue an injunction restraining such association or corporation, in whole or in part, from further proceeding with its business, and to make such further orders or decrees as justice and equity may require. The court may appoint one or more receivers to take possession of its property and effects, subject to such directions as may from time to time be prescribed by the court.

Section 42. The board of bank incorporation may, subject to such conditions as the commissioner may prescribe, grant to a foreign banking association or corporation whose principal office is in another state, a certificate authorizing it to act in a fiduciary capacity under the provisions, so far as applicable, of sections seventy to seventy-six, inclusive, of chapter one hundred and seventy-two; provided, that said association or corporation is authorized so to act by the laws of the state where its principal office is located; and provided further, that the laws of such state grant a similar privilege or privileges to like associations or corporations having their principal office in this commonwealth. Any such banking association or corporation holding a certificate as aforesaid and appointed a fiduciary shall be subject to the provisions of general law with respect to the appointment of agents by foreign fiduciaries and to the same taxes, obligations and penalties, with respect to its activities as such fiduciary and the property held by it in its fiduciary capacity, as like associations or corporations having their principal office in this commonwealth, and no such certificate shall be issued to any such banking association or corporation until it has filed with the said board of bank incorporation an agreement in writing in which it binds itself to perform said obligations and pay any such taxes and penalties as aforesaid as may be levied or imposed upon it in this commonwealth. Such a corporation or association, to the extent only that it acts as fiduciary as hereinbefore authorized, shall not be deemed to transact business in the commonwealth for the purposes of sections thirty-seven to forty-one, inclusive.

SECTION 2. Chapter 167 of the General Laws is hereby amended by striking out sections 38 to 45A, inclusive, inserted by section 5 of chapter 155 of the acts of 1982, and inserting in place thereof the following six sections:-

Section 38. No out-of-state banking association or corporation shall transact banking business in this commonwealth other than as provided for in chapter one hundred and sixty-seven B until it has received a certificate from the board of bank incorporation authorizing it to do so. The said board may grant such certificate conditioned upon the performance of such requirements as

to auditing as said board may prescribe. Any such banking association or corporation transacting banking business in this commonwealth shall be subject to the supervision of the commissioner, and shall annually, within thirty days after the last business day of December, and at other times during each year on any past day to be specified by the commissioner, make to him in such form as may be prescribed by him a return, signed and sworn to by the treasurer, or the corresponding officer, of the corporation, showing accurately the condition thereof at the close of business on said day. The president and a majority of the directors shall certify on oath that the report is correct according to their best knowledge and belief.

For purposes of this section and sections thirty-nine through forty-two of this chapter, inclusive, (i) the term "out-of-state banking association or corporation" shall mean an association or corporation with its principal place of business in one of the states of Connecticut, Maine, New Hampshire, Rhode Island, or Vermont or in a country other than the United States and which is not controlled by a bank holding company with its principal place of business in any state other than in the commonwealth or in one of the states mentioned herein, (ii) the term "Massachusetts bank" shall mean any federally or state-chartered banking institution with its principal place of business in the commonwealth, and (iii) the term "bank holding company" and the concept of control shall have the same meanings as set forth in the Bank Holding Company, Act of 1956 (12USC1841 et seq.).

Section 39. Any out-of-state banking association or corporation, as defined in section thirty-seven, doing a business similar to any business referred to in section one may establish and maintain branch offices or depots in the commonwealth, or merge with or purchase the assets or stock of any Massachusetts bank, if such banking association or corporation is expressly authorized to do so by the laws under which it is organized and operates; provided that the laws of the state in which such banking association or corporation has its principal place of business expressly authorized, under conditions no more restrictive than those imposed by this chapter as determined by the commissioner, Massachusetts banks to establish and maintain branches and depots in such state or to merge with or purchase the assets of a banking institution in such state. Such banking association or corporation shall establish and maintain branches or depots in the commonwealth, or merge with or purchase the assets of a Massachusetts bank, in accordance with the same laws which govern such activities by Massachusetts banks; provided, that the initial branch office other than one established pursuant to chapter one hundred and sixty-seven B, or, if more than one,

the branch deemed to be the initial office by such association or corporation, shall be considered the main office in the commonwealth for the purposes of determining the geographical limitations on the establishment of branch offices; and provided, further, that in any merger or purchase in which the out-of-state banking association or corporation is the continuing entity such association shall be exempt from the provisions of sections forty to forty-two, inclusive.

Section 40. The commissioner shall annually at least, and as much oftener as he deems expedient, examine, either personally or by a competent examiner appointed by him, every such association or corporation and thoroughly inspect and examine its affairs to ascertain its financial condition and whether it has complied with the law. The proper charges incurred by reason of any such examination shall be paid by the association or corporation examined.

Section 41. For the purposes aforesaid, the commissioner or the person making the examination shall have free access to the vaults, books and papers of any such association or corporation, and may summon the directors, officers or agents thereof, and such other witnesses as he deems necessary, for examination relative to the affairs, transactions and condition of such association or corporation, and for that purpose is empowered to administer oaths.

Section 42. If, upon examination, it appears that such association or corporation is insolvent, or that its capital is impaired, or that its condition is such as to render the continuance of its business hazardous to the public or to those having funds in its custody, the commissioner shall apply, or, if such association or corporation appears to have exceeded its powers or failed to comply with any provision of law, may apply to the supreme judicial court, which shall have jurisdiction in equity on such application, to issue an injunction restraining such association or corporation, in whole or in part, from further proceeding with its business, and to make such further orders or decrees as justice and equity may require. The court may appoint one or more receivers to take possession of its property and effects, subject to such directions as may from time to time be prescribed by the court.

Section 43. The board of bank incorporation may, subject to such conditions as the commissioner may prescribe, grant to a foreign banking association or corporation whose principal office is in another state, a certificate authorizing it to act in a fiduciary capacity under the provisions, so far as applicable, of chapter one hundred and sixty-seven G; provided, that said association or corporation is authorized so to act by the laws of

the state where its principal office is located; and provided further, that the laws of such state grant a similar privilege or privileges to like associations or corporations having their principal office in this commonwealth. Any such banking association or corporation holding a certificate as aforesaid and appointed a fiduciary shall be subject to the provisions of general law with respect to the appointment of agents by foreign fiduciaries and to the same taxes, obligations and penalties, with respect to its activities as such fiduciary and the property held by it in its fiduciary capacity, as like associations or corporations having their principal office in this commonwealth, and no such certificate shall be issued to any such banking association or corporation until it has filed with the said board of bank incorporation an agreement in writing in which it binds itself to perform said obligations and pay any such taxes and penalties as aforesaid as may be levied or imposed upon it in this commonwealth. Such a corporation or association, to the extent only that it acts as fiduciary as hereinbefore authorized, shall not be deemed to transact business in the commonwealth for the purposes of sections thirty-eight to forty-two, inclusive.

SECTION 3. Section 1 of chapter 167A of the General Laws is hereby amended by striking out paragraph (a), as appearing in section 1 of chapter 751 of the acts of 1957, and inserting in place thereof the following definition:-

(a) "Banking institution", a trust company, commercial bank, savings bank, savings and loan association or a co-operative bank chartered by the commonwealth or one of the states of Connecticut, Maine, New Hampshire, Rhode Island or Vermont or a national banking association, federal savings and loan association, or a federal mutual savings bank which has its main office located in and is authorized to do business in the commonwealth or one of the states mentioned herein.

SECTION 4. Section 2 of said chapter 167A is hereby further amended by adding the following paragraph:-

Notwithstanding the provisions of this section, an out-of-state bank holding company, with the prior written approval of the board of bank incorporation, may establish or acquire direct or indirect ownership or control of more than five per cent of the voting stock of one or more banking institutions or bank holding companies; provided that the laws of the state in which operations of the subsidiary banks of such out-of-state bank holding company are principally conducted expressly authorized, under conditions no more restrictive than those imposed by the laws of the commonwealth as determined by the commissioner, the es-

tablishment or the acquisition of direct or indirect ownership or control of more than five per cent of the voting stock of banks, or companies controlling one or more banks in that state, by bank holding companies whose banking institutions principally conduct their operations in the commonwealth. Any such establishment or acquisition by an out-of-state bank holding company shall be effected in accordance with the laws of the commonwealth which are applicable to such activities carried out by bank holding companies. For the purposes of this section, the term "out-of-state bank holding company" shall have the same meaning as set forth in the Bank Holding Company, Act of 1956 (12USC1841 et seq.), but shall include only those companies which have their principal places of business in one of the states of Connecticut, Maine, New Hampshire, Rhode Island or Vermont and which are not directly or indirectly controlled, within the meaning set forth in said Bank Holding Company Act, by another corporation which has its principal place of business in a state other than the commonwealth or one of the states referred to above.

SECTION 5. The first paragraph of paragraph 1 of section 4A of said chapter 167A is hereby amended by striking out the first sentence, as most recently amended by section 7 of chapter 155 of the acts of 1982, and inserting in place thereof the following sentence:- A company having capital stock divided into shares which desires to acquire all the capital stock of one or more banking institutions shall, together with such institution or institutions, submit, in duplicate, to the commissioner a written plan of acquisition of such stock.

SECTION 6. Section 1 of chapter 167B of the General Laws, as appearing in section 2 of chapter 530 of the acts of 1981, is hereby amended by striking out the definition of "Financial institution" and inserting in place thereof the following definition:-

"Financial institution", a state or national bank, a state or federal savings and loan association, a state or federal mutual savings bank, a co-operative bank, a state or federal credit union, any person doing a business similar to any business referred to in section one of chapter one hundred and sixty-seven or any other person who directly or indirectly holds an account belonging to a consumer. The term also includes any person who issues an access device and agrees with a consumer to provide electronic fund transfer services; provided, however, that except as otherwise provided in clause (d) of the last paragraph of section three, for the purposes of the first, second

and third paragraphs of said section three, and for the purposes of section four, the term "financial institution" shall mean a bank as defined in section one of chapter one hundred and sixty-seven.

SECTION 7. Section 3 of said chapter 167B, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

There shall be no geographical limitation on the location of electronic branches which a financial institution or organization may purchase, establish, install, operate, lease or use individually or with any other financial institution or organization or share with any other financial institution or organization; provided, however, that the site location for such electronic branches, other than an electronic branch located at an office of a financial institution or in another state, shall be subject to approval by, and regulation of, the commissioner. No electronic branch shall be located in a mobile unit or upon premises where there occurs legalized gambling, other than a state lottery.

SECTION 8. Said section 3 of said chapter 167B, as so appearing, is hereby further amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

No financial institution, organization, other than an organization which is a subsidiary of a bank holding company organized under the laws of the commonwealth, or bank holding company organized under the laws of or having its main office in any state other than the commonwealth and no subsidiary of a bank holding company, which bank holding company is organized under the laws of, or has its main office in, any other state, shall purchase, establish, install, operate, lease or use individually or with any financial institution or organization or share with any financial institution or organization any such electronic branch in the commonwealth unless: (a) the electronic branch was established before December thirty-first, nineteen hundred and eighty-one and performs no transactions other than dispensing cash or traveler's checks, or both, and is limited to use solely by the customers of the financial institution which established such electronic branch; or (b) the electronic branch is established by a financial institution, other than a state or national bank, a state or federal savings and loan association, a state or federal mutual savings bank, a co-operative bank, a state or federal credit union or bank holding company, which has filed with the commissioner the information required by clauses (a) to (n), inclusive, of the first paragraph of section four and such electronic branch performs no transactions other

than dispensing traveler's checks and is limited to use solely by the customers of such financial institution which establishes such electronic branch; or (c) the financial institution, organization or bank holding company or subsidiary of a bank holding company is to share and use an electronic branch, which is established by a financial institution or organization organized under the laws of or having its main office in the commonwealth and is used by a financial institution or organization organized under the laws of or having its main office in the commonwealth, to permit its customers only to make cash withdrawals, obtain advances against pre-authorized lines of credit and cash checks; or (d) the financial institution, organization or bank holding company or subsidiary of a bank holding company purchasing, establishing, installing, operating, leasing or using individually or with any other financial institution or organization or sharing with any financial institution or organization any such electronic branch in the commonwealth, for the purposes authorized by this section, has its main office in one of the states of Connecticut, Maine, New Hampshire, Rhode Island or Vermont, and the laws of such state expressly authorize, under conditions no more restrictive than those imposed by this chapter as determined by the commissioner, financial institutions or organizations having their main office in the commonwealth to purchase, establish, install, operate, lease, use or share electronic branches in such other state; provided, however, that such a financial institution, organization or bank holding company or subsidiary of a bank holding company is not directly or indirectly controlled within the meaning set forth in the Bank Holding Company, Act of 1956 (12USC1841 et seq.) by another corporation which has its principal place of business in a state other than the commonwealth or one of the states referred to herein; and provided, further, that any such financial institution, organization or bank holding company or subsidiary of a bank holding company shall have applied for and obtained approval of the commissioner prior to engaging in any activity pursuant to this clause. For the purposes of this paragraph, the term "bank holding company" shall have the meaning set forth in said Bank Holding Company Act.

SECTION 9. Section 3 of chapter 167C of the General Laws, as appearing in section 9 of chapter 155 of the acts of 1982, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

After such notice and hearing as the commissioner may require and with his written permission and under such conditions as he may approve, a bank 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 would benefit by the establishment of additional bank facilities, or (c) on a site in the commonwealth within forty miles from the premises of the main office where, in the opinion of the commissioner, the public would benefit by the establishment of additional bank facilities, or (d) on a site in one of the states of Connecticut, Maine, New Hampshire, Rhode Island or Vermont, where, in the opinion of the commissioner, the public would benefit by the establishment of additional bank facilities. The establishment and maintenance of branch offices or depots in any one of the states listed in clause (d) shall also be established and maintained in accordance with the laws of such state.

SECTION 10. Section 2 of chapter 167E of the General Laws, as so appearing, is hereby amended by striking out subsection A and inserting in place thereof the following subsection:-

A. Any such bank may make, acquire by purchase, participate in or service first mortgage real estate loans of the following classes:-

(1) a mortgage loan on improved farmland located within the commonwealth, or in a state in which such corporation has a branch office as provided for in chapter one hundred and sixty-seven C, or within a radius of fifty miles of its principal office without regard to geographical location, not exceeding fifty per cent of its appraised value and payable in or within three years from the date of the note, or acquisition, except that, when, by its terms, the note requires repayment of not less than two per cent of the principal each year, the loan may be payable in or within five years from the date of the note or the acquisition thereof;

(2) a mortgage loan on improved real estate, located in the United States, not exceeding fifty per cent of its appraised value and payable in or within five years from the date of the note, mortgage or other such instrument or the acquisition thereof;

(3) a mortgage loan on improved real estate, located within the commonwealth, or in a state in which such corporation has a branch office as provided for in chapter one hundred and sixty-seven C, or within a radius of fifty miles of the principal office of such corporation without regard to geographical location, not exceeding sixty per cent of its appraised value and payable in or within three years from the date of the note or the acquisition thereof, except that when, by its terms, the note requires repayment of not less than two per cent of the principal each year, the loan may be payable in or within five years from the

date of the note or the acquisition thereof;

(4) a mortgage loan on improved real estate, located in the United States, not exceeding eighty per cent of its appraised value, or a mortgage loan on a leasehold interest created pursuant to chapter three hundred and fifty-four of the acts of nineteen hundred and fifty-two, not exceeding eighty per cent of the value of such leasehold interest; provided, however, that the terms of the note, mortgage or other such instrument shall require payments in periodic installments, at intervals not exceeding three months, sufficient to amortize at least forty per cent of the principal in or within ten years or in periodic installments, at intervals not exceeding three months, sufficient to fully amortize the principal in or within twenty-five years from the date of the note, mortgage or other such instrument or the acquisition thereof; and

(5) a mortgage loan on real estate, located in the United States, when the note has been endorsed for insurance, or a commitment to so insure has been given, by the Federal Housing Administrator or is guaranteed in whole or in part by the United States under the Servicemen's Readjustment Act of 1944.

Loans insured by the Federal Housing Authority shall also be subject to the provisions of section seven.

SECTION 11. Subsection B of said section 2 of said chapter 167E, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Such first mortgages shall be on real estate located in the commonwealth, or in a state in which such bank has a branch office as provided for in chapter one hundred and sixty-seven C, or in a city or town of a state contiguous to the commonwealth, provided, however, that such city or town is not more than fifty miles from the town in which the main office of such bank is located as determined by the distance between the two nearest points of separation.

SECTION 12. Chapter 168 of the General Laws is hereby amended by striking out section 34B, inserted by section 29 of said chapter 155 and inserting in place thereof the following section:-

Section 34B. Any one or more such corporations and any one or more thrift institutions may merge or consolidate into a single savings bank or into a single thrift institution, upon such terms as shall have been approved by a vote of at least two-thirds of the board of trustees of each corporation and by the board of each thrift institution, and as shall have been approved in

writing by the commissioner. The terms of any such merger or consolidation shall be approved by the corporators of each corporation and by each thrift institution in the manner prescribed herein. A request for such approval by the commissioner shall be accompanied by an investigation fee the amount of which shall be determined annually by the commissioner of administration under the provisions of section three B of chapter seven, a copy of the terms of any agreement reached by the respective boards of trustees and directors, and certified copies of the votes of such boards. If the commissioner, after such notice and hearings as he may require, is satisfied that a merger or consolidation can be effected on terms approved by him and he finds that such a merger or consolidation is in the interests of the depositors and shareholders of the institutions concerned, such merger or consolidation may be approved by him subject to his direction. Before becoming effective, any merger or consolidation authorized by this section, hereinafter referred to as a "consolidation", shall have been approved by a vote of at least two-thirds of the corporators of each corporation at meetings specially called to consider the subject, and approved by a vote of each such thrift institution as required by any applicable law or regulation governing such institution.

Notice for such meetings shall be given in accordance with the relevant provisions of section nine and any applicable provision governing a thrift institution. A certificate under the hands of the presidents and clerks, or other duly authorized officers of all merging or consolidating corporations and thrift institutions setting forth that each institution, respectively, has complied with the requirements of this section, shall be submitted to the commissioner, who, if he shall approve such consolidation, shall endorse his approval upon such certificate, and thereupon such consolidation shall become effective. The commissioner shall not endorse his approval thereupon until he has received notice from the Mutual Savings Central Fund, Inc. and the insurer for any such thrift institution, that arrangements satisfactory to each insurer have been made for such consolidation. Upon consolidation of any such institutions as herein provided:

1. The corporate existence of all but one of the consolidating institutions shall be discontinued and consolidated into that of the remaining institution, which shall continue. All and singular the rights, privileges and franchises of each discontinuing institution and its right, title and interest to all property of whatever kind, whether real, personal or mixed, and things in action, and every right, privilege, interest or asset of conceivable value or benefit then existing which would inure to it under an unconsolidated existence, shall be deemed fully and finally,

and without any right of reversion, transferred to or vested in the continuing institution, without further act or deed, and such continuing institution shall have and hold the same in its own right as fully as if the same was possessed and held by the discontinuing institution from which it was, by operation of the provisions hereof, transferred, and other provisions of law relative to limitations on the number of directors, corporators or trustees and on the investment of funds of such institutions shall not apply.

2. A discontinuing institution's rights, obligations and relations to any shareholder, or depositor, creditor, trustee or beneficiary of any trust, or other person, as of the effective date of the consolidation, shall remain unimpaired, and the continuing institution shall, by the consolidation, succeed to all such relations, obligations and liabilities, as though it had itself assumed the relation or incurred the obligation or liability; and its liabilities and obligations to creditors existing for any cause whatsoever shall not be impaired by the consolidation; nor shall any obligation or liability of any shareholder or depositor in any such institution, continuing or discontinuing, which is party to the consolidation, be affected by any consolidation, but such obligations and liabilities shall continue as fully and to the same extent as the same existed before the consolidation, and the provisions relative to the limitations on shares and deposits, shall not apply.

3. A pending action or other judicial proceeding to which any of the consolidating institutions is a party shall not be deemed to have abated or to have discontinued by reason of the consolidation, but may be prosecuted to final judgment, order or decree in the same manner as if the consolidation has not been made; or the continuing institution may be substituted as a party to any such action or proceeding to which the discontinuing institution was a party, and any judgment, order or decree may be rendered for or against the continuing institution that might have been rendered for or against such discontinuing institution if such consolidation had not occurred.

4. After such consolidation, a foreclosure of a mortgage begun by any discontinuing institution may be completed by the continuing institution, and publication begun by the discontinuing institution may be continued in the name of the discontinuing institution. Any certificate of possession, affidavit of sale or foreclosure deed relative to such foreclosure shall be executed by the proper officers in behalf of whichever of such institution actually took possession or made the sale, but any such instrument executed in behalf of the continuing institution shall recite that it is the successor of the discontinuing institution which

commenced the foreclosure.

5. A new name may be adopted as the name of the continuing institution at the special meetings called as herein provided, and it shall become the name of the continuing institution upon the approval of the consolidation, without further action under the laws of the commonwealth as to change or adoption of a new name on the part of the continuing institution.

6. Any consolidation may be approved and effected pursuant to the provisions of this section, notwithstanding that the percentage which the aggregate value of the guaranty fund, surplus and other reserves, of any of the consolidating institutions, bears to its liabilities including share liabilities, exceeds such percentage of any of the other consolidating institutions, and any consolidating institution having such an excess of percentage shall not be required to pay an extra dividend or make any other distribution to its shareholders or depositors.

The offices and depots of any savings bank and the offices of any thrift institution merged or consolidated under the provisions of this section, may be maintained as branch offices or depots, respectively, of the continuing institution with the written permission of, and under such conditions, if any, as may be approved by the commissioner.

If the consolidating corporations have main offices in different states or 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 the last consolidating corporation so to approve; provided, however, that upon a determination by the commissioner that such consolidation is not for the purpose of circumventing any geographic restrictions on the establishment of branch offices, he may allow the main office of the consolidating corporation which has the lesser total assets on such date to be the main office of the continuing corporation.

For the purposes of this section, a thrift institution shall mean a federal savings and loan association, a federal mutual saving bank which has its main office located in and is authorized to do business in the commonwealth or in a state referred to in clause (d) of the first paragraph of section three of chapter one hundred and sixty-seven C or a savings bank or savings and loan association chartered by a state referred to in said clause (d).

Notwithstanding the provisions of this section any such savings bank, by vote of at least two-thirds of its corporators at a meeting duly called for that purpose preceded by notice in writing sent to each corporator, to the commissioner and the Mutual Savings Central Fund by registered mail at least sixty days before said meeting, may consolidate or merge into such a

federal savings and loan association or federal mutual savings bank in accordance with the laws of the United States and without the approval of any authority of the commonwealth.

SECTION 13. Said chapter 168 is hereby further amended by striking out section 34D, inserted by said section 29 of said chapter 155, and inserting in place thereof the following section:-

Section 34D. Any one or more such stock corporations may, upon compliance with the provisions of section seventy-eight of chapter one hundred and fifty-six B, which are hereby made applicable in all such cases and subject as to any such corporation to the provisions of section eighty-five of chapter one hundred and fifty-six B as modified for the purposes of this section by the provisions hereof, consolidate or merge into any single state or federally-chartered stock corporation. A request for approval by the commissioner of such a consolidation or merger shall be accompanied by an investigation fee, the amount of which shall be determined annually by the commissioner of administration under the provision of section three B of chapter seven. A certificate under the hands of the presidents and clerks or other duly authorized officers of all merging or consolidating corporations setting forth that each corporation, respectively, has complied with the requirements of this section shall be submitted to the commissioner. The commissioner shall not endorse his approval thereupon until he has received notice from the insurer for each corporation that arrangements satisfactory to each such insurer have been made for such consolidation. The offices and depots of any such corporation merged or consolidated under this section may be maintained as branch offices or depots, respectively, of the continuing institution with the written permission of and under such conditions, if any, as may be approved by the commissioner.

If the consolidating corporations have main offices in different states or 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 the last consolidating corporation so to approve; provided, however, that upon a determination by the commissioner that such consolidation is not for the purpose of circumventing any geographic restrictions on the establishment of branch offices, he may allow the main office of the consolidating corporation which has the lesser total assets on such date to be the main office of the continuing corporation.

For the purposes of this section, the value of the stock of stockholders of a state-chartered stock corporation who have, as provided in section eighty-five or section seventy-six of chapter

one hundred and fifty-six B, voted against any action authorized herein shall be ascertained in the manner provided in sections eighty-six to ninety-eight, inclusive, of chapter one hundred and fifty-six B.

The provisions of section eighty of chapter one hundred and fifty-six B shall apply to consolidations and mergers of state-chartered stock corporations authorized under this section provided that, for this purpose, references in said section eighty to said chapter one hundred and fifty-six B shall be deemed to be to the chapter of the General Laws governing such stock corporation, and references in said section eighty to articles of organization shall be deemed to be to the articles of organization, including any special act of incorporation, as from time to time amended.

For the purposes of this section, a state-chartered stock corporation shall mean a trust company, commercial bank or a savings bank, co-operative bank or savings and loan association which has converted under applicable provisions of law, chartered by the commonwealth or a state referred to in clause (d) of the first paragraph of section three of chapter one hundred and sixty-seven C. A federally-chartered stock corporation shall mean a national banking association or a federal savings and loan association or a federal mutual savings bank which has converted to a stock corporation which has its main office located in and is authorized to do business in the commonwealth or in a state referred to in said clause (d).

Notwithstanding the provisions of this section, any such savings bank by vote of the holders of at least two-thirds of each class of its capital stock at a meeting duly called for that purpose, preceded by a notice in writing sent to each stockholder of record, the commissioner and the Mutual Savings Central Fund, by registered mail at least sixty days before said meeting, may consolidate or merge into a federally-chartered stock corporation in accordance with the laws of the United States and without the approval of any authority of the commonwealth.

SECTION 14. Section 35 of said chapter 168, inserted by said section 29 of said chapter 155, is hereby amended by striking out the fourth, fifth and sixth paragraphs and inserting in place thereof the following three paragraphs:-

The commissioner may impose such conditions and restrictions as he may deem necessary or advisable in respect to the deposit or other liabilities as hereinbefore provided. In the case of any new savings bank formed for the purpose of purchasing any or all the assets and assuming any or all the liabilities of any state-chartered bank in possession or assisted as aforesaid, the

commissioner may impose such other and further conditions and restrictions concerning the business, investments and operations of such new savings bank as he may deem necessary or advisable. So much of sections ten and thirteen as provide that no person shall hold an office in two savings banks at the same time shall not prevent an officer or trustee of any other savings bank from serving as an officer or trustee of such new bank, or of a state-chartered bank or federally-chartered bank the assets and liabilities or stock of which shall have been purchased and assumed by a savings bank hereunder.

Before all or substantially all of the assets or stock of any such corporation shall be sold to a corporation other than one chartered under chapter one hundred and sixty-eight, such action shall be approved by a vote of at least two-thirds of those corporators present and voting at a special meeting called for that purpose, of the corporation proposing to sell its assets or stock. Notice of such special meeting shall be given by the clerk in accordance with the provisions of section nine A.

For the purposes of this section, a state-chartered bank shall mean a trust company, commercial bank or a savings bank, co-operative bank or savings and loan association chartered by the commonwealth or a state referred to in clause (d) of the first paragraph of section three of chapter one hundred and sixty-seven C. A federally-chartered bank shall mean a national banking association or a federal savings and loan association or a federal mutual savings bank which has its main office located in and is authorized to do business in the commonwealth or in a state referred to in said clause (d).

SECTION 15. Chapter 170 of the General Laws is hereby amended by striking out section 24, inserted by section 46 of said chapter 155, and inserting in place thereof the following section:-

Section 24. With the approval of the commissioner, any such corporation may advance or loan upon, or purchase, the whole or any part of the assets or stock of any state-chartered bank or any federally-chartered bank, including any state-chartered bank in possession of the commissioner under sections twenty-two to thirty-six, inclusive of chapter one hundred and sixty-seven and any state-chartered bank assisted by or in possession of its insurer and may participate in such an advance, loan or purchase with one or more banks at such valuations and upon such terms and conditions as shall have been agreed upon by vote of two-thirds of the directors and by a two-thirds vote of the applicable board of a state-chartered bank or by a vote of a federally-chartered bank as required by any applicable law or regulation

governing such bank; and the corporation or corporations making or participating in such an advance, loan or purchase, for the purpose of effecting the same, may assume and agree to pay the whole or any part of the share liabilities or deposits, and other liabilities of any other state-chartered bank or federally-chartered bank upon such terms and conditions and subject to such adjustments as may be approved by the commissioner. The request for such approval shall be accompanied by an investigation fee the amount of which shall be determined by the commissioner of administration under the provision of section three B of chapter seven. In the event of approval by the commissioner, other provisions of law applicable to the number of directors, the investment of funds of co-operative banks and to the limitation upon share and accounts referred to in section sixteen, shall not apply. The commissioner may impose such conditions and restrictions as he may deem necessary or advisable in respect to the share liabilities or deposits, and other liabilities assumed as hereinbefore provided. The commissioner shall not endorse his approval thereupon until he has received notice from the Co-operative Central Bank and the insurer for each such other bank, that arrangements satisfactory to each such insurer have been made for such an advance, loan or purchase.

So much of section eight A as provides that no person shall hold an office in two co-operative banks at the same time shall not prevent an officer or director of any co-operative bank from serving as an officer or director of a state-chartered bank or a federally-chartered bank the assets and liabilities or stock of which shall have been purchased and assumed by a co-operative bank hereunder.

Before all or substantially all of the assets of any such corporation shall be sold, such action shall be approved by a vote of at least two-thirds of those shareholders present, qualified to vote and voting, at a special meeting called for the purpose, of the shareholders of the corporation proposing so to sell its assets. Notice of such special meeting, containing a statement of the time, place and purpose of the meeting, and setting forth the terms of sale tentatively agreed upon, shall be advertised three times in one or more newspapers published in the town in which the main office and any branch office of said corporation is situated or if there be no such newspaper, then in one or more newspapers published in the county where said town is situated, the last publication to be at least one day before the meeting. In addition, such notice shall be conspicuously posted in the main office and branch offices for a period of no less than thirty days immediately before said meeting unless this requirement of posting such notice is waived in writing by the commis-

sioner.

For the purposes of this section, a state-chartered bank shall mean a trust company, commercial bank or a savings bank, co-operative bank or savings and loan association chartered by the commonwealth or a state referred to in clause (d) of the first paragraph of section three of chapter one hundred and sixty-seven C. A federally-chartered bank shall mean a national banking association or a federal savings and loan association or a federal mutual savings bank which has its main office located in and is authorized to do business in the commonwealth or a state referred to in said clause (d).

SECTION 16. Said chapter 170 is hereby further amended by striking out section 26B, inserted by section 46 of said chapter 155, and inserting in place thereof the following section:-

Section 26B. Any one or more such corporations and any one or more thrift institutions may merge or consolidate into a single co-operative bank or into a single thrift institution, upon such terms as shall have been approved by a vote of at least two-thirds of the board of directors of each corporation and of the board of directors of each thrift institution, and as shall have been approved in writing by the commissioner. The terms of any such merger or consolidation shall be approved by the shareholders of each corporation and by each thrift institution in the manner prescribed herein. A request for such approval by the commissioner shall be accompanied by an investigation fee the amount of which shall be determined annually by the commissioner of administration under the provision of section three B of chapter seven, a copy of the terms of any agreement reached by the respective boards of directors, and certified copies of the votes of such boards. If the commissioner, after such notice and hearings as he may require, is satisfied that a merger or consolidation can be effected on terms approved by him and he finds that such a merger or consolidation is in the interests of the shareholders and depositors of the institutions concerned, such merger or consolidation may be approved by him subject to his direction. Before becoming effective, any merger or consolidation authorized by this section, hereinafter sometimes referred to as a "consolidation", shall have been approved by a vote of at least two-thirds of the shareholders of each corporation present, qualified to vote and voting at meetings specially called to consider the subject, and approved by a vote of each thrift institution as required by any applicable law or organization governing such institution.

Notice for such meetings shall be given in accordance with the relevant provisions of section forty-seven and any applicable

provision governing a thrift institution. A certificate under the hands of the presidents and clerks, or other duly authorized officers of all merging or consolidating corporations and thrift institutions setting forth that each institution, respectively, has complied with the requirements of this section, shall be submitted to the commissioner, who, if he shall approve such consolidation, shall endorse his approval upon such certificate, and thereupon such consolidation shall become effective. The commissioner shall not endorse his approval thereupon until he has received notice from the co-operative central bank and the insurer for any such thrift institution, that arrangements satisfactory to each insurer have been made for such consolidation. Upon consolidation of any such institutions, as herein provided:-

1. The corporate existence of all but one of the consolidating institutions shall be discontinued and consolidated into that of the remaining institution, which shall continue. All and singular the rights, privileges and franchises of each discontinuing institution and its right, title and interest to all property of whatever kind, whether real, personal or mixed, and things in action, and every right, privilege, interest or asset of conceivable value or benefit then existing which would inure to it under an unconsolidated existence, shall be deemed fully and finally, and without any right of reversion, transferred to or vested in the continuing institution, without further act or deed, and such continuing institution shall have and hold the same in its own right as fully as if the same was possessed and held by the discontinuing institution from which it was, by operation of the provisions hereof, transferred, and other provisions of law relative to limitations on the number of directors, corporators or trustees and on the investment of funds of such institutions shall not apply.

2. A discontinuing institution's rights, obligations and relations to any shareholder, depositor, creditor, trustee or beneficiary of any trust, or other person, as of the effective date of the consolidation, shall remain unimpaired, and the continuing institution shall, by the consolidation, succeed to all such relations, obligations and liabilities, as though it had itself assumed the relation or incurred the obligation or liability; and its liabilities and obligations to creditors existing for any cause whatsoever shall not be impaired by the consolidation; nor shall any obligation or liability of any shareholder or depositor in any such institution, continuing or discontinuing, which is party to the consolidation, be affected by any consolidation, but such obligations and liabilities shall continue as fully and to the same extent as the same existed before the consolidation, and the provisions relative to the limitations on shares and deposits, shall not apply.

3. A pending action or other judicial proceeding to which any of the consolidating institutions is a party shall not be deemed to have abated or to have discontinued by reason of the consolidation, but may be prosecuted to final judgment, order or decree in the same manner as if the consolidation has not been made; or the continuing institution may be substituted as a party to any such action or proceeding to which the discontinuing institution was a party, and any judgment, order or decree may be rendered for or against the continuing institution that might have been rendered for or against such discontinuing institution if such consolidation had not occurred.

4. After such consolidation, a foreclosure of a mortgage begun by any discontinuing institution may be completed by the continuing institution, and publication begun by the discontinuing institution may be continued in the name of the discontinuing institution. Any certificate of possession, affidavit of sale or foreclosure deed relative to such foreclosure shall be executed by the proper officers in behalf of whichever of such institutions actually took possession or made the sale, but any such instrument executed in behalf of the continuing institution shall recite that it is successor of the discontinuing institution which commenced the foreclosure.

5. A new name may be adopted as the name of the continuing institution at the special meetings as herein provided, and it shall become the name of the continuing institution upon the approval of the consolidation, without further action under the laws of the commonwealth as to change or adoption of a new name on the part of the continuing institution.

6. Any consolidation may be approved and effected pursuant to this section, notwithstanding that the percentage which the aggregate value of the guaranty fund, surplus and other reserves, of any of the consolidating institutions, bears to its liabilities including share liabilities, exceeds such percentage of any of the other consolidating institutions, and any consolidating institution having such an excess of percentage shall not be required to pay an extra dividend or make any other distribution to its shareholders or depositors.

The offices and depots of any co-operative bank and the offices of any federal thrift institution merged or consolidated under this section, may be maintained as branch offices or depots, respectively, of the continuing institution with the written permission of, and under such conditions, if any, as may be approved by the commissioner.

If the consolidating corporations have main offices in different states or 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 the last consolidating corporation so to approve; provided, however, that upon a determination by the commissioner that such consolidation is not for the purpose of circumventing any geographic restrictions on the establishment of branch offices, he may allow the main office of the consolidating corporation which has the lesser total assets on such date to be the main office of the continuing corporation.

For the purposes of this section, a thrift institution shall mean a federal savings and loan association, a federal mutual saving bank which has its main office located in and is authorized to do business in the commonwealth or in a state referred to in clause (d) of the first paragraph of section three of chapter one hundred and sixty-seven C or a savings bank or savings and loan association chartered by a state referred to in said clause (d).

Notwithstanding the provisions of this section any such co-operative bank by vote of at least two-thirds of its directors at a meeting duly called for that purpose, preceded by notice in writing sent to each director, to the commissioner, and the Co-operative Central Bank by registered mail at least sixty days before said meeting, may consolidate or merge into such a federal savings and loan association or federal mutual savings bank in accordance with the laws of the United States and without the approval of any authority of the commonwealth.

SECTION 17. Said chapter 170 is hereby further amended by striking out section 26D, inserted by said section 46 of said chapter 155, and inserting in place thereof the following section:-

Section 26D. Any one or more such stock corporations may, upon compliance with the provisions of section seventy-eight of chapter one hundred and fifty-six B, which are hereby made applicable in all such cases and subject as to any such corporation to the provisions of section eighty-five of chapter one hundred and fifty-six B as modified for the purposes of this section by the provisions hereof, consolidate or merge into any single state or federally-chartered stock corporation. A request for approval by the commissioner of such a consolidation or merger shall be accompanied by an investigation fee, the amount of which shall be determined annually by the commissioner of administration under the provision of section three B of chapter seven. A certificate under the hands of the presidents and clerks or other duly authorized officers of all merging or consolidating corporations setting forth that each corporation, respectively, has complied with the requirements of this section shall be submitted to the commissioner. The commissioner shall not endorse his approval thereupon until he has received notice

from the insurer for each corporation that arrangements satisfactory to each such insurer have been made for such consolidation. The offices and depots of any such corporation merged or consolidated under this section may be maintained as branch offices or depots, respectively, of the continuing institution with the written permission of and under such conditions, if any, as may be approved by the commissioner.

If the consolidating corporations have main offices in different states or 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 the last consolidating corporation so to approve; provided, however, that upon a determination by the commissioner that such consolidation is not for the purpose of circumventing any geographic restrictions on the establishment of branch offices, he may allow the main office of the consolidating corporation which has the lesser total assets on such date to be the main office of the continuing corporation.

For the purposes of this section, the value of the stock of stockholders of a state-chartered stock corporation who have, as provided in section seventy-six or section eighty-five of chapter one hundred and fifty-six B, voted against any action authorized herein shall be ascertained in the manner provided in sections eighty-six to ninety-eight, inclusive, of said chapter one hundred and fifty-six B.

The provisions of section eighty of chapter one hundred and fifty-six B shall apply to consolidations and mergers of state-chartered stock corporations authorized under this section provided that, for this purpose, references in said section eighty to said chapter one hundred and fifty-six B shall be deemed to be to the chapter of the General Laws governing such stock corporation, and references in said section eighty to articles of organization shall be deemed to be to the articles of organization, including any special act of incorporation, as from time to time amended.

For the purposes of this section, a state-chartered stock corporation shall mean a trust company, commercial bank or a savings bank, co-operative bank or savings and loan association which has converted under applicable provisions of law, chartered by the commonwealth or a state referred to in clause (d) of the first paragraph of section three of chapter one hundred and sixty-seven C. A federally-chartered stock corporation shall mean a national banking association or a federal savings and loan association or a federal mutual savings bank which has converted to a stock corporation which has its main office located in and is authorized to do business in the commonwealth or a state referred

to in said clause (d).

Notwithstanding the provisions of this section, any such co-operative bank by vote of the holders of at least two-thirds of each class of its capital stock, at a meeting duly called for that purpose, preceded by a notice in writing sent to each stockholder of record, the commissioner, and the Co-operative Central Bank by registered mail at least sixty days before said meeting, may consolidate or merge into a federally-chartered stock corporation in accordance with the laws of the United States and without the approval of any authority of the commonwealth.

SECTION 18. Subsection A of section 36 of said chapter 172 is hereby further amended by striking out clause (4), as most recently amended by section 1 of chapter 418 of the acts of 1982, and inserting in place thereof the following clause:-

(4) any one or more such trust companies may, upon compliance with the provisions of section seventy-eight of chapter one hundred and fifty-six B, which are hereby made applicable in all such cases and subject as to any such trust company to the provisions of section eighty-five of chapter one hundred and fifty-six B as modified for the purposes of this section by the provisions hereof, consolidate or merge into any single state or federally-chartered stock corporation. A request for approval by the commissioner of such a consolidation or merger shall be accompanied by an investigation fee, the amount of which shall be determined annually by the commissioner of administration under the provision of section three B of chapter seven. A certificate under the hands of the presidents and clerks or other duly authorized officers of all merging or consolidating corporations setting forth that each corporation, respectively, has complied with the requirements of this section shall be submitted to the commissioner. The commissioner shall not endorse his approval thereupon until he has received notice from the insurer for each corporation that arrangements satisfactory to each such insurer have been made for such consolidation. The offices and depots of any such corporation merged or consolidated under this section may be maintained as branch offices or depots, respectively, of the continuing institution with the written permission of and under such conditions, if any, as may be approved by the commissioner.

If the consolidating corporations have main offices in different states or 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 the last consolidating corporation so to approve; provided, however, that upon a

determination by the commissioner that such consolidation is not for the purpose of circumventing any geographic restrictions on the establishment of branch offices, he may allow the main office of the consolidating corporation which has the lesser total assets on such date to be the main office of the continuing corporation.

For the purposes of this section, the value of the stock of stockholders of a state-chartered stock corporation who have, as provided in section seventy-six or section eighty-five of chapter one hundred and fifty-six B, voted against any action authorized herein shall be ascertained in the manner provided in sections eighty-six to ninety-eight, inclusive, of said chapter one hundred and fifty-six B.

The provisions of section eighty of chapter one hundred and fifty-six B shall apply to consolidations and mergers of state-chartered stock corporations authorized under this section provided that, for this purpose, references in said section eighty to said chapter one hundred and fifty-six B shall be deemed to be to the chapter of the General Laws governing such stock corporation, and references in said section eighty to articles of organization shall be deemed to be to the articles of organization, including any special act of incorporation, as from time to time amended.

For the purposes of this section, a state-chartered stock corporation shall mean a trust company, commercial bank or a savings bank, co-operative bank or savings and loan association which has converted under applicable provisions of law, chartered by the commonwealth or a state referred to in clause (d) of the first paragraph of section three of chapter one hundred and sixty-seven C. A federally-chartered stock corporation shall mean a national banking association or a federal savings and loan association or a federal mutual savings bank which has converted to a stock corporation, which has its main office located in, and is authorized to do business in, the commonwealth or a state referred to in said clause (d).

The provisions of this clause shall not apply to a consolidation or merger authorized by clause (1) or to a consolidation or merger under subsection B.

SECTION 19. Said chapter 172 is hereby amended by striking out section 38, as most recently amended by section 2 of chapter 418 of the acts of 1982, and inserting in place thereof the following section:-

Section 38. With the approval of the commissioner, a trust company may advance or loan upon, or purchase, the whole or any part of the assets or stock of any state-chartered bank or of any federally-chartered bank, including any state-chartered

bank in possession of the commissioner under sections twenty-two to thirty-six, inclusive, of chapter one hundred and sixty-seven and any state-chartered bank assisted by or in possession of its insurer, and may participate in such an advance, loan or purchase with one or more other such banks so located. Such advance, loan or purchase may be made upon such terms and conditions as shall have been approved by vote of at least two-thirds of the directors of the trust company and the applicable board of such other bank. A trust company making or participating in such advance, loan or purchase for the purpose of effecting the same, may assume and agree to pay the whole or any part of the deposit and other liabilities of any such bank upon such terms and conditions and subject to such adjustments as may be approved by the commissioner. In the event of such approval by the commissioner, other provisions of law applicable to the investment of funds of trust companies and to the limitations upon deposits therein shall not apply. In the case of any new trust company formed for the purpose of purchasing any or all of the assets and assuming any or all of the liabilities of any trust company in his possession under said sections, he may impose such other and further conditions and restrictions concerning the business, investments and operation of such new trust company as he may deem necessary or advisable.

The commissioner shall not endorse his approval thereupon until he has received notice that arrangements satisfactory to each affected insurer have been made for such action.

So much of section nineteen as provides that no person shall hold an office in two trust companies at the same time shall not prevent an officer or director of any other trust company from serving as an officer or director of such new trust company or of any other bank the assets and liabilities or stock of which shall have been purchased and assumed by a trust company hereunder.

For the purposes of this section, a state-chartered bank shall mean a trust company, commercial bank or a savings bank, co-operative bank or savings and loan association chartered by the commonwealth or a state referred to in clause (d) of the first paragraph of section three of chapter one hundred and sixty-seven C. A federally-chartered bank shall mean a national banking association or a federal savings and loan association or a federal mutual savings bank which has its main office located in and is authorized to do business in the commonwealth or a state referred to in said clause (d).

SECTION 20. Section twenty of chapter one hundred and fifty-five of the acts of nineteen hundred and eighty-two is

hereby repealed.

SECTION 21. Section twenty-three of said chapter one hundred and fifty-five is hereby repealed.

SECTION 22. Section thirty-nine A of said chapter one hundred and fifty-five is hereby repealed.

SECTION 23. Section forty-one of said chapter one hundred and fifty-five is hereby repealed.

SECTION 24. Said chapter 155 is hereby amended by striking out section 65 and inserting in place thereof the following section:-

Section 65. Sections five, nine, twenty-nine, forty-six, forty-seven, forty-eight, sixty and sixty-four shall take effect on July first, nineteen hundred and eighty-three.

SECTION 25. Any foreign association, corporation, partnership or person doing a business similar to any business referred to in section one of chapter one hundred and sixty-seven of the General Laws prior to October first, nineteen hundred and eighty-two, shall continue to be subject to the provisions of sections thirty-seven to forty-five A of said chapter one hundred and sixty-seven in effect immediately prior to the effective date of this act.

SECTION 26. If any provision of this act or the application of such provision to any person or circumstance shall be held invalid, the remainder of this act and the application of such provision to any person or circumstance other than that as to which it is held invalid shall not be affected thereby.

SECTION 27. Sections one, twenty-five and twenty-six shall take effect upon its passage. Sections two to nineteen, inclusive, shall take effect on July first, nineteen hundred and eighty-three. Section twenty-four shall take effect as of June fifteenth, nineteen hundred and eighty-two.

Approved December 30, 1982.

Chap. 627. AN ACT PROVIDING FOR THE LICENSING AND REGULATING OF FARMER-BREWERIES.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 138 of the General Laws, as most recently amended by section 1 of chapter 15 of the acts of 1979, is hereby further amended by inserting after the definition of "Commission" the following two definitions:-

"Farmer-brewer", any person who grows cereal grains or hops for the purpose of producing malt beverages and who is licensed to operate a farmer-brewery under section nineteen C;

"Farmer-brewery", any plant or premise where malt beverages are produced from the fermentation of malt with or without cereal grains or fermentable sugars, or of hops, provided that said hops or cereal grains are grown by the farmer-brewer.

SECTION 2. The sixth paragraph of section 12 of said chapter 138, as most recently amended by section 2 of chapter 929 of the acts of 1977, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- The licensing authority shall not decrease the hours during which sales of such alcoholic beverages may be made by any licensee until after a public hearing concerning the public need for such decrease; provided, that any licensee affected by such change shall be given two weeks notice of such public hearing; provided, however, that local licensing authorities, subject to the approval of the commission, may grant a license notwithstanding the provisions of section seventeen to sell wine for consumption on the winery premises to a winegrower authorized to operate a farmer-winery under section nineteen B and to sell malt beverages for consumption on the brewery premises to a farmer-brewer authorized to operate a farmer's brewery under section nineteen C; such licensees may sell for on premises consumption wine and malt beverages produced by the winery or brewery or produced for the winery or brewery and sold under the winery or brewery brand name.

SECTION 3. The first paragraph of section 19A of said chapter 138 is hereby amended by striking out the first sentence, as most recently amended by section 3 of said chapter 929, and inserting in place thereof the following sentence:- The commission may annually grant to individual citizens of the commonwealth employed as salesmen for licensees under section eighteen, eighteen A, nineteen B or nineteen C permits which shall authorize such salesmen on behalf of their employers to solicit orders for alcoholic beverages from any licensee under this chapter to whom their employers are authorized to sell such beverages, and the fee for each such permit shall be fifteen dollars.

SECTION 4. Said chapter 138 is hereby further amended by

inserting after section 19B the following section:-

Section 19C. (a) For the purpose of encouraging the development of domestic farms, the commission shall issue a farmer-brewery license to any applicant who is both a citizen and resident of the commonwealth and to applying partnerships composed solely of such individuals, and to applying corporations organized under the laws of the commonwealth or organized under the laws of any other state of the United States and admitted to do business in the commonwealth, unless: (1) such person does not comply with reasonable application procedures required by the commission; or

(2) the commission determines that such person is not of responsible character; or

(3) a church or school located within five hundred feet of the brewery premises has objected to issuance of the license in accordance with section sixteen C; or

(4) the commission determines that the applicant retains or owns an interest, directly or indirectly, in the business of a licensee under section twelve or fifteen; or

(5) the commission determines that the applicant retains or owns an interest, directly or indirectly in more than one business licensed under section eighteen; or

(6) the applicant has not furnished the requisite license fee or bond; or

(7) the commission determines that the co-partners, corporate officials or stockholders of the applicant do not meet the requirements of clauses (2), (4) and (5), or that the manager or agent intended to conduct the farmer-brewery business on the applicant's behalf does not meet such requirements, or that such co-partners, officials, stockholders, agent or manager remain undisclosed.

(b) The commission may on its own motion, and shall upon the written request of any applicant who has been refused a farmer-brewery license or has been refused transfer or renewal of such a license, hold an evidentiary hearing, notice of which shall be mailed to the applicant at the address given in his application. Such hearing shall be before the commission, or a member thereof. The commission shall present its reasons for refusing issuance. The applicant may appear in person or by counsel, may cross-examine witnesses for the commission and may present evidence. The hearing shall be stenographically or sound recorded. If the hearing is conducted by an examiner, the examiner shall report on the hearing to the commission. The commission shall decide within thirty days of the completion of the hearing whether to issue the farmer-brewery license or grant the transfer or renewal. If the commission refuses the license,

transfer or renewal following the hearing, notice in writing of the refusal shall be mailed to the applicant. In all such cases, the commission shall keep on file a statement in the form of an opinion of the reasons for the refusal, and shall furnish a copy thereof to the applicant.

(c) Any applicant who has appeared before the commission at such a hearing and who has been refused a farmer-brewery license or the transfer or renewal of such a license may appeal to the superior court of the county where the applicant resides or has his principal place of business within the commonwealth, or to the superior court for Suffolk county.

(d) Every applicant for an original brewery license or for a transfer of such a license shall, within seven days after filing an application with the commission, send written notice of his application by registered mail, return receipt requested, to:

(1) each school which offers instruction and training to children of compulsory school age in accordance with sections one and four of chapter seventy-one and which is located within a radius of five hundred feet from the premises on which the brewery is to be operated; and

(2) each church as defined in section sixteen C which is located within a radius of five hundred feet from such premises.

The notice shall also state that the church or school has the right to object under section sixteen C to the issuance or transfer of the brewery license. If the authorities in charge of any such school or church complain to the commission in writing that a brewery license has been issued or transferred without the mailing of the requisite notice, and that they object to such issuance or transfer, the commission shall hold a hearing to determine whether the requisite notice was mailed. If after a hearing the commission determines that notice was not mailed as required, then the commission shall cancel the farmer-brewery license unless, such school or church had actual notice, prior to issuance or transfer, of the application and of the right to object under said sixteen C, or such school or church did not complain as soon as possible after actual notification of the application and of the right to object.

Any farmer-brewer aggrieved by the cancellation of his license or any school or church aggrieved by the commission's refusal to cancel such a license may appeal as provided herein.

(e) A farmer-brewer may operate a farmer's brewery under such conditions as the commission may prescribe by regulation.

(f) A farmer-brewer may import malt, cereal grains fermentable, sugars and hops, but may not import malt beverages or alcohol into the commonwealth.

(g) A farmer-brewer may sell malt beverages or malt beverage

products:

(1) at wholesale to any person holding a valid license to manufacture alcoholic beverages under section nineteen;

(2) at wholesale to any person holding a valid wholesaler's and importer's license under section eighteen;

(3) at wholesale to any person holding a valid farmer-brewery license under this section;

(4) at wholesale in kegs, casks, barrels or bottles to any person holding a license to sell under section twelve, thirteen or fourteen, and, for the sole purpose of resale in containers in which the wine was delivered, to any person holding a license to sell under section fifteen; provided that the total annual sales to sections twelve, thirteeen, fourteen, and fifteen licensees shall not exceed fifty thousand gallons;

(5) at wholesale to any registered pharmacist holding a certificate of fitness under section thirty;

(6) at wholesale to churches and religious societies, educational institutions, incorporated hospitals, homes for the aged, manufacturers of food products, and manufacturers of drugs and chemicals as authorized by, and subject to the provisions of section twenty-eight;

(7) at retail by the bottle to consumers for consumption off the brewery premises;

(8) at wholesale to any person in any state or territory in which the importation and sale of malt beverages is not prohibited by law; and

(9) at wholesale to any person in any foreign country.

(h) A farmer-brewer may not sell at retail to consumers any malt beverage or malt beverage product not produced by the brewery or produced for the brewery and sold under the brewery brand name. All retail sales must be made on the brewery premises.

(i) A farmer-brewer may be licensed by the local licensing authorities to sell malt beverages for consumption on the brewery premises in accordance with the pertinent provisions of section twelve and such regulations as the commission may prescribe.

(j) All malt beverages sold by a licensee hereunder shall be sold and delivered in such manner and under such conditions and with such labels or other marks to identify the producer as the commission may prescribe.

(k) Every farmer-brewer under this section shall keep such records as the commission may prescribe, and shall file with the commission, whenever and as often as it may require, duplicates of copies of such records. The commission shall at all times, through its designated officers or agents, have access to all books, records or other documents of every licensed farmer-

brewer relating to the licensee's brewery business.

(l) The annual license fee for each farmer-brewer in respect of each brewery shall be computed based on the malt beverage barrelage produced by the brewery as follows:

5,000 barrels or less per year:	$ 22/per year
More than 5,000 and less than 20,000 barrels per year:	$ 44/per year
More than 20,000 barrels and less than 100,000 barrels per year:	$ 82/per year
More than 100,000 and less than 200,000 barrels per year:	$110/per year
More than 200,000 and less than 1,000,000 barrels per year:	$110/per year
Each additional 1,000,000 barrels per year:	$111/per year

For the above purposes, a barrel shall be thirty-one gallons.

(m) Every applicant for a farmer-brewery license shall, at the time of filing an application, pay a license fee based on a reasonable estimate of the amount of malt beverages to be produced during the year covered by the license. Persons holding farmer-brewery licenses shall report annually at the end of the year covered by the license the amount of malt beverages produced during such year. If the total amount of such malt beverages exceeds the amount permitted by the fee already paid, the licensee shall pay whatever additional fee is owing under this section.

SECTION 5. Section 20 of said chapter 138 is hereby amended by striking out the first two paragraphs, as amended by section 5 of chapter 929 of the acts of 1977, and inserting in place thereof the following two paragraphs:-

The commission may grant to any holder of a manufacturer's, farmer-winery, farmer-brewery or wholesaler's and importer's license under this chapter a permit to store in any city or town those alcoholic beverages which such licensees are authorized to manufacture, produce or sell; provided, that there shall not be granted to such manufacturer, farmer-winery, farmer-brewery, or wholesaler and importer, in the aggregate, more than three such permits in the commonwealth, not more than one such permit in any city or town. A permit so granted to the holder of such a license shall authorize him to deliver such beverages from any place of storage for which he has such a permit upon orders, which need not be in writing, received by him at the premises covered by his manufacturer's, farmer-winery, farmer-brewery or wholesaler's and importer's license and transmitted to the place of storage covered by the permit. The commission may establish annual fees thereof not exceeding five hundred dollars

for any one permit.

Special warehouse permits may be granted by the commission for the storage of alcoholic beverages in a duly licensed bonded warehouse. A special permit so granted shall authorize the holder thereof to transfer such beverages between any premises for which he has such special permit and any premises covered by his manufacturer's, farmer-winery, farmer-brewery or wholesaler's and importer's license. The fee for such a special permit shall be not less than fifty nor more than two hundred dollars.

SECTION 6. The first sentence of the first paragraph of said chapter 138, as amended by section 10 of chapter 481 of the acts of 1979, is hereby further amended by inserting after the word "nineteen B", in line 3, the words:- , and every farmer-brewer under section nineteen C,- and by inserting after the word "winegrower", in line 8, the word:- farmer-brewer.

SECTION 7. Section 23 of said chapter 138 is hereby amended by striking out the third paragraph, as amended by section 7 of chapter 929 of the acts of 1977, and inserting in place thereof the following paragraph:-

No license issued under section twelve, fourteen or fifteen, and no certificate of fitness issued under section thirty shall authorize the sale of any alcoholic beverages other than those purchased from a licensee under section eighteen, nineteen or nineteen B or nineteen C or from a holder of a special permit to sell issued under section twenty-two A; provided, that the holder of a license under section twelve or fifteen may sell alcoholic beverages acquired as the result of the purchase of a warehouse receipt for such beverages if the said receipt was purchased from the holder of a license under section eighteen, nineteen, nineteen B or nineteen C or from a broker registered under chapter one hundred and ten A who is authorized thereunder to deal in warehouse receipts for alcoholic beverages; and provided, further, that nothing contained in this section shall be construed to authorize a licensee under section twelve or fifteen to import alcoholic beverages into the commonwealth except through the holder of a license issued under section eighteen.

SECTION 8. Section 25 of said chapter 138 is hereby amended by striking out the seventh paragraph, as amended by section 9 of said chapter 929, and inserting in place thereof the following paragraph:-

Nothing in this chapter shall prevent a person holding any interest in a business licensed under section nineteen, nineteen B or nineteen C from holding at the same time any interest in not

more than one business licensed under section eighteen.

SECTION 9. Said chapter 138 is hereby further amended by striking out section 25C, as most recently amended by section 10 of said chapter 929, and inserting in place thereof the following section:-

Section 25C. (a) No brand of alcoholic beverages shall be sold within the commonwealth to a wholesaler or retailer, and no manufacturer, winegrower, farmer-brewer or wholesaler shall sell, offer for sale, solicit any order for, or advertise, any alcoholic beverages, the container of which bears a label stating the brand or the name of the owner or producer, unless a schedule of minimum consumer prices for each such brand of alcoholic beverages shall first have been filed with the commission and is then in effect.

(b) Each of the schedules hereinafter referred to shall be in writing, duly verified, and filed in the number of copies and form as required by the commission, and shall contain, with respect to each item, the exact brand or trade name, capacity of package, nature of contents, age and proof where stated on the label, the percentage and type of spirits where stated on the label, the minimum consumer resale price of a bottle and of a case, but not a multiple of a bottle price or a case price or a fraction of a case price, which prices shall be uniform throughout the commonwealth.

(c) Such schedule may be filed by (1) the manufacturer, winegrower, farmer-brewer, importer or wholesaler who owns such brand if licensed by the commission, or (2) any wholesaler, importer or manufacturer licensed by the commission, with the approval of the commission.

(d) The first schedule shall be filed on or before a date to be fixed by the commission, and the prices therein shall become effective on a date to be fixed by the commission and shall remain in effect for a period, not exceeding four months, to be fixed by the commission. Subsequent schedules shall be filed at the times and for the periods hereinafter set forth and shall be effective during the periods hereinafter set forth:-

FILING DATES.	EFFECTIVE DATES.
July 1-10	September 1-October 31
September 1-10	November 1-December 31
November 1-10	January 1-February 28
January 1-10	March 1-April 30
March 1-10	May 1-June 30
May 1-10	July 1-August 31

provided, however, that nothing contained herein shall require any manufacturer, winegrower, farmer-brewer or wholesaler to file a schedule of minimum consumer resale prices for any brand of alcoholic beverages offered for sale or sold (1) to a retailer under a brand which is owned exclusively by such retailer and sold within the commonwealth exclusively by such retailer; (2) to a church, synagogue or religious organization under a brand which is owned exclusively by such manufacturer, farmer-brewer, winegrower, or wholesaler, if authorized to sell wine or malt beverages to such persons and such wine or malt beverages are sold exclusively to such persons; (3) to on-premises retailers under a brand which is owned exclusively by such manufacturer, winegrower, farmer-brewer or wholesaler and is sold by such manufacturer, winegrower, farmer-brewer or wholesaler exclusively to such retailers for consumption on the premises.

No such filing, however, shall take effect unless within thirty days thereafter the commission shall approve such prices as not being excessive, inadequate, or unfairly discriminatory; provided, however, that such approval shall not be deemed a rule or regulation within the meaning of section twenty-four or section seventy-one, nor shall such approval be subject to the provisions of chapter thirty A.

(e) Within ten days after the filing of each such schedule the commission shall make it or a composite thereof available for inspection by licensees. All such schedules so filed shall be subject to public inspection from the time that they are required to be made available for inspection by licensees. Each manufacturer, winegrower, farmer-brewer and wholesaler shall retain in his licensed premises a copy of his filed schedules, and shall, as soon as practicable after the tenth day of the month in which such schedules are filed, compile, publish and mail to each retailer authorized to sell alcoholic beverages for off-premises consumption, a list, to be designated "minimum consumer resale price list". Such list, as then in effect, shall be conspicuously displayed within the interior of the licensed premises where sales are made and where they can be readily inspected by consumers.

(f) No licensee authorized to sell alcoholic beverages at retail for off-premises consumption shall sell, offer to sell, solicit an order for, or advertise, any alcoholic beverages at a price less than the minimum consumer resale price then in effect, unless written permission of the commission is granted for good cause shown and for reasons not inconsistent with the purposes of this section and under such terms and conditions as the commission deems necessary.

(g) The commission is hereby authorized to make rules which are necessary (1) to prevent circumvention of the provisions of

this section by the offering or giving of any rebate, allowance, free goods, discount or any other thing or service of value; (2) to permit the withdrawal of, an addition to, a deletion from, or an amendment of any schedule containing the minimum consumer retail price or a modification of prices therein, when not inconsistent with the purposes of this section, whenever necessary to avoid practical difficulties or unnecessary hardships to any licensee affected by this section or because of acts or circumstances beyond the control of such licensee, and under such terms and conditions as are necessary to carry out the purposes of this section; (3) to permit the sale at a price less than the minimum consumer resale price of alcoholic beverages which are damaged or deteriorated in quality, or the closeout of a brand for the purpose of discontinuing its sale, under such terms and conditions as are necessary to carry out the purposes of this section; (4) to permit the sale by a retailer of a brand of alcoholic beverages for which a schedule of minimum consumer resale prices has not been and cannot be filed, whenever necessary to avoid practical difficulties or unnecessary hardships to any licensee affected by this section or because of acts or circumstances beyond the control of such licensee, and under such terms and conditions as are necessary to carry out the purposes of this section.

All schedules filed pursuant to this section shall be subject to public inspection from the time that they are required to be made available for inspection by licensees, and shall not be considered confidential. For the violation of any provision of this section or any rule or regulation duly promulgated under this section, the commission may suspend a license as follows:- for a first offence, not exceeding six days suspension of license; for a second offence, not exceeding fifteen days suspension of license; and for each subsequent offence, thirty days suspension of license. Each manufacturer, winegrower, farmer-brewer and wholesaler shall retain in his licensed premises for inspection by licensees a copy of his filed schedules as then in effect. The commission may make such rules and regulations as shall be appropriate to carry out the purposes of this section.

SECTION 10. Section 25E of said chapter 138 is hereby amended by striking out the first paragraph, as most recently amended by section 11 of said chapter 929, and inserting in place thereof the following paragraph:-

It shall be an unfair trade practice and therefor unlawful for any manufacturer, winegrower, farmer-brewer, importer or wholesaler of any alcoholic beverages, to refuse to sell, except for good cause shown, any item having a brand name to any

licensed wholesaler to whom such manufacturer, winegrower, farmer-brewer, importer or wholesaler has made regular sales of such brand item during a period of six months preceding any refusal to sell.

SECTION 11. Section 28 of said chapter 138, as most recently amended by section 12 of said chapter 929, is hereby further amended by inserting after the word "nineteen B", in line 2, the words:- or nineteen C.

SECTION 12. Section 32 of said chapter 138, as most recently amended by section 13 of said chapter 929 is hereby further amended by striking out, in lines 7 and 8, the words "or nineteen B" and inserting in place thereof the words:- nineteen B or nineteen C.

SECTION 13. Section 34 of said chapter 138 is hereby amended by striking out the second sentence, as amended by chapter 97 of the acts of 1982, and inserting in place thereof the following sentence:- Whoever 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 section fifteen, delivers or procures to be delivered in any public room or area of such establishment if licensed under section twelve, fifteen, nineteen B or nineteen C or in any area of such establishment if licensed under said section fifteen, nineteen B or nineteen C any such beverages or alcohol to or for the use of a person who he knows or has reason to believe to be under twenty years of age or whoever procures any such beverage or alcohol for a person under twenty years of age in any establishment licensed under section twelve, or procures any such beverage or alcohol for a person under twenty years of age who is not his child, ward or spouse in any establishment licensed under said section fifteen, nineteen B or nineteen C shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than six months, or both.

SECTION 14. Section 70 of said chapter 138, as most recently amended by section 15 of chapter 929 of the acts of 1977, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- No license shall be granted by the commission under section eighteen, nineteen, nineteen B, nineteen C or seventy-six unless the applicant shall have filed with the state treasurer a bond running to the commonwealth.

Approved December 30, 1982.

Chap. 628. AN ACT DIRECTING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A CERTAIN PARCEL OF LAND AT THE PITTSFIELD STATE POLICE BARRACKS TO THE GENERAL ELECTRIC CORPORATION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the sale at fair market value of the state police barracks building and land in the city of Pittsfield, therefore 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 division of capital planning and operations, acting in the name and on behalf of the commonwealth, is hereby authorized and directed to convey to General Electric Corporation by deed, approved as to form by the attorney general and at fair market value, a certain parcel of land used as a state police barracks under the control of the department of public safety in the city of Pittsfield for use as an industrial or commercial development.

Said land being situated in said city and bounded and described as follows: Beginning at the point of intersection of the easterly line of Plastics Avenue and the southerly line of Dalton Avenue; thence running in an easterly direction along said southerly line of Dalton Avenue a distance of four hundred feet (400') to a point; thence turning at an angle of eighty-eight degrees forty-one minutes (88 41') and running in a southerly direction parallel with the easterly line of Plastics Avenue a distance of two hundred and fifty feet (250') to a point; thence turning at an angle of ninety-one degrees nineteen minutes (91 19') and running in a westerly direction parallel to the southerly line of Dalton Avenue a distance of four hundred feet (400') to the easterly line of Plastics Avenue; thence northerly along said easterly line of Plastics Avenue a distance of two hundred fifty feet (250') to the point of beginning.

For a more particular description of the parcel, see a plan designated M-3995719 and entitled "Northwest Plot of Division No. 10" and is a portion of the land conveyed to General Electric Company by Pittsfield Industrial Development Company be deed dated March 19, 1920, and recorded in the middle district registry of deeds in the county of Berkshire on March 22, 1920, in Book 393, Page 580.

SECTION 2. The sale of the land provided in section one of

this act shall be made at fair market value to be determined by the division of capital planning and operations as the average of three independent appraisals, selected by said division. Said appraisals shall be conducted by appraisers selected by said division and shall be paid for by General Electric Corporation. Said division shall inform General Electric Corporation of the price to be remitted to the commonwealth as soon as possible after the appraisals are submitted.

Approved January 3, 1983.

Chap. 629. AN ACT FURTHER REGULATING THE MASSACHUSETTS CONVENTION CENTER AUTHORITY.

Be it enacted, etc., as follows:

SECTION 1. Section 32 of chapter 190 of the acts of 1982 is hereby amended by inserting after the word "phrases", in line 1, the following words:- , as used in sections thirty-one to forty-eight, inclusive,.

SECTION 2. Said section 32 of said chapter 190 is hereby further amended by inserting before the definition of "Authority" the following definition:-

"Act", the provisions of sections thirty-one to forty-eight, inclusive.

SECTION 3. Said section 32 of said chapter 190 is hereby further amended by adding after the definition of "Authority" the following definition:-

"Bonds", any bonds, notes or other evidences of indebtedness of the authority.

SECTION 4. Said section 32 of said chapter 190 is hereby further amended by striking out the definition of "Cost of a project" and inserting in place thereof the following definition:-

"Cost of a project", the cost, whenever incurred, of carrying out a project and placing it in operation, including, without limiting the generality of the foregoing, the cost of acquisition, construction, expansion and rehabilitation, architectural and engineering services, plans, specifications, surveys, estimates of cost and of revenues, other expenses necessary or incident to determining the feasibility or practicability of the project, interest prior to and during the carrying out of any project and for a reasonable period thereafter, such reserves for debt ser-

vice or other capital or current expenses as may be required by a trust agreement or resolution securing bonds of the authority, working capital, administrative expenses, legal expenses and such other expenses as may be necessary or incident to the aforesaid, to the financing thereof and to the issuance therefor of bonds under the provisions of this act.

SECTION 5. Section 33 of said chapter 190 is hereby amended by adding the following paragraph:-

The authority may indemnify any present or past member, officer, employee or other agent against liability, costs and expenses, including legal fees, in connection with any actual or threatened proceeding, including any settlement thereof approved by the authority, arising by reason of any act or omission within the scope of his duties or employment for the authority; provided, however, that no indemnification shall be provided to a person concerning a matter as to which such person is finally adjudicated to have acted either without the belief held in good faith that his conduct was in the best interests of the authority or with reason to understand that his conduct was unlawful. Costs and expenses may be paid prior to a final disposition upon receipt of an undertaking, which the authority may accept without regard to the financial resources of the person indemnified, that the person receiving the benefit of payments will repay such payments if he shall be finally adjudicated not to be entitled to indemnification hereunder. The authority may purchase insurance on behalf of itself and any of its members, officers, employees or agents against any liability arising out of his status as such, whether or not the authority would have the power to indemnify him against such liability.

SECTION 6. Section 35 of said chapter 190 is hereby amended by striking out clause (f) and inserting in place thereof the following clause:-

(f) To take by eminent domain under chapter seventy-nine or chapter eighty A of the General Laws and to acquire by purchase, lease, lease-purchase, sale and leaseback, gift or otherwise, or to obtain options for the acquisition of any property, real or personal, improved or unimproved, tangible or intangible, or any interest therein, and to use and hold such property or interest therein, as may be necessary, appropriate or convenient to carry out the purposes of this act; provided, however, that before a taking is made or injury inflicted by the authority for which damages may be recovered under chapters seventy-nine or eighty A of the General Laws, the authority shall file with the secretary of the executive office for administration and finance

security to the satisfaction of said secretary, for the payment of all damages and costs which may be awarded for the property taken or injured, and if, upon petition of the owner and notice to the authority, any security taken appears to said secretary to have become insufficient, said secretary shall require the authority to give further security to the satisfaction of said secretary;.

SECTION 7. Said section 35 is hereby further amended by striking out clauses (n) through (r) and inserting in place thereof the following nine clauses:-

(n) To formulate plans for, finance, and develop any project involving the acquisition, construction, expansion, rehabilitation and operation of facilities pursuant to the provisions of this act, and to use, own, operate, manage and dispose of such facilities; provided, however, that in so doing the authority shall comply with the provisions of chapter five hundred and seventy-nine of the acts of nineteen hundred and eighty which are applicable to public authorities; and, provided further, that notwithstanding any rule or regulation or any provision of any general or special law to the contrary, the commissioner of public safety or his designee in the division of inspection of the department of public safety shall be solely responsible for inspection, enforcement, permitting and licensure authorized or required by chapter one hundred and forty-three of the General Laws for construction or operation of structures or facilities of the authority;

(o) To fix and revise from time to time, and to charge and collect rates, fees, rents and other charges and penalties for the use, occupancy or operation of any building, structure, property or other facility or portion thereof under its jurisdiction or control as hereinafter provided;

(p) To receive and use funds from the commonwealth, including funds provided pursuant to chapter four hundred and eighty-six of the acts of nineteen hundred and eighty, and any earnings thereon, for the cost of a project; and to use any funds received from the commonwealth, including funds provided pursuant to said chapter four hundred and eighty-six, and any earnings thereon, to pay at maturity or redeem prior to maturity at the applicable redemption price, with interest to the date of maturity or redemption, any outstanding bonds issued by the Massachusetts Parking Authority to finance the Boston Common parking garage or to otherwise provide for the retirement of such bonds;

(q) To enter into agreements with private entities or parties, in exchange for such consideration and upon such terms and conditions as the authority may deem appropriate, that any facility, or portion thereof, of the authority shall be known and referred to by a particular name, commercial or otherwise,

designated by such private party or entity;

(r) To pledge or assign any money, fees, charges, or other revenues or receipts of the authority, including any proceeds derived by the authority from the sale of property, insurance or condemnation awards or the issuance of bonds as hereinafter provided;

(s) To borrow money and issue bonds as hereinafter provided;

(t) To sell, lease, mortgage, exchange, transfer, convey or otherwise dispose of, to enter into sale and leaseback transactions, or to grant options for any such purposes with respect to, any real or personal property of the authority or interest therein as may be necessary, appropriate or convenient to carry out the purposes of this act;

(u) To rent or lease to a public or private entity any building, structure or other facility or portion thereof under the control or jurisdiction of the authority, and to contract with a more public or private entity to operate the same and provide goods and services therein and to establish rules and regulations related to such renting and leasing; and

(v) To do all things necessary, convenient or desirable to carry out the purposes of this act.

SECTION 8. Section 36 of said chapter 190 is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:- The authority shall not be required under such agreement to make any such payments in lieu of taxes in any year in excess of the balance of the revenues of the authority remaining after (a) payment of the cost of maintaining, repairing and operating its projects, (b) payment of the current operating and administrative expenses of the authority, (c) payment of the principal of or sinking fund installments on and interest on all bonds of the authority payable in such year, (d) creation and maintenance of reserves deemed adequate by the authority for renewal, replacement or extraordinary repairs to property of the authority and (e) payments to such other reserves for debt service or other capital or current expenses as may be required by a trust agreement or resolution securing bonds of the authority.

SECTION 9. Said section 36 of said chapter 190 is hereby further amended by adding the following paragraph:-

Bonds issued by the authority, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be exempt from taxation within the commonwealth.

SECTION 10. Said chapter 190 is hereby amended by striking out section 37 and inserting in place thereof the following section:-

Section 37. The authority is hereby authorized to establish and revise rules and regulations for its facilities, including, but not limited to, regulations for the parking of motor vehicles, and to fix and revise from time to time and collect rates, fees, rents and other charges for use, occupancy and operation thereof and penalties for violations of its rules and regulations. Such rules and regulations shall provide that facilities of the authority shall be available in a nondiscriminatory manner. Such rules and regulations and rates, fees, rents and other charges and penalties shall be fixed and adjusted, with respect to the aggregate of the revenues from the authority's projects, so as to provide revenues sufficient, after taking into account all other available monies, (a) to pay the cost of maintaining, repairing and operating such projects, (b) to pay the current operating and administrative expenses of the authority, (c) to pay the principal of or sinking fund installments on and interest on all bonds of the authority as the same shall become due and payable, (d) to create and maintain reserves deemed adequate by the authority for renewal, replacement or extraordinary repairs to property of the authority and (e) to make payments to such other reserves for debt service or other capital or current expenses as may be required by a trust agreement or resolution securing bonds of the authority. Such rates, fees, rents and other charges and penalties shall not be subject to supervision or regulation of any department, division, commission, board, bureau or agency of the commonwealth or any political subdivision thereof. Penalties enforced by judicial process shall be collected by the court for the account of the authority and paid over to the authority.

SECTION 11. Said chapter 190 is hereby further amended by striking out section 38A and inserting in place thereof the following section:-

Section 38A. Notwithstanding the provisions of any general or special law to the contrary, effective January first, nineteen hundred and eighty-three, the John B. Hynes Veterans Memorial Auditorium, and all real and personal property located at, a part of, or used in connection with said facility, including, without limitation, all real property and improvements conveyed to the city by deed dated December twenty-third, nineteen hundred and fifty-eight from The Prudential Insurance Company of America, recorded with Suffolk Deeds at Book 7386, Page 140 and registered with the Suffolk Registry District of the Land Court as Doc. No. 236765, is hereby transferred from the city to the

authority. The city, by its mayor, shall execute, acknowledge and deliver such confirmatory deeds or other instruments as may be reasonably required by the authority, but such execution, acknowledgement and delivery thereof shall not be a condition of the transfer, which is made by this act.

The city shall receive as compensation for such taking of the John B. Hynes Veterans Memorial Auditorium and the taking of the city's reversionary rights to the Boston Common parking garage, as provided in section thirty-eight J, the sum of fifteen million dollars, and if the city waives the remedy set forth in the following paragraph or otherwise does not pursue such remedy, the city shall be entitled to receive as such compensation an additional sum of twenty-five million dollars. Notwithstanding any other provision of this act, chapter four hundred and eighty-six of the acts of nineteen hundred and eighty, or any other general or special law, or any rules and regulations established by the secretary of administration pursuant to section three of said chapter four hundred and eighty-six, such sum shall be paid to the city by the commonwealth from the funds provided for by said chapter four hundred and eighty-six, and the secretary of administration is hereby directed to reserve a sufficient amount of such funds for such payment. It is hereby declared that, for the purposes of any constitutional entitlement to damages in the event of a taking, the properties or interests held by the city that are being taken pursuant to the provisions of this section are held by the city in a governmental and not a proprietary capacity, and it is hereby further declared that it is not the intent of this act to confer on the city any rights to damages except as specifically provided for herein.

The city, until and including January thirty-first, nineteen hundred and eighty-three or the thirtieth day after the effective date of this act, whichever is later, shall have the right to file a petition in the superior court of Suffolk county seeking a judicial determination in accordance with the following paragraph of the amount, if any, constitutionally required to be paid to the city for such takings. If such petition is not filed by the city prior to the expiration of such period, the city shall on or about the date such period expires receive payment of forty million dollars, as hereinbefore provided, less any amounts previously paid the city pursuant to section forty-eight. If such petition is filed within the applicable period, the city shall be entitled, in lieu of such amount, to such compensation, if any, from the commonwealth for such takings as shall be determined to be constitutionally required, provided, however, that in no event shall the city be required to reimburse the commonwealth for any payment made by the commonwealth to the city pursuant to the

provisions of section forty-eight. The mayor of the city shall have the power to decide on behalf of the city whether such petition shall be filed. The mayor shall also have the power on behalf of the city at any time to enter into a written agreement with the commonwealth to the effect that the city will not file such petition and is waiving its right to file such petition and upon execution of such agreement the city shall be entitled to receive payment of said forty million dollars, less any amounts previously paid the city pursuant to the provisions of section forty-eight, in accordance with the terms of such agreement.

All matters pertaining to the petition shall be heard by a judge in the superior court department, and there shall be one trial before a jury, unless the city and the commonwealth waive trial by jury and file a written agreement requesting a trial without a jury. Interrogatories may be filed with the same effect as in other civil actions. In case of trial by jury, the jury shall view the premises, if either party requests such view. The court, at the request of either party, shall advance the proceeding so that it may be heard and determined with as little delay as possible. If final judgment is entered to the effect that the city is entitled to compensation from the commonwealth, the clerk of the court shall, within seven days after the final disposition of the case, transmit a certified copy of the docket entries and a certificate of such judgment showing the amount due from the commonwealth, to the comptroller who shall notify the governor. The governor shall draw his warrant for such amount on the state treasurer, who shall pay the same, with such interest as is provided in the following sentence, from the funds reserved by the secretary of administration pursuant to the provisions of this section to the extent necessary or from any additional appropriation, if necessary, made for the purpose by the general court. The judgment amount shall bear interest at the rate of ten per cent per annum from the date of the entry of such judgment to and including the last day of the month prior to the month in which such judgment is satisfied, except that the judgment shall not bear interest if it is satisfied within thirty days of such entry. The city shall pay its own costs relating to such petition.

Notwithstanding the provisions of section twenty-four hereof or of any other general or special law to the contrary, of the amounts received by the city pursuant to this section, up to the amount determined by the secretary of administration as the fair market value of the John B. Hynes Memorial Auditorium, based on three independent appraisals, shall be deposited by the city in the Disproportionate Assessment Fund established pursuant to section four, if such fund is still in existence on the date such amounts are received by the city, and the remainder, if any, or

the entire amounts if such fund is no longer in existence on the date such amounts are received by the city, shall be deposited by the city in its general fund, to be used only to meet appropriations made for purposes for which the city is authorized to incur debt for a period of ten years or more. Any amounts deposited by the city in said Disproportionate Assessment Fund pursuant to the provisions of this section or section forty-eight shall, for the purposes of section four, be treated as if such amounts were borrowed under authority of section one.

SECTION 12. Section 38D of said chapter 190 is hereby amended by adding the following two paragraphs:-

Every employee of the authority shall, if otherwise eligible, continue as or become a member in service of the state employees' retirement system. The authority shall annually reimburse the state board of retirement for the authority's proportionate share of any retirement allowance paid by said board during the preceding year which is based in whole or in part on service with the authority in accordance with clause eight (c) of section three of chapter thirty-two of the General Laws. Such service with the authority shall, in the case of any employee who immediately prior to being transferred to the authority by the provisions of this section was an employee of the Massachusetts Parking Authority, include such employee's period of employment with said Massachusetts Parking Authority.

Every employee who immediately prior to being transferred to the authority by this section is a member of the Boston retirement system established under chapter thirty-two of the General Laws and chapter five hundred and twenty of the acts of nineteen hundred and forty-seven, or predecessor retirement systems thereto, shall also become a member of the state employees' retirement system. Within ninety days of such employment by the authority, the amount of the accumulated total deductions, including accumulated interest on such deductions, credited to such employee's account in the Boston retirement system shall be transferred and credited to the annuity savings fund of the state employees' retirement system, such transfer may be made by the Boston retirement system by the transfer of cash or securities valued in accordance with section twenty-one of said chapter thirty-two. The city shall annually reimburse the state board of retirement for the city's proportionate share of any retirement allowance paid by said board during the preceding year which is based in whole or in part on service with the city in accordance with paragraph (c) of subdivision (8) of section three of chapter thirty-two of the General Laws.

SECTION 13. Said chapter 190 is hereby further amended by inserting after section thirty-eight E the following five sections:-

Section 38F. All property, real and personal, owned, controlled by or in the custody of the Massachusetts Parking Authority is hereby transferred to the ownership, control and custody of the authority. All debts, liabilities and obligations of the Massachusetts Parking Authority, including, without limiting the generality of the foregoing, the outstanding bonds of the Massachusetts Parking Authority, are hereby transferred to, assumed by and imposed upon the authority. Without in any way limiting the generality of the foregoing, all books, maps, papers and records of whatever description relating to the design, construction, management and operation of the Boston Common parking garage or any other property or facility in the custody or control of the Massachusetts Parking Authority are hereby transferred to the use, ownership, custody and control of the authority and the authority is authorized to take possession thereof for its uses and purposes.

Section 38G. All actions and proceedings duly begun by pending before or pending against, the Massachusetts Parking Authority prior to the effective date of this section shall continue unabated and remain in full force and effect notwithstanding the passage of this act and may be completed before, against or by the authority. All orders, rules and regulations duly promulgated by the Massachusetts Parking Authority shall remain in full force and effect to the extent consistent with this act until superseded, revised or rescinded by the authority. All contracts, including collective bargaining agreements, leases, obligations and rights of the Massachusetts Parking Authority shall continue in full force and effect in accordance with law and are hereby transferred to, assumed by and imposed upon the authority. All licenses, permits and franchises of the Massachusetts Parking Authority are hereby transferred to the authority. All unexpended balances of moneys in accounts of, for or on behalf of the Massachusetts Parking Authority are hereby transferred to the authority.

The rights of the Massachusetts Parking Authority to payments from the commonwealth or others on account of operations or debt service or other expenses under existing laws shall pass to the authority.

Section 38H. The first sentence of the fifth paragraph of section 14 of chapter 606 of the acts of 1958 is hereby amended by striking out, in lines 1 and 2, the words "Until the project shall have been transferred to the city under the provisions of section fifteen of this act, the" and inserting in place thereof the following word:- The.

Section 38I. Without in any way limiting the generality of any other provisions of this act as such provisions relate to the Boston Common parking garage or any other project of the authority, the authority shall with respect to said Boston Common parking garage have the powers set forth in clauses (e), (g), (k) and (o) of section five of chapter six hundred and six of the acts of nineteen hundred and fifty-eight and, in accordance with section thirty-seven of this act, the powers enumerated in the first sentence of section ten of said chapter six hundred and six and the provisions of sections six, seven, and fourteen A, the provisions of paragraphs one, two, three, four, five and six of section fourteen and the provisions of the second paragraph of section sixteen of said chapter six hundred and six shall be applicable to the authority with respect to said Boston Common parking garage.

Section 38J. Sections one, two, three, four, eight, nine, eleven, twelve, thirteen, fifteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two and twenty-four of said chapter six hundred and six of the acts of nineteen hundred and fifty-eight are hereby repealed. Clauses (a), (b), (c), (d), (f), (h), (i), (j), (l), (m), (n) and (p) of section five of said chapter six hundred and six are hereby stricken out. The second to eighth sentences, inclusive, of section ten of said chapter six hundred and six are hereby stricken out. Paragraph seven of section fourteen of said chapter six hundred and six is hereby stricken out. The first paragraph of section sixteen of said chapter six hundred and six is hereby stricken out. Chapter one thousand and thirty-seven of the acts of nineteen hundred and seventy-one is hereby repealed. Chapter two hundred and fifty-four of the acts of nineteen hundred and seventy-nine is hereby repealed. Section forty-four of chapter one hundred and ninety of the acts of nineteen hundred and eighty-two is hereby repealed.

SECTION 14. Section 39 of said chapter 190 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The authority shall establish a special fund, to be known as the Civic and Convention Center Fund and shall deposit in such fund any grant funds received under the provisions of chapter four hundred and eighty-six of the acts of nineteen hundred and eighty, which amounts may be expended by the treasurer as authorized by vote of the authority and without further appropriation; provided, however, that all such funds, including any earnings thereon, shall be used solely for the purpose of paying for the cost of a project under the provisions of this act, and to pay at maturity or redeem prior to

maturity at the applicable redemption price, with interest to the date of maturity or redemption any outstanding bonds issued by the Massachusetts Parking Authority to finance the Boston Common parking garage, or to otherwise provide for the retirement of such bonds.

SECTION 15. Said chapter 190 is hereby further amended by inserting after section 39 the following nine sections:-

Section 39A. The authority may provide by resolution for the issuance from time to time of bonds of the authority for any of its corporate purposes or the borrowing of money in anticipation of the issuance of such bonds. Bonds may be issued hereunder as general obligations of the authority or as special obligations payable solely from particular funds.

The authority may also provide by resolution for the issuance from time to time of temporary notes in anticipation of the revenues to be collected or received by the authority in any year, or in anticipation of the receipt of federal, commonwealth or local grants or other aid. The issue of such notes shall be governed by the provisions of this act relating to the issue of bonds of the authority other than such temporary notes as the same may be applicable; provided, however, that notes issued in anticipation of revenues shall mature no later than one year from their respective dates and notes issued in anticipation of federal, commonwealth or local grants, or other aid and renewals thereof, shall mature no later than six months after the expected date of receipt of such grants or aid.

No bonds or temporary notes of the authority shall be sold by the authority unless prior to such sale the authority shall have consulted with the finance advisory board established by section ninety-seven of chapter six of the General Laws as to the timing and terms thereof.

Section 39B. Bonds of each such issue shall be dated, may bear interest at such rate or rates, including rates variable from time to time as determined by such index, banker's loan rate or other method determined by the authority, and shall mature at such time or times, as may be determined by the authority, and may be made redeemable before maturity at the option of the authority at such price or prices and under such terms and conditions as may be fixed by the authority prior to the issue of bonds. The authority shall determine the form of bonds, including interest coupons, if any, to be attached thereto, and the manner of execution of bonds, and shall fix the denomination or denominations of bonds and the place or places of payment of principal, redemption premium, if any, and interest, which may be at any bank or trust company within or without the common-

wealth. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery thereof, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes as if he or she had remained in office until after such delivery. The authority may also provide for authenticating of bonds by a trustee or fiscal agent. Bonds may be issued in bearer coupon or in registered form, or both, and, if notes, may be made payable to bearer or to order, as the authority may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, for the reconversion into coupon bonds of bonds registered as to both principal and interest and for the interchange of bonds registered as to both principal and interest and for the interchange of registered and coupon bonds. The authority may by resolution delegate to the executive director or any member or members of the authority or any combination of them the power to determine any of the matters set forth in this section. Subject to the requirement of consultation with the finance advisory board established by section ninety-seven of chapter six of the General Laws, the authority may sell its bonds in such manner, either at public or private sale, for such price, at such rate or rates of interest, or at such discount in lieu of interest, as it may determine will best effect the purposes of this act.

The authority may issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The authority may also provide for the replacement of any bonds which shall have become mutilated or shall have been destroyed or lost.

The authority may also provide for the issuance of bonds in book entry or uncertificated form.

In the discretion of the authority, any bonds issued hereunder may be secured by a resolution of the authority or by a trust agreement between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the commonwealth, and such trust agreement shall be in such form and executed in such manner as may be determined by the authority. Such trust agreement or resolution may pledge or assign, in whole or in part, the revenues and other moneys held or to be received by the authority, including the revenues from any facilities already existing when the pledge or assignment is made, and any contract or other rights to receive the same, whether then existing or thereafter coming into existence and whether then held or thereafter ac-

quired by the authority, and the proceeds thereof. Such trust agreement or resolution may contain such provisions for protecting and enforcing the rights, security and remedies of the bondholders as may, be reasonable and proper and not in violation of law, including, without limiting the generality of the foregoing, provisions defining defaults and providing for remedies in the event thereof which may include the acceleration of maturities and covenants setting forth the duties of, and limitations on, the authority in relation to the acquisition, construction, improvement, enlargement, alteration, equipping, furnishing, maintenance, use, operation, repair, insurance and disposition of property, the custody, safeguarding, investment and application of moneys, the issue of additional or refunding bonds, the fixing, revision, charging and collection of rates, fees, rents, or other charges, the use of any surplus bond proceeds, the establishment of reserves, and the making and amending of contracts.

In the discretion of the authority any bonds issued under authority of this act may be issued by the authority in the form of lines of credit or other banking arrangements and under such terms and conditions, not inconsistent with this act, and under such agreements with the purchasers or makers thereof, as the authority may determine to be in the best interests of the authority. In addition to other security provided herein or otherwise by law, bonds issued by the authority under any provision of this act may be secured, in whole or in part, by insurance or by letters of credit issued to the authority by any bank, trust company or other financial institution, within or without the commonwealth, and the authority may pledge or assign any of its revenues as security for the reimbursement by the authority to the issuers of such letters of credit of any payments made under the letters of credit.

It shall be lawful for any bank or trust company to act as a depository or trustee of the proceeds of bonds, revenues or other moneys under any such trust agreement or resolution and to furnish such indemnification or to pledge such securities and issue such letters of credit as may be required by the authority. Any such trust agreement or resolution may set forth the rights and remedies of bondholders and of the trustee and may restrict the individual right of action by bondholders. Any pledge of revenues or other property made by the authority under the provisions of this act shall be valid and binding and shall be deemed continuously perfected for the purposes of the Uniform Commercial Code and other laws from the time when such pledge is made. The revenues, moneys, rights and proceeds so pledged and then held or thereafter acquired or received by the authority

shall immediately be subject to the lien of such pledge without any physical delivery or segregation thereof or further act, and the lien of any such pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the authority, regardless of whether such parties have notice thereof. Neither the resolution, any trust agreement nor any other agreement by which a pledge is created need be filed or recorded except in the records of the authority and no filing need be made under the Uniform Commercial Code.

Any holder of a bond issued by the authority under the provisions of this act or of any of the coupons appertaining thereto and any trustee under a trust agreement or resolution securing the same, except to the extent the rights herein given may be restricted by such trust agreement or resolution, may bring suit upon the bonds or coupons and may, either at law or in equity, by suit, action, mandamus, or other proceeding for legal or equitable relief, including proceedings for the appointment of a receiver to take possession and control of the business and properties of the authority, to operate and maintain the same, to make any necessary repairs, renewals and replacements in respect thereof and to fix, revise and collect fees and charges, protect and enforce any and all rights under the laws of the commonwealth or granted hereunder or under such trust agreement, resolution or other agreement, and may enforce and compel the performance of all duties required by this act or by such trust agreement or resolution to be performed by the authority or by any officer thereof.

Section 39C. The authority may issue refunding bonds for the purpose of paying any of its bonds issued pursuant to this act at or prior to maturity or upon acceleration or redemption. Refunding bonds may be issued at such times prior to the maturity or redemption of the refunded bonds as the authority deems to be in the public interest. The refunding bonds may be issued in sufficient amounts to pay or provide the principal of the bonds being refunded, together with any redemption premium thereon, any interest accrued or to accrue to the date of payment of such bonds, the expenses of issue of the refunding bonds, the expenses of redeeming the bonds being refunded, and such reserves for debt service or other capital or current expenses from the proceeds of such refunding bonds as may be required by a trust agreement or resolution securing bonds. The issue of refunding bonds, the maturities and other details thereof, the security therefor, the rights of the holders thereof, and the rights, duties and obligations of the authority in respect of the same shall be governed by the provisions of this act relating to the issue of the bonds other than refunding bonds

insofar as the same may be applicable.

Section 39D. Bonds issued by the authority under this act are hereby made securities in which all public officers and agencies of the commonwealth and its political subdivisions, all insurance companies, trust companies in their commercial departments, savings banks, cooperative banks, banking associations, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer of any agency or political subdivision of the commonwealth for any purpose for which the deposit of bonds or obligations of the commonwealth or any political subdivision is now or may hereafter be authorized by law.

Section 39E. Bonds issued by the authority under the provisions of this act shall not be deemed to be a debt or a pledge of the faith and credit of the commonwealth, except to the extent provided pursuant to the provisions of section thirty-nine I, but, except as aforesaid, shall be payable solely from the funds of the authority from which they are made payable pursuant to the provisions of this act. Every bond shall recite whether it is a general obligation of the authority or a special obligation thereof payable solely from particular funds pledged to its payment.

Section 39F. Bonds may be issued under this act without obtaining the consent of any department, division, commission, board, bureau or agency of the commonwealth, and without any other proceedings or the happening of any condition or things other than those proceedings, conditions or things which are specifically required therefor by the provisions of this act, and the validity of and security for any bonds issued by the authority pursuant to the provisions of this act shall not be affected by the existence or nonexistence of any such consent or other proceedings, conditions or things. Provisions of this act relating to the preparation and submission of plans, proposals, and reports shall not affect the validity of and security for any bonds issued by the authority pursuant to the provisions of this act and bonds may be issued either before or after such preparation and submission.

Section 39G. All moneys received by the authority pursuant to the provisions of this act, whether as proceeds from the issue of bonds or as revenues or otherwise, shall be deemed to be trust funds to be held and applied solely as provided in this act.

Section 39H. Notwithstanding any of the provisions of this act

or any recitals in any bonds issued under this act, all such bonds issued by the authority shall be deemed to be investment securities under the Uniform Commercial Code.

Section 391. The commonwealth, acting by and through the executive office for administration and finance, shall enter into a contract with the authority providing that the commonwealth shall pay contract assistance to the authority. Such contract assistance is limited to an amount equal to the annual debt service on one hundred million dollars of bonds outstanding at any one time, provided, however, that any bond for the payment or redemption of which funds or United States obligations in sufficient amount, with earnings thereon, are held in trust shall not be deemed outstanding for this purpose. It is the intent of this act that the total authorized amount of such contract assistance be provided to the authority. The amount of bonds of any issue outstanding at any one time for the purpose of this section shall be determined by multiplying the principal amount of the bonds of such issue outstanding at such time by the percentage of the debt service on the bonds of such issue used in calculating the amount to be paid by the commonwealth pursuant to the contract. The principal amount of such bonds shall (1) in the case of any bonds sold by the authority at a discount be equal to the net proceeds thereof, determined by subtracting the discount from the face amount of such bonds, plus the discount accrued to the date as of which the amount is to be determined, calculated on the basis of semi-annual compounding, and (2) in the case of a bond whose face amount increases over the life of the bond shall be the face amount of the bond as of the date as of which the amount is to be determined and in determining the principal amount of bonds to be outstanding at any future date by reason of such accrual of discount or increase in face amount, there shall be subtracted from the amount of principal, determined as hereinbefore provided, the principal which shall have become due prior thereto.

The particular bonds of the authority whose debt service is to be included in the measure of contract assistance and the percentage of such debt service to be so included shall be determined by a designation pursuant to such contract agreed to by the authority and the secretary of the executive office for administration and finance.

Any debt service on bonds issued by the authority, with respect to which contract assistance is provided, shall mature serially beginning not later than ten years after the date of the bonds and ending not later than forty years after the date of the bonds, so that the amount payable with respect to principal and interest combined, in the tenth year and each subsequent year

measured from the date of the bonds, shall be as nearly equal as in the opinion of the authority is practicable or, in the alternative, in accordance with a schedule providing a more rapid amortization of principal.

The contract entered into pursuant to the provisions of this section shall include such provisions as the secretary of the executive office for administration and finance deems necessary and desirable to assure the efficient operation of the authority and the minimum burden on the commonwealth. Such contract may also provide that such contract assistance shall be paid by the commonwealth directly to the trustee or paying agent for the bonds with respect to which the contract assistance is provided.

The contract entered into pursuant to the provisions of this section shall constitute a general obligation of the commonwealth for which the faith and credit of the commonwealth is pledged for the benefit of the holders of the authority's bonds.

Pursuant to section thirty-nine B the authority may pledge contract assistance as security for the payment of bonds issued by the authority. Such pledge may, in the discretion of the authority, be for the security of bonds whose debt service is included in the measure of the assistance or for the security of such bonds and other bonds of the authority.

SECTION 16. Section 47 of said chapter 190 is hereby amended by adding the following sentence:- Without otherwise affecting the provisions of the preceding sentence, the secretary of administration is hereby directed, notwithstanding any other provision of this act or any other general or special law to the contrary, or any rules and regulations established by said secretary pursuant to section three of said chapter four hundred and eighty-six, to grant funds to the authority under said chapter four hundred and eighty-six in sufficient amounts (a) to provide for the retirement of any outstanding bonds issued by the Massachusetts Parking Authority to finance the Boston Common parking garage and (b) to provide the authority funds in the amount of fifteen million dollars for initial planning, feasibility studies and other costs of a project or projects, provided, however, that any funds previously awarded the authority pursuant to said chapter four hundred and eighty-six prior to the effective date of this act shall be included as part of said fifteen million dollars.

SECTION 17. Said chapter 190 is hereby amended by striking out section 48 and inserting in place thereof the following section:-

Section 48. Notwithstanding the provisions of any law to the contrary, the state treasurer is hereby authorized to make a

payment to the city of fifteen million dollars, from the funds provided for by chapter four hundred and eighty-six of the acts of nineteen hundred and eighty, to be applied toward the compensation to be paid for the taking of the John B. Hynes Veterans Memorial Auditorium and the taking of the city's reversionary rights to the Boston Common parking garage pursuant to section thirty-eight A. Any such sum so paid shall be deposited in the city of Boston Disproportionate Assessment Fund established pursuant to section four, and shall for all purposes constitute a part of any amount to be paid to the city, pursuant to said section thirty-eight A.

SECTION 18. None of the employees of the Massachusetts Parking Authority on the effective date of this act shall upon their transfer to the Massachusetts Convention Center Authority lose any of their pension rights under chapter thirty-two of the General Laws.

SECTION 19. Section thirteen of this act shall take effect January first, nineteen hundred and eighty-three. All other sections of this act shall take effect upon their passage.

Approved January 4, 1983.

EMERGENCY LETTER - January 4, 1982 @ 11:02 A.M.

Chap. 630. AN ACT ESTABLISHING A DIVISION OF PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION AND AMENDING CERTAIN PROVISIONS OF THE CONTRIBUTORY RETIREMENT LAW.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to increase the efficiency and effectiveness of the administration of the contributory retirement laws of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 4A of chapter 7 of the General Laws, as most recently amended by section 1 of chapter 767 of the acts of 1981, is hereby further amended by striking out the first sentence and inserting in place thereof the following three sentences:-

The executive office for administration and finance shall include 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 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; a division of public employee retirement administration headed by a commissioner; department of personnel administration, in charge of a personnel administrator, who shall have the rank of 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 division of capital planning and operations; and a central services division, headed by a deputy commissioner for central services; and a department of revenue, headed by a commissioner of revenue and each such position shall be classified in accordance with section forty-five of chapter thirty and the salary shall be determined in accordance with section forty-six C of said chapter thirty.

SECTION 2. Said chapter 7 is hereby further amended by adding the following two sections:-

Section 49. There shall be within the executive office of administration and finance a division of public employee retirement administration headed by a commissioner of public employee retirement who shall be appointed by the governor. The commissioner shall serve for a term of five years and unless removed, he shall serve until his successor has been selected and has assumed the office. Said commissioner may appoint a first deputy for a term of five years and may appoint and remove a general counsel, an actuary, a chief examiner and such examiners, assistant actuaries and inspectors as may be required. In the event of a vacancy in the office of first deputy, the commissioner may appoint a successor to serve for the unexpired term. In the case of a vacancy in the office of the commissioner, and during his absence, the first deputy shall perform the duties of the office. The commissioner may appoint and remove such clerical and other assistants as the work of the division may require. All of the positions created under the provisions of this section shall be exempt from section nine A of chapter thirty, chapter thirty-one and chapter one hundred and fifty E.

Section 50. The commissioner of public employee retirement, established under section four A, shall have general responsibility for the efficient administration of the public employee retirement systems, under chapter thirty-two. The commissioner's power

and duties shall include, but not be limited to:

(a) promulgating rules and regulations governing administrative procedures, financial operations, records and reports of the retirement boards, subject to the approval of the general court; provided, that if the general court takes no final action relative to such rules and regulations within forty-five days of the date said such rules and regulations are filed with the clerks of the house of representatives and the senate, such rules and regulations shall be deemed to be approved;

(b) approving the rules and regulations of individual retirement boards, as to conformity with law and regulations;

(c) performing regular desk examinations and field examinations as indicated, of all retirement systems, at least once every three years;

(d) collecting data on retirement systems, disability benefits and the rehabilitation and reemployment of injured workers and providing statistical and other reports and information to the governor and the general court, and to the public;

(e) determining charges of the various municipal retirement systems and the county boards to participating governmental units;

(f) providing training and legal and technical assistance to retirement boards;

(g) developing and maintaining information covering both superannuation and disability grants on the basis of occupational groups;

(h) review disability pensions in accordance with the provisions of section twenty-one of chapter thirty-two;

(i) developing and maintaining a list of facilities qualified to recommend or furnish rehabilitation services to injured or disabled workers;

(j) developing an effective program and procedures for the reemployment of injured or disabled workers and shall make said programs available to any employee seeking reemployment;

(k) developing and maintaining information concerning occupational injuries sustained by employees entitled to compensation under the provisions of section sixty-nine of chapter one hundred and fifty-two, and concerning persons who have applied for or who have been granted disability benefits under the provisions of chapter thirty-two and requiring reports from the worker's compensation agents and from the retirement boards;

(l) certify agreements for compensation for the payment of medical or other expenses or fees to or on behalf of injured employees of the commonwealth and no such compensation shall be paid without his certification.

The commissioner shall make available to the division of indus-

trial accidents such information as it may require concerning employees who are or may be entitled to compensation under the provisions of sections sixty-nine to seventy-five, inclusive, of chapter one hundred and fifty-two;

(m) developing and maintaining information on all retirement systems, including semi-annual and the annual reports, the assets and liabilities, and other pertinent information the commissioner deems appropriate;

(n) establish rules and regulations applicable to all public-retirement systems regarding the confidentiality of employee medical records in accordance with the provisions of clause (c) of section seven of chapter four;

(o) after consultation with representatives of the Massachusetts Medical Society and the department of public health establish uniform testing standards and procedures for the commonwealth's regional medical panels subject to his jurisdiction;

(p) develop provisions for voluntary physical fitness programs with representatives of labor, management, representatives of the Massachusetts Medical Society, and the department of public health; provided, however, that nothing herein shall affect any physical fitness programs that have been established pursuant to collective bargaining agreements;

(q) establish pre-retirement counseling programs for the retirement systems in conjunction with the applicable collective bargaining unit and provide general retirement information for all members of the system.

SECTION 3. Section 39 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 second paragraph the following paragraph:-

If a permanent employee who has become separated from his position because of disability shall be subsequently capable of employment as determined by the retirement board, as defined in section one of chapter thirty-two, such employee shall be reinstated to a position in the same or similar title in the department from which he was separated prior to the appointment from any civil service list; provided, however, that in the event that such reinstatement of such employee occurs after a period of time greater than five years from the date of such separation, such reinstatement right shall be subject to the completion by such employee of a retraining program established by the appointing authority.

SECTION 4. Section 46 of said chapter 31, as so appearing, is hereby amended by inserting after the word "position", in

line 12, the words:- ; provided, however, that no such limitation shall apply to the reinstatement of persons whose qualifications for reinstatement to a former position have been determined pursuant to section eight of chapter thirty-two.

SECTION 5. Section 1 of chapter 32 of the General Laws, is hereby amended by striking out the definition of "Actuary", as appearing in section 1 of chapter 658 of the acts of 1945, and inserting in place thereof the following definition:-

"Actuary", a member of the American Academy of Actuaries or a member of the staff of the commissioner of public employee retirement qualified to perform the actuarial duties required by the provisions of sections one to twenty-eight, inclusive, in connection with any public retirement system established thereafter or under corresponding provisions of earlier law.

SECTION 6. Said section 1 of said chapter 32 is hereby further amended by inserting after the definition of "Additional deductions", as so appearing, the following definition:-

"Annual gross earned income", that income earned by a retired member under any provision of this chapter, and referring to compensation earned for performing personal services actually performed, including wages, salaries, fees, commissions or gratuities, or similar income, during each calendar year.

SECTION 7. Said section 1 of said chapter 32 is hereby further amended by inserting after the definition of "Board", as so appearing, the following definition:-

"Commissioner", the commissioner of public employee retirement established under section four A of chapter seven.

SECTION 8. Said section 1 of said chapter 32 is hereby further amended by inserting after the definition of "Employees of the general court", as so appearing, the following definition:-

"Employer", any person, board, or commission with the power to appoint or employ personnel as employees of the commonwealth or any political subdivision subject to this chapter.

SECTION 9. Said section 1 of said chapter 32 is hereby further amended by inserting after the definition of "Public school", as so appearing, the following definition:-

"Regional medical panel", the three member independent medical panel, established on a regional basis by the commissioner of public employee retirement after consultation with the department of public health and the Massachusetts Medical Society to conduct medical examinations and reviews pursuant to this chapter.

SECTION 10. Subdivision (6) of section 3 of said chapter 32 is hereby amended by striking out paragraph (c), as so appearing, and inserting in place the following paragraph:-

(c) Any former member who is reinstated to or who re-enters the active service of the governmental unit in which he was formerly employed to serve in a position which is subject to the provisions of this chapter, within two years from the date of his separation therefrom, may again become a member in service if under the maximum age for his group and may pay into the annuity savings fund of the system in one make-up sum, or in installments upon such terms and conditions as the board may prescribe, an amount equal to the accumulated regular deduction withdrawn by him, together with the regular interest to the date of reemployment. Notwithstanding the provisions of section twenty-eight F, no such member shall be eligible for any disability benefit under the provisions of this chapter, until such member makes a repayment of accumulated regular deductions and regular interest, to said respective retirement system. Upon making such make-up payment such member shall be entitled to all creditable service resulting from such previous employment.

SECTION 11. Paragraph (b) of subdivision (7) of said section 3 of said chapter 32, as so appearing, is hereby amended by inserting after the second sentence the following sentence:- Nothing contained in this section shall limit the rights of any board to conduct separate medical examinations for any member who is a member of two or more systems; provided, however, that the commissioner may suspend or otherwise limit such examination upon recommendation of the regional medical panel if it determines such second examination would be unnecessary based on the evidence of the first examination.

SECTION 12. Paragraph (a) of subdivision (2) of section 4 of said chapter 32, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Each person becoming a member of the system shall, within one year thereafter and under such rules and regulations adopted by the board and approved by the commissioner of public employee retirement, file a detailed statement of all service for which he claims credit rendered by him as an employee of any governmental unit prior to the date as of which such system became operative herein including in such statement such facts as the board may require.

SECTION 13. Paragraph (b) of said subdivision (2) of said section 4 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 board, subject to rules and regulations promulgated by the commissioner, shall fix and determine how much service in any calendar year is equivalent to a year of service.

SECTION 14. Subdivision (4) of said section 4 of said chapter 32, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following two sentences:- The board, subject to the approval of the commissioner, shall issue to each member upon his retirement, or when a retirement allowance becomes effective for him under the provisions of section ten, a retirement certificate which shall be evidence of his right to a retirement allowance and shall state the amount thereof. Under this section, the board, with the approval of the commissioner, shall adopt rules and regulations to provide that such member shall on an annual basis file an affidavit under the penalties of perjury, certifying such information as the board deems appropriate.

SECTION 15. Paragraph (a) of subdivision (1) of section 5 of said chapter 32, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Any member in service or any member inactive or authorized leave of absence classified in either Group 1 or Group 2 or Group 4 who has attained age fifty-five, and upon his written application on a prescribed form filed with the board and with respective employer, or upon such application by the head of his department after a hearing, if requested, as provided for in subdivision (1) of section sixteen and subject to the conditions set forth in said section and in this section shall be retired for superannuation as of a date which shall be specified in such application and which shall be subsequent to but not more than four months after filing of such application.

SECTION 16. Subdivision (3) of said section 5 of said chapter 32, as most recently amended by section 4 of chapter 274 of the acts of 1966, is hereby further amended by adding the following paragraph:-

(d) In the event that the commissioner of public employee retirement fails to approve such superannuation application within ninety days after the board forwards the calculations to the commission of said allowance, the member shall commence receiving the payment as determined by the board subject to the final determination by the commission; provided, however, that in the event such retired member receives an amount in excess

of the sum approved by the commission, then the said retired members shall refund said amount or the board may deduct said amount from any future monthly payments.

SECTION 17. Said chapter 32 is hereby further amended by striking out section 6, as most recently amended by chapter 543 of the acts of 1973, and inserting in place thereof the following section:-

Section 6. (1) Conditions for Allowance.- Any member in service who becomes totally and permanently incapacitated for further duty before attaining age fifty-five and after completing fifteen or more years of creditable service, or any such member who is a veteran as defined in section one who becomes totally and permanently incapacitated for further duty before attaining the maximum age for his group and after completing ten or more years of creditable service, upon his written application on a prescribed form filed with the board and with his respective employer, or upon such an application by the head of his department after a hearing, if requested, as provided for in subdivision (1) of section sixteen and subject to the conditions set forth in said section and in this section, shall be retired for ordinary disability as of a date which shall be specified in such application and which shall be not less than fifteen days nor more than four months after the filing of such application but in no event later than the maximum age for his group, nor earlier than the last day for which he received regular compensation. No such retirement shall be allowed unless the board, after a review of the evidence it deems appropriate, and after review by the commissioner pursuant to the provisions of section twenty-one, and including in any event on examination by the regional medical panel provided for in subdivision (3) of section six and including a certification of such incapacity by a majority of the physicians on such medical panel, shall find that such member is mentally or physically incapacitated for further duty, that such incapacity is likely to be permanent, and that he should be so retired.

Prior to the determination of a retirement under this section, a member shall submit to the retirement board a written statement authorizing release of information from the Federal Internal Revenue Service and the department of revenue relative to the annual gross earned income of the member pursuant to an agreement between the Federal Internal Revenue Service, the department of revenue, and the commissioner, in accordance with section ninety-one A.

(2) Amount of Allowance, - Upon retirement under the provisions of this section a member shall receive an ordinary disability retirement allowance to become effective on the date of his retire-

ment. Payments under such allowance shall be made as provided for in sections twelve and thirteen and the continuance of payments shall be governed also by the provisions of section eight.

(a) The normal yearly amount of such allowance for any member classified in Group 1, Group 2 or Group 4 other than a veteran as defined in section one shall be equal to that to which he would be entitled under the provisions of section five as prescribed for a member of his group, if he were to be retired for superannuation upon the attainment of age fifty-five with an amount of creditable service equal to that with which he is credited at the date of his actual retirement for ordinary disability.

(b) The normal yearly amount of such allowance for any member classified in any Group who is a veteran as defined in section one shall be equal to the sum of -

(i) A yearly amount of annuity equal to the yearly amount of the regular life annuity specified in clause (i) of Option (a) of subdivision (2) of section twelve; and

(ii) A yearly amount of pension equal to one-half of the average annual rate of his regular compensation for the twelve-month period for which he last received regular compensation immediately preceding the date his retirement allowance becomes effective; provided, that if he has attained age fifty-five on or before such date, the normal yearly amount of such allowance shall in no event be less than that to which he would be entitled if he were to be retired for superannuation under the provisions of section five as prescribed for a member of his group; and provided, that the normal yearly amount of such allowance shall not exceed four-fifths of the average annual rate of his regular compensation during the five-year period of his creditable service subsequent to June thirtieth, nineteen hundred and thirty-two, for which such rate was the highest, anything in this section to the contrary notwithstanding.

(c) The normal yearly amount of such allowance for any member classified in Group 3 other than a veteran as defined in section one shall be equal to that to which he would be entitled under the provisions of section twenty-six if he were to be retired for superannuation upon the completion of twenty years' service.

(3) Regional Medical Panels.- (a) No member shall be retired for a disability under the provisions of this section or section seven unless he has been first examined by an independent regional medical panel and unless a majority of the physicians on such panel, after such examination, shall review the pertinent facts in the case, and conduct a hearing at which time the applicant and the employer may present written and oral evidence

to be reviewed in making a determination of the member's medical condition. At the conclusion of such hearing, but in not more than sixty days, the panel shall certify to the board in writing whether a majority of such physicians on said panel find that such member is mentally or physically incapacitated for further duty and that such incapacity is likely to be permanent, and in the case involving a retirement under section seven, panel shall state further whether or not the disability is such as might be the natural and proximate result of the accident or hazard undergone on account of which retirement is claimed under said section.

Such regional panel shall be appointed by the commissioner of public employee retirement after consultation with representatives of the Massachusetts Medical Society and the department of public health and shall consist of three registered physicians who shall be selected for the purpose of examining and reexamining the member whose retirement is under consideration as follows: one physician who shall act as chairman and two other physicians who shall, so far as practicable, be skilled in the particular branch of medicine or surgery involved in the case.

Under the provisions of this chapter said examinations shall be conducted in accordance with the standards outlined by the commissioner and adopted pursuant to rules and regulations under this chapter.

(b) Any medical examination of any member under the provisions of sections six to eight, inclusive, shall be conducted as soon as practicable and at a time and place convenient for all of the interested parties, provided that such panel shall meet within a region established by the commissioner of public employee retirement which in any event shall have a reasonable geographical proximity to the board and member. The arrangements for such examinations and hearing shall be made by the commissioner after sufficient notice of the retirement board and shall be conducted on a timely basis. In the case of any such examination of an employee of the commonwealth the state retirement board shall notify the state agency having jurisdiction over the said employee to designate a physician to assist the state retirement board in representing the commonwealth in the medical board hearing and provided further in the case of any teacher, the school committee or board of trustees having jurisdiction over such teacher shall upon request of the teachers retirement board, designate a physician in representing the municipality or other governmental body.

In the event the panel fails to meet within sixty days after appointment by the commissioner to conduct their examination, then the commissioner shall require the three physicians selected by him to meet separately to conduct such examination and the

employer's physician and the member's physician shall have the opportunity to attend said examination.

(c) The physicians composing the regional medical panel shall conduct an evidentiary hearing on the application of the member as a panel and may obtain x-ray plates or other medical evidence which, in their judgment information is necessary to determine the natural and proximate cause, nature and degree of disability of such member. The member and the employer may each be represented by counsel. A physical examination of such member shall be conducted by no less than two members of such medical panel.

The medical panel, after completing such examinations and hearing pursuant to this section, shall within sixty days report their findings and recommendations to the board. The required medical panel shall attach to their finding a certificate, approved by the commissioner, certifying that the hearing was conducted by all of the members of the panel at the same time and place and the findings were arrived at independently of each other and free of undue influence of any kind.

At the discretion of the member and his physician and the employer and their physician, said physicians may be present and may answer questions from the panel during the decision making process of the panel; provided, that neither physician shall have a vote in the final determination of such panel; and provided, further, either physician may disagree with the findings of said panel and may indicate such opinion by signing and noting their objections on the appropriate medical certificate and by submitting a written statement as to their medical opinion involving such case.

Upon receipt of such medical panel report, the board shall within thirty days notify the employee and governmental unit in writing of the panel's finding.

The fees and expenses of physicians for service on any medical panel and all expenses for obtaining x-rays or other medical evidence in connection with such examination shall upon the approval of the commissioner be paid by the commonwealth in accordance with a fee and expenses schedule established by the house and senate committees on ways and means. Such fees of the physician designated by the applicant which are not reimbursed by a third party shall also be paid by the commonwealth in accordance with said fee schedule. No such fees shall be paid unless the appropriate certificate provided herein has been filed.

(d) On the request of the state board of retirement or the teachers retirement board, the commissioner shall designate a physician or physicians to advise such board in the determination

of applications for ordinary disability retirement, accidental disability retirement, or in case of application for accidental death benefit.

(4) Final Determination on Ordinary Disability Applications.- Under this section the board shall make a final determination of such ordinary disability application within one hundred and eighty days of the date of filing of such application except in the following instances:-

(1) the board, upon filing a written request outlining the specific circumstances for such a waiver, is granted an extension for a final determination by the commissioner or his designee; or

(2) the regional medical panel is unable to complete its examinations and review and issue a written decision of the medical aspects of the case and is granted an extension by the commissioner or his designee.

SECTION 18. Said chapter 32 is hereby further amended by striking out section 7, as most recently amended by section 7 of chapter 556 of the acts of 1980, and inserting in place thereof the following section:-

Section 7. (1) Conditions for Allowance.- Any member in service classified in Group 1, Group 2 or Group 4, or any member in service classified in Group 3 to whom the provisions of subdivision (2) of section twenty-six are not applicable, who becomes totally and permanently incapacitated for further duty before attaining the maximum age for his group by reason of a personal injury sustained or a hazard undergone as a result of, and while in the performance of, his duties at some definite place and at some definite time on or after the date of his becoming a member or prior to such date while any provision of this chapter relating to noncontributory pensions was applicable to him, without serious and willful misconduct on his part, upon his written application on a prescribed form filed with the board and his respective employer or upon such an application by the head of his department after a hearing, if requested, as provided for in subdivision (1) of section sixteen and subject to the conditions set forth in said section and in this section, shall be retired for accidental disability as of a date which shall be specified in such application, and which shall be not less than fifteen days nor more than four months after the filing of such application but in no event later than the maximum age for his group. Except as provided for in subdivision (3) of this section, no such retirement shall be allowed unless such injury was sustained or such hazard was undergone within two years prior to the filing of such application or, if occurring earlier, unless written notice thereof was filed with the board by such member or in his behalf

within ninety days after its occurrence. No such retirement shall be allowed unless the board, after a review of the evidence it deems appropriate, and after a review by the commissioner pursuant to the provisions of section twenty-one, and including in any event on examination by the regional medical panel provided for in subdivision (3) of section six and including a certification of such incapacity by a majority of the physicians on such medical panel, shall find that such member is mentally or physically incapacitated for further duty to the extent and under the circumstances set forth in this section, that such incapacity is likely to be permanent, and that he should be so retired. No such retirement shall be allowed within any period of two years prior to attaining the maximum age on account of any accident or hazard undergone except for an accident or hazard undergone within three years of attaining such maximum age. Any member who was injured while a member of a retirement system established in any governmental unit other than that by which he is presently employed, and who has complied with the provisions of this section as to notice, or whose case falls under paragraph (3), shall file such application with the retirement board of the unit where he is presently employed. Such board shall secure a statement of facts and records, which it shall be the duty of the retirement board of the first governmental unit to furnish, and on which it shall be entitled to make recommendations.

Prior to the determination of a retirement under this section a member shall submit to the retirement board a written statement authorizing release of information from the federal internal revenue service and the department of revenue relative to the annual gross earned income of the member in pursuant to an agreement between the federal internal revenue service, the department of revenue, and the commissioner of public employee retirement in accordance with section ninety-one A.

(2) Amount of Allowance.- Upon retirement under the provisions of this section a member shall receive an accidental disability retirement allowance to become effective on the date the injury was sustained or the hazard or account of which he is being retired was undergone, or on the date six months prior to the filing of the written application for such retirement with the board and his respective employer, or on the date for which he last received regular compensation for his employment in the public service, whichever date last occurs. Payments under such allowance shall be made as provided for in sections twelve and thirteen and the continuance of payments shall be governed also by the provisions of section eight.

(a) The normal yearly amount of such allowance for any member classified in Group 1, Group 2, or Group 4, or for any

member classified in Group 3 to whom the provisions of subdivision (2) of section twenty-six are not applicable, shall, subject to the provisions of paragraphs (b) and (c) of this subdivision, be equal to the sum of-

(i) A yearly amount of annuity equal to the yearly amount of the regular life annuity specified in clause (i) of Option (a) of subdivision (2) of section twelve;

(ii) A yearly amount of pension equal to seventy-two per cent of the annual rate of his regular compensation on the date such injury was sustained or such hazard was undergone, or equal to seventy-two per cent of the average annual rate of his regular compensation for the twelve-month period for which he last received regular compensation immediately preceding the date his retirement allowance becomes effective, whichever is greater; and

(iii) A yearly amount of additional pension determined at the rate of three hundred and twelve dollars yearly for surviving unmarried child of such member who is under age eighteen or who was over said age and physically or mentally incapacitated from earning on the date of such member's retirement. Such additional pension on account of any child shall be paid only so long as such child survives, remains unmarried and is under the age eighteen or, if over said age, remains physically or mentally incapacitated from earning or, if over said age and under age twenty-one, is a full-time student at an accredited educational institution. The words "full-time student" shall mean a child who is in full-time attendance in an accredited educational institution offering full-time courses of study equivalent to or higher than secondary school study. The words "accredited educational institution" shall mean any school, college, or university that is licensed, approved, accredited, as the case may be, in the state in which it is located.

(b) For purposes of determining the normal yearly amount of any pension in accordance with the provision of this section or of section nine on account of the retirement or death of any member classified in Group 4 as a call fireman or reserve policeman, who was performing the duties of a call fireman or reserve policeman at the time the injury was sustained or the hazard was undergone which resulted in the granting of such pension, the annual rate of regular compensation of such member shall be considered to be the same as that of permanent firemen or policemen of lowest rank and grade, as the case may be, in the city or town in which he was employed; provided, that if there are no such permanent firemen or policemen, then the annual rate of his regular compensation shall be considered for such purposes to be seven thousand five hundred dollars.

(c) The total normal yearly amount of the retirement allowance

of any member as determined in accordance with the provisions of this section shall not exceed the greater of the annual rate of his regular compensation on the date such injury was sustained or such hazard was undergone, and the average annual rate of his regular compensation for the twelve-month period for which he last received regular compensation immediately preceding the date his retirement allowance becomes effective, anything in this section to the contrary notwithstanding.

(3) General Provisions.- (a) Lapse of time or failure to file notice of an injury sustained or a hazard undergone as provided for in subdivision (1) of this section or in subdivision (1) of section nine, as the case may be, shall not be a bar to proceedings under either of said provisions of chapter one hundred and fifty-two, or in case he was classified in Group 2, Group 3 or Group 4 and not subject to the provisions of chapter one hundred and fifty-two, if a record of such injury sustained or hazard undergone is on file in the official records of his department.

(b) Except where an official record of an injury sustained by a member classified in Group 2, Group 3 or Group 4 exists as set forth in paragraph (a) of this subdivision, the head of a department shall, within fifteen days of the receipt of knowledge of a personal injury sustained by a member in his department as a result of, and in the performance of, his duties, notify the board in writing of the time, place, cause and nature of such injury, together with such further information relative thereto as he may obtain. In such case said notice shall have the same effect as though given by such member as otherwise provided for in this section or in section nine.

(4) Members Furnishing Aid to Other Governmental Units.- (a) Any governmental unit may, by action of the executive or board having jurisdiction in the commonwealth, the county commissioners in a county, the mayor in a city, the board of selectmen in a town, or by the action of any other executive or board having jurisdiction, as the case may be, request and authorize any member in service to go to the aid of a second governmental unit if in the judgment of the head of the department in which such member is regularly employed such action is necessary. While in the performance of his duties pursuant to such request and authorization such member shall be subject to the provisions of sections one to twenty-eight, inclusive, and shall have the same rights and privileges thereunder, as if performing the same duties within the scope of his regular employment.

(b) The governmental unit so requesting such assistance shall reimburse in full, in accordance with the provisions of this paragraph, the first governmental unit for any pension payments lawfully made from the system pertaining thereto on account of

any injuries suffered by such member in the course of rendering such aid or on account of his death as the result of such injuries. The treasurer of the first governmental unit shall annually, on or before January fifteenth, upon the certification of the board of the system from which such disbursements have been made, notify the treasurer of the second governmental unit of the amount of reimbursement due therefrom for the previous fiscal year and such latter treasurer shall forthwith take such steps as may be necessary to insure prompt payment of such amount. All such payments due under the provisions of this paragraph from the second governmental unit shall be charged to the pension funds of the system pertaining thereto, or if there is no such system then they shall be paid by such appropriated for the pension fund of the system pertaining to the first governmental unit. In default of any such payment, the first governmental unit may maintain an action of contract to recover the same. This subdivision shall not be applicable to the Massachusetts Turnpike Authority or its employees' retirement system to the Massachusetts Housing Finance Agency or its employees' retirement system, to the Massachusetts Port Authority or its employees' retirement system, the Blue Hills Regional Vocational school retirement system, or to the Greater Lawrence Sanitary District.

(5) Proration of pension.- In the event of a retirement where the injury was sustained in a governmental unit other than that by which the member is presently employed, the proration of the pension portion of the retirement allowance shall be computed by the actuary.

(6) Final Determinationon Accidental Disability Applications.- Under this section the board shall make a final determination of such accidental disability application within one hundred and eighty days of the date of filing of such application except in the following instances:-

(1) the board, upon filing a written request outlining the specific circumstances for such a waiver, is granted an extension for a final determination by the commissioner or his designee; or

(2) the regional medical panel is unable to complete its examination and review and issue a written decision of the medical aspects of the case and is granted an extension by the commissioner or his designee.

SECTION 19. Said chapter 32 is hereby further amended by striking out section 8, as amended by section 6 of chapter 667 of the acts of 1947, and inserting in place thereof the following section:-

Section 8. (1) Reexamination of members.- (a) The board

may require any member retired for disability under the provisions of sections six or seven who has not attained age sixty to submit to a mental or physical examination pursuant to paragraph (b) once in each year during the five year period next succeeding the date of his retirement, and in each three year period thereafter, by the regional medical panel provided for in subdivision (3) of section six, or upon a written request thereof by any such member. The board shall permit such examination at any time before he attains age sixty but not more frequently than once in any twelve-month period. If such member shall refuse to submit to any such required examination, his retirement allowance may be discontinued, and if such refusal continues for one year thereafter, all his rights in and to the pension provided for in section six or seven shall be revoked by the board.

(b) Each retirement board shall, subject to the provisions of paragraph (a) of this section, establish a program for the reevaluation of members retired on a disability under the provisions of this chapter which shall consist of the following:-

(1) Once every three years prior to the employee attaining age sixty, and after the five year period next succeeding the date of retirement, each retired member shall be subject to a desk review of his medical status.

(2) If as a result of such desk review the board determines that the medical status or condition warrants further review, the board shall petition the commissioner to appoint either a single physician or a three member regional panel to examine the retired member. If a single physician is appointed, he shall conduct an independent reexamination and shall forward his recommendations to the board and the commissioner.

(3) If the single physician recommends that a further reexamination of the retired member is warranted, the board shall immediately petition the commissioner for the establishment of a three member regional medical panel to conduct a reexamination of the member within sixty days.

(2) Restoration of Members to Active Service.- If, as a result of the report of such regional medical panel, the board finds the mental or physical condition of such retired member has so changed that he is physically able to return to the same or a similar position, the board may, with the approval of the head of any department in which a vacancy exists, order any such retired member to return and be restored to active service in the same employment in which such member was employed at the time of his retirement, or in a similar employment in the same governmental unit.

In the event no such vacancy exists, and such position or a similar position is classified under civil service, the board and

respective employer shall provide written notification with department of personnel administration who shall ensure that such retired member is reinstated to the first available suitable vacancy, in accordance with the provisions outlined in sections thirty-nine and forty-six of chapter thirty-one.

When under the provisions of this section, no vacancy exists in the same or similar position whether subject to chapter thirty-one or not he shall continue to receive such retirement allowance until such reinstatement takes place, provided further that the board may request that such member be reexamined by the regional medical panel in accordance with the provisions of subsection (1). When such employer seeks to reinstate such retired member pursuant to sections thirty-nine and forty-six of chapter thirty-one and the said member refuses such reinstatement or if a member is not subject to chapter thirty-one refuses to return to service or to file such information as the board may require, it may revoke or suspend his retirement allowance.

In the event said retired member remains on a reinstatement status for a period exceeding nine months and no vacancy to the same or a similar position exists, and the board finds that the retired member is engaged in a gainful occupation and the annual rate of his actual earnings when combined with an annual rate of his retirement allowance exceed the rate of regular compensation for such position if he were reinstated, then said board may reduce or suspend such amount of his retirement allowance which when combined with his actual earnings, exceed the annual rate of compensation of such position he would be reinstated to if a vacancy existed.

If any such member is restored to active service at an annual rate of regular compensation less than the annual rate of his regular compensation referred to in paragraph (3) of this section, but greater than the difference between the annual rate of his regular compensation referred to therein and the normal yearly amount of his retirement allowance, then the yearly amount of his pension shall be reduced and modified in a manner consistent with that set forth in said paragraph. No such member restored to active service at an annual rate of regular compensation referred to in said paragraph shall become a member in service except as provided for in paragraph (b) of this subdivision, nor shall he make any payments into the annuity savings fund. Upon subsequent separation from service without having become a member in service he shall receive a retirement allowance equal to that which he was receiving prior to his restoration to active service. No such member restored to active service shall remain in service after attaining the maximum age for his group.

(b) If any such retired member is restored to active service

at an annual rate of regular compensation not less than the annual rate of his regular compensation referred to in paragraph (3) of this section, or should he, after being restored at a lesser rate, attain or exceed the annual rate of his regular compensation referred to therein, his retirement allowance shall cease, and he shall again become a member in service and regular deductions shall again be made from his regular compensation. Any creditable service in effect for him at the time of his retirement for disability shall thereupon be restored to full force and effect, and upon his subsequent retirement he shall be entitled to a normal yearly amount of retirement allowance computed as though such disability retirement and reinstatement had not taken place, except that no creditable service shall be allowed for the period during which his disability retirement allowance was in effect. In computing such normal yearly amount of retirement allowance upon his subsequent retirement, the yearly amount of pension included therein shall be increased to the extent that the yearly amount of regular life annuity included therein, as specified in clause (i) of Option (a) of subdivision (2) of section twelve, has been reduced as the result of his earlier disability retirement, anything in section seven to the contrary withstanding.

(c) The board shall, upon the written request of any such retired member after his pension has been reduced, revoked or suspended as provided for in this section, cause him to be again examined by the regional medical panel as provided for under subdivision (1) of this section; provided, however, that such retired member shall not be reexamined by the regional medical panel if such member had been examined by such regional medical panel within the previous twelve months. If the report of such medical panel is to the effect that the mental or physical condition of such member has deteriorated, the board may increase or restore his pension as the report may warrant.

(3) Modification of retirement allowance.- If, as a result of the report of such medical panel, the board finds that the mental or physical condition of such retired member has changed so that he is engaged or is able to engage in gainful occupation and that the annual rate of his actual or potential earnings is less than the annual rate of his regular compensation in effect on the date of his retirement, but is more than the difference between such annual rate of regular compensation and the normal yearly amount of his retirement allowance, then the yearly amount of his pension shall be reduced, and if his actual are more than such regular compensation, his pension shall be reduced or suspended, as the case may be. If the annual rate of his earnings should later be changed, the yearly amount of his pension shall be further

modified by increasing or reducing it, as the case may be. The yearly amount of such reduced or modified pension at all times shall be equal to the excess, if any, of the amount of such annual rate of regular compensation over the sum of the yearly amount of regular life annuity which would be payable to him under clause (i) of Option (a) of subdivision (2) of section twelve and the annual rate of his current actual or potential earnings, but in no event shall it exceed the yearly amount of the pension originally granted to him.

SECTION 20. Section 15 of said chapter 32 is hereby amended by inserting after subdivision (3) the following subdivision:-

(3A) Forfeiture of rights upon conviction.- In no event shall any member after final conviction of an offense set forth in section two of chapter two hundred and sixty-eight A or section twenty-five of chapter two hundred and sixty-five pertaining to police or licensing duties be entitled to receive a retirement allowance or a return of his accumulated total deductions under the provisions of sections one to twenty-eight, inclusive, nor shall any beneficiary be entitled to receive any benefits under such provisions on account of such member.

SECTION 21. Said chapter 32 is hereby further amended by striking out section 16, as most recently amended by section 67 of chapter 329 of the acts of 1980, and inserting in place thereof the following section:-

Section 16. (1) Involuntary Retirement and Right to a Hearing.- (a) Any head of a department who is of the opinion that any member employed therein should be retired for superannuation, ordinary disability or accidental disability, in accordance with the provisions of section five, six, or seven, as the case may be, may file with the board on a prescribed form a written application for such retirement. Such application shall include a fair summary of the facts upon which such opinion is premised. The applicant shall forthwith deliver to such member by registered mail, with a return receipt requested, a true copy of such application, together with a brief statement of the options available to such member on his retirement and a statement of his right, if any, to request a hearing with regard to such retirement and of the right, if any, of review available to him, as provided for in this section, in case he is aggrieved by any action taken or decision of the board rendered or by failure of the board to act upon his request or to render a decision within the time specified in this subdivision. Upon such delivery to such member the head of the department, or one acting in his behalf, shall file with the board under the penalties of perjury a

written notice of such delivery, including the date thereof.

(b) Any member in service classified in Group 1, Group 2 or Group 4 who has attained age fifty-five and completed fifteen or more years of creditable service, or any member in service so classified who has not attained age fifty-five but who has completed twenty or more years of creditable service, for whom an application for his retirement is filed by the head of his department as provided for in paragraph (a) of this subdivision, may, within fifteen days of the receipt of his copy of such application, file with the board a written request for a private or public hearing upon such application. If no such request is so filed, the facts set forth in such application shall be deemed to be admitted by such member; otherwise such hearing shall be held not less than ten nor more than thirty days after the filing of the request. The board, after giving due notice, shall conduct such hearing in such manner and at such time or times as the best interests of all parties concerned may require. The board shall prepare and file with its clerk or secretary a certificate containing its findings and decision, copies of which shall be sent to the proper parties within fifteen days after completion of such hearing.

(c) If the board finds that any member should be retired under the provisions of this subdivision, he shall receive the same retirement allowance as he would have received had the application been made by himself. If the board finds that such member should not be retired, he shall continue in his office or position without loss of compensation, subject to the provisions of sections one to twenty-eight, inclusive, as though no such application had been made.

(2) Right to Hearing upon Removal or Discharge.- The removal or discharge of any member in service classified in Group 1, Group 2 or Group 4 who has attained age fifty-five and has completed fifteen or more years of creditable service, or any member so classified who has not attained age fifty-five but who has completed twenty or more years of creditable service, or any such member who is a veteran and has completed ten or more years of creditable service, shall not become effective unless and until a written notice thereof containing a fair summary of the facts upon which such action was based has been filed with the board. The procedure set forth in subdivision (1) relative to delivery of copies, statement of service thereof, notice, hearing if requested, and the filing of a certificate of findings and decision, so far as applicable, shall apply to all proceedings involving such removal or discharge. Unless the board shall find that such removal or discharge was justified, such member shall forthwith be restored to his office or position

without loss of compensation.

(3) Right of Review by District Court.- (a) Any member classified in Group 1, Group 2 or Group 4 who has attained age fifty-five and completed fifteen or more years of creditable service, or any member so classified who has not attained age fifty-five but who has completed twenty or more years of creditable service, or any such member who is a veteran and has completed ten or more years of creditable service, and who is aggrieved by any action taken or decision of a board or the commissioner of public employee retirement rendered with reference to his involuntary retirement under the provisions of subdivision (1) or to his removal or discharge as set forth in subdivision (2), or any member who is aggrieved by any action taken or decision of a board or the commissioner of public employee retirement rendered with reference to his dereliction of duty as set forth in section fifteen, may, within thirty days after the certification of the decision of the board, bring a petition in the district court within the territorial jurisdiction in which he resides praying that such action and decision be reviewed by the court. After such notice as the court deems necessary, it shall review such action and decision, hear any and all evidence and determine whether such action was justified. If the court finds that such action was justified the decision of the board or the commissioner of public employee retirement shall be affirmed; otherwise it shall be reversed and of no effect. If the court finds that such member was unjustifiably retired, removed or discharged from his office or position he shall be reinstated thereto without loss of compensation. The decision of the court shall be final.

(b) Any member whose office or position is subject to chapter thirty-one or to the rules and regulations made under authority thereof, who is aggrieved by any action taken or decision of a board or the commissioner of public employee retirement rendered as described in paragraph (a) of this subdivision shall, for the purposes of sections one to twenty-eight, inclusive, have and retain such of the rights provided by sections forty-two A, forty-two B, forty-three and forty-five of chapter thirty-one as applied to his particular office or position, and the court shall, in addition to the matters it is required to review under such sections of chapter thirty-one, affirm or disaffirm the decision of the board or the commissioner of public employee retirement as provided for in paragraph (a) of this subdivision.

(4) Right of Appeal to Contributory Retirement Appeal Board.- There shall be an unpaid contributory retirement appeal board which shall consist of three members as follows: an assistant attorney general who shall be designated in writing from time to

time by the attorney general who shall act as chairman, the commissioner of public employee retirement or an assistant who shall be designated in writing from time to time by the said commissioner, and a member appointed by the governor for a term of five years. In the event the matter before the contributory retirement board deals with any matter related to disability retirement the commissioner of public health or his designee shall substitute for the commissioner of public employment retirement. The members of the contributory retirement appeal board shall be compensated for any expenses incurred in the performance of their official duties. On matters other than those subject to review by the district court as provided for in subdivision (3), or other than those which would have been subject to such review had the requirement for the minimum period of creditable service been fulfilled, any person when aggrieved by any action taken or decision of a retirement board rendered, or by the failure of a retirement board to act, may appeal to the contributory retirement appeal board by filing therewith a claim in writing within fifteen days of such action or decision of the retirement board, or may so appeal within fifteen days after the expiration of the time specified in sections one to twenty-eight, inclusive, within which a board must act upon written request thereto, or within fifteen days after the expiration of one month following the date of filing a written request with the board if no time for action thereon is specified, in case the board failed to act thereon within the time specified or within one month, as the case may be. The contributory retirement appeal board, after giving due notice, shall, not less than ten nor more than sixty days after filing of any such claim of appeal, assign such appeal to the division of hearing officers for a hearing. The contributory retirement appeal board shall pass upon the appeal within six months after the conclusion of such hearing, and its decision shall be final and binding upon the retirement board involved and upon all other parties, and shall be complied with by such retirement board and by such parties. Any person upon, making an appeal involving a disability, retirement allowance, shall be permitted to retire for superannuation retirement, if otherwise eligible, pending the decision of the contributory retirement appeal board, but in no event shall such action prejudice the person from receiving any further benefits which the contributory retirement appeal board may grant in its decision nor shall the person upon a finding in favor of the employer be required to reimburse the employer for payments made prior to the decision of the contributory retirement appeal board.

On appeals involving disability or where medical reports are part of the proceedings, the contributory retirement appeal

board may request further information, from the chairman of the appropriate regional medical panel, or may employ a registered physician to advise them in determination of an appeal.

The contributory retirement appeal board shall have the power to subpoena witnesses, administer oaths and examine such parts of the books and records of the parties to a proceeding as relate to questions in dispute. Fees for such witnesses shall be the same as for witnesses before the courts in civil actions, and shall be paid from the appropriation fund of the contributory retirement appeal board.

The contributory retirement appeal board shall arrange for the publication of its decisions, and the costs of such publication shall be paid from the appropriation fund of the contributory retirement appeal board.

The contributory retirement appeal board shall establish a reasonable fee structure for appeals brought under this section, which shall be subject to the approval of the commission of administration.

The division of hearing officers shall submit to the contributory retirement appeal board on an annual basis a report on the status of all cases that have been assigned to the division of hearing officers for a hearing.

(5) Provisions Not Applicable to Certain Members.- The provisions of this section relative to the right of any member to a hearing or to the right of review by the district court shall not apply in the case of the removal or discharge of any state official or of any official of any political subdivision of the commonwealth for which provision is otherwise made in any general or special law, anything in this section to the contrary notwithstanding. Nothing contained in this section shall be construed to impair any right of any teacher under the applicable provisions of chapter seventy-one. The provisions of this section shall not apply to any member classifed in Group 3.

SECTION 22. Section 20 of said chapter 32 is hereby amended by striking out subdivision (4), as most recently amended by section 2 of chapter 364 of the acts of 1978, and inserting in place thereof the following subdivision:-

(4) Systems for cities and towns.- (a) The contributory retirement system established in any city or town under the provisions of sections one to twenty-eight, inclusive, or under corresponding provisions of earlier laws, shall be known and all of its business shall be transacted under a name which shall be designated by the board of such system and which shall include in its designation the name of such city or town, as the case may be.

(b) Each such city or town system shall be managed by a retirement board which shall have the general powers and duties set forth in subdivision (5) of this section. Such board shall consist of three members and shall be chosen in the following manner, except as provided in paragraph (c), the city auditor or town accountant or other officer having similar powers and duties who shall be a member ex officio, a second member who shall be elected by the members in or retired from service of such system from among their number in such manner and for such term, not exceeding three years, as the mayor in a city or the board of selectmen in a town shall determine, and a third member who shall be chosen by the other two members of the board for a term of three years. If the third member is not chosen by the other two members within thirty days after the expiration of the term of the third member, said member shall be appointed in a city by the mayor, subject to confirmation by the city council, or in a town by the board of selectmen. Future elections of the second member shall be held under the supervision of such retirement board and the term of the second member shall be so arranged as not to expire in the year of expiration of the term of the third member.

(c) In any city or town exercising the local option contained in this subsection shall upon the recommendation of the city manager with the approval of the city council or the board of aldermen in a Plan D or Plan E city, or the mayor with the approval of the city council or the board of aldermen in any other city, or board of selectmen with the approval of town meeting in a town may adopt the following method for selection of the members of the retirement board. Such board shall consist of three members and shall be chosen as follows:

the city manager in a Plan D or Plan E city, the mayor in any other city, the board of selectmen in a town shall appoint one member for a period of three years, a second member who shall be elected by the members in or retired from service of such system from among their number in such manner and for such term, not exceeding three years, as mayor in a city, or city manager in a Plan D or Plan E city, or town council or board of selectmen in a town shall determine. The third member shall be appointed by the commissioner of public employee retirement after being nominated by the other two members provided, however, in the event said two members cannot agree on such nominee to submit to the commissioner within ten days, then each member shall within five days submit a list of three names of individuals ready and willing to serve, and the commissioner shall then appoint the third member from such list who shall be a resident of such community and who shall not be a current or

former member of the retirement system under this chapter.

Each member of the city or town retirement board provided for in paragraphs (b) and (c) shall continue to hold office until the expiration of his term and until the qualification of his successor. Upon the expiration of the term of office of any elected or appointed member or in case of a vacancy in either of said offices, his successor shall be elected or appointed as aforesaid for a three-year term or for the unexpired portion thereof, as the case may be, except that in no event shall the term of the second member expire in the same year as the term of the third member. The mayor of a city, the board of selectmen of a town under the manager of a municipality having a town council form of government shall notify in writing all heads of departments of such city or town of any such vacancy in said board to be filled by election, and a notice of such vacancy and election shall be posted in a conspicuous place in such city or town.

(d) The members of the board of any such city or town system shall serve without compensation, but they shall be reimbursed from the expense fund of such system for any expense or loss of salary or wages which they may incur through service on such board. Nothing in this paragraph shall prevent any city auditor, town accountant or other officer having similar powers and duties, or any other person who serves in the active administration of the system in lieu of the city auditor, town accountant or other officer having similar powers and duties, from being compensated for services rendered in the active administration of the system; provided, that the compensation for such services shall be not less than two hundred nor more than fifteen hundred dollars per annum, and shall be payable from the expense fund of the system.

(d½) Notwithstanding the provisions of paragraph (d), in any city or town which accepts the provisions of this paragraph, nothing shall prevent the city auditor, town accountant or other officer having similar powers and duties or any other person who serves in the active administration of the system in lieu of the city auditor, town accountant or other officer having similar powers and duties being compensated for services rendered in the active administration of the system; provided, that the compensation for such services shall be not less than two hundred nor more than three thousand dollars per annum, and shall be payable from the expense fund of the system.

(e) Each such board by majority vote shall elect one of its members to serve as chairman until the election of his successor and shall appoint a secretary who may be, but need not be, one of its members. The board shall employ such clerical and other assistants as may be required to transact the business of such

system.

(f) The city solicitor or town counsel, or other officer having similar powers and duties, shall be the legal adviser of such board, except in such cases as such board deems necessary, it may employ a private attorney whose fees shall be paid from the expense fund of such board. In case there is no town counsel in a town, such board may employ an attorney from time to time as required.

(g) A city or town treasurer, may be compensated for services rendered as custodian of the funds of the retirement system; provided, that the compensation for such services shall be not more than fifteen hundred dollars per annum, and shall be payable from the expense fund of the system.

(h) Notwithstanding the provisions of paragraph (g), in any city or town which accepts the provisions of this paragraph, nothing shall prevent a city or town treasurer from being compensated for services rendered as custodian of the funds of the retirement system; provided, that the compensation for such services shall not be more than three thousand dollars per annum, and shall be payable from the expense fund of the system.

SECTION 23. Subdivision (5) of section 20 of said chapter 32 is hereby amended by striking out paragraph (g), as appearing in section 1 of chapter 658 of the acts of 1945, and inserting in place thereof the following paragraph:-

(g) Each board of each system shall keep in convenient form such data as is required under section fifty of chapter seven and section twenty-one of this chapter, by the commissioner of public employee retirement, for the purpose of valuing the assets, determining the liabilities of the system, making actuarial investigation of the experience of the system, and for promulgating rules and regulations governing the administrative procedures for maximizing the assets of such systems. Such data shall be submitted to the office of the commissioner of public employee retirement within such time as he may specify.

SECTION 24. Said subdivision (5) of said section 20 of said chapter 32 is hereby further amended by striking out paragraph (h), as amended by section 1 of chapter 267 of the acts of 1979, and inserting in place thereof the following paragraph:-

(h) Each board shall annually, on or before May first, file in the office of the commissioner of public employee retirement the financial statement of the system which is required by the provisions of paragraph (c) of subdivision (1) or paragraph (e) of subdivision (2) of section twenty-three. Investments of the

system shall be carried at values determined by the deputy commissioner in accordance with the requirements of paragraph (b) of subdivision (1) of section twenty-three.

SECTION 25. Said chapter 32 is hereby further amended by striking out section 21, as most recently amended by section 15 of chapter 556 of the acts of 1980, and inserting in place thereof the following section:-

Section 21. (1) Duties of commissioner of public employee retirement.- (a) The commissioner of public employee retirement shall prescribe and supervise methods of accounting for each system maintained under the provisions of this chapter. The commissioner or his agent shall conduct an in-depth field examination of each system at intervals not exceeding three years to ascertain its financial condition, its ability to fulfill its obligations, whether all parties in interest have complied with the laws applicable thereto, and whether the transactions of the board have been in accordance with the rights and equities of those in interest.

(b) Each such system in its financial accounts shall be credited with its investments having a fixed term and rate, if amply secured in the judgment of the commissioner of public employee retirement and not in default as to principal or interest, as follows: if purchased at par, with the par value; if purchased above or below par, with an amortized value so determined as to yield approximately the effective rate of interest at which the purchase was made and to bring the value to par at the date of maturity or at the date the security is first callable at par if prior thereto; provided, that the purchase price of any such security shall not be taken at a higher value than its actual market value when purchased; and provided, that the value of any security on the date of any valuation thereof shall not be taken at a higher value than its callable value, if any, on such date. The commissioner of public employee retirement shall have full power and discretion in determining the methods of calculating values according to the foregoing rules, and the values found by him in accordance with such methods shall be final and binding; provided, that any investments in United States savings bonds purchased on a discount basis may be credited at their redemption value or at their amortized value, as the board shall determine. The commissioner of public employee retirement shall also have full power and discretion in determining the method of calculating the values of any other investments of any such system.

(c) The commissioner of public employee retirement or his agent shall, for the purpose of carrying out the provisions of

this section, have access to all the securities, books and papers of any such system and may summon and administer oath to and examine any person relative to the financial affairs, transactions and condition of the system. The commissioner shall preserve in a permanent form a full record of the proceedings of each examination of a system and the results thereof. Upon the completion of such examination, verification and valuation, the commissioner shall make a report in writing of his findings to the board, and shall send a copy thereof to the governor and state treasurer, the county commissioners, the mayor, the board of selectmen, the Massachusetts Turnpike Authority, the Massachusetts Bay Transportation Authority, the Massachusetts Housing Finance Agency, or the Massachusetts Port Authority, the Blue Hills Regional Vocational school system, or the Greater Lawrence Sanitary District, as the case may be.

(d) The commissioner of public employee retirement is authorized to review all accidental and ordinary disability pensions granted by the retirement boards. The commissioner may remand the matter with written instructions to the retirement board for further proceedings if he finds that the decision of the board is (1) made upon unlawful procedure, (2) unsupported by substantial evidence, (3) arbitrary and capricious, or (4) a result of fraud or misrepresentation. The commissioner shall take such action within thirty days of the date when he is notified by a retirement board of the granting of such pension. If within such time period, the commissioner takes no action, the determination of the retirement board shall be considered to have been approved by the commissioner. The commissioner shall make a written decision, include a statement of the reasons therefor, and send copies thereof to the board and to the applicant.

(2) Assessment of Expenses of Supervision.- Any expenses incurred under the provisions of this section in connection with the supervision of any system shall be paid primarily by the commonwealth. Each county which maintains a system shall reimburse the commonwealth for such proportion of such expenses attributable to such counties as shall be determined just and proper by the deputy commissioner and assessed thereon by the state treasurer. The state treasurer shall issue his warrant requiring the assessors of the cities and towns concerned to assess a tax to the amount of such expenses attributable to such cities and towns as determined by the commissioner of public employee retirement, and such amount shall be collected and paid to the state treasurer as provided by section twenty of chapter fifty-nine. The Massachusetts Turnpike Authority shall reimburse the commonwealth for such proportion of such expenses attributable to its retirement system as shall be determined just and

proper by the commissioner, which sum shall be paid to the state treasurer upon notice from the commissioner. The Massachusetts Bay Transportation Authority shall reimburse the commonwealth for such proportion of such expenses attributable to its police retirement system as shall be determined just and proper by the deputy commissioner, which sum shall be paid to the state treasurer upon notice from the commissioner of public employee retirement. The Massachusetts Housing Finance Agency shall reimburse the commonwealth for such proportion of such expenses attributable to its retirement system as shall be determined just and proper by the commissioner, which sum shall be paid to the state treasurer upon notice from the commissioner. The Massachusetts Port Authority shall reimburse the commonwealth for such proportion of such expenses attributable to its retirement system as shall be determined just and proper by the commissioner, which sum shall be paid to the state treasurer upon notice from the commissioner. The Blue Hills Regional Vocational School system shall reimburse the commonwealth for such proportion of such expenses attributable to its retirement system as shall be determined just and proper by the commissioner, which sum shall be paid to the state treasurer upon notice from the commissioner. The Greater Lawrence Sanitary District employees' retirement system shall reimburse the commonwealth for such proportion of such expenses attributable to its retirement system as shall be determined just and proper by the commissioner, which sum shall be paid to the state treasurer upon notice from the commissioner.

(3) Duties of Actuary.- The commissioner of public employee retirement or his actuary or other agent with his approval shall be the technical advisor of the board of each such system in matters relating to the applicable provisions of this chapter, and in matters relating to the operation of the system, and shall perform such actuarial duties as are required in connection therewith, including, but not limited to:-

(a) the approval of the amount of all allowances under the provisions of said chapters;

(b) the annual valuation of assets and liabilities of each system;

(c) a periodic five year review of the mortality and experience of each system;

(d) such other investigations as the commissioner shall deem necessary.

(4) Promulgation and Approval of Rules and Regulations.- The commissioner of public employee retirement shall promulgate such rules and regulations as he may deem necessary from time to time to effectuate the purposes of this chapter, and he or his

agent shall approve any by-laws, rules, regulations, prescribed forms or determinations of any board in order to effectuate such purposes.

(5) Rehabilitation Programs for Disabled Employees.- (a) The commissioner of public employee retirement shall develop in cooperation with the personnel administrator and the industrial accident rehabilitation board a program for the rehabilitation of persons who have been disabled and shall make available technical advice to other governmental units concerning such programs. He shall make said program available to any disabled employee seeking rehabilitation.

(b) The commissioner shall in conjunction with the industrial accident rehabilitation board establish a list of such rehabilitation facilities, both public and private, and physicians as are available to render competent rehabilitation services for disabled persons. Rehabilitation services shall include medical, surgical, hospital, prosthesis, and physical restoration services. No facility shall be considered as qualified unless it is established to provide rehabilitation services for persons suffering from some specialized or general type of disability within the field of employment injury, and unless such facility is operated under the supervision of physicians qualified to render rehabilitation services and is staffed with trained and qualified technicians. No physician shall be considered as qualified unless he has had experience for a reasonable term of years in a qualified rehabilitation facility.

(c) The commissioner shall make available to every board the list of qualified physicians and qualified rehabilitation facilities.

(d) The commissioner shall keep a record of all disabled members subject to or receiving rehabilitation and shall provide that record to the retirement boards.

SECTION 26. Paragraph (b) of said subdivision (6) of said section 22 of said chapter 32, as appearing in section 1 of chapter 658 of the acts of 1945, is hereby amended by striking out, in lines 36 and 37, the word "insurance" and inserting in place thereof the words:- public employee retirement.

SECTION 27. Subdivision (1) of section 23 of chapter 32 is hereby amended by striking out paragraph (c), as amended by section 2 of chapter 267 of the acts of 1979, and inserting in place thereof the following paragraph:-

(c) The state treasurer shall annually, on or before May first, file in the office of the commissioner of public employee retirement 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. The board of each such system shall, subject to the same conditions and requirements, file in the office of the commissioner of public employee retirement 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. The commissioner may for cause shown extend the time for filing any such statement.

SECTION 28. Subdivision (2) of said section 23 of said chapter 32 is hereby amended by striking out paragraph (d), as appearing in section 1 of chapter 658 of the acts of 1945, and inserting in place thereof the following paragraph:-

(d) Any board or member thereof or any person who assists such board or member in the purchase, sale, investment or reinvestment of the funds of any such system, without the written consent of the commissioner of public employee retirement after notice in writing by him to desist therefrom, shall be punished as provided for in section twenty-four.

SECTION 29. Said subdivision (2) of said section 23 of said chapter 32 is hereby further amended by striking out paragraph (e), as amended by section 3 of chapter 267 of the acts of 1979, and inserting in place thereof the following paragraph:-

(e) The board of each such system shall annually, on or before March first, file in the office of the commissioner of public employee retirement, 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. The commissioner may for cause shown extend the time for filing any such statement.

SECTION 30. Section 24 of said chapter 32 is hereby amended by striking out subdivision (1), as most recently amended by section 18 of chapter 556 of the acts of 1980, and inserting in place thereof the following subdivision:-

(1) Enforcement of Provisions.- If the commissioner of public employee retirement is of the opinion that any governmental unit or any officer or employee thereof, or the state board of retirement, the teachers' retirement board or any other retirement board subject to the provisions of sections one to twenty-eight, inclusive, or any member or employee of any such board, has violated or neglected to comply with any provision of such sections, or the rules and regulations established thereunder, he shall give notice thereof to the governor, county commissioners,

the mayor, the board of selectmen, the Massachusetts Turnpike Authority, the Massachusetts Bay Transportation Authority, the Massachusetts Housing Finance Agency, the Massachusetts Port Authority, the Blue Hills Regional Vocational school system or the Greater Lawrence Sanitary District, as the case may be, and to the retirement board, and thereafter, if such violation or neglect continues, shall forthwith present the facts to the attorney general who shall take appropriate action. The superior court shall have jurisdiction in equity upon petition of the commissioner of public employee retirement or any interested party to compel the observance and to restrain the violation of any provision of sections one to twenty-eight, inclusive, and of the rules and regulations established thereunder.

SECTION 31. Paragraph (b) of subdivision (2) of section 28 of said chapter 32, as appearing in section 1 of chapter 658 of the acts of 1945, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- The board established under the provisions of such sections may, subject to the written approval of the commissioner of public employee retirement, merge similar funds under both systems in accordance with such regulations pertaining thereto as the commissioner may promulgate.

SECTION 32. Said subdivision (2) of said section 28 of said chapter 32 is hereby further amended by striking out paragraph (h), added by section 3 of chapter 603 of the acts of 1946, and inserting in place thereof the following paragraph:-

(h) In the case of any such city or town, any provision of any such special law requiring that the appropriation for the accumulated liability contribution to the pension fund shall be three per cent greater in amount each year is hereby repealed, and the amount to be appropriated for such purpose shall be such sum as is approved by the commissioner of public employee retirement in each year.

SECTION 33. Subdivision (3) of said section 28 of said chapter 32 is hereby amended by striking out paragraph (a), as most recently amended by section 9 of chapter 403 of the acts of 1946, and inserting in place thereof the following paragraph:-

(a) The town clerk of any town which accepts sections one to twenty-eight, inclusive, by vote at any state election, as provided for in subdivision (1) of this section, shall file in the office of the commissioner of public employee retirement within thirty days after such vote a certificate thereof sworn to by the election commissioners or other officers corresponding thereto.

The city or town clerk of any city or town which accepts said sections one to twenty-eight, inclusive, by vote of the city council, approved by the mayor, or of the selectmen, as the case may be, as provided for in subdivision (2) of this section, shall forthwith file in the office of said commissioner a certificate of such vote certified by the city or town clerk.

Said commissioner shall, within fifteen days after such filing, issue to the mayor or selectmen a certificate to the effect that the retirement system established by said sections shall become operative in such city or town on the first day of January or of July or of October, whichever occurs first, following the expiration of three months after the date of such certificate.

SECTION 34. Subdivision (4) of said section 28 of said chapter 32 is hereby further amended by striking out paragraph (a), as most recently amended by section 3 of chapter 701 of the acts of 1981, and inserting in place thereof the following paragraph:-

(a) Any district, all or part of which lies within the territory of any city or town which maintains or has adopted a contributory retirement system for its employees under the applicable provisions of sections one to twenty-eight, inclusive, or any district which is located in two or more cities or towns, at least one of which has accepted the applicable provisions of such sections or corresponding provisions of earlier laws, or any district the cities and towns of which are located in more than one county, may provide retirement benefits for its employees if such district by a vote duly recorded shall accept sections one to twenty-eight, inclusive, as far as applicable, except that in a veterans' services district the vote only of the district board shall be required to accept said provisions. A duly attested copy of such vote shall be filed by the clerk of the district, or other person performing like duties, in the office of the commissioner within thirty days after such vote. The commissioner of public employee retirement shall, within fifteen days after the receipt of such attested copy, issue a certificate to be sent to such clerk or person in such district, to the effect that such sections shall become operative for the employees of such district on the first day of January or on the first day of July, whichever first occurs, next following the expiration of three months after the date of such certificate. The commissioner shall also notify the county commissioners, the mayor or the board of selectmen, and the retirement board of such county, city or town of the state board of retirement, as the case may be, within which such district lies, of the acceptance of such sections by the district and of the date as of which such sections shall become operative for its employees, except that in a mosquito control project or

district the vote only of the district board of commissioners shall be required to accept said provisions; and except, that in the county cooperative extension service of the county of Suffolk the vote only of the trustees shall be required to accept said provisions. Any employees who become a member of a retirement system by the acceptance by a mosquito control project or district of this paragraph or by the acceptance by the county cooperative extension service of the county of Suffolk of this paragraph shall be credited with prior service in accordance with the provisions of sections one to twenty-eight, inclusive, or by the acceptance by the county cooperative extension service of the county of Suffolk of this paragraph shall be credited with prior service in accordance with the provisions of sections one to twenty-eight, inclusive.

SECTION 35. Subdivision (5) of said section 28 of said chapter 32 is hereby amended by striking out paragraph (a), as amended by section 9 of chapter 751 of the acts of 1969, and inserting in place thereof the following paragraph:-

(a) Any housing authority established under the provisions of section five of chapter one hundred and twenty-one B, and any redevelopment authority established under the provisions of section four of said chapter, may provide retirement benefits for its employees if such authority by a vote duly recorded shall accept sections one to twenty-eight, inclusive, as far as applicable. A duly attested copy of such vote shall be filed by the clerk of the authority, or other person performing like duties, in the office of the commissioner of public employee retirement within thirty days after such vote. The commissioner of public employee retirement shall, within fifteen days after the receipt of such attested copy, issue a certificate to be sent to such clerk or person in such authority, to the effect that such sections shall become operative for the employees of such authority on the first day of January or on the first day of July, whichever first occurs, next following the expiration of three months after the date of such certificate; provided, however, that in the case of a redevelopment authority established in a city or town having a housing authority which has accepted the provisions of sections one to twenty-eight, inclusive, said certificate shall be to the effect that such sections shall become operative for the employees of such redevelopment authority upon the receipt of such certificate. The commissioner shall also notify the county commissioners, the mayor or the board of selectmen, and the retirement board of such county, city or town, as the case may be, within which such authority lies, of the acceptance of such sections by the authority and of the date as of which such sections will

become operative for its employees.

SECTION 36. Subdivision (6) of said section 28 of said chapter 32, inserted by section 22 of chapter 597 of the acts of 1967, is hereby amended by striking out paragraph (a) and inserting in place thereof the following paragraph:-

(a) The Massachusetts Turnpike Authority may provide retirement benefits for its employees if said authority by a vote duly recorded shall accept sections one to twenty-eight, inclusive, as far as applicable. A duly attested copy of such vote shall be filed by the secretary-treasurer of the authority in the office of the commissioner of public employee retirement within thirty days after such vote. The commissioner of public employee retirement shall, within fifteen days after the receipt of such attested copy, issue a certificate to be sent to said secretary-treasurer to the effect that such sections shall become operative for the employees of the authority on the first day of January or on the first day of July, whichever first occurs, next following the expiration of three months after the date of such certificate.

SECTION 37. Subdivision (7) of said section 28 of said chapter 32, inserted by section 14 of chapter 1012 of the acts of 1971, is hereby amended by striking out paragraph (a) and inserting in place thereof the following paragraph:-

(a) The Massachusetts Bay Transportation Authority may provide retirement benefits for its police employees if said authority by a vote duly recorded shall accept sections one to twenty-eight, inclusive, as far as applicable. A duly attested copy of such vote shall be filed by the treasurer of the authority in the office of the commissioner of public employee retirement within thirty days after such vote. The commissioner of public employee retirement shall, within fifteen days after the receipt of such attested copy, issue a certificate to be sent to said treasurer to the effect that such sections shall become operative for the said police employees of the authority on the first day of January or on the first day of July, whichever first occurs, next following the expiration of three months after the date of such certificate.

SECTION 38. Subdivision (8) of said section 28 of said chapter 32, added by section 19 of chapter 1003 of the acts of 1973, is hereby amended by striking out paragraph (a) and inserting in place thereof the following paragraph:-

(a) The Massachusetts Housing Finance Agency may provide retirement benefits for its employees if said agency by a vote duly recorded shall accept sections one to twenty-eight, inclusive, as far as applicable. A duly attested copy of such vote shall be

filed by the treasurer of the agency in the office of the commissioner of public employee retirement within thirty days after such vote. The commissioner of public employee retirement shall, within fifteen days after the receipt of such attested copy, issue a certificate to be sent to said treasurer to the effect that such sections shall become operative for said employees of the agency on the first day of January or on the first day of July, whichever first occurs, next following the expiration of three months after the date of such certificate.

SECTION 39. Said chapter 32 is hereby further amended by striking out section 40, as amended by chapter 155 of the acts of 1967, and inserting in place thereof the following section:-

Section 40. The by-laws of every such association shall be approved by the commissioner of public employee retirement, and shall prescribe the manner in which and the officers and agents by whom the association may be conducted and the manner in which its funds may be invested and paid out. Such association shall be deemed to be formed when its by-laws have been approved and agreed to by the employer and by the employees by vote of two-thirds of all employees present and voting at a meeting called by the employer for the purpose, and have been approved by said commissioner of public employee retirement. Such association shall annually, on or before March first, report to the commissioner such statements of its membership and financial transactions for the year ending on the preceding thirty-first day of December as the commissioner may consider necessary to show its business and standing. Said commissioner may verify such statement by an examination of the books and papers of the association; and whoever, having charge or custody of said books and papers, neglects to comply with this section shall be punished by a fine of not more than five hundred dollars.

SECTION 40. The second paragraph of section 44B of said chapter 32, as appearing in chapter 277 of the acts of 1968, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The computation of the actuarial equivalent of the pension payable to any school janitor and the widow under the provisions of said option shall be subject to the supervision and verification by the actuary appointed by the commissioner in accordance with the provisions of section twenty-one, and the expenses for such service shall be paid by the city or town in which such school janitor was employed.

SECTION 41. Section 58B of said chapter 32 is hereby amend-

ed by striking out the second paragraph, as amended by section 1 of chapter 697 of the acts of 1970, and inserting in place thereof the following paragraph:-

The computation of the actuarial equivalent of the pension payable to a veteran and to his spouse or other eligible beneficiary under the provisions of this section shall be subject to the supervision and verification by the actuary appointed by the commissioner of public employee retirement in accordance with the provisions of section twenty-one and the expenses for such service shall be paid by the governmental unit granting the pension.

SECTION 42. Said chapter 32 is hereby further amended by striking out section 59A, inserted by section 1 of chapter 601 of the acts of 1968, and inserting in place thereof the following section:-

Section 59A. If a retired veteran or the widow of a veteran receives a pension from the commonwealth or from a political subdivision thereof under the provisions of section fifty-six, fifty-seven, fifty-eight or fifty-eight B, and if a portion of such pension or widow's allowance is based on the creditable service of such veteran in a governmental unit other than the unit which pays such pension or allowance, the govenmental unit making such payment shall be reimbursed in full by such other governmental unit for such portion of the pension or allowance as shall be computed by the actuary in the division of public employee retirement administration. The treasurer of the governmental unit paying such pension or allowance shall annually, on or before January fifteenth, upon certification of the retiring authority of such governmental unit, notify the treasurer of such other governmental unit of the amount of reimbursement due therefrom for the previous calendar year, and the treasurer of such other governmental unit shall forthwith take such steps as may be necessary to insure prompt payment of such amount. All such payments from the other governmental unit shall be charged to such funds as shall be appropriated for payment of pensions and allowances under section fifty-six, fifty-seven, fifty-eight or fifty-eight B, and when received they shall be credited to and added without further appropriation to such similar appropriation as shall have been made for the payment of similar pensions and allowances in the paying governmental unit. In default of any such payment, the paying governmental unit may maintain an action of contract to recover the same.

SECTION 43. Said chapter 32 is hereby further amended by striking out section 65C, as most recently amended by section 15

of chapter 393 of the acts of 1978, and inserting in place thereof the following section:-

Section 65C. A chief justice, justice, associate justice, judge, associate judge, or special justice, hereinafter in this section called judge, who is retired or who resigns and who is entitled to a pension or retirement allowance for life under provisions of section sixty-five A, sixty-five B, or sixty-five D may elect to receive, in lieu thereof, a pension or retirement allowance for life at a lesser annual rate with provision that upon his death, leaving as a survivor a surviving spouse who was his spouse at the time of his retirement or resignation, two-thirds of such pension or retirement allowance for life at a lesser annual rate shall be paid to such surviving spouse. Such lesser annual rate shall be determined so that the value, on the date of such retirement or resignation, of the prospective payments to such judge and to such surviving spouse shall be the actuarial equivalent of the value of the pension or retirement allowance for life to which such judge is entitled under the provisions of section sixty-five A, sixty-five B or sixty-five D, as the case may be. Such election shall be in writing on a prescribed form and filed with the appropriate retiring authority at the time of retirement or resignation or within thirty days thereafter. The computation of said actuarial equivalent shall be subject to supervision and verification in accordance with the provisions of section twenty-one by the actuary appointed by the commissioner of public employee retirement.

If a judge, who would be entitled, upon resigning, to a pension or retirement allowance for life under sections sixty-five A, sixty-five B or sixty-five D, dies before resigning, the judge's surviving spouse shall receive a pension or retirement allowance for life of two-thirds of such pension or retirement allowance for life at a lesser annual rate to which such judge would have been entitled had he, as of the date of death, resigned and had such pension or retirement allowance for life at a lesser annual rate been computed under the first paragraph.

If a judge forty-five years of age or over but under age seventy who would be entitled, upon resigning, to a pension or retirement allowance for life under sections sixty-five A or sixty-five D, except for not having attained age seventy, or if a judge forty-five years of age or over but under age sixty-five, who would be entitled upon resigning to a pension or retirement allowance under said section sixty-five A or sixty-five B, except for not having attained age sixty-five, or if a judge fifty-five years of age or over but under age sixty-five, would be entitled upon resigning to a pension or retirement allowance for life under section sixty-five B, except for not having attained age

sixty-five dies before resigning, the judge's surviving spouse shall receive a pension or retirement allowance for life computed as provided in the second paragraph except that, in making such computation the proportion of the annual rate of salary payable to a judge under section sixty-five A or sixty-five D, or the proportion of the average yearly earning for the required years of service payable to a judge under section sixty-five B shall be reduced by one per cent for each year or part thereof by which the date of death precedes the attainment of the age at which the judge would have received, upon resigning, his pension or retirement allowance for life under section sixty-five A, sixty-five B or sixty-five D respectively.

Pensions under this section payable to surviving spouses shall be paid from the same source and in the same manner as the salaries of like judicial officers of the court from which the judge was retired or resigned or of which he was a judge at the time of his death are paid. Retirement allowances under this section payable to surviving spouses of judges subject to the requirements of paragraphs (a) and (b) of section sixty-five D shall be paid pursuant to the provisions of paragraph (h) of section sixty-five D.

The provisions of the second and third paragraph shall not apply unless such surviving spouse and such deceased judge were living together at the time of such judge's death or, if living apart, they were living apart, in the opinion of the appropriate retiring authority, for justifiable cause other than desertion or moral turpitude on the part of such surviving spouse. Payments under said second and third paragraphs shall terminate upon the remarriage of such surviving spouse.

In determining whether a judge who was appointed prior to January second, nineteen hundred and seventy-five, has served in any office or offices at least ten years continuously and would be for the purposes of the second or third paragraphs of this section, entitled to a pension for life under section sixty-five A or sixty-five B the period, not exceeding one year, of his wartime service as defined in section one of chapter thirty-one, whether before or after his appointment as a judge, shall be added to and deemed continuous with the period of his service in any such office or offices.

In determining whether a judge who was appointed prior to January second, nineteen hundred and seventy-five, has served in any such office or offices at least ten years continuously and would be, for the purposes of the second or third paragraph of this section, entitled to a pension for life under section sixty-five A or sixty-five B, each three years spent by him in the service of the commonwealth or of any county, city or town thereof shall

count as one year of creditable service and each such year so credited, but in no event to exceed more than four years of such creditable service, shall be added to and deemed continuous with the period of his service in any such office or offices.

If a judge subject to the provisions of paragraphs (a) and (b) of section sixty-five D dies before resigning or before retiring and if the surviving spouse is not entitled to a pension or retirement allowance under the provisions of this section, or if a judge subject to the provisions of paragraphs (a) and (b) of said section sixty-five D dies before resigning or before retiring and if there is no surviving spouse who is eligible to receive a pension or retirement allowance under the provisions of this section, all funds previously withheld and deducted under the provisions of paragraph (b) of said section sixty-five D plus interest shall be returned to the estate of the deceased.

SECTION 44. The second paragraph of section 77A of said chapter 32, as appearing in section 1 of chapter 750 of the acts of 1957, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- The computation of the actuarial equivalent of the pension payable to any such employee and the widow under the provisions of this option shall be subject to supervision and verification by an actuary appointed by the commissioner of public employee retirement and the expenses for such service shall be paid by the city or town in which such employee was employed.

SECTION 45. Section 85J of said chapter 32 is hereby amended by striking out the third paragraph, as appearing in section 1 of chapter 71 of the acts of 1961, and inserting in place thereof the following paragraph:-

The computation of the actuarial equivalent of the pension payable to any policeman or firefighter and the widow under the provisions of this option shall be subject to the supervision and verification by the actuary appointed by the commissioner of public employee retirement in accordance with the provisions of section twenty-one, and the expenses for such service shall be paid by the city or town in which such policeman or firefighter was employed.

SECTION 46. Said chapter 32 is hereby further amended by striking out section 91A, as most recently amended by chapter 766 of the acts of 1977, and inserting in place thereof the following two sections:-

Section 91A. Every person pensioned or retired under any general or special law for disability, including accidental disabili-

ty, shall in each year on or before April fifteenth subscribe under the penalties of perjury and file with the board or officer by whom he was pensioned or retired a statement, in such form as such board or officer shall prescribe, certifying the full amount of his earnings from gainful occupation during the preceding year or, in lieu of such statement, a waiver on behalf of himself, his heirs and assigns, of any such pension or retirement allowance payable to him during the year in which said waiver is filed. If such earnings exceed, or when added to his adjusted pension or retirement allowance in such preceding year exceed, the amount of regular compensation which would have been payable to such person in such preceding year had he continued service in the grade held by him at the time he was pensioned or retired plus the sum of five thousand dollars, he shall refund his adjusted pension or retirement allowance for such preceding year or a portion thereof equal to such excess, as the case may be; and until such refund is made, his pension or retirement allowance shall be held as security therefor. Such pensioned or retired person shall annually submit a federal W-2 form, if employed, and a federal form 1099, if self-employed, to the board or office by whom he was pensioned or retired. If such pensioned or retired person who is employed or self-employed fails to submit such federal forms, as the case may be, his pension or retirement allowance shall be held as security until such federal forms are submitted. As used in this section, the term "adjusted pension or retirement allowance" shall be construed to mean the pension or retirement allowance remaining after deduction of such part thereof as represents the actuarial equivalent of accumulated deductions at time of retirement and any additional annuity obtained by special purchase.

If any person pensioned or retired as aforesaid fails to subscribe and file on or before January thirty-first in any year the statement prescribed by this section, the retiring authority or officer by whom he was pensioned or retired, unless such authority or officer finds good cause for such failure, shall withhold his pension or retirement allowance as security for any refund which such statement when filed may show to be payable under this section. Any person who files under this section a statement which is false shall make such refund as a true statement would have shown to be payable under this section.

Any board having reason to believe that the earnings of any person pensioned or retired as aforesaid have exceeded the amount of earnings authorized under this section, may, after at least thirty days written notice to the person pensioned or retired, request the commissioner of public retirement for an examination of the income tax returns of such person. The

commissioner shall, after giving written notice to said person retired or pensioned, file a written request with the commissioner of revenue which shall include the name, social security number and any other identifying information agreed upon pursuant to the terms of an interagency agreement between the division of public retirement administration and the department of revenue authorized under section ninety-one B.

Section 91B. To facilitate the enforcement of the provisions of section ninety-one A by the commissioner of public employee retirement, there shall be a wage reporting system and computer match file, which shall be operated in accordance with the provisions of this section.

(A) On an annual basis, the commissioner of public employee retirement shall provide to the department of revenue such information as may be agreed upon pursuant to the terms of an interagency agreement between the department of revenue and the division of public retirement administration.

(B) The department of revenue shall compare such lists with data furnished to it in accordance with section ninety-one A, so to determine if persons retired or pensioned and subject to the provisions of said section ninety-one A have complied with said section. Upon receipt of such information, the commissioner shall notify the respective retirement board which shall take the appropriate formal action provided for under this chapter.

SECTION 47. Section 1 of chapter 152 of the General Laws is hereby amended by inserting after paragraph (1) the following paragraph:-

(1A) "Commissioner", the commissioner of public employee retirement established under section four A of chapter seven.

SECTION 48. Said chapter 152 is hereby further amended by striking out section 69B, as amended by section 5 of chapter 174 of the acts of 1955, and inserting in place thereof the following section:-

Section 69B. Payments of compensation, or payments of medical or other expenses or fees by the commonwealth under this chapter following the consent or order required by section sixty-nine A shall be made only upon vouchers bearing the certification of the commissioner of public employee retirement. Said commissioner shall make or shall cause to be made such examinations and investigations as may assist in determining whether or not the injured employee is still incapacitated and whether such payments are due under this chapter.

The commissioner shall obtain such information as will assist in the prevention of injuries, arising out of and in the course of

employment, to public employees, in the rehabilitation of injured employees, and in their reemployment. He shall require from the workmen's compensation agents, appointed under section seventy-five, preliminary reports on such injuries within forty-eight hours of their occurrence, and detailed reports within two weeks. He shall require from such agents the name and status of any employee who has remained incapacitated for three months following an injury, and shall refer such reports to the industrial accident rehabilitation board for consideration and recommendation under the provisions of section thirty B.

SECTION 49. Said chapter 152 is hereby further amended by adding the following section:-

Section 86. Within fifteen days of an order or decision of the division, of a member or of a reviewing board, or the approval of a memorandum of agreement by the division, with respect to a claim by an employee of the commonwealth, a city, a town or a district which has accepted the provisions of chapter eight hundred and seven of the acts of nineteen hundred and thirteen, or of any town or district which has accepted or accepts the provisions of section sixty-nine, the division shall mail to the commissioner of public employee retirement, and the board of the retirement system of which the employee is a member, a certified copy of said order or decision of the division, of a member or of a reviewing board or the memorandum of agreement approved by the division.

SECTION 50. Notwithstanding the provisions of any general or special law to the contrary, the employees of the divisions of insurance constituting the retirement section and responsible for administering provisions of chapter thirty-two of the General Laws, prior to the effective date of this act, shall be transferred to the office of the commissioner of public employee retirement, and may be assigned by him without impairment of civil service status, seniority, retirement and other employment rights, and without interruption of service within the meaning of chapter thirty-one or section nine A or nine B of chapter thirty of the General Laws, and without reduction in their compensation and salary grade, notwithstanding any change in their titles or duties made under this act.

SECTION 51. Notwithstanding the provisions of any general or special law to the contrary, the person holding the office of supervisor of workmen's compensation benefits prior to the effective date of this act and the employees of the division of industrial accidents constituting the public employees section,

so-called, working under his supervision immediately prior to said effective date shall be transferred to the division of public employee retirement administration established by section two of this act without impairment of civil service status, seniority, retirement, and other employment rights, and without interruption of service within the meaning of chapter thirty-one or section nine A or nine B of chapter thirty, and without reduction in their compensation and salary grade, notwithstanding any change in their titles or duties made under this act.

SECTION 52. The commissioner of administration shall, on the effective date of this act, be charged with the orderly implementation of the provisions of this act. The said commissioner shall provide for the transfer of all personnel property, including files, records, equipment and any other items which are used by or under the control of the public employee section of the industrial accident board or of the division of insurance which constitute the retirement section and which are used in the administration of chapter thirty-two of the General Laws, prior to the effective date of this act.

SECTION 53. Notwithstanding the provisions of any general or special law to the contrary, all of the retirement boards and respective governmental agencies subject to the provisions of chapter thirty-two of the General Laws shall cooperate with and make available to the special committee on public employee retirement of the general court, any records, documents or other pertinent information it deems appropriate to conduct an investigation and study of the Massachusetts contributory retirement law and systems.

SECTION 54. Notwithstanding the provisions of any general or special law to the contrary, the retirement law commission shall within ninety days from the effective date of this act, determine the estimated cost of modifying the various option provisions of section twelve of chapter thirty-two of the General Laws to include a limited right of reversion for retired members when a beneficiary predeceases said member. Upon the completion of such cost estimate the retirement law commission shall report to the special committee on public employee retirement the results of its investigation and study by filing a written report with the chairman of said committee.

SECTION 55. Notwithstanding the provisions of section one of this act to the contrary, the commissioner and deputy commissioner of public employee retirement administration shall be placed in

Job Group M-X and Job Group M-IX, respectively, of the management salary schedule.

SECTION 56. Sections twelve, thirteen, and twenty-one shall take effect on April first, nineteen hundred and eighty-three, sections three, four, nine, eleven, seventeen, eighteen, nineteen and forty-eight shall take effect on July first, nineteen hundred and eighty-three and all other sections shall take effect upon passage of this act.

Approved January 4, 1983.

Chap. 631. AN ACT RELATIVE TO THE TYNGSBOROUGH WATER DISTRICT AND PROVIDING ASSISTANCE TO CERTAIN PRIVATE DRINKING WATER SUPPLIES THREATENED BY CONTAMINATION.

Be it enacted, etc., as follows:

SECTION 1. Chapter five hundred and sixteen of the acts of nineteen hundred and eighty-two is hereby amended by striking section fourteen and inserting in place thereof the following new section:-

Section 14. This act shall be submitted for acceptance to the voters of the town of Tyngsborough at a town meeting in the form of the following question: "Shall an act passed by the General Court in the year nineteen hundred and eighty-two, entitled 'An Act establishing the Tyngsborough Water District', 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.

SECTION 2. Chapter two hundred and eighty-six of the acts of nineteen hundred and eighty-two is hereby amended by adding after section nineteen the following new section:-

Section 19A. It is hereby found and declared that the contamination of public and private drinking water supplies is a significant threat to public health, welfare and safety. It is further found and declared that there is a scarcity of affordable housing in the commonwealth and that it is in the public interest to protect the habitability of any residence threatened by contamination of its public or private water supply. Therefore, it is found that it is in the public interest of the commonwealth to benefit the general welfare of its citizens, a public purpose for which public money may be expended, by authorizing the depart-

ment of environmental quality engineering to assist in devising solutions to the contamination of public and private drinking water supplies. To accomplish that purpose, the department of environmental quality engineering shall also establish standards and guidelines for expending such funds as provided in section eighteen for assistance to private drinking water supplies; provided, however, that said standards will provide only emergency interim and intermediate solutions to contamination of such water supplies which serve at lease twenty-five residential units; and provided further, no such assistance shall be provided unless the department of environmental quality engineering determines that a viable long term solution to the contamination is being actively pursued.

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

Approved January 4, 1983.

EMERGENCY LETTER - January 5, 1983 @ 10:58 A.M.

Chap. 632. AN ACT PROVIDING FOR THE TRANSFER OF CERTAIN PROPERTY IN THE TOWN OF WESTBOROUGH TO SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The deputy commissioner of the division of capital planning and operations, acting for and on behalf of the Commonwealth, as provided for in section forty F of chapter seven of the General Laws, is hereby authorized to sell and convey to the town of Westborough, by a deed approved as to form by the attorney general, three parcels of land with the buildings thereon located in said town, bound and described as follows:

PARCEL 1

Beginning at a point at the intersection of the northerly line of the "Turnpike" Route 9 and the easterly line of Park Street. Thence northerly by the easterly line of Park Street three hundred seventy (370') feet more or less to the southerly line of Oak Street. Thence easterly by various courses and distances by Oak Street fifteen hundred and forty (1,540') feet more or less to a point. Thence southerly three hundred eighty (380') feet more or less to the "Turnpike" Route 9. Thence westerly

by the northerly line of the "Turnpike" Route 9 fifteen hundred (1,500') feet more or less to the place of beginning.

The above described parcel contains 11 acres more or less.

PARCEL 2

Beginning at a point at the intersection of the northerly line of the "Turnpike" Route 9 and the westerly line of Park Street. Thence westerly by the northerly line of the "Turnpike" Route 9 nine hundred thirty (930') feet more or less to a point. Thence northeasterly five hundred fifty (550') feet to a point. Thence southwesterly two hundred eighty-five and eight tenths (285.8') feet to a point. Thence southwesterly two hundred eighty-five and six tenths (285.6') feet to a point. Thence easterly eighty-three and five tenths (83.5') feet to a point. Thence southerly three hundred ten (310') feet to a point in the northerly line of said "Turnpike". The last five courses and distances by land now or formerly of Kahm Noorollaff. Thence westerly by the northerly line of said "Turnpike" one hundred twenty-eight (128') feet to a point. Thence northerly one hundred thirty-three (133') feet to a point. Thence westerly three hundred thirty-six (336') feet to a point in the easterly line of Milk Street. The last two courses and distances by various owners. Thence northerly by the easterly line of Milk Street four hundred (400') feet more or less to a point. Thence easterly by an unknown owner and "Court House" land three hundred eighty-four (384') feet more or less to a point. Thence northeasterly by Court House land four hundred fifty (450') feet more or less to a point in the southerly line of Oak Street. Thence southeasterly by the southerly line of Oak Street one thousand fifty (1,050') feet more or less to a point in the westerly line of Park Street. Thence southeasterly by the westerly line of Park Street three hundred eighty-five (385') feet more or less to the place of beginning.

The above described parcel contains 22.5 acres more or less.

Except from above described Parcel that portion of land occupied by the Commonwealth of Massachusetts Power Plant.

PARCEL 3

Beginning at a point at the intersection of the northerly line of Oak Street with the easterly line of Milk Street. Thence northerly and northwesterly by the easterly line of Milk Street twenty-six hundred and eighty (2,680') feet more or less to a point at the intersection of the southerly line of Rice Lane with the easterly line of Milk Street. Thence northeasterly by the

southerly line of Rice Lane five hundred (500') feet more or less to a point. Thence southeasterly thirteen hundred (1,300') feet more or less. Thence due east five hundred and fifty (550') feet more or less to a point. Thence southeasterly five hundred (500') feet more or less to a point. Thence southwesterly three hundred (300') feet more or less to a point. Thence southeasterly five hundred (500') feet more or less to a point. Thence northeast two hundred fourteen (214') feet more or less to a point. Thence southeasterly three hundred seventy-five (375') feet more or less to a point. Thence southerly three hundred seventy-five (375') feet more or less to a point. Thence southwesterly two hundred fifty (250') feet more or less to a point. The last seven courses and distances through land of the grantor. Thence northwesterly and westerly by various courses and distances on the northerly line of Oak Street one thousand sixty (1,060') feet more or less to the place of beginning.

The above described parcel contains 47.1 acres more or less.

Excepting from the above described parcel that portion of land occupied by the Commonwealth of Massachusetts Civil Defense.

SECTION 2. Upon such conveyance authorized in section one, said town shall enter into a lease of said land and buildings to Worcester Junior College and the Central New England College of Technology, non-profit educational corporations, existing under the laws of the commonwealth, for the purpose of establishing and operating higher education facilities at such location.

Said lease to be executed shall include the following provisions:

a) Open space shall be maintained for public recreational use on land specifically set aside for such purpose.

b) The primary occupancy and usage of the land and buildings shall be for the education of students who commute to said facility.

c) Any renovation to existing brick and wood buildings deemed historically significant by the Massachusetts Historical Commission shall be restricted to the interior of said buildings except for renovations required by law or exterior replacements.

d) All land currently designated by the department of food and agriculture as "prime agricultural land", usage of which is subject to the provisions of sections thirteen to nineteen inclusive of chapter twenty of the General Laws shall be maintained in such agricultural use.

e) Said colleges shall provide academic scholarships to qualified residents of said town, provide academic advice to the public schools of said town upon request and make available its libraries to the residents of said town.

SECTION 3. Upon approval of said town, That portion of Park street from Route nine to the intersection of Oak street, Oak street from the intersection of Park street to the intersection of Courthouse drive, and Courthouse drive from the intersection of Oak street to the intersection of Milk street shall be maintained as town public ways; provided however that if such approval is not granted the commonwealth shall maintain said public ways.

SECTION 4. If said colleges and the town of Westborough shall fail to enter into the lease so referred to in section two within one hundred twenty days after the effective date of this act, said land and buildings described in section one shall revert to the Commonwealth.

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

Approved January 4, 1983.

Chap. 633. AN ACT PROVIDING FOR CERTAIN PAYMENTS FROM PREVIOUSLY AUTHORIZED HIGHWAY CONSTRUCTION FUNDS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for reimbursing the towns of Southwick and Charlemont for certain flood damage, therefore 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 4A of chapter 765 of the acts of 1972, as appearing in section 4 of chapter 570 of the acts of 1980, is hereby amended by inserting after the word "board", in line 14, the words:- ; provided, further, that a sum not to exceed forty thousand dollars shall be expended only for the purpose of reimbursing the town of Southwick for damage to a certain road and bridge by the heavy rains and floods of June, nineteen hundred and eighty-two and subject to the approval of said flood relief board; and provided, further, that a sum not to exceed nine thousand dollars shall be expended only for the purpose of reimbursing the town of Charlemont for damage to certain roads by said heavy rains and floods of June, nineteen hundred and eighty-two and subject to the approval of said flood relief board.

Approved January 4, 1983.

Chap. 634. AN ACT MAKING CERTAIN CORRECTIVE CHANGES IN CERTAIN GENERAL AND SPECIAL LAWS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make certain corrective changes in certain general and special laws, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 131F of chapter 6 of the General Laws, as appearing in section 5 of chapter 1210 of the acts of 1973, is hereby amended by striking out, in line 1, the word "All" and inserting in place thereof the word:- Any.

SECTION 2. Section 47 of chapter 6A of the General Laws, inserted by chapter 287 of the acts of 1980, is hereby amended by striking out, in line 1, the word "section" and inserting in place thereof the word:- chapter.

SECTION 3. Chapter 9 of the General Laws is hereby amended by striking out section 20, as amended by section 22 of chapter 808 of the acts of 1981, and inserting in place thereof the following section:-

Section 20A. The department of the state secretary shall publish a central register listing all notices of contracting opportunities estimated to be in excess of a sum to be determined by the secretary offered by any public agency or authority of the commonwealth or any political subdivision thereof. Notices published in the central register shall include, but not be limited to: (a) invitations relating to the procurement of supplies; design, construction and other services; and rentals of equipment incident to the design or construction, reconstruction, renovation, repair, demolition or furnishing of any capital facility; (b) notices of subcontracting opportunities incident to such design or construction, reconstruction, renovation, repair, demolition or furnishing; (c) notices of proposed sales, rentals or acquisitions of real property. Each notice shall provide information concerning the subject matter of the proposed transaction, any special qualifications or requirements pertaining thereto, instructions for submitting proposals, and such other information as the secretary shall require. The register shall also provide notice of the individual or firm selected for negotiation or award of any contract or as party to any other transaction, including leases,

sales, and other agreements, advertised in a prior edition of the register; the amount of the contract, purchase, sale, lease or other agreement; the names of subcontractors and suppliers, if available; and information concerning currently debarred contractors as provided in section forty-four C of chapter one hundred and forty-nine. In cases of emergency procurements necessary to preserve the health and safety of persons or property, publication in the central register shall not be required.

Every public agency or public authority of the commonwealth and every political subdivision thereof shall be responsible for reporting to the secretary on a timely basis information concerning contracting opportunities and proposed transactions subject to this section in order to facilitate publication of notice of such contracting opportunities and proposed transactions in the central register.

The secretary shall promulgate rules, regulations, and guidelines concerning the format and content of the register and the technical details of its publication. Said rules and regulations shall provide that the register shall be published at least once a month, or more often if the secretary determines that a more frequent publication and distribution is warranted. The secretary shall furnish one copy of said register to each city and town in the commonwealth, to be available in an easily accessible public place therein, and may distribute such additional copies as he deems appropriate and necessary; provided, however, that said register also shall be made available by subscription at a rate sufficient to cover the total costs of publication and mailing.

SECTION 4. Section 11H of chapter 12 of the General Laws, inserted by section 1 of chapter 801 of the acts of 1979, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- 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 whose conduct complained of resides or has his principal place of business.

SECTION 5. Chapter 26 of the General Laws is hereby amended by striking out section 8G, inserted by section 1 of chapter 797 of the acts of 1981, and inserting in place thereof the following section:-

Section 8H. The commissioner of insurance is hereby authorized to make in each fiscal year an assessment against all domestic insurers and an assessment against nonprofit hospital, medical and dental service corporations as defined in section one of

chapter one hundred and seventy-six A, section one of chapter one hundred and seventy-six B, and section one of chapter one hundred and seventy-six E. This assessment shall be to defray the salaries of an actuary and an assistant actuary appointed under this section to perform such duties as the commissioner of insurance may prescribe relating to life insurance, accident and sickness insurance and coverages provided under chapters one hundred and seventy-six A, one hundred and seventy-six B and one hundred and seventy-six E. The total assessment against domestic insurers shall be an amount, not to exceed seventy-five thousand dollars in any fiscal year, that the commissioner of insurance annually determines constitutes the expenses relating to such actuaries incurred with respect to duties performed relating to life and accident and sickness. The share of the total assessment for each domestic insurer shall be in proportion to such insurer's net premiums, after deducting therefrom all dividends paid, credited or applied, received during its fiscal year immediately preceding the assessment date from life and accident and sickness insurance business where the insured is a resident of the commonwealth at the time of payment of the premium. For the purposes of this section, "domestic insurers" shall include domestic companies as defined in section one of chapter one hundred and seventy-five which are authorized to transact all of the classes of insurance described in subdivisions (a) and (d) of clause sixth and in clause sixteenth of section forty-seven of chapter one hundred and seventy-five. The total assessment against nonprofit hospital, medical and dental service corporations shall be in an amount, not to exceed seventy-five thousand dollars in any fiscal year, that the commissioner of insurance annually determines constitutes the expenses relating to such actuaries incurred with respect to duties performed relating to matters concerning nonprofit hospital, medical and dental service corporations. The share of the total assessment for each nonprofit hospital, medical or dental service corporation shall be in proportion to such corporation's aggregate payments from subscribers received during its fiscal year immediately preceding the assessment date for business written in or in effect in the commonwealth.

The commissioner of insurance shall appoint the actuary and assistant actuary who shall devote their full time to the duties of their office and shall be exempt from the provisions of chapters thirty and thirty-one and shall serve at the pleasure of the commissioner. The actuary shall be a fellow or an associate of the Casualty Actuarial Society or the Society of Actuaries and the assistant actuary shall have successfully completed at least two examinations of one of the foregoing societies.

SECTION 6. The second paragraph of section 3 of chapter 40 of the General Laws, as appearing in chapter 496 of the acts of 1981, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The monies received from such rental or lease shall be kept separate and apart from other city or town funds in the city or town treasury by the treasurer and the principal and the interest thereon may be expended by the school committee without further appropriations for the upkeep of the facility in which such surplus space is located; provided, however, that any balance remaining in such account at the close of a fiscal year shall be paid into the General Fund of such city or town.

SECTION 7. Section 5 of chapter 59 of the General Laws is hereby amended by striking out clause Thirty-seventh A, inserted by chapter 258 of the acts of 1982, and inserting in place thereof the following clause:-

Thirty-seventh A, Real property taxes to the sum of five hundred dollars of a blind person who is a legal resident of the commonwealth, whether such property is owned by him separately or jointly or as a tenant in common; provided, however, that such property is occupied by such person as his domicile. No real property shall be exempt which has been conveyed to such blind person to evade taxation. This clause shall take effect upon its acceptance by any city or town. In those cities and towns which accept the provisions of this clause, the exemption provided in clause Thirty-seventh shall not be applicable.

SECTION 8. Section 22 of chapter 79 of the General Laws, as most recently amended by section 2 of chapter 800 of the acts of 1981, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- Judgment shall be entered and execution issued as in other civil actions.

SECTION 9. Section 1 of chapter 90 of the General Laws is hereby amended by striking out the definition of "Child passenger restraint", inserted by section 1 of chapter 680 of the acts of 1981, and inserting in place thereof the following definition:-

"Child passenger restraint", a device manufactured for the purpose of transporting children under five years of age in a motor vehicle equipped with seat belts in accordance with the provisions of federal laws and regulations, and approved by the United States Department of Transportation pursuant to Federal Motor Vehicle Safety Standard #213.

SECTION 10. Section 24 of chapter 140 of the General Laws is

hereby amended by striking out the last sentence, added by chapter 173 of the acts of 1980, and inserting in place thereof the following sentence:- Upon the complaint of an aggrieved party, the licensing authority or an officer of a city or town wherein such unlicensed lodging house is conducted, a justice of the housing court division or the superior court division of the trial court, may enjoin the conducting of any unlicensed lodging house and may make such other orders as the court may deem equitable to enforce the provisions of sections twenty-two to thirty-one, inclusive.

SECTION 11. The definition of "Gas company" in section 69G of chapter 164 of the General Laws, as appearing in section 1 of chapter 617 of the acts of 1975, is hereby amended by striking out, in line 9, the word "twenty-five" and inserting in place thereof the word:- seventy-five.

SECTION 12. Subdivision 6B of section 144 of chapter 175 of the General Laws, as appearing in section 2 of chapter 334 of the acts of 1982, is hereby amended by striking out, in lines 3 to 44, inclusive, the words "be paid-up nonforfeiture benefit including any paid-up additions under the policy on the basis of an interest rate no lower than that specified in the policy for calculating cash surrender values.

(4) In calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners 1980 Extended Term Insurance Table for policies of ordinary insurance.

(5) For insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on appropriate modifications of the aforementioned tables.

(6) Any ordinary mortality tables, adopted after 1980 by the National Association of Insurance Commissioners, that are approved by regulation promulgated by the commissioner for use in determining the minimum nonforfeiture standard may be substituted for the Commissioners 1980 Standard Ordinary Mortality Table with or without Ten-Year Select Mortality Factors or for the Commissioners 1980 Extended Term Insurance Table.

(i) The nonforfeiture interest rate per annum for any policy issued in a particular calendar year shall be equal to one hundred and twenty-five per cent of the calendar year statutory valuation interest rate for such policy as defined in the standard Valuation Law, rounded to the nearer one quarter of one per cent.

(j) Notwithstanding any other provision in this code to the contrary, any refiling of nonforfeiture values or their methods of

computation for any previously approved policy form which involves only a change in the interest rate or mortality table used to compute nonforfeiture values shall not require refiling of any other provisions of that policy form.

(k) After the effective date of this subdivision 6A, any company may file with the commissioner a written notice of its election to comply with the provisions of this subdivision after a specified date before January first, nineteen hundred and eighty-nine, which shall be the operative date of this subdivision for such company. If a company makes no such election, the operative date of this subdivision for such company shall be January first, nineteen hundred and eighty-nine.

6B. In the case of any plan of life insurance which provides for future premium determination, the amounts of which are to".

SECTION 13. Chapter four hundred and nine of the acts of nineteen hundred and seventy-eight is hereby repealed.

SECTION 14. Chapter one hundred and sixty-four of the acts of nineteen hundred and seventy-nine is hereby repealed.

SECTION 15. Chapter 229 of the acts of 1982 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. Section 26 of chapter 218 of the General Laws, as most recently amended by chapter 175 of the acts of 1982, is hereby further amended by striking out, in line 13, the words "and forty-nine" and inserting in place thereof the words:- , forty-nine and one hundred and twenty-seven.

SECTION 16. Chapter 286 of the acts of 1982 is hereby amended by striking out section 23 and inserting in place thereof the following two sections:-

Section 23. Chapter 406 of the acts of 1978 is hereby amended by striking out section 1, as amended by chapter 771 of the acts of 1979, 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 one hundred 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 24. Section 3 of said chapter 406 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

To meet a portion of the expenditures necessary in carrying out the provisions of section one of this act, or to refinance notes issued as provided in section two of this act, the state treasurer shall, upon request of the commissioner of the department of environmental quality engineering and with the approval of the governor, issue and sell at public or private sale bonds of the commonwealth, registered or with interest coupons attached, as the state treasurer may deem best, to an amount to be specified by the governor from time to time but no later than June thirtieth, nineteen hundred and ninety-three; provided, that in no event shall the amount of bonds authorized under this section exceed, in the aggregate, the sum of one hundred million dollars.

SECTION 17. Section 10 of chapter 352 of the acts of 1982 is hereby amended by striking out, in line 1, the number "46E" and inserting in place thereof the number:- 64E.

Approved January 4, 1983.

Chap. 635. AN ACT AUTHORIZING THE ISSUING OF CERTAIN LICENSES IN THE TOWN OF WELLESLEY FOR THE SALE OF ALCOHOLIC BEVERAGES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the licensing authority of the town of Wellesley may issue until the end of calendar year nineteen hundred and eighty-three.

Licenses for the sale in said town of all alcoholic beverages to be drunk on the premises to the Italo-American Educational Club of Wellesley, Inc., the Wellesley College Club of Wellesley College and to the Wellesley Country Club, and on the premises of any other clubs, which are not organized for commercial purposes, as

defined in section one of chapter one hundred and thirty-eight of the General Laws; and special licenses to Babson College and Wellesley College for the dispensing of wines and malt beverages in dining halls maintained by them, and to other incorporated educational institutions authorized to grant degrees for the dispensing of such beverages in dining halls maintained by such institutions; and to the responsible manager of any nonprofit organization conducting any indoor or outdoor activity or enterprise for the sale of all alcoholic beverages or wine and malt beverages, or any of them.

SECTION 2. The following question shall be placed on the official ballot to be used for the election of town officers at the next annual meeting of the town of Wellesley and shall be caused by the state secretary to be placed on the official ballot to be used in the town of Wellesley at the next biennial state election and at each biennial state election thereafter until the voters of said town have voted in the affirmative three consecutive times or in the negative three consecutive times: "Shall licenses be granted in the town of Wellesley for the sale therein of all alcoholic beverages by clubs which are not organized for commercial purposes, for the dispensing of wine and malt beverages in dining halls of incorporated educational institutions authorized to grant degrees and for the sale of all alcoholic beverages by nonprofit organizations conducting indoor or outdoor activities or enterprises?"

Yes	
No	

If a majority of the votes cast in said town in answer to said question is in the affirmative, said town shall be taken to have authorized licensing by the local licensing authority of the sale of all alcoholic beverages to be drunk on the premises of the aforementioned clubs and other clubs which are not organized for commercial purposes, as defined and limited in section one of chapter one hundred and thirty-eight of the General Laws, notwithstanding any provisions of said section one to the contrary; the dispensing of wine and malt beverages in dining halls of the aforementioned colleges and other incorporated educational institutions authorized to grant degrees; and the responsible manager of any nonprofit organization conducting any indoor or

outdoor activity or enterprise to sell all alcoholic beverages or wine and malt beverages only, or any of them. Until the voters of said town have voted in the affirmative three consecutive times in answer to said question, the authorization resulting from an affirmative vote shall be to grant such licenses for the two calendar years next succeeding such affirmative vote.

SECTION 3. The fees for, and duration of, licenses granted under this act shall be fixed from time to time by the local licensing authority and need not be uniform. Said licenses shall be subject to all other provisions of said chapter one hundred and thirty-eight; and, in the case of such club licenses, to such conditions, if any, as such authority in its discretion may from time to time impose by regulation or as a term of some or all of such licenses with regard to such clubs having dining facilities, seating capacity of any such facilities and the service of such beverages in conjunction with the use of such facilities.

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

Approved January 4, 1983.

Chap. 636. AN ACT REGULATING THE USE OF COMMONWEALTH PIER COMMONLY KNOWN AS PIER 5.

Be it enacted, etc., as follows:

Notwithstanding any general or special law, rule or regulation to the contrary, the Massachusetts Port Authority shall not make or enter into any contracts or agreements, apply for, establish, operate or maintain, or lease to others to operate or maintain any facilities or establishments at Commonwealth Pier commonly known as Pier 5 which exceed the guidelines established by said Authority in a certain environment notification form dated May twenty-first, nineteen hundred and eighty-one which form was submitted by the Massachusetts Port Authority to the executive office of environmental affairs with respect to hotel and restaurant space, namely:-

(a) Hotel, (one hundred rooms) eighty thousand square feet,

(b) Restaurant, twenty thousand square feet, and any lease or other agreement to the contrary is hereby rendered null and void solely with respect to such matters, but not otherwise.

Approved January 4, 1983.

EMERGENCY LETTER - January 5, 1983 @ 4:10 P.M.

Chap. 637. AN ACT RELATIVE TO THE RETIREMENT RIGHTS OF CERTAIN EMPLOYEES OF THE DEPARTMENT OF CORRECTION.

Be it enacted, etc., as follows:

Chapter 32 of the General Laws is hereby amended by adding following section 28K the following new section:-

Section 28L. Notwithstanding any provisions of sections one through twenty-eight, inclusive, to the contrary, any employee of the department of correction, classified under Group 4, whose major responsibilities include the care and custody of prisoners, and any transportation officer working within the department of correction, who has performed service in the department of correction for not less than twenty years shall, at his own request, be retired by said retirement board.

The retirement allowances under this section shall be the same as those provided for in paragraph (c) of subdivision (3) of section twenty-six.

Approved January 4, 1983.

Chap. 638. AN ACT RELATIVE TO THE ELIGIBILITY OF ROBERT B. McCARTHY FOR MEMBERSHIP IN THE CONTRIBUTORY RETIREMENT SYSTEMS FOR STATE EMPLOYEES.

Be it enacted, etc., as follows:

Notwithstanding any provision of general or special law to the contrary, Robert B. McCarthy, a permanent employee of the registry of motor vehicles, shall be given full credit for retirement purposes for all his prior services with the commonwealth, including service with said registry of motor vehicles, and any and all service related in any way thereto, by filing with the state retirement board an application on the prescribed forms for membership in the state employees retirement systems; but he shall not be entitled to such credit for such prior service unless, within six months from the effective date of this act, he shall have paid into the annuity savings funds of the state retirement system, in one sum, an amount equal to the contribution he would have been required to pay had he applied for membership and been accepted in said retirement system when he would have been first eligible.

Approved January 4, 1983.

Chap. 639. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO GRANT A PERMANENT EASEMENT OVER LAND UNDER THE CONTROL OF THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO ELIZABETH LARKIN HARKE IN EXCHANGE FOR CERTAIN OTHER LAND.

Be it enacted, etc., as follows:

SECTION 1. The division of capital planning and operations, acting for and on behalf of the commonwealth, is hereby authorized to grant to Elizabeth Larkin Harke, her heirs and assigns, and all others who may be lawfully entitled, a permanent easement, approved as to form by the attorney general on a parcel of land in the town of Brewster, under the control of the department of environmental management, for a roadway to be used as ways are commonly used in the town of Brewster, shown as "Easement (60 feet wide)" on a plan of land entitled "Plan of Land in Brewster, Mass. as surveyed and prepared for Elizabeth Larkin Harke, Scale 1" = 40" dated June 8, 1981, Scofield Brothers, Inc., Registered Professional Engineers and Land Surveyors, Route 6A - P.O. Box 101 - Orleans, Mass.," and on file with said department.

SECTION 2. In consideration for said conveyance provided for in section one of this act, Elizabeth Larkin Harke shall convey to the commonwealth for the use of the department of environmental management, all right, title and interest in a certain parcel of land located in the Town of Brewster, shown as Lot 1 on the above-referenced plan, comprising 10,001 square feet, more or less, bounded and described as follows:

Northwesterly by a portion of land of the Commonwealth of Massachusetts as shown on the hereinbefore-mentioned plan, 129.13 feet; thence Easterly by Lot 2, 117.04 feet; thence Southerly by Massachusetts State Highway Route 6A, 105.58 feet; thence Westerly by a portion of land of the Commonwealth of Massachusetts, 61.58 feet.

This parcel contains an area of 10,001 square feet more or less.

Approved January 4, 1982.

Chap. 640. AN ACT AUTHORIZING MUNICIPAL ELECTRIC DEPARTMENTS TO ESTABLISH SELF-INSURANCE TRUST FUNDS.

Be it enacted, etc., as follows:

Chapter 164 of the General Laws is hereby amended by adding the following four sections:-

Section 129. The following words, as used in sections one hundred and thirty to one hundred and thirty-two, inclusive, unless the context otherwise requires, or a different meaning is specifically prescribed, shall have the following meanings:-

"Commissioner", the commissioner of insurance.

"Fund balance", a minimum of two hundred and fifty thousand dollars or a lesser or greater amount approved by the commissioner.

"Municipal light board", a municipal light board or commission, municipal gas and electric commission or similar body in a city or town having a municipal light board, gas and electric commission or similar body; the mayor or city manager as the case may be, of a city having no municipal light board, municipal gas and electric commission or similar body; or the selectmen of a town having no municipal light board, municipal gas and electric commission or similar body.

"Municipal electric department", an electric department or lighting plant of a city or town, which department or plant is subject to the provisions of this chapter, or a municipally or consumer-owned electric utility outside the commonwealth. Except as otherwise specifically provided, a Massachusetts municipal electric department may exercise any of its powers or authority granted in sections one hundred and twenty-nine to one hundred and thirty-two, inclusive, through its municipal light board.

"Municipal Electric Department Self-insurance Trust Fund" or "Fund", a trust fund established in accordance with the provisions of section one hundred and twenty-nine to one hundred and thirty-two, inclusive, to provide insurance to a group of two or more participating municipal electric departments.

"Insurance", formal self-insurance or commercial insurance or a combination thereof, covering risks including, without limiting the generality of the foregoing, general liability, directors and officers, and fire insurance. Insurance shall include all layers of coverage, on either a claims made or occurrence basis and reinsurance.

"Participant", a municipal electric department that is a member of a fund, in accordance with section one hundred and thirty, and has accepted the benefits and detriments of sections one hundred and twenty-nine to one hundred and thirty-two, inclusive;

"Trustee", the trustee of a fund.

Section 130. A municipal electric department is hereby authorized, upon a vote of its municipal light board, to participate in a fund and obligate itself, solely from its revenues and as an expense of such department, to pay actuarily-sound premiums or such other reasonably premiums as may be mutually agreed upon.

A group of two or more participants shall have the power to establish a fund under the provisions of sections one hundred and twenty-nine to one hundred and thirty-two, inclusive. Said fund shall be deemed established upon the execution of a trust instrument by the initial participants containing such reasonable provisions, not inconsistent with the provisions of said section one hundred and twenty-nine to one hundred and thirty-two, inclusive, as the parties may agree upon, and establishment of a fund balance.

Participants shall file the trust instrument establishing a fund with the commissioner within sixty days of the execution of such instrument. The commissioner shall record such trust instrument in a book to be kept for that purpose, which shall be kept in an accessible location in the office of the commissioner.

The coverage provisions of any insurance contract issued by a fund under its trust instrument shall not become effective to provide coverage until the fund is filed in accordance with the provisions of this section, although the fund may require and accept payment of premiums prior to such filing.

A fund shall appoint a trustee, who shall be either a manager of a municipal electric department or a member of a municipal light board. The trustee shall serve for the term provided in the trust instrument and may be removed as provided therein.

Participants desiring to dissolve a fund may petition the supreme judicial court for voluntary dissolution or may dissolve as otherwise provided for in the trust instrument. The court may authorize such dissolution and may, upon such authorization, distribute the petitioner's assets in a manner consistent with the fund's legal obligations.

The commissioner may petition the supreme judicial court for involuntary dissolution of any fund, if such fund has not filed for two consecutive years an annual statement in accordance with section one hundred and thirty-one, or if the commissioner is satisfied that the fund is inactive and its continued existence is not in the public interest. Upon authorizing such dissolution, the court shall distribute all fund assets in accordance with the fund's legal obligations.

Section 131. A fund and the trustee shall have the rights and be subject to the legal responsibilities and obligations applicable to trusts and trustees under the General Laws, except to the

extent such rights, obligations and responsibilities are in conflict with this chapter.

The fund shall annually on or before April first file with the commissioner a statement showing its financial condition as of December thirty-first of the prior year.

A fund may be established with a minimum amount of two hundred and fifty thousand dollars. Upon the petition of a trustee, the commissioner may approve such greater or lesser amount.

The trustee of a fund shall notify the commissioner of any amendment to its trust instrument within sixty days of making such amendment.

The trust instrument may provide (a) that there shall be a minimum period during which any participant must participate in the fund; (b) the fund may provide coverage to any participant which joins and later withdraws from the fund; (c) that all participants shall execute a participation agreement; (d) that the fund indemnify the trustee from all liability for his actions in good faith on behalf of the fund; and (e) such other reasonable terms and conditions as the participants may agree upon that are consistent with the authority granted under sections one hundred and twenty-nine to one hundred and thirty-two, inclusive.

A fund may consolidate or merge with any other fund. Upon such merger or consolidation, the trustee of such funds shall notify the commissioner.

Any participant shall be considered to have insurance equivalent to commercial insurance, to the extent of limits of coverage provided by the fund, for the purposes of the requirements of insurance or commercial insurance contained in any law or any bonds, notes, mortgages, or any other agreements to which that participant is a party.

No money or any other assets in any fund shall be liable to attachment, trustee process, equitable lien or other process, or to be seized, taken, appropriated or applied by any legal or equitable process or operation of law to pay any debt or liability of any legal person except as provided in sections one hundred and twenty-nine to one hundred and thirty-two, inclusive, or in the trust instrument governing the fund.

The fund shall not be required to pay any taxes upon its income or existence and shall at all times be exempt from taxation within the commonwealth.

Section 132. A fund shall be exempt from the provisions of this chapter, except as provided in sections one hundred and twenty-nine to one hundred and thirty-two, inclusive, chapter one hundred and seventy-four A, one hundred and seventy-four B, one hundred and seventy-five, one hundred and seventy-five

A, one hundred and seventy-five C, one hundred and seventy-five E, one hundred and seventy-five F, one hundred and seventy-six, one hundred and seventy-six A, one hundred and seventy-six C, one hundred and seventy-six E, one hundred and seventy-six F, one hundred and seventy-six G, one hundred and eighty-two, and from the provisions of any other statute relating to insurance.

Approved January 4, 1983.

Chap. 641. AN ACT PROVIDING FOR THE INDEMNIFICATION OF MEMBERS OF RETIREMENT BOARDS FOR DAMAGES ARISING FROM THEIR OFFICIAL DUTIES.

Be it enacted, etc., as follows:

Chapter 32 of the General Laws is hereby amended by inserting after section 20 the following section:-

Section 20A. In any city, town or other entity which accepts the provisions of this section, in a city, by a vote of the city council with the approval of the mayor; in a town, by a vote of the town meeting; in a municipality having a town council form of government, by a vote of the town council; and in any other entity having a retirement board subject to the provisions of this chapter, by a vote of the governing board of such entity, any civil action brought against a member of a retirement board, the defense or settlement of which action is made by an attorney employed by the retirement board, such member shall be indemnified for all expenses incurred in the defense thereof and shall be indemnified for damages to the same extent as provided for public employees in chapter two hundred and fifty-eight; provided, however, that the claim arose out of acts performed by such member or members while acting within the scope of his official duties; and provided, further, that no member of a retirement board shall be indemnified for expenses incurred in the defense of an action, or damages awarded in such action, in which there is shown to be a breach of fiduciary duty, an act of willful dishonesty or an intentional violation of law by such member.

Approved January 4, 1983.

Chap. 642. AN ACT RELATIVE TO THE JURISDICTION OF CERTAIN ACTION FOR ALIMONY.

Be it enacted, etc., as follows:

SECTION 1. Section 34 of chapter 208 of the General Laws, as most recently amended by chapter 467 of the acts of 1977, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- Upon divorce or upon a complaint in an action brought at any time after a divorce, whether such a divorce has been adjudged in this commonwealth or another jurisdiction, the court of the commonwealth, provided there is personal jurisdiction over both parties, may make a judgment for either of the parties to pay alimony to the other.

SECTION 2. Section 37 of said chapter 208 is hereby amended by adding the following two paragraphs:-

The court, provided there is personal jurisdiction over both parties, may modify and alter a foreign judgment, decree, or order of divorce or separate support where the foreign court did not have personal jurisdiction over both parties upon the entry of such judgment, decree or order.

The court, provided there is personal jurisdiction over both parties to a foreign judgment, decree, or order of divorce for support, where such foreign court had personal jurisdiction over both parties, may modify and alter such foreign judgment, decree, or order only to the extent it is modifiable or alterable under the laws of such foreign jurisdiction; provided, however, that if both parties are domiciliaries of the commonwealth, then the court may modify and alter the foreign judgment in the same manner as it could have had the judgment, order, or decree been issued by the court; and provided further, that the court may not modify or alter the judgment, order or decree of a foreign jurisidiction which had personal jurisdiction over both parties concerning the division or assignment of marital assets or property.

Approved January 4, 1983.

Chap. 643. AN ACT RELATIVE TO MAKING THE WAGE REPORTING SYSTEM PERMANENT.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by inserting after chapter 62D the following chapter:-

CHAPTER 62E.
WAGE REPORTING SYSTEM.

Section 1. The following words as used in this chapter shall, unless the context otherwise requires, have the following meanings:-

"Commissioner", the commissioner of revenue.

"Employer", employer as defined in section thirty-four hundred and one (d) of the Internal Revenue Code.

"Employee", employee as defined in section thirty-four hundred and one (c) of the Internal Revenue Code.

"Internal Revenue Code or Code", the Internal Revenue Code of the United States, as amended to and including October four, nineteen hundred and eighty-two and in effect for the applicable period.

"Wages", wages as defined in section thirty-four hundred and one (a) of the Internal Revenue Code.

"Absent parent", any person who is legally obligated by court order or otherwise to support his spouse or children and who is obligated to pay such support to the department of public welfare, pursuant to section twenty-one of chapter eighteen.

Section 2. Every employer required to deduct and withhold taxes upon wages under the provisions of chapter sixty-two B shall, for each calendar quarter, submit to the commissioner a report of the name, social security number and wages paid to each employee and any identification number such employer is required to include on a withholding tax return filed pursuant to said chapter sixty-two B and in such form and such manner as may be prescribed by the commissioner and consistent with federal requirements or limitations.

Section 3. The commissioner shall design, develop, implement, and operate a wage reporting system for the purpose of receiving, maintaining, and processing information required to be submitted by employers pursuant to this chapter for the purposes of verifying eligibility for and entitlement to public benefits, unemployment insurance benefits and veterans' benefits, under reporting of income, and any errors, fraud or abuse in connection with such benefits paid or income reported and for the further purpose of identifying absent parents who are legally obligated to pay support for their spouse or children to the department of public welfare, locating such absent parents and evaluating their ability to pay support.

Section 4. Upon the written request of and at a date specified by the commissioner, the division of employment security shall provide to the commissioner lists of claimants paid unemployment insurance benefits for the purpose of verifying eligibility and

detecting and preventing fraud, error and abuse in the unemployment insurance benefits program and other benefits programs administered by said division. Information in such lists shall include the employer's name, the employer's identification number, the claimant's name, social security number and other data required to assure positive identification.

Upon the written request of and at a date specified by the commissioner, the department of public welfare shall provide to the commissioner lists of applicants and recipients of public assistance for the purpose of verifying eligibility and detecting and preventing fraud, error and abuse in the programs administered by said department. Information in such lists shall include the recipient's name, social security number and other data required to assure positive identification.

Upon the written request of and at a date specified by the commissioner, the department of veterans' services shall provide to the commissioner lists of applicants and recipients of veterans' benefits for the purpose of verifying eligibility and detecting and preventing fraud, error and abuse in the programs administered by said department. Information in such lists shall include the recipient's name, social security number and other data required to assure positive identification.

Upon the written request of and at a date specified by the commissioner, the department of public welfare shall provide to the commissioner lists of absent parents who owe support to the department of public welfare for the purpose of identifying absent parents who have earned income so as to locate such absent parents and evaluate their ability to pay support for their families. Information in such lists shall include the absent parent's name, social security number, and other data to assure positive identification.

Section 5. The commissioner shall compare the data provided to him so as to identify any cases in which individuals who are receiving unemployment compensation, public assistance, or veterans' benefits or who are absent parents are also receiving wages. The commissioner shall thereupon furnish to the division of employment security, the department of public welfare, or the department of veterans' services the cases of any recipients in their respective programs or absent parents who are identified as receiving wages. The information furnished to the receiving agencies shall include the name of the recipient or absent parent and other data required to assure positive identification, the name and identification number of the employer, and the amount of wages received.

Section 6. Upon the receipt of such information, the division of employment security, the department of public welfare or the

department of veterans' services shall, with respect to recipients in their respective programs or absent parents, seek to verify the accuracy of the information presented, in consultation with the recipient or absent parent whose status is in question.

If after such informal inquiry any of the administering departments concludes that error or fraud has led to incorrect payments to recipients, said department shall take appropriate formal action to correct the situation; provided, however, that no adverse action shall be taken against any recipient except after a hearing affording the recipient full opportunity to contest such action, in accordance with law. If after such informal inquiry, the department of public welfare concludes that an absent parent so identified is not paying support for his spouse or children or is paying inadequate support or is in arrears on his support payments, the department of public welfare shall take appropriate formal action to establish, enforce or modify a support order.

Section 7. The commissioner and the administering departments may implement a system of wage verification on a continuous basis through the use of remote terminal units having on-line inquiry capability of the wage reporting data, such terminals to be located at such of its offices as the administering department may determine. The commissioner in implementing such capability, shall insure that the confidentiality of the data is maintained and that only data of persons positively identified is subject to inquiry by the administering departments.

Section 8. No employee or agent of the commonwealth shall divulge any of the information referred to in this chapter, except in the manner herein prescribed, to any public or private agency or individual. Unauthorized disclosure of any of such information shall be a violation punishable by a fine of one hundred dollars per offense; provided, that unauthorized release of such information about any individual shall be a separate offense from information released about any other individual. Such unauthorized release of information shall also be cause for administrative discipline of any employee who engages in such unauthorized release.

Section 9. Any employer required to submit a report pursuant to the provisions of this chapter 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 and subsequent failure, up to one hundred dollars for each such employee.

Section 10. An advisory committee on the wage reporting system is hereby created consisting of the attorney general or his designee; five persons to be appointed by the governor, one of whom shall represent the Associated Industries of Massachusetts, one of whom shall represent the Massachusetts AFL-CIO, one of whom shall represent the Retailers Association of Massachusetts, one of whom shall represent the Massachusetts Law Reform Institute, and one of whom shall represent the Massachusetts Municipal Association; and three persons to be appointed by the chairman of the state welfare advisory board, one of whom shall be a recipient of aid to families with dependent children, one of whom shall be a recipient of general relief, and one of whom shall be a recipient of veterans' benefits.

The governor shall appoint a chairperson from among the membership of the committee members. The committee shall meet from time to time and at a place convenient to its purpose. It may recommend to the departments participating in the wage reporting system and data exchange authorized by this chapter guidelines to assure that accessibility to and exchange of such data shall be restricted to officers and employees of the respective departments participating in the program, that such data and any investigation connected therewith shall remain confidential except for the confirmed cases of fraud and except to the extent necessary to establish, enforce or modify a support order in any nonsupport proceeding in any court, that due process shall be observed with respect to the rights of any absent parent and any individual who, as an applicant for or recipient of public assistance, unemployment insurance benefits or veterans' benefits, is suspected to have provided the respective departments with false or fraudulent information in the determination of identified cases of ineligibility, the recovery of funds disbursed to ineligible recipients, and the referral of identified cases of fraud to the proper authorities for legal action. It shall file a report on the implementation of status of the wage reporting system including any recommendations thereon with the clerks of the house of representatives and the senate no later than July first of each year.

SECTION 2. This act shall apply to employer wage reports required to be filed for calendar quarters commencing after

nineteen hundred and eighty-two.

Approved January 4, 1983.

Chap. 644. AN ACT FURTHER REGULATING THE OPERATIONS OF THE COMMISSION FOR THE BLIND.

Be it enacted, etc., as follows:

SECTION 1. Chapter 6 of the General Laws is hereby amended by striking out section 129, as most recently amended by section 11 of chapter 699 of the acts of 1981, and inserting in place thereof the following section:-

Section 129. There shall be a commission for the blind, to be known as the Massachusetts commission for the blind, in this section and in sections one hundred and thirty to one hundred and forty-nine, inclusive, called the commission, consisting of a commissioner of the blind and an advisory board of five members as hereinafter described. The commission shall cooperate with the United States Department of Education or its successors in the administration of the Vocational Rehabilitation Act, and with the Library of Congress and the United States Department of Health and Human Services or its successors relative to the administration of the program of talking books and may expend such state, federal or other funds as are available for the aforementioned purposes.

The commissioner of the commission for the blind shall be appointed by the governor for a term of five years and until his successor is duly appointed and qualified. The position of commissioner shall be classified in accordance with section forty-five of chapter thirty and the salary shall be determined in accordance with section forty-six C of said chapter thirty and he shall devote his entire time to the duties of his office during business hours.

The advisory board shall consist of five persons, qualified by training, experience, or demonstrated interest in the amelioration of the condition of the blind, to be appointed by the governor for a period of five years. Upon expiration of the term of any member, his successor shall be appointed in like manner for a term of five years. Said members of the advisory board shall elect their chairman and shall meet at least once a month. They shall serve without compensation, but shall be reimbursed for expenses necessarily incurred in the performance of their duties. If any member is absent from three regularly scheduled monthly meetings in any one calendar year, his office as a member of

said board shall be deemed vacant. The chairman of the board shall forthwith notify the governor that such vacancy exists.

SECTION 2. The second paragraph of section 130 of said chapter 6, as most recently amended by chapter 243 of the acts of 1976, is hereby further amended by striking out the last sentence.

SECTION 3. Section 131B of said chapter 6, as appearing in section 5 of chapter 1210 of the acts of 1973, is hereby amended by striking out, in lines 2 and 3, the words ", Education and Welfare" and inserting in place thereof the words:- and Human Services.

SECTION 4. Section 131C of said chapter 6, as so appearing, is hereby amended by striking out in lines 2 and 3, the words ", Education and Welfare" and inserting in place thereof the words:- and Human Services.

SECTION 5. Section 131D of said chapter 6, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words ", Education and Welfare" and inserting in place thereof the words:- and Human Services.

SECTION 6. Section 131J of said chapter 6, as so appearing, is hereby amended by striking out, in line 1, the word "commission" and inserting in place thereof the word:- commissioner.

SECTION 7. Section 133 of said chapter 6, as appearing in section 2 of chapter 535 of the acts of 1966, is hereby amended by striking out, in lines 5 and 7, the word "stand" and inserting in place thereof, in each instance, the word:- facility.

SECTION 8. Section 134 of said chapter 6, as so appearing, is hereby amended by inserting after the word "were", in line 6, the words:- assembled, manufactured or otherwise.

SECTION 9. The first sentence of section 135 of said chapter 6, as so appearing, is hereby amended by inserting after the word "of", in line 1, the following words:- the commission for.

SECTION 10. Said section 135 of said chapter 6, as so appearing, is hereby further amended by adding the following paragraph:-

The contents of the register shall be released only under such circumstances and conditions as the commissioner may establish

by regulation.

SECTION 11. Section 136 of said chapter 6, as so appearing, is hereby amended by adding the following paragraph:-

The failure to report to the commissioner within said thirty days shall be punished by a fine of not less than one hundred nor more than five hundred dollars.

SECTION 12. Section 143 of said chapter 6, as so appearing, is hereby amended by inserting after the first paragraph the following two paragraphs:-

The commissioner shall establish standards for the assignment and compensation of blind workers and trainees, for the closure of such workshops as he determines are incapable of becoming financially viable, and the transfer of blind workers to private nonprofit, or similar, workshops for the employment of handicapped persons. Any blind worker so transferred may elect, in lieu of accepting such transfer, to retire under the provisions of chapter six hundred and sixty-nine of the acts of nineteen hundred and fifty-seven and shall, regardless of age or years in employment, be regarded as meeting the eligibility requirements of that statute.

No blind worker or trainee shall be compensated according to a standard which results in that person receiving less than the minimum wage required by 29 USC 206.

SECTION 13. Section 145 of said chapter 6, as so appearing, is hereby amended by striking out paragraphs (a) and (b) and inserting in place thereof the following two paragraphs:-

(a) The commission shall continuously study the problems relating to blindness and make investigations, demonstrations and reports thereon, and shall establish and maintain contact with physicians and other qualified persons or facilities available to render competent services to the blind.

(b) The commission may establish and operate rehabilitation facilities and workshops for the blind, and make grants to public and contracts with private nonprofit organizations for such purposes and employ such other means as the commissioner may deem appropriate for the amelioration of the condition of blindness.

SECTION 14. Said chapter 6 is hereby further amended by striking out section 146, as so appearing, and inserting in place thereof the following section:-

Section 146. There shall be in the commission such divisions or bureaus as the commissioner shall deem necessary to carry

out the provisions of sections one hundred and twenty-nine to one hundred and forty-nine, inclusive. The commissioner shall organize such divisions or bureaus and may assign to them such functions as he deems advisable.

SECTION 15. Said chapter 6 is hereby further amended by striking out section 147, as so appearing, and inserting in place thereof the following section:-

Section 147. In carrying out the provisions of section one hundred and twenty-nine to one hundred and forty-nine, inclusive, the commission shall cooperate with the secretaries of the United States Departments of Education and Health and Human Services, and shall develop state plans including such methods of administration as are found by said secretaries and the commission to be necessary for the proper and efficient operation of said sections one hundred and twenty-nine to one hundred and forty-nine, inclusive, to assure that the benefits of all federal laws may be available to the commonwealth and its citizens.

SECTION 16. Section 148 of said chapter 6, as so appearing, is hereby amended by striking out, in line 4, the word "fifty" and inserting in place thereof the word:- forty-nine.

SECTION 17. Notwithstanding the provisions of any law to the contrary, the wages paid to blind workers, as provided in section one hundred and forty-three of chapter six of the General Laws, employed in the Massachusetts Commission for the Blind as of January first, nineteen hundred and eighty-two, shall be increased by twenty per cent over the wages payable as of January first, nineteen hundred and eighty-two.

Approved January 4, 1983.

Chap. 645. AN ACT INCREASING THE SALARIES OF DISTRICT ATTORNEYS AND ASSISTANT DISTRICT ATTORNEYS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 12 of the General Laws is hereby amended by striking out section 15, as most recently amended by section 1 of chapter 525 of the acts of 1980, and inserting in place thereof the following section:-

Section 15. District attorneys shall devote their entire time during ordinary business hours to their duties, shall neither

directly nor indirectly engage in the practice of law, and receive from the commonwealth a salary of sixty-two thousand five hundred dollars annually.

SECTION 2. Said chapter 12 is hereby further amended by striking out section 16, as most recently amended by section 2 of chapter 534 of the acts of 1980, and inserting in place thereof the following section:-

Section 16. Assistant district attorneys shall devote their time during ordinary business hours to their duties, shall neither directly nor indirectly engage in the practice of law and shall receive from the commonwealth salaries as follows:- for the Suffolk district, three assistants, a sum not exceeding forty-nine thousand and five dollars; nine assistants, a sum not exceeding forty-three thousand five hundred and sixty dollars; twelve assistants, a sum not exceeding thirty-eight thousand one hundred and fifteen dollars; eleven assistants, a sum not exceeding thirty-two thousand six hundred and seventy dollars; thirteen assistants, a sum not exceeding twenty-seven thousand two hundred and twenty-five dollars; all other assistant district attorneys, a sum not exceeding twenty-one thousand seven hundred and eighty dollars; for the middle district, two assistants, a sum not exceeding forty-nine thousand and five dollars; two assistants, a sum not exceeding forty-three thousand five hundred and sixty dollars; six assistants, a sum not exceeding thirty-eight thousand one hundred and fifteen dollars; four assistants, a sum not exceeding thirty-two thousand six hundred and seventy dollars; three assistants, a sum not exceeding twenty-seven thousand two hundred and twenty-five dollars; all other assistant district attorneys, a sum not exceeding twenty-one thousand seven hundred and eighty dollars; for the eastern district, one assistant, a sum not exceeding forty-nine thousand and five dollars; one assistant, a sum not exceeding forty-three thousand five hundred and sixty dollars; two assistants, a sum not exceeding thirty-eight thousand one hundred and fifteen dollars; three assistants, a sum not exceeding thirty-two thousand six hundred and seventy dollars; five assistants, a sum not exceeding twenty-seven thousand two hundred and twenty-five dollars; all other assistant district attorneys, a sum not exceeding twenty-one thousand seven hundred and eighty dollars; for the Norfolk district, two assistants, a sum not exceeding forty-nine thousand and five dollars; three assistants, a sum not exceeding forty-three thousand five hundred and sixty dollars; two assistants, a sum not exceeding thirty-eight thousand one hundred and fifteen dollars; one assistant, a sum not exceeding thirty-two thousand six hundred and seventy dollars; all other assistant

district attorneys, a sum not exceeding twenty-one thousand seven hundred and eighty dollars; for the Berkshire district, one assistant, a sum not exceeding forty-nine thousand and five dollars; one assistant, a sum not exceeding forty-three thousand five hundred and sixty dollars; one assistant, a sum not exceeding thirty-two thousand six hundred and seventy dollars; all other assistant district attorneys, a sum not exceeding twenty-one thousand seven hundred and eighty dollars; for the Hampden district, two assistants, a sum not exceeding forty-nine thousand and five dollars; two assistants, a sum not exceeding forty-three thousand five hundred and sixty dollars; three assistants, a sum not exceeding thirty-eight thousand one hundred and fifteen dollars; four assistants, a sum not exceeding thirty-two thousand six hundred and seventy dollars; two assistants, a sum not exceeding twenty-seven thousand two hundred and twenty-five dollars; all other assistant district attorneys, a sum not exceeding twenty-one thousand seven hundred and eighty dollars; for the Bristol district, one assistant, a sum not exceeding forty-nine thousand and five dollars; one assistant, a sum not exceeding forty-three thousand five hundred and sixty dollars; one assistant, a sum not exceeding thirty-eight thousand one hundred and fifteen dollars; two assistants, a sum not exceeding thirty-two thousand six hundred and seventy dollars; two assistants, a sum not exceeding twenty-seven thousand two hundred and twenty-five dollars; all other assistant district attorneys, a sum not exceeding twenty-one thousand seven hundred and eighty dollars; for the Cape and Islands district, one assistant, a sum not exceeding forty-nine thousand and five dollars; one assistant, a sum not exceeding thirty-eight thousand one hundred and fifteen dollars; one assistant, a sum not exceeding thirty-two thousand six hundred and seventy dollars; one assistant, a sum not exceeding twenty-seven thousand two hundred and twenty-five dollars; all other assistant district attorneys, a sum not exceeding twenty-one thousand seven hundred and eight dollars; for the Plymouth district, one assistant, a sum not exceeding forty-nine thousand and five dollars; two assistants, a sum not exceeding forty-three thousand five hundred and sixty dollars; four assistants, a sum not exceeding thirty-eight thousand one hundred and fifteen dollars; two assistants, a sum not exceeding thirty-two thousand six hundred and seventy dollars; four assistants, a sum not exceeding twenty-seven thousand two hundred and twenty-five dollars; all other assistant district attorneys, a sum not exceeding twenty-one thousand seven hundred and eighty dollars; for the northwestern district, one assistant, a sum not exceeding forty-nine thousand and five dollars; one assistant, a sum not exceeding thirty-eight thousand one hundred and fifteen

dollars; one assistant, a sum not exceeding thirty-two thousand six hundred and seventy dollars; two assistants, a sum not exceeding twenty-seven thousand two hundred and twenty-five dollars; all other assistant district attorneys, a sum not exceeding twenty-one thousand seven hundred and eighty dollars; and the northern district, two assistants, a sum not exceeding forty-nine thousand and five dollars; five assistants, a sum not exceeding forty-three thousand five hundred and sixty dollars; six assistants, a sum not exceeding thirty-eight thousand one hundred and fifteen dollars; five assistants, a sum not exceeding thirty-two thousand six hundred and seventy dollars; four assistants, a sum not exceeding twenty-seven thousand two hundred and twenty-five dollars; all other assistant district attorneys, a sum not exceeding twenty-one thousand seven hundred and eighty dollars.

SECTION 3. Section 20A of said chapter 12 is hereby further amended by striking out the last sentence, as most recently amended by section 3 of chapter 525 of the acts of 1978, and inserting in place thereof the following sentence:- Such special assistants shall have all powers of an assistant district attorney, and shall receive from the commonwealth a salary not exceeding twenty-one thousand seven hundred and eighty dollars.

SECTION 4. Any assistant district attorney not receiving a salary increase as a result of any other section of this act shall have his salary, in effect on July first, nineteen hundred and eighty-two, increased by twenty per cent effective January first, nineteen hundred and eighty-three, and provided further; that any such assistant district attorney shall receive a salary of not less than eighteen thousand dollars per annum.

SECTION 5. Sections one, two, and three of this act shall take effect as of January first, nineteen hundred and eighty-three.

Approved January 4, 1983.

Chap. 646. AN ACT AUTHORIZING THE COMMISSIONER OF MENTAL HEALTH TO CONVEY A CERTAIN PARCEL OF WESTBOROUGH STATE HOSPITAL LAND TO THE TOWN OF NORTHBOROUGH.

Be it enacted, etc., as follows:

The division of capital planning and operations 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 Northborough a certain parcel of land of the commonwealth under the control of the department of mental health situated in said town and being a part of the Westborough state hospital land, said land, to be used as a public works garage for said town of Northborough, is bounded and described as follows:-

Beginning at a point on the Easterly line of Lyman Street said point being the Northwesterly corner of the parcel herein described said point also being S 20-36-10 E, 150.19 feet from a Worcester County Highway Bound;

Thence turning and running S 85-57-00 E, 285.25 feet by property now or formerly of Waldo Maffei, Inc., to a drill hole;

Thence turning and running S 60-04-00 E, 341.70 feet by land of said Maffei, Inc., and by land now or formerly of Robert A. and Diana H. Mongeon to a corner;

Thence turning and running S 17-29-24 W, 102.37 feet to a point;

Thence turning and running S 20-43-15 W, 54.39 feet to a point;

Thence turning and running S 19-31-44 W, 319.60 feet to a point;

Thence turning and running by a curve to the right having a radius of 1000.00 feet and a length of 65.57 feet to a point;

Thence turning and running S 23-17-30 W, 124.70 feet to a Worcester County Highway Bound;

Thence by a curve to the right having a radius of 43.86 feet and a length of 115.33 feet to a Worcester County Highway Bound said bound being on the easterly line of Lyman Street;

Thence by a curve to the left having a radius of 1030.00 feet and a length of 261.71 feet to a Worcester County Highway Bound said bound being on the easterly line of Lyman Street;

Thence by the easterly line of Lyman Street N 20-36-10 W, 586.83 feet to the point and place of beginning.

Containing 5.76 Ac as shown on plan entitled "Sketch Plan of Land, Northboro, MA" prepared for the Town of Northboro by E. J. Flynn Engineers, Inc., and dated January 19, 1981.

Approved January 4, 1983.

Chap. 647. AN ACT RELATIVE TO THE LICENSING AND KEEPING OF DOGS IN THE TOWN OF WEST SPRINGFIELD.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section one hundred and forty-seven of chapter one hundred and forty of the General Laws or any other provision of law to the contrary, all money received for licenses or from the sale of dog licenses by the town of West Springfield, or recovered as fines or penalties by said town under the provisions of said chapter one hundred and forty relating to dogs, shall be paid into the treasury of said town and shall not thereafter be paid over to Hampden county.

SECTION 2. Notwithstanding the provisions of section one hundred and thirty-seven of said chapter one hundred and forty or any other provision of law to the contrary, the registering, numbering, describing and licensing of dogs, if kept in said town, shall be conducted in the office of the town clerk of said town.

Approved January 4, 1983.

Chap. 648. AN ACT FURTHER REGULATING ADDITIONAL GROUP LIFE INSURANCE FOR BOTH ACTIVE AND RETIRED EMPLOYEES OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 10A of chapter 32A of the General Laws, as appearing in section 5 of chapter 389 of the acts of 1960, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Each employee entitled to additional insurance under this section shall file an application therefor with the commission on an appropriate form prescribed by the commission, except that an employee having such additional insurance who becomes entitled to further additional insurance hereunder by reason of an increase in annual salary shall automatically be insured for the amount of such further additional insurance, to become effective on the first day of the second month following the month in which the increase was authorized, or, on the first day of the earliest subsequent month in which the increase was authorized if as determined by the commission, the aforesaid effective date of authorization prevents timely withholdings from payrolls of the increased premium, unless the employee notifies the commission

in writing on a form prescribed by it that he is not to be so insured; provided, however, that such increase in salary has been authorized for a period of time in excess of one year.

SECTION 2. Said section 10A of said chapter 32A is hereby amended by striking out the fifth paragraph, as amended by chapter 229 of the acts of 1969, and inserting in place thereof the following paragraph:-

Upon retirement of an employee eligible for pension allowance under any general or special law, his optional insurance under this section shall be continued; provided, however, that payment of the appropriate premium as established by the commission has been paid by such retiree. A retiree who, for reasons other than for non-payment of premiums, terminates his insurance under this section shall be entitled to a conversion privilege as provided in section ten. A person who has retired and whose insurance under this section has been terminated may be reinstated for the amount of insurance in force at the time of retirement; provided, however, that said retiree submits proof of his physical condition satisfactory to the commission, or in lieu of submission of proof of physical condition, forfeits the amount of insurance which has been converted to a non-group policy as hereinbefore authorized.

Approved January 4, 1983.

Chap. 649. AN ACT PROVIDING FOR A CAPITAL OUTLAY PROGRAM FOR STATE ARMORIES WITHIN THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. To provide for a program of studies, preparation of plans, acquisition of land for armories; for the construction, reconstruction, rehabilitation and improvement of various state armories; and for the purchase of furnishings for such armories, the sums set forth in section two of this act, for the several purposes and subject to the conditions specified under the provisions of this act in said section two are hereby made available, subject to the provisions of law regulating the disbursement of public funds and the approval thereof.

SECTION 2.

0431-8832) For the purchase of certain land, the preparation of

)
0431-8771) any additional plans which may be necessary and the construction of an armory in Springfield, including the cost of furnishing and equipment; to be in addition to the amount appropriated in item 0431-8771 of section two of chapter four hundred and eighty-one of the acts of nineteen hundred and seventy-six; 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 one hundred thousand dollars to which amount any land acquisition and construction costs not eligible for federal participation may be charged; provided, further, said armory shall be designed in accordance with criteria of the National Guard Bureau $1,200,000

0431-8833 For a study, acquisition of land, the preparation of plans, and the construction of replacements for the Salem and Boston-Commonwealth Avenue Armories, including the cost of furnishings and equipment; provided, that said armories shall be designed in accordance with criteria established by the National Guard Bureau; and provided, further, that no funds shall be expended for the acquisition of land, the preparation of plans, and the construction of said replacement armories, until a study recommending the most suitable locations for said replacement armories and methods of maximizing federal reimbursements for such replacement armories is completed by the division of capital planning and operations, and filed with the house and senate committees on ways and means, and the construction of such replacement armories is authorized pursuant to legislation filed for that purpose; and provided, further, said study shall be completed by June thirtieth, nineteen hundred and eighty-three; and provided, further, that the contribution of the commonwealth for these projects shall not exceed four million dollars $10,000,000

0431-8834 For the rehabilitation and repair of the armory in the

city of Brockton in order to prevent further deterioration and costly future repairs; to be in addition to any funds allocated for this purpose in item 1102-7992 of section two of chapter five hundred and thirteen of the acts of nineteen hundred and seventy-eight or item 1102-8801 of section two of chapter seven hundred and ninety-eight of the acts of nineteen hundred and seventy-nine $40,000

0431-8835 For studies, preparation of plans, and the repair and renovation of certain armories in the commonwealth, said projects to be designated by the deputy commissioner of the division of capital planning and operations $ 2,000,000

SECTION 3. To meet a portion of the cost of expenditures authorized by item 0431-8832 of this act and item 0431-8771 of section two of chapter four hundred and eighty of the acts of nineteen hundred and seventy-six there is hereby appropriated from the Federal Capital Improvement Fund the sum of one million nine hundred thousand dollars; provided that federal funds received on account of said items shall be credited to said fund.

SECTION 4. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purpose of meeting payments authorized by section two 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 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 Sixty-two 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 ninety-five.

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.

SECTION 5. 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 bonds of the commonwealth to an amount to be specified by the governor from time to time, but not exceeding in the aggregate the sum of

seven million, one hundred and forty thousand dollars.

All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, State Armory Loan, Act of 1982, and shall be issued 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 Sixty-two of the Amendments to the Constitution of the Commonwealth, provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and five. All interest and payments on account of principal of such obligations shall be payable from the General 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 6. Chapter four hundred and two of the acts of nineteen hundred and seventy-seven is hereby repealed.

SECTION 7. Chapter seven hundred and eighty of the acts of nineteen hundred and seventy-nine is hereby repealed.

SECTION 8. Notwithstanding the provisions of any general or special law to the contrary, the deputy commissioner of the division of capital planning and operations, acting for and on behalf of the commonwealth, is hereby authorized and directed to sell and convey to the trustees of Boston University, by a deed approved as to form by the attorney general, in consideration of the payment of two million five hundred thousand dollars to the commonwealth, the property of the commonwealth located in the city of Boston and consisting of an irregularly shaped parcel of land, comprising about 436,589 square feet more or less, with buildings thereon, bounded and described as follows:

Southerly by Commonwealth Avenue in the city of Boston for a distance of 696.93 feet, more or less;

Westerly by Gaffney Street in the city of Boston for a distance of 711.69 feet, more or less;

Northerly by land presently or formerly owned by the Boston Edison Company for a distance of 193.8 feet, more or less;

Northeasterly by land presently or formerly owned by the Penn Central Railroad Company for a distance of 557.48 feet, more or less; and

Easterly by Buick Street in the city of Boston for a distance of 471.4 feet, more or less.

Said description meaning and intending to include all of the land and buildings thereon currently owned by the commonwealth and comprising the Commonwealth Armory, so-called, located at 899-925 Commonwealth Avenue in the city of Boston, in the

county of Suffolk, in the commonwealth of Massachusetts; and said conveyance to occur after the declaration that said property is surplus property in accordance with the applicable procedures of the division of capital planning and operations and the armory commission. The deed conveying said property to Boston University shall contain the following conditions and restrictions, which if not complied with by said University or its successors shall cause the title to said property to revert to the commonwealth:

(1) that ownership and control of said property shall remain with Boston University so long as it continues to do business in the commonwealth;

(2) that use of said property shall be restricted to educational and athletic activities of students of Boston University and the administration of or the conduct of research by the University, and that no facilities for independent commercial activity or housing shall be constructed or operated on the premises; and

(3) that Boston University shall permit the unrestricted use of the property by the national guard of the commonwealth, at no cost to the commonwealth, until such time as the national guard effectuates the transfer of activities presently conducted on the property to other suitable premises.

Approved January 5, 1983.

Chap. 650. AN ACT FURTHER REGULATING THE DISTRIBUTION OF CONTROLLED SUBSTANCES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate the distribution of controlled substances 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. Paragraph (a) of section 19 of chapter 94C of the General Laws, as appearing in section 1 of chapter 1071 of the acts of 1971, is hereby amended by striking out, in line 12, the words "section thirty-two" and inserting in place thereof the words:- sections thirty-two, thirty-two A, thirty-two B, thirty-two C, thirty-two D, thirty-two E, thirty-two F, thirty-two G, and thirty-two H, as applicable.

SECTION 2. Class A of section 31 of said chapter 94C is hereby amended by striking out paragraph (c), added by chapter

436 of the acts of 1980.

SECTION 3. Paragraph (b) of Class B of said section 31 of said chapter 94C is hereby amended by striking out clause (22), added by section 1 of chapter 241 of the acts of 1980.

SECTION 3A. Said Class B of said section 31 of said chapter 94C, as amended by said section 1 of said chapter 241, is hereby further amended by adding the following paragraph:-

(e) Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances or which contains any of their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Lysergic acid
(2) Lysergic acid amide
(3) Lysergic acid diethylamide
(4) Phencyclidine.

SECTION 4. Paragraph (a) of Class C of said section 31 of said chapter 94C is hereby amended by striking out clauses (1) to (7), inclusive, as amended by section 2 of chapter 436 of the acts of 1980, and inserting in place thereof the following fifteen clauses:-

(1) Chlordiazepoxide
(2) Chlorhexadol
(3) Clonazepam
(4) Clorazepate
(5) Diazepam
(6) Flurazepam
(7) Glutethimide
(8) Lorazepam
(9) Methyprylon
(10) Oxazepam
(11) Prazepam
(12) Sulfondiethylmethane
(13) Sulfonethylmethane
(14) Sulfonmethane
(15) Temazepam.

SECTION 5. Paragraph (e) of Class C of said section 31 of said chapter 94C, as most recently amended by section 3 of chapter 436 of the acts of 1980, is hereby further amended by

striking out clauses (1) to (19), inclusive, and inserting in place thereof the following sixteen clauses:-

(1) 3, 4-methylenedioxy amphetamine
(2) 5-methoxy-3, 4-methylenedioxy amphetamine
(3) 3,4,5-trimethoxy amphetamine
(4) Bufotenine
(5) Diethyltryptamine
(6) Dimethyltryptamine
(7) 4-methyl-2, 5-dimethoxyamphetamine
(8) Ibogaine
(9) Mescaline
(10) Peyote
(11) N-ethyl-3-piperidyl benzilate
(12) N-methyl-3-piperidyl benzilate
(13) Psilocybin
(14) Psilocyn
(15) Tetrahydrocannabinols
(16) 4-Bromo-2, 5-Dimethoxy-amphetamine.

SECTION 6. Section 32 of said chapter 94C, as amended by section 4 of said chapter 436, is hereby further amended by striking out paragraph (b) and inserting in place thereof the following paragraph:-

(b) Any person convicted of violating this section after one or more prior convictions of manufacturing, distributing, dispensing or possessing with the intent to manufacture, distribute, or dispense a controlled substance as defined by section thirty-one of this chapter under this or any prior law of this jurisdiction or of any offense of any other jurisdiction, federal, state, or territorial, which is the same as or necessarily includes the elements of said offense shall be punished by term of imprisonment in the state prison for not less than five nor more than fifteen years and a fine of not less than two thousand and five hundred nor more than twenty-five thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

SECTION 7. Said chapter 94C is hereby further amended by striking out section 32A, as amended by chapter 522 of the acts of 1981, and inserting in place thereof the following section:-

Section 32A. (a) Any person who knowingly or intentionally manufactures, distributes, dispenses, or possesses with intent to manufacture, distribute or dispense a controlled substance in Class B of section thirty-one shall be punished by imprisonment in the state prison for not more than ten years, or in a jail or

house of correction for not more than two and one-half years, or by a fine of not less than one thousand nor more than ten thousand dollars, or both such fine and imprisonment.

(b) Any person convicted of violating this section after one or more prior convictions of manufacturing, distributing, dispensing or possessing with the intent to manufacture, distribute, or dispense a controlled substance as defined by section thirty-one of this chapter under this or any prior law of this jurisdiction or of any offense of any other jurisdiction, federal, state, or territorial, which is the same as or necessarily includes the elements of said offense shall be punished by a term of imprisonment in the state prison for not less than three nor more than ten years and a fine of not less than two thousand and five hundred nor more than twenty-five thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

(c) Any person who knowingly or intentionally manufactures, distributes, dispenses or possesses with intent to manufacture, distribute or dispense phencyclidine shall be punished by a term of imprisonment in the state prison for not less than two and one-half nor more than ten years or by imprisonment in a jail or house of correction for not less than one nor more than two and one-half years. No sentence imposed under the provisions of this section shall be for less than a mandatory minimum term of imprisonment of one year and a fine of not less than one thousand nor more than ten thousand dollars may be imposed but not in lieu of the mandatory minimum one year term of imprisonment, as established herein.

SECTION 8. Said chapter 94C is hereby further amended by striking out section 32B, as appearing in section 4 of chapter 436 of the acts of 1980, and inserting in place thereof the following section:-

Section 32B. (a) Any person who knowingly or intentionally manufactures, distributes, dispenses, or possesses with intent to manufacture, distribute, or dispense a controlled substance in Class C of section thirty-one shall be imprisoned in state prison for not more than five years or in a jail or house of correction for not more than two and one-half years, or by a fine of not less than five hundred nor more than five thousand dollars, or both such fine and imprisonment.

(b) Any person convicted of violating this section after one or more prior convictions of manufacturing, distributing, dispensing or possessing with the intent to manufacture, distribute or dispense a controlled substance as defined by section thirty-one under this or any prior law of this jurisdiction or of any offense

of any other jurisdiction, federal, state, or territorial, which is the same as or necessarily includes the elements of said offense shall be punished by a term of imprisonment in the state prison for not less than two and one-half nor more than ten years, or by imprisonment in a jail or house of correction for not less than two nor more than two and one-half years. No sentence imposed under the provisions of this section shall be for less than a mandatory minimum term of imprisonment of two years and a fine of not less than one thousand nor more than ten thousand dollars may be imposed, but not in lieu of the mandatory minimum term of imprisonment, as established herein.

SECTION 9. Said chapter 94C is hereby further amended by striking out section 32C, as so appearing, and inserting in place thereof the following section:-

Section 32C. (a) Any person who knowingly or intentionally manufactures, distributes, dispenses or cultivates, or possesses with intent to manufacture, distribute, dispense or cultivate a controlled substance in Class D of section thirty-one shall be imprisoned in a jail or house of correction for not more than two years or by a fine of not less than five hundred nor more than five thousand dollars, or both such fine and imprisonment.

(b) Any person convicted of violating this section after one or more prior convictions of manufacturing, distributing, dispensing, cultivating or possessing with intent to manufacture, distribute, dispense or cultivate a controlled substance as defined by section thirty-one under this or any prior law of this jurisdiction or of any offense of any other jurisdiction, federal, state, or territorial, which is the same as or necessarily includes the elements of said offense shall be punished by a term of imprisonment in a jail or house of correction for not less than one nor more than two and one-half years, or by a fine of not less than one thousand nor more than ten thousand dollars, or both such fine and imprisonment.

SECTION 10. Said chapter 94C is hereby further amended by striking out section 32D, as so appearing, and inserting in place thereof the following section:-

Section 32D. (a) Any person who knowingly or intentionally manufactures, distributes, dispenses or possesses with intent to manufacture, distribute, or dispense a controlled substance in Class E of section thirty-one shall be imprisoned in a jail or house of correction for not more than nine months, or by a fine of not less than two hundred and fifty nor more than two thousand and five hundred dollars, or both such fine and imprisonment.

(b) Any person convicted of violating this section after one or more prior convictions of manufacturing, distributing, dispensing or possessing with the intent to manufacture, distribute or dispense a controlled substance as defined by section thirty-one under this or any prior law of this jurisdiction or of any offense of any other jurisdiction, federal, state, or territorial which is the same as or necessarily includes the elements of said offense shall be punished by a term of imprisonment in a jail or house of correction for not more than one and one-half years, or by a fine of not less than five hundred nor more than five thousand dollars, or both such fine and imprisonment.

SECTION 11. Said chapter 94C is hereby further amended by striking out section 32E, as so appearing, and inserting in place thereof the following section:-

Section 32E. (a) Any person who trafficks in marihuana by knowingly or intentionally manufacturing, distributing, dispensing, or cultivating or possessing with intent to manufacture, distribute, dispense, or cultivate, or by bringing into the commonwealth a net weight of fifty pounds or more of marihuana or a net weight of fifty pounds or more of any mixture containing marihuana shall, if the net weight of marihuana or any mixture thereof is:-

(1) Fifty pounds or more, but less than one hundred pounds, be punished by a term of imprisonment in the state prison for not less than two and one-half nor more than fifteen years or by imprisonment in a jail or house of correction for not less than one nor more than two and one-half years. No sentence imposed under the provisions of this section shall be for less than a mandatory minimum term of imprisonment of one year and a fine of not less than five hundred nor more than ten thousand dollars may be imposed but not in lieu of the mandatory minimum one year term of imprisonment, as established herein.

(2) One hundred pounds or more, but less than two thousand pounds, be punished by a term of imprisonment in the state prison for not less than three nor more than fifteen years and a fine of not less than two thousand and five hundred nor more than twenty-five thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

(3) Two thousand pounds or more, but less than ten thousand pounds, be punished by a term of imprisonment in the state prison for not less than five nor more than fifteen years and a fine of not less than five thousand nor more than fifty thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

(4) Ten thousand pounds or more, be punished by a term of imprisonment in the state prison for not less than ten nor more than fifteen years and a fine of not less than twenty thousand nor more than two hundred thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

(b) Any person who trafficks in cocaine or any salt thereof by knowingly or intentionally manufacturing, distributing, or dispensing or possessing with intent to manufacture, distribute, or dispense or by bringing into the commonwealth a net weight of twenty-eight grams or more of cocaine or any salt thereof or a net weight of twenty-eight grams or more of any mixture containing cocaine or any salt thereof shall, if the net weight of cocaine or any salt thereof or any mixture thereof is:-

(1) Twenty-eight grams or more, but less than one hundred grams, be punished by a term of imprisonment in the state prison for not less than three nor more than fifteen years and a fine of not less than two thousand and five hundred nor more than twenty-five thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

(2) One hundred grams or more, but less than two hundred grams, be punished by a term of imprisonment in the state prison for not less than five nor more than fifteen years and a fine of not less than five thousand nor more than fifty thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

(3) Two hundred grams or more, be punished by a term of imprisonment in the state prison for not less than ten nor more than fifteen years and a fine of not less than twenty thousand nor more than two hundred thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

(c) Any person who trafficks in heroin or any salt thereof, morphine or any salt thereof, opium or any derivative thereof by knowingly or intentionally manufacturing, distributing, or dispensing or possessing with intent to manufacture, distribute, or dispense or by bringing into the commonwealth a net weight of twenty-eight grams or more of heroin or any salt thereof, morphine or any salt thereof, opium or any derivative thereof or a net weight of twenty-eight grams or more of any mixture containing heroin or any salt thereof, morphine or any salt thereof, opium or any derivative thereof shall, if the net weight of heroin or any salt thereof, morphine or any salt thereof, opium or any derivative thereof or any mixture thereof is:-

(1) Twenty-eight grams or more, but less than one hundred

grams, be punished by a term of imprisonment in the state prison for not less than five nor more than twenty years and a fine of not less than five thousand nor more than fifty thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

(2) One hundred grams or more, but less than two hundred grams, be punished by a term of imprisonment in the state prison for not less than ten nor more than twenty years and a fine of not less than ten thousand nor more than one hundred thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

(3) Two hundred grams or more, be punished by a term of imprisonment in the state prison for not less than fifteen nor more than twenty years and a fine of not less than fifty thousand nor more than five hundred thousand may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

SECTION 12. Said chapter 94C is hereby further amended by striking out section 32F, as so appearing, and inserting in place thereof the following section:-

Section 32F. (a) Any person who knowingly or intentionally manufactures, distributes, dispenses, or possesses with intent to manufacture, distribute, or dispense a controlled substance in Class A of section thirty-one to a person under the age of eighteen years shall be punished by a term of imprisonment in the state prison for not less than five nor more than fifteen years and a fine of not less than one thousand nor more than twenty-five thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

(b) Any person who knowingly or intentionally manufactures, distributes, dispenses, or possesses with intent to manufacture, distribute, or dispense a controlled substance in Class B of section thirty-one to a person under the age of eighteen years shall be punished by a term of imprisonment in the state prison for not less than three nor more than fifteen years and a fine of not less than one thousand nor more than twenty-five thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

(c) Any person who knowingly or intentionally manufactures, distributes, dispenses, or possesses with intent to manufacture, distribute, or dispense a controlled substance in Class C of section thirty-one to a person under the age of eighteen years shall be punished by a term of imprisonment in the state prison for not less than two and one-half nor more than fifteen years

or in a jail or house of correction for not less than two nor more than two and one-half years. No sentence imposed under the provisions of this section shall be for less than a minimum term of imprisonment of two years and a fine of not less than one thousand nor more than twenty-five thousand dollars may be imposed but not in lieu of the mandatory minimum two year term of imprisonment, as established herein.

SECTION 13. Said chapter 94C is hereby further amended by striking out section 32G, as so appearing, and inserting in place thereof the following section:-

Section 32G. Any person who knowingly or intentionally creates, distributes, dispenses or possesses with intent to distribute or dispense a counterfeit substance shall be punished by imprisonment in a jail or house of correction for not more than one year or by a fine of not less than two hundred and fifty nor more than two thousand and five hundred dollars, or both such fine and imprisonment.

SECTION 14. Said chapter 94C is hereby further amended by striking out section 32H, as so appearing, and inserting in place thereof the following section:-

Section 32H. A prosecution commenced under paragraph (b) of section thirty-two, paragraphs (b) and (c) of section thirty-two A, paragraph (b) of section thirty-two B, sections thirty-two E and thirty-two F shall not be placed on file or continued without a finding, and the sentence imposed upon a person convicted of violating any provision of said sections shall not be reduced to less than the mandatory minimum term of imprisonment as established in said section, nor shall any sentence of imprisonment imposed upon any person be suspended or reduced until such person shall have served said mandatory minimum term of imprisonment.

A person convicted of violating any provisions of said sections shall not, until he shall have served the mandatory minimum term of imprisonment established, in said sections, be eligible for probation, parole, furlough, or work release; provided, however, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of the correctional institution, grant to said offender a temporary release in the custody of an officer of such institution for the following purposes: to attend the funeral of a relative, to visit a critically ill relative, or to obtain emergency medical or psychiatric services unavailable at said institution. The provisions of section thirty-one of chapter two hundred and seventy-nine shall not apply to any person convicted of violating any provisions of

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

SECTION 15. Section 41 of said chapter 94C is hereby amended by striking out clause (c), as amended by section 29 of chapter 806 of the acts of 1972, and inserting in place thereof the following clause:-

(c) any person who he has probable cause to believe has committed or is committing a violation of the provisions of sections twenty-seven, thirty-two, thirty-two A, thirty-two B, thirty-two C, thirty-two D, thirty-two E, thirty-two F, thirty-three, thirty-four, thirty-five, thirty-seven and forty.

SECTION 16. Subparagraph (3) of subsection (a) of section 47 of said chapter 94C, as appearing in section 1 of chapter 1071 of the acts of 1971, is hereby amended by striking out, in line 5, the words "section thirty-two" and inserting in place thereof the words:- sections thirty-two, thirty-two A, thirty-two B, thirty-two C, thirty-two D, thirty-two E, thirty-two F, thirty-two G or any part thereof.

SECTION 17. Subsection (b) of said section 47 of said chapter 94C is hereby amended by striking out the first sentence, as amended by section 2 of chapter 556 of the acts of 1977, and inserting in place thereof the following sentence:- Property subject to forfeiture under subparagraphs (1), (2), (4), (5) and (6) of subsection (a) shall be declared forfeit by any court having jurisdiction over said property or having final jurisdiction over any related criminal proceeding brought under any provision of this chapter.

SECTION 18. Section 13 of chapter 111 of the General Laws, as most recently amended by section 2 of chapter 700 of the acts of 1981, is hereby further amended by striking out the third and fourth sentences and inserting in place thereof the following two sentences:- When properly executed, it shall be prima facie evidence of the composition, quality, and when requested, the net weight of the narcotic or other drug, poison, medicine, or chemical analyzed or the net weight of any mixture containing the narcotic or other drug, poison, medicine, or chemical analyzed, and the court shall take judicial notice of the signature of

the analyst or assistant analyst, and of the fact that he is such. A signed certificate of drug analysis furnished by an analyst, assistant analyst or other designated employee of the Drug Enforcement Administration of the United States Department of Justice, which conforms with the requirements of this section, shall be prima facie evidence of the composition, quality, and when appropriate, the net weight of the narcotic or other drug, poison, medication or chemical analyzed or the net weight of any mixture containing the narcotic or other drug, poison, medicine or chemical analyzed and the court shall take judicial notice of the signature of the analyst, assistant analyst or other designated employee and the fact that he is such.

SECTION 19. Section 4D of chapter 147 of the General Laws, inserted by section 1 of chapter 434 of the acts of 1969, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- A certificate by a chemist of the department of the result of an analysis made by him of a drug furnished him by a police officer of the department, signed and sworn to by such chemist, shall be prima facie evidence of the composition, quality and when appropriate, the net weight of such drug, or net weight of any mixture containing such drug.

Approved January 5, 1983.

Chap. 651. AN ACT EXTENDING THE TIME DURING WHICH CITIES, TOWNS, AND REGIONAL SCHOOL DISTRICTS MAY BE REIMBURSED FOR THE REMOVAL, CONTAINMENT, OR ENCAPSULATION OF ASBESTOS IN PUBLIC SCHOOLS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to facilitate the remedy of problems which may arise from the use of asbestos in public school buildings, therefore 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. Item 1102-9804 of section 2 of chapter 798 of the acts of 1979 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- For the reimbursement to cities, towns, and regional school districts for

the removal, containment, or encapsulation of asbestos found in public school buildings; provided, that said city, town, or regional school district has submitted for approval an application and cost estimate to the state board of education; and provided, further, that said removal, containment, or encapsulation has been conducted in accordance with procedures set forth by the special legislative commission on asbestos, established by chapter fifty-eight of the resolves of nineteen hundred and seventy-five and by chapter fourteen of the resolves of nineteen hundred and seventy-eight, or by the division of occupational hygiene; and provided, further, that said reimbusements are in accordance with the estimates approved by the board and the commission and are for work contracted prior to June thirtieth, nineteen hundred and eighty-five.

SECTION 2. The appropriation for said line item shall expire on June thirtieth, nineteen hundred and eighty-six.

Approved January 5, 1983.

Chap. 652. AN ACT RELATIVE TO THE RADIO COMMUNICATION TOWER LOCATED ON MOUNT GREYLOCK IN THE TOWN OF ADAMS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to allow the use of the tower on Mount Greylock by amateur radio organizations, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the department of environmental management, upon receipt of a technical report prepared by the Northern Berkshire Amateur Radio Club concerning the effectiveness of on-tower vs. off-tower operations, shall allow said Club to attach and operate antennae to the former state police radio communications tower located within the Mount Greylock reservation in the town of Adams, subject to the following conditions:

(a) members of said club shall be responsible for the continuing maintenance of said tower at no cost to the commonwealth; and

(b) connecting cables and other related equipment shall be buried underground, or otherwise hidden from view, insofar as is technically feasible.

SECTION 2. A special task force to consist of the commissioner of environmental management, the commissioner of public safety, and a third person with technical expertise in radio communication to be chosen by said commissioners, is hereby established for the purpose of reviewing and evaluating data on the desirability of retaining said communications tower on Mount Greylock, subject to the provisions of section one. In the review and evaluation of such data, said task force shall consider all available information with regard to emergency radio communication and all appropriate alternatives to the use of said tower for emergency radio communication. Said task force shall establish reasonable standards regarding the geographical area and depth of coverage necessary to ensure public safety.

SECTION 3. Said task force shall report to the general court the results of its review and study and its recommendations, if any, by filing a report with the joint legislative committees on public safety, and natural resources and agriculture, concerning the future status of said tower and its use by the Northern Berkshire Amateur Radio Club. Said report shall be submitted to said committees not later than May first, nineteen hundred and eighty-three. The recommendations of said task force shall be designed, to the maximum extent feasible, to ensure the safety of the public and to maintain and protect the environmental quality of the Mount Greylock Reservation.

SECTION 4. The joint legislative committees on public safety, and natural resources and agriculture, shall submit their recommendations for legislation regarding the future status of said radio tower and its use by said radio club, to the clerk of the house of representatives within sixty days of the submission of the report of said task force.

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

Approved January 5, 1983.

Chap. 653. AN ACT PROVIDING RELIEF FROM THE IMPACT OF REVALUATION.

Whereas, The deferred operation of this act would defeat its purpose which is to provide immediately for limited increased exemption for those individuals entitled to same who are adversely affected by the revaluation of real property in certain cities and towns throughout 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 5 of chapter 59 of the General Laws is hereby amended by striking out the introductory clause, as most recently amended by Section 1 of Chapter 435 of the Acts of 1978, and inserting in place thereof the following clause:-

The following property shall be exempt from taxation and the date of determination as to age, ownership or other qualifying factors required by any clause shall be July first of each year unless another meaning is clearly apparent from the context; provided, however, that any person who receives an exemption under the provisions of clause Seventeenth, Seventeenth C, Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E, Thirty-seventh, Thirty-seventh A, Forty-first, Forty-first B, Forty-second or Forty-third shall not receive an exemption on the same property under any other provision of this section, except clauses Eighteenth or Forty-fifth.

SECTION 2. Clause Seventeenth C of said section 5 of said chapter 59, inserted by Section 1 of Chapter 743 of the Acts of 1981, is hereby amended by striking out the last sentence thereof and inserting in its place the following:- In those cities and towns which accept the provisions of this clause, the provisions of clause Seventeenth shall not be applicable; provided, however, that the state treasurer shall annually reimburse the city or town an amount equal to the reimbursement granted to such city or town under said clause Seventeenth for the most recent fiscal year in which it received such reimbursement.

SECTION 3. Clause 37A of said section 5 of said chapter 59, as added by chapter 258 of the acts of 1982, is hereby amended by striking out the entire text thereof and inserting in place thereof the following:-

The sum of five hundred dollars of the actual taxes due, of a blind person who is a legal resident of the commonwealth, whether such property is owned by him separately or jointly or as a tenant in common; provided, that such property is occupied by such person as his domicile. No real property shall be exempt which has been conveyed to such blind person to evade taxation. This clause shall take effect upon its acceptance by any city or town. In those cities and towns which accept the provisions of this clause, the provisions of clause thirty-seventh shall not be

applicable; provided, however, the sum of eighty-seven dollars and fifty cents of this exemption shall be borne by the commonwealth, and the state treasurer shall annually reimburse the city or town for the amount thereof.

SECTION 4. Clause Forty-first of section 5 of chapter 59 of the General Laws, as most recently amended by section 1 of chapter 967 of the acts of 1977, is hereby further amended by adding at the end thereof the following paragraph:-

Any amount of money annually appropriated by the commonwealth for the purpose of reimbursing cities and towns for taxes abated under this clause and clause Forty-first B shall be distributed as hereinafter provided. The commissioner of revenue shall divide said sum by the number of exemptions under this clause and clause Forty-first B granted in the preceding fiscal year and distribute to each city and town a pro rata share of said sum based upon the number of such exemptions granted in each city and town. If a city or town has elected to grant exemptions under clause Forty-first B in lieu of this clause, the number of exemptions granted in such city or town, for purposes of this computation, shall not exceed the number of exemptions granted under this clause in such city or town in the most recent fiscal year in which such exemptions under this clause were granted.

SECTION 5. Section 5 of chapter 59 of the General Laws is hereby amended by inserting after clause forty-first A the following clause:-

Forty-first B - Real property, to the amount of four thousand dollars of taxable valuation or the sum of five hundred dollars, whichever would amount in an exemption of the greater amount of taxes due, of a person who has reached his seventieth birthday prior to the fiscal year for which an exemption is sought and occupied by said person as his domicile, or of a person who owns the same jointly with his spouse, either of whom has reached his seventieth birthday prior to the fiscal year for which an exemption is sought and occupied by them as their domicile, or for a person who has reached his seventieth birthday prior to the fiscal year for which an exemption is sought who owns the same jointly or as a tenant in common with a person not his spouse and occupied by him as his domicile; provided: (A) that such person (1) has been domiciled in the commonwealth for the preceding ten years, (2) has so owned and occupied such real property or other real property in the commonwealth for five years, or (3) is a surviving spouse who inherits such real property and has occupied such real property in the com-

monwealth five years and who otherwise qualified under this clause; (B) that such person had, in the preceding year gross receipts from all sources of less than ten thousand dollars, or if married, combined gross receipts with his spouse of less than twelve thousand dollars, provided, however, that in computing the gross receipts of an applicant under this clause ordinary business expenses and losses may be deducted, but not personal or family expenses, and provided, further, that there shall deducted from the total amount received by the applicant under the federal social security or railroad retirement and from any annuity, pension, or retirement plan established for employees of the United States government, the government of the commonwealth, or the government of any city, town, county, or special district, included in such gross receipts, an amount equivalent to the minimum payment then payable under said federal social security law, as determined by the commissioner of revenue, to a retired worker seventy years of age or over, if the applicant is unmarried, or to a retired worker and spouse, both of whom are seventy years of age or over, if the applicant is married; and (C) that such person had a whole estate, real and personal, not in excess of twenty thousand dollars, or if married, not in excess of twenty-three thousand dollars, provided that real property occupied as his domicile shall not be included in computing the whole estate except for any portion of said property which produces income. In the case of real property owned by a person jointly or as a tenant in common with a person not his spouse, the amount of his exemption under this clause shall be that proportion of four thousand dollars valuation or the sum of five hundred dollars, whichever would result in an exemption of the greater amount of taxes due, which the amount of his interest in such property bears to the whole tax due; provided: (A) that no exemption shall be granted to any joint tenant or tenant in common unless the gross receipts from all sources whatsoever of each joint tenant or tenant in common is less than ten thousand dollars or, if married, the combined gross receipts from all sources whatsoever of each joint tenant or tenant in common and his spouse is less than twelve thousand dollars, provided, however, that in computing the gross receipts of an applicant under this clause ordinary business expenses and losses may be deducted, but not personal or family expenses, and provided, further, that there shall be deducted from the total amount received by the applicant under the federal social security or railroad retirement and from any annuity, pension, or retirement plan established for employees of the United States government, the government of the commonwealth, or the government of any city, town, county, or special district, included in such receipts, an

amount equivalent to the minimum payment then payable under said federal social security law, as determined by the commission of revenue, to a retired worker seventy years of age or over, if the applicant is unmarried, or to a retired worker and spouse, both of whom are seventy years of age or over, if the applicant is married; and (B) that the combined whole estate, real and personal, of each joint tenant or tenant in common is less than twenty thousand dollars or, if married, the combined whole estate, real and personal of each joint tenant or tenant in common and his spouse does not exceed twenty-three thousand dollars, provided that real property occupied as their domicile shall not be included in computing the whole estate except for any portion of said property which produces income. No proportion of the exemption shall be denied to any applicant otherwise qualified for the reason that another joint tenant or tenant in common receives a proportion of the total exemption. Household furnishings and property already exempt under the twelfth, twentieth, thirty-first, and thirty-fifth clauses of this section shall not be included in computing the whole estate for purposes of this section. Where a portion of the real property occupied as a domicile of an applicant under this clause is located within a municipality other than the municipality in which the applicant is domiciled, and where the value of said property, or the taxes, assessed by the municipality in which such applicant is domiciled would result in his receiving less than the maximum exemption provided by this clause, that part of the property of such applicant within such other municipality shall be exempt to a value, or to an amount of tax, sufficient to grant the applicant the total maximum exemption provided by the clause. This clause shall take effect upon its acceptance by any city or town. In those cities and towns which accept the provisions of this clause, the provisions of clause Forty-first shall not be applicable; provided, however, that any amount of money annually appropriated by the commonwealth for the purpose of reimbursing cities and towns for taxes abated under this clause and clause Forty-first shall be distributed as provided in said clause Forty-first.

SECTION 6. The first paragraph of section 64 of chapter 59 of the General Laws is hereby amended by striking out the first sentence thereof, as most recently amended by section 34 of chapter 580 of the acts of 1978, and inserting in place thereof the following:-

A person aggrieved by the refusal of assessors to abate a tax on personal property at least one-half of which has been paid, or a tax on a parcel of real estate, may, within three months after receiving the notice of the assessors' decision on an appli-

cation for abatement as provided in section sixty-three, or within three months after the time when the application for abatement is deemed to be denied as hereinafter provided, appeal therefrom by filing a complaint with the clerk of the county commissioners, or of the board authorized to hear and determine such complaints, for the county where the property taxed lies, and if on hearing the board finds that the property has been overrated and that the complainant has complied with all applicable provisions of law, it shall make a reasonable abatement and an order as to cost; provided, that if the tax due for the full fiscal year on a parcel of real estate is more than two thousand dollars, said tax shall not be abated unless the full amount of said tax due has been paid without the incurring of any interest charges on any part of said tax pursuant to section fifty-seven of chapter fifty-nine of the General Laws; and provided further, that for the purposes of this section a sum not less than the average of the tax assessed, reduced by abatements, if any, for the three years next preceding the year of assessment may be deemed to be the tax due, provided that a year in which no tax was due shall not be used in computing such sum and if no tax was due in any of the three next three preceding years, the sum shall be the full amount of said tax due, but the provisions of said section fifty-seven of said chapter fifty-nine shall apply to the amount of the tax deemed to be due and the payment of said sum without incurring any interest charges on any part thereof shall be deemed to be the payment of the tax.

SECTION 7. Section two of chapter nine hundred and sixty-seven of the acts of nineteen hundred and seventy-seven is hereby repealed.

SECTION 8. Notwithstanding any general or special law to the contrary, in each city or town certified by the commissioner of revenue to be assessing all property at its full and fair market value, upon approval by the local appropriating authority, as hereinafter defined, a taxpayer who shall otherwise qualify for any exemption under clauses Seventeenth, Seventeenth C, Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E, Thirty-seventh, Thirty-seventh A, Forty-first, Forty-first B, Forty-second, or Forty-third of section five of chapter fifty-nine of the General Laws shall be entitled to an additional exemption in the year in which full and fair cash values are first certified under the provisions of section fifty-six of chapter forty of the General Laws which may be uniform for all exemptions and none of which shall exceed sixty per cent of said exemption for which he

qualifies; provided, however, that the total additional exemption granted to any individual under this section shall not be greater than three hundred and fifty dollars; and provided further, 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 application of section eight-A of chapter fifty-eight or clause eighteen of section five of chapter fifty-nine of the General Laws; and provided further, that the additional exemption shall not result in any taxpayer paying less than the taxes paid in the preceding fiscal year except through the application of section eight-A of chapter fifty-eight or clause eighteen of section five of chapter fifty-nine of the General Laws. For the purposes of this section, the term "local appropriating authority", shall mean the board of selectmen in a town; the mayor, with the approval of the city council, in a city; and, the town council in a municipality having such a form of government. The state treasurer shall annually reimburse a city or town which accepts this section only for the amount which otherwise would have been reimbursed under the respective clause had this section not been accepted by said city or town.

SECTION 9. Notwithstanding the provisions of chapter three hundred and thirty-six of the acts of nineteen hundred and eighty-two, a city or town authorized to issue a notice of estimated tax in lieu of the tax bill for the fiscal year nineteen hundred and eighty-three may, with the prior written approval of the commissioner of revenue, require the payment of an estimated tax in excess of fifty per cent of the tax payable during fiscal year nineteen hundred and eighty-two to the extent that such excess represents one-half of the amount of tax accruing as a result of the loss of exemption from tax that had been granted in the preceding fiscal year.

SECTION 10. Notwithstanding any general or special law to the contrary, for any city or town which has not accepted any given local option provided in this act prior to the effective date of this act, such local acceptance shall not be effective until said city or town is certified pursuant to section fifty-six of chapter forty of the General Laws to be assessing real and personal property at full and fair cash value.

Notwithstanding any general or special law to the contrary, in any city or town which properly accepts any of the local options provided in this act and which has not had its fiscal year nineteen hundred and eighty-three tax rate approved by the commissioner of revenue pursuant to section twenty-three of chapter

fifty-nine of the General Laws prior to the effective date of this act, no city or town tax rate for fiscal year nineteen hundred and eighty-three or thereafter shall be so approved unless the commissioner of revenue certifies that sufficient sums have been provided by the city or town to cover the costs of the locally accepted options. The requirements of this paragraph shall apply to all cities and towns for fiscal years beginning on or after July first, nineteen hundred and eighty-three.

Notwithstanding any general or special law to the contrary, any city or town which has properly accepted any of the local options provided in this act shall allow taxpayers, in the year of such acceptance, an additional forty-five days from the date of such acceptance to file applications for exemption thereunder; provided, however, that if any other general or special law would allow a later date for submission of said applications, that later date shall apply. The commissioner of revenue shall promulgate any necessary rules or regulations to ensure that all other time requirements of any general or special law inconsistent herewith conforms with the provisions of this section.

SECTION 11. The provisions of this act shall take effect immediately upon passage; provided, however, that the provisions of sections one and two shall apply to all fiscal years beginning on and after July first, nineteen hundred and eighty-one; and provided further, that the provisions of sections three through seven, inclusive, and section ten shall apply to all fiscal years beginning on and after July first, nineteen hundred and eighty-two; and provided further, that the provisions of section eight shall apply only to fiscal years beginning on and after July first, nineteen hundred and eighty-two and ending on or before June thirtieth, nineteen hundred and eighty-four; and provided further, that the provisions of section nine shall apply only to the fiscal year beginning on July first, nineteen hundred and eighty-two and ending on June thirtieth, nineteen hundred and eighty-three.

Approved January 5, 1983.

Chap. 654. AN ACT EXTENDING THE EXEMPTION OF CERTAIN SINGLE FAMILY DWELLINGS FROM CERTAIN PROVISIONS OF THE PROGRAM FOR THE DETECTION OF THE SOURCES OF LEAD POISONING.

Be it enacted, etc., as follows:

SECTION 1. Chapter 265 of the acts of 1978 is hereby amended by striking out section 2 and inserting in place thereof the following section:-

Section 2. This act shall expire on January first, nineteen hundred and eighty-four.

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

Approved January 5, 1983.

Chap. 655. AN ACT FURTHER REGULATING CERTAIN EXEMPTIONS FROM THE SALES TAX.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate certain exemptions from the sales tax, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 6 of chapter 64H of the General Laws is hereby amended by striking out paragraph (gg), inserted by chapter 757 of the acts of 1979, and inserting in place thereof 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 or folding boxes 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, publisher, or manufacturer of folding boxes, for use in printing.

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

Approved January 5, 1983.

Chap. 656. AN ACT AUTHORIZING THE SALARIES OF THE MAYOR AND BOARD OF ASSESSORS OF THE CITY OF SOMERVILLE TO BE SET BY ORDINANCE.

Be it enacted, etc., as follows:

SECTION 1. Section 25 of chapter 240 of the acts of 1899 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- No increase in the salary of the mayor shall take effect in the calendar year in which it is voted.

SECTION 2. Chapter 234 of the acts of 1949 is hereby amended by striking out section 2A, as inserted by section 1 of chapter 734 of the acts of 1964, and inserting in place thereof the following section:-

Section 2A. The salary of the members of the board of assessors shall be set by ordinance.

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

Approved January 5, 1983.

Chap. 657. AN ACT RELATIVE TO CERTAIN PAYMENTS MADE IN LIEU OF TAXES BY THE METROPOLITAN DISTRICT COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. Section 5D of Chapter 59 of the General Laws, as added by Chapter 797 of the Acts of 1979, is hereby amended by inserting after the first sentence of the first paragraph the following sentence:- Payments made by the metropolitan water district pursuant to the provisions of this section for the year when a city or town shall have made a general revaluation of all its real property for purposes of taxation shall not be less than payment made to said city or town for the year immediately preceding the general revaluation.

SECTION 2. Section 5F of Chapter 59 of the General Laws, as added by Chapter 797 of the Acts of 1979, is hereby amended by inserting after the second sentence of the first paragraph the following sentence:- Payments made by the metropolitan water district pursuant to the provisions of this section for the year when a city or town shall have made a general revaluation of all its real property for purposes of taxation shall not be less than payments made to said city or town for the year immediately preceding the general revaluation.

SECTION 3. This act shall take effect on July 1, 1981.

Approved January 5, 1983.

Chap. 658. AN ACT REVISING THE CORPORATE EXCISE TO PROVIDE BUSINESS INCENTIVES.

Be it enacted, etc., as follows:

SECTION 1. Section 13 of chapter 23B of the General Laws, as most recently amended by sections 3 and 4 of chapter 499 of the acts of 1978, is hereby further amended by adding at the end thereof the following paragraph:-

(5) It is a facility for which on-site construction commenced, or binding contracts for the construction thereof were entered into, or the land or a leasehold interest therein was acquired, prior to January first, nineteen hundred and eighty-three.

SECTION 2. Paragraph 7 of section 30 of chapter 63 of the General Laws, as most recently amended by section 1 of chapter 634 of the acts of 1970, is hereby further amended by striking the first sentence and inserting in place thereof the following sentence:- The value of a corporation's tangible property taxable under clause (1) of subsection (a) of section thirty-two or thirty-nine shall be the book value of such of its tangible property situated in the commonwealth on the last day of the taxable year as is not subject to local taxation nor taxable under section sixty-seven. For purposes of this paragraph, "book value" means the original cost of such property, less the depreciation or amortization taken against such property on the books of the corporation maintained for making financial reports to shareholders.

SECTION 3. Subsection (a) of section 31A of chapter 63 of the General Laws, as appearing in section 2 of chapter 634 of the acts of 1970, is hereby amended by striking the second and third sentences and inserting in place thereof the following sentences:-

The amount of such credit shall be one per cent of the cost or other basis for federal income tax purposes of qualifying tangible property acquired, constructed, reconstructed, or erected during the taxable year, after deduction therefrom of any federally authorized tax credit taken with respect to such property. Qualifying property shall be tangible personal property and other tangible property including buildings and structural components of buildings acquired by purchase, as defined under section one hundred and seventy-nine (d) of the Federal Internal Revenue Code as amended and in effect for the taxable year; used by the corporation in the commonwealth; situated in the commonwealth on the last day of the taxable year; and which

(1) is depreciable under section one hundred and sixty-seven of said Code and has a useful life of four years or more, or (2) is considered recovery property under section one hundred and sixty-eight of said Code.

SECTION 4. Subsection (d) of section 38 of chapter 63, as most recently amended by section 5 of chapter 752 of the acts of 1973, is hereby further amended by striking the second sentence and inserting in place thereof the following sentence:- Property owned by the corporation shall be valued at its original cost.

SECTION 5. Subsection (e) of section 38 of chapter 63 of the General Laws, as most recently amended by section 5 of chapter 752 of the acts of 1973, is hereby further amended by striking the first sentence of subparagraph (ii) and inserting in place thereof the following sentence:-

(ii) the greater of (a) the total amount paid in this commonwealth by the corporation for compensation during the taxable year ended in the year nineteen hundred and seventy-two increased by five per cent per year for each taxable year subsequent to the taxable year ended in nineteen hundred and seventy-two; or (b) (1) in taxable years ending on or after December thirty-first, nineteen hundred and eighty-two and before December thirty-first, nineteen hundred and eighty-three, seventy-five per cent of the total amount paid in this commonwealth by the corporation for compensation,

(2) in taxable year ending on or after December thirty-first, nineteen hundred and eighty-three and before December thirty-first, nineteen hundred and eighty-four, eighty per cent of the total amount paid in this commonwealth by the corporation for compensation, (3) in taxable year ending on or after December thirty-first, nineteen hundred and eighty-four, and before December thirty-first, nineteen hundred and eighty-five, ninety per cent of the total amount paid in this commonwealth by the corporation for compensation, and (4) in taxable years ending on or after December thirty-first, nineteen hundred and eighty-five and thereafter, the total amount paid in this commonwealth by the corporation for compensation.

SECTION 6. Chapter 63 of the General Laws is hereby amended by inserting after section 38H the following sections:-

Section 38I. In determining the net income subject to tax under this chapter for the taxable year, a domestic or foreign corporation may deduct in addition to any other allowable deduction under this chapter, a deduction equal to the credit allowed under section fifty-one of the Federal Internal Revenue Code as

amended and in effect for the taxable year, with respect to wages deemed to be compensation paid in the commonwealth within the meaning of subsection (e) of section thirty-eight of this chapter; provided, however, that with regard to compensation qualifying for this deduction and the deduction under section thirty-eight F of this chapter, the corporation may elect either of two deductions but not both. Any such election must be made annually on the return filed and shall be irrevocable.

Section 38J. In determining the net income subject to tax under this chapter, a domestic or foreign business corporation may deduct, in addition to any other allowable deduction under this chapter, an amount equal to twenty-five per cent of the allowable deduction for any qualified research contribution, as defined in section one hundred and seventy (e) (4) of the Federal Internal Revenue Code as amended and in effect for the taxable year, to an educational organization, as therein defined, located in the commonwealth.

SECTION 7. Section 11 of chapter 752 of the acts of 1973, as most recently amended by section 2 of chapter 919 of the acts of 1977, is hereby further amended by striking, in line 6, the word "eighty-two" and inserting in place thereof the word:- eighty-five.

SECTION 8. The department of revenue shall, on or before the fifteenth of September, nineteen hundred and eighty-three, submit a tax expenditure report to the secretary of the executive office for administration and finance, to the chairmen of the house and senate committees on ways and means, and to the house and senate chairmen of the joint committee on taxation on the operation of sections thirty-one A, thirty-eight E, thirty-eight F, of chapter sixty-three of the General Laws, as amended by this act, and of the operation of the adjustment authorized in paragraphs (i) and (ii) of paragraph (e) of section thirty-eight of said chapter, as so amended, for nineteen hundred and seventy-nine, nineteen hundred and eighty, nineteen hundred and eighty-one tax returns and so much of nineteen hundred and eighty-two tax returns for which there is information available. Such reports shall include, but not be limited to, the number of corporations utilizing the provisions of said section, the aggregate amount of qualifying property, and the aggregate amount of tax loss as the result of the credit authorized by said section.

SECTION 9. The department of revenue shall, on or before the fifteenth of March in the years nineteen hundred and eighty-

four through nineteen hundred and eighty-eight, inclusive, submit a tax expenditure report to the secretary of the office for administration and finance, to the chairmen of the house and senate committees on ways and means, and to the house and senate chairmen of the joint committee on taxation, on the operation of sections thirty-one A, thirty-eight E and thirty-eight F of chapter sixty-three of the General Laws, as amended by this act, of sections 38I and 38J of said chapter as added by this act, and of the operation of the adjustment authorized in subparagraphs (i) and (ii) of paragraph (e) of section thirty-eight of said chapter, as amended by this act, for taxable years ending on or after December thirty-first nineteen hundred and eighty-two. Such report shall include, but not be limited to, a detailed description of the number of corporations utilizing the provisions of said sections; the aggregate amount of qualifying property, where applicable; of qualifying compensation, where applicable; and, a description of the number and categories of qualifying employees, where applicable; and, the aggregate amounts of tax loss, as authorized by each section; and, such other general information as the secretary or the chairmen may request.

SECTION 10. The provisions of section six shall apply to taxable years ending on or after December thirty-first, nineteen hundred and eighty-three and before December thirty-first, nineteen hundred and eighty-five, and the provisions of all other sections, unless otherwise provided therein, shall apply to taxable years ending on or after December thirty-first, nineteen hundred and eighty-two.

Approved January 5, 1983.

Chap. 659. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO ACQUIRE THE FEDERAL BUILDING AND COURTHOUSE IN SPRINGFIELD, AND PROVIDING A CAPITAL APPROPRIATION FOR THAT PURPOSE.

Be it enacted, etc., as follows:

SECTION 1. To provide for the acquisition by the commonwealth of, and the planning and specifications for the reconstruction and remodelling of the building formerly occupied by the United States Government, located at 436 Dwight Street in the city of Springfield, and known as the Federal Building and

Courthouse, the deputy commissioner of the division of capital planning, in accordance with the provisions of sections thirty-nine A to forty L, inclusive, of chapter seven, is hereby authorized to acquire by gift, purchase, devise, grant, eminent domain, rental, rental purchase or otherwise, said building to be used as a state office building or for such other uses as the general court shall determine; provided however, that the Springfield offices of the department of public welfare, the Massachusetts rehabilitation commission, the Massachusetts commission for the blind, the division of employment security and the department of social services shall not be located or relocated in said building and provided further that offices of state agencies located in the cities of Chicopee, Holyoke and Westfield and the towns of West Springfield and Ludlow shall not be located nor relocated in said building; and the sums set forth in sections two, three and four of this act, for the several purposes and subject to the conditions in said sections two, three and four are hereby made available, subject to the provisions of law regulating the disbursement of public funds and the approval thereof, for said acquisition and renovation.

SECTION 2.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Central Services Division
Division of Capital Planning and Operations

1102-9837 To provide for the acquisition of the Federal Building and Courthouse, and the land upon which it is located, at 436 Dwight Street, Springfield, which is to be contingent upon a study to determine the feasibility of utilizing said facility for a state office building, and the preparation of plans and renovations for the initial phase of development, including the cost of furnishings and equipment; provided that no expenditures, except for the study, shall be made until the study is satisfactorily completed and reviewed by the Deputy Commissioner of the Division of Capital Planning and Operations $3,000,000

SECTION 3. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purpose of meeting payments authorized by section two 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 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 sixty-two 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 ninety.

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.

SECTION 4. 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 bonds of the commonwealth to an amount to be specified by the governor from time to time, but not exceeding in the aggregate the sum of three million dollars.

All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, State Office Building Loan, Act of 1982, and shall be issued 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 sixty-two of the amendments to the constitution of the commonwealth, provided, however, that all such bonds be payable not later than June thirtieth, two thousand and six. All interest and payments on account of principal of such obligations shall be payable from the General 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.

Approved January 5, 1983.

Chap. 660. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY CERTAIN LAND IN THE TOWN OF ANDOVER TO GARABED DARGOONIAN.

Be it enacted, etc., as follows:

The deputy commissioner of the division of capital planning and operations, acting for and on behalf of the commonwealth, as provided for in section forty F of chapter seven of the General Laws, is hereby authorized to convey to Garabed Dargoonian, by

deed approved as to form by the attorney general, subject to an agricultural preservation restriction upon the premises to be conveyed as defined in section thirty-one of chapter one hundred and eighty-four of the General Laws, on a certain parcel of land in the town of Andover under the control of the department of environmental management known as the Flint lot. Said parcel comprising forty acres on the westerly side of the road leading to the town of Tewksbury, bounded and described as follows:

Beginning at the southeast corner of said land by said road, and land now or formerly of one Davis thence northerly by said road about 80 rods to a stake and stone; thence westerly about 7 rods, thence northerly 7 rods to an oak tree or stump by land now or formerly of Jedediah Burtt; thence westerly by said Burtt's land and lands now or formerly of Abraham Stickney, Samuel Kendall and Joseph Kendall to a stake and stones; thence southerly by lands now or formerly of James Fleming and Henry Dane to land of said Davis, thence by said Davis land to the first bound mentioned, containing 40 acres. Being the same land conveyed to the Commonwealth of Massachusetts by deed of John H. Flint, dated January 1, 1909, and recorded in the Essex County Registry of Deeds, Book 268, Page 390.

Said land to be conveyed in consideration of the said Garabed Dargoonian conveying certain land of equal value to be determined and approved by the commissioner of environmental management to said department in the name of the commonwealth. Said value is to be determined by not less than the greater of two independent appraisals performed upon each of the parcels to be conveyed and exchanged. Garabed Dargoonian shall be responsible for the expense of one of the appraisals, on his property, and the cost of such appraisal shall not be passed on in the conveyance, or used to lower the value of acreage of either parcel.

Approved January 5, 1983.

Chap. 661. AN ACT MAKING CERTAIN CHANGES IN THE PROCEDURE OF THE CLASSIFICATION OF LAND FOR TAXATION.

Be it enacted, etc., as follows:

The definition of "Class one, residential" in subsection (b) of section 2A of chapter 59 of the General Laws is hereby amended by striking out the sentence inserted by section 3 of chapter 369 of the acts of 1982 and inserting in place thereof the following sentence:- Such property shall include: (i) land that is situated

in a residential zone and has been subdivided into residential lots; and (ii) land used for the purpose of a mobile home park, as defined in section thirty-two F of chapter one hundred and forty.

Approved January 5, 1983.

EMERGENCY LETTER - January 6, 1983 @ 10:03 A.M.

Chap. 662. AN ACT AUTHORIZING THE CITY OF MEDFORD TO INCREASE THE LICENSE FEE ON THE OPERATOR OF A COMMUNITY ANTENNA TELEVISION SYSTEM IN SAID CITY.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section nine of chapter one hundred and sixty-six A of the General Laws or any other general or special law to the contrary, the city of Medford may impose upon any operator of a community antenna television system within its jurisdiction, a license fee of three per cent of the operator's gross subscriber revenues per year from cable operations in the city of Medford.

Approved January 5, 1983.

Chap. 663. AN ACT INCREASING THE BENEFITS TO DEPENDENTS OF DECEASED EMPLOYEES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 152 of the General Laws is hereby amended by striking out section 31, as most recently amended by section 1 of chapter 461 of the acts of 1978, and inserting in place thereof the following section:-

Section 31. If death results from the injury, the insurer shall pay the following dependents of the employee, including his or her children by a former spouse, wholly dependent upon his or her earnings for support at the time of his or her injury, or at the time of his or her death, compensation as follows, payable, except as hereinafter provided, in the manner set forth in section thirty-two.

To the widow or widower so long as he or she remains unmarried, a weekly compensation equal to two-thirds of the aver-

age weekly wages of the deceased employee, but not more than the average weekly wage in the commonwealth, as determined according to the provisions of subsection (a) of section twenty-nine of chapter one hundred and fifty-one A, and promulgated by the director of the division of employment security on or before October first preceding the deceased employee's injury or death; provided, however, that in no instance shall said widow or widower, receive less than one hundred and ten dollars per week, to the widow or widower six dollars more a week for each child of the deceased employee under the age of eighteen or over said age and physically or mentally incapacitated from earning, or over said age and a full time student qualified for exemption as a dependent under section one hundred and fifty-one (e) of the Internal Revenue Code, except that no additional compensation for the benefits of the children of the employee shall be payable when combined with the compensation due the spouse of the deceased employee as hereinbefore provided in this section would allow the widow or widower an amount in excess of one hundred and fifty dollars per week; provided that in case any child of the deceased employee is a child by a former wife or husband, the death benefit shall be divided between the surviving wife or husband and all dependent children of the deceased employee in equal shares, the surviving wife or husband taking the same share as a child. If the widow or widower dies or if there is no surviving wife or husband of the deceased employee, such amount or amounts as would have been payable to or for his or her own use and for the benefit of all children of the employee shall be paid in equal shares to all the surviving children of the employee.

If the widow or widower remarries, all payments under the foregoing provisions shall terminate and the insurer shall pay each week to each of such children sixty dollars but in no event shall the payments exceed the amount which would have been payable to the surviving spouse.

The total payments due under this section shall not be more than the average weekly wage in effect in the commonwealth at the time of the injury as determined according to the provisions of subsection (a) of section twenty-nine of chapter one hundred and fifty-one A, and promulgated by the director of the division of employment security on or before the October first prior to the date of the injury multiplied by two hundred and fifty plus any costs of living increases provided by this section except that payment to or for the benefit of children of the deceased employee under the age of eighteen shall not be discontinued prior to the age of eighteen, and except that after a dependent unremarried widow or widower or physically or mentally incapaci-

tated child over the age of eighteen has received the maximum payments, he or she shall continue to receive further payments but only during such periods as he or she is in fact not fully self-supporting. Either party may request hearings at reasonable intervals before a board member on the question of granting such payments, or on the question of restoration of such payments or on the question of discontinuance of such payments. A member of the board may set a case for hearing on his or her initiative, after due notice to both parties.

In all other cases of total dependency, the insurer shall pay each person, wholly dependent upon the earnings of the deceased employee, for support at the time of the injury, or at the time of the employee's death a weekly payment equal to the weekly amount of that support but not more than two-thirds of the average weekly wage of the deceased employee or more than eighty dollars a week; provided, however, that if there is more than one such dependent, the total amount payable shall not exceed the weekly amount which is, or would be payable to a surviving spouse of the deceased employee. If at the time of the employee's injury or death the deceased employee leaves dependents only partially dependent upon the deceased employee's earnings or dependent's next of kin to whom the deceased has made contributions for support, independent of gifts and gratuities, the insurer shall pay such dependents a weekly compensation equal to the amount that they received from the deceased employee but individually or in combination, no more than would be paid to a surviving spouse.

When weekly payments have been made to an injured employee before the employee's death, compensation under this section to dependents shall begin from the date of death of the employee.

Effective October first of each year weekly benefits payable to each person under this section for a death which occurred after January fourth, nineteen hundred and eighty-three shall be increased by a percentage equal to the percentage the average weekly wage in the commonwealth, as determined according to the provisions of subsection (a) of section twenty-nine of chapter one hundred and fifty-one A, and promulgated by the director of the division of employment security on or before October first of each year, exceeds the average weekly wage in the commonwealth, as above determined, for the period beginning with the preceding October first; provided, however, that no such increase shall exceed five per cent of the weekly payment made to any individual receiving compensation under this section.

In the event the average weekly wage in the commonwealth, as above determined, decreases, compensation benefits shall not be reduced.

The chairman of the industrial accident board shall compute and promulgate such compensation benefits on each October first.

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

Approved January 5, 1983.

EMERGENCY LETTER - January 24, 1983. - 3:32 P.M.

Chap. 664. AN ACT PROVIDING FOR A FULL-TIME APIARY INSPECTOR WITHIN THE DEPARTMENT OF AGRICULTURE.

Be it enacted, etc., as follows:

Section 32 of chapter 128 of the General Laws, as appearing in chapter 506 of the acts of 1951, is hereby amended by inserting before the first sentence the following:- There shall be within the department a full-time chief apiary inspector to perform the duties of the department relative to a program for the inspection and control of bees, as provided in sections thirty-two through thirty-eight, inclusive. Subject to appropriation, the apiary inspector shall have a staff to perform said duties.

Approved January 5, 1983.

Chap. 665. AN ACT FURTHER REGULATING THE LICENSING OF INSURANCE AGENTS AND BROKERS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 175 of the General Laws is hereby amended by inserting after section 177D the following section:-

Section 177E.

A. The provisions of this section shall apply to resident and nonresident persons licensed to engage in the sale of the following types of insurance:-

(1) life insurance, annuity contracts, variable annuity contracts and variable life insurance;

(2) sickness, accident and health insurance;

(3) all lines of property and casualty insurance;

B. Such resident and nonresident persons licensed as aforesaid shall satisfactorily complete courses or programs of instruction in the minimum number of classroom hours as follows:-

(1) Any person holding one or more such licenses shall during the first thirty-six month period following the date of original issue of the licenses satisfactorily complete courses or programs of instruction or attend seminars equivalent to a minimum of sixty hours of instruction.

(2) Any person holding one or more of such licenses, who has complied with subsection (1), shall for each thirty-six month period satisfactorily complete courses or programs of instruction or attend seminars equivalent to forty-five classroom hours of instruction.

C. Excess classroom hours accumulated during any one thirty-six month period may be carried forward to the next thirty-six month period.

D. The courses or programs of instruction successfully completed which shall be deemed to meet the continuing educational requirements and the number of classroom hours for which they are equivalent are:-

(1) Any part of the life underwriting training council life course curriculum, fifty hours, health course, twenty-five hours.

(2) Any part of the American college chartered life underwriter "CLU" diploma curriculum, thirty hours.

(3) Any part of the Insurance Institute of America's program in general insurance, twenty-five hours.

(4) Any part of the American Institute for property and liability underwriters charter property casualty underwriter "CPCU" professional designation program, thirty hours.

(5) Any part of the certified insurance counselor "CIC" program, twenty-five hours.

(6) Any insurance course approved by the commissioner taught by an accredited college or university per credit hour granted, fifteen hours.

(7) Any course or program of instruction or seminar developed or sponsored by an authorized insurer, recognized agents association or insurance trade association or any independent program of instruction, shall, subject to the approval of the commissioner, qualify for the equivalency of the number of classroom hours assigned thereto by the commissioner.

(8) Any correspondence course approved by the commissioner shall qualify for the equivalency of the number of classroom hours assigned thereto by the commissioner.

(9) Any part of the accredited associate in insurance "AAII", twenty-five hours.

E. A person teaching any course of instruction set forth in subsection D. or lecturing at any seminar approved in said subsection shall qualify for the same number of classroom hours as would be granted to a person taking and successfully com-

pleting such course, seminar or program.

F. For good cause shown, the commissioner may grant an extension of time during which the requirements of this section may be satisfied by any such licensed person.

G. Every person subject to this section shall furnish in a form satisfactory to the commissioner written certification as to the courses, programs or seminars of instruction taken and successfully completed by such person.

H. Any person failing to meet the requirements imposed upon him by this section and who has not been granted an extension of time within which to comply pursuant to subsection G. hereof, or who has submitted to the commissioner a false or fraudulent certificate of compliance therewith shall, after a hearing thereon, which hearing may be waived by said person, be subjected to the suspension of all licenses issued for any and all kind or kinds of insurance until such time as such person shall have demonstrated to the satisfaction of the commissioner that he has complied with all of the requirements of this regulation and all other laws applicable to such licensing.

I. This section shall not apply to:-

(1) Persons holding resident licenses for which an examination is not required.

(2) Persons holding a nonresident license or licenses who also holds an equivalent resident license or licenses issued by a state in which they are residents and which state has a continuing educational requirements with respect to such license or licenses.

(3) Any limited or restricted license, issued pursuant to those sections of this chapter enumerated in subsection A. hereof, which the commissioner may exempt.

J. There is hereby established a review committee to be composed of a representative of the insurance department who shall serve as chairman, two representatives from the Independent Insurance Agents of Massachusetts, two representatives of the Massachusetts Association of Life Underwriters, and two representatives of the Professional Insurance Agents of New England. Said committee shall review courses and programs of instruction submitted to the commissioner for approval pursuant to paragraphs (7) and (8) of subsection D, and make recommendations to the commissioner on courses and programs of instruction to be approved and the number of classroom hours for which such courses and programs of instruction are equivalent.

SECTION 2. The provisions of section one hundred and seventy-seven E of chapter one hundred and seventy-five of the General Laws shall not apply to or be applicable to any person holding one or more licenses as set forth in said section one

hundred and seventy-seven E issued prior to the effective date of this act.

Approved January 5, 1983.

Chap. 666. AN ACT PROVIDING FOR THE LICENSING OF PERSONS ENGAGED IN THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY.

Be it enacted, etc., as follows:

SECTION 1. Chapter 13 of the General Laws is hereby amended by adding, under the caption BOARD OF REGISTRATION FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY, the following three sections:-

Section 85. There shall be a board of registration for speech-language pathology and audiology, in this section and in sections eighty-six and eighty-seven hereinafter called the board, consisting of five members appointed by the governor. Members of the board shall be citizens of the United States and residents of the commonwealth. One member of the board shall be a representative of the public, subject to the provisions of section nine B, two members shall be certified speech-language pathologists who have had at least three years experience practicing speech-language pathology in the commonwealth immediately preceding appointment, and two members shall be certified audiologists who have had at least three years experience practicing audiology in the commonwealth immediately preceding appointment. Appointments shall be for a period of three years except for the initial appointments of which one shall be for one year, two shall be for two years and two shall be for three years. No member shall be appointed for more than two consecutive terms. In the event of a vacancy in the office of a member of the board other than by expiration of a term, the governor shall appoint a person to fill the vacancy for the unexpired term. The governor shall make the appointments of the speech-language pathologists and audiologists from a list of not less than ten names submitted by the Massachusetts Speech and Hearing Association, Inc.

The board shall elect annually by majority vote a chairperson and a secretary. Three members of the board shall constitute a quorum to do business, provided that at least one speech-language pathologist and one audiologist are present. The board shall meet quarterly or more frequently upon the call of the chairperson of the board.

Members shall receive no compensation for their services but shall be entitled to reasonable travel and other expenses provided that the expenses of the members of the board, the cost of personnel providing services to the board and all other expenses associated with the operation of the board are generated by licensure fees.

Section 86. The board shall establish the requirements for registration, establish ethical standards, investigate complaints, evaluate the qualifications of applicants, supervise examinations and grant licenses to those who pass the examination and who are determined to be qualified as speech-language pathologists or audiologists.

Section 87. The board shall adopt such rules and regulations consistent with law as it may deem necessary in the performance of its duties.

SECTION 2. Chapter 112 of the General Laws is hereby amended by adding, under the caption REGISTRATION OF SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS, the following ten sections:-

Section 138. As used in this section and sections one hundred and thirty-nine to one hundred and forty-seven, inclusive, the following words shall have the following meanings, unless the context clearly indicates a different meaning:

"Audiologist", any person who is duly licensed as an audiologist in the commonwealth and who engages in the practice of audiology.

"Audiology", the application of principles, methods and procedures of measurement, prediction, evaluation, testing, counseling, consultation and remediation related to the development and disorders of speech, language and learning for the purposes of identifying, evaluating or modifying an individual's hearing and the planning, direction or participation in identification and hearing conservation programs. Any representation to the public by title or by description of services, methods or procedures for the evaluation, examination, counseling or remediation of persons suffering or suspected of suffering from conditions or disorders affecting hearing shall be considered to be the practice of audiology. Remediation includes, but is not limited to, hearing aid evaluation, recommendation, fitting and dispensing and aural habilitation or rehabilitation.

"Board", the board of licensure for speech-language pathology and audiology.

"Speech-language pathologist", any person who is duly licensed as a speech-language pathologist in the commonwealth and who engages in the practice of speech-language pathology.

"Speech-language pathology", the application of principles, methods and procedures of measurement, prediction, evaluation, testing, counseling, consultation and remediation related to the development and disorders of speech and language. Any representation to the public by title or by description of services, methods or procedures for the evaluation, examination, counseling or remediation of persons suffering or suspected of suffering from conditions or disorders affecting speech and language shall be considered to be the practice of speech-language pathology.

Section 139. The board:

(1) shall evaluate the qualifications of applicants, supervise examinations and grant licenses to those persons who pass the examination and who are determined to be qualified as speech-language pathologists or audiologists. Examinations shall be held at such times and places as may be determined by the board and at least two examinations for each discipline shall be held in each calendar year. An applicant who fails the examination shall be allowed to take the examination two additional times. Fourth and subsequent examinations shall be at the discretion of the board.

(2) may require applicants for license renewal to be re-examined and to present evidence of the satisfactory completion of continuing education requirements as determined and published by the board.

(3) shall receive and investigate complaints relating to the practice of speech-language pathology and audiology and may report the same to the proper prosecuting officers where appropriate. The board may, after a hearing held pursuant to chapter thirty A, revoke, suspend or place on probation the license of or reprimand a speech-language pathologist or audiologist if such person:

(a) fraudulently procures a license;

(b) has violated any provision of the laws of the commonwealth relating to the practice of speech-language pathology and audiology or any rule or regulation adopted thereunder;

(c) has committed professional misconduct in the practice of speech-language pathology or audiology;

(d) has practiced speech-language pathology or audiology while the ability to practice is impaired by alcohol or drugs; provided, however, that any person whose license is revoked may apply for relicensure after one year from the date of revocation and the board may in its discretion grant such relicensure upon such terms and conditions as the board may deem appropriate;

(4) shall prepare annually a list of the names and addresses of persons who are licensed to practice speech-language pathology or audiology in the commonwealth.

Section 140. A person who desires to be licensed as a speech-language pathologist or audiologist shall apply to the board in writing on an application form prescribed and furnished by the board. At the time of filing the application, an applicant for licensure shall pay to the board a fee which shall be set by the secretary of administration and finance.

Section 141. The board may at its discretion and without examination license as a speech-language pathologist or audiologist any applicant who is duly licensed or registered under the laws of another state or territory in the United States, the District of Columbia or the Commonwealth of Puerto Rico; provided, that the applicant meets the requirements for licensure in the commonwealth and upon payment of the appropriate fee set by the secretary of administration and finance.

Section 142. The board shall license as a speech-language pathologist or audiologist each applicant who meets the requirements set forth in section one hundred and forty-four. It shall issue to each person so licensed a certificate of licensure which shall be conclusive evidence of the right of such person to practice.

Section 143. Every licensed speech-language pathologist or audiologist shall apply to the board every two years on dates determined by the board for renewal of his license and shall pay to the board a fee which shall be set by the secretary of administration and finance.

Section 144. To be eligible for license by the board as a speech-language pathologist or audiologist, an applicant shall:

(1) be of good moral character,

(2) possess at a minimum (a) a bachelor's degree or its equivalent and (b) a master's degree or its equivalent in the area of speech-language pathology or audiology granted by an educational institution which incorporates academic course work and the minimum hours of supervised training required by the national certifying body for speech-language pathology and audiology,

(3) have completed the period of supervised professional practice in the area in which the license is being sought required by the national certifying body for speech-language pathology and audiology,

(4) pass an examination approved by the board except that such examination may be waived by the board for applicants who hold a current and valid certificate of clinical competence in speech-language pathology or audiology from the national certifying body for speech-language pathology and audiology.

Section 145. The provisions of sections one hundred and thirty-eight to one hundred and forty-seven, inclusive, shall not

prohibit the activities and services of:

(1) a qualified person licensed in the commonwealth under any other law from engaging in the profession or business for which he is licensed, including activities and services by a physician licensed to practice medicine and surgery and by a person employed by and under the direct supervision of such physician.

(2) a person engaged in the specialty of hearing aid fitting and sales; provided, however, that no separate or additional fee for hearing testing or interpretation of such tests is received; and provided further, that the person fitting or selling such hearing aids does not present himself as an audiologist unless such person is licensed as an audiologist in the commonwealth. This clause does not preclude remuneration for any other service offered solely in conjunction with the fitting or maintaining of a hearing aid.

(3) a teacher of esophageal speech, a certified industrial audiometric technician or an audiometric screening technician provided that such person engages in no other practice of speech-language pathology or audiology.

(4) a person engaged in fulfilling the requirements set forth in clauses (2) and (3) of section one hundred and forty-four.

Section 146. No person shall hold himself out as a speech-language pathologist or practice speech-language pathology in the commonwealth unless he is licensed in accordance with the requirements of section one hundred and forty-four. No person not so licensed may use in connection with his name or place of business the title speech-language pathologist or any other similar title or description.

No person shall hold himself out as an audiologist or practice audiology in the commonwealth unless he is licensed in accordance with the requirements of section one hundred and forty-four. No person not so licensed may use in connection with his name or place of business the title audiologist or any other similar title or description.

Section 147. Any person who violates any provision of sections one hundred and thirty-nine to one hundred and forty-six, inclusive, or who willfully makes a false oath or affirmation in any case in which an oath or affirmation is required under said sections, or who obtains or attempts to obtain registration by any willful fraudulent representation shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars.

SECTION 3. The board shall waive the requirements set forth in subclause (b) of clause (2) and clause (3) of section one hundred and forty-four of chapter one hundred and twelve of

the General Laws, inserted by section two of this act, for applicants who are actively engaged in the practice of speech-language pathology in the commonwealth upon proof of professional practice satisfactory to the board. The board shall also waive the requirements set forth in clause (3) of said section one hundred and forty-four of said chapter one hundred and twelve, inserted by section two of this act, for applicants who are actively engaged in the practice of audiology in the commonwealth upon proof of professional practice satisfactory to the board.

The board shall waive the examination requirements set forth in clause (4) of said section one hundred and forty-four of said chapter one hundred and twelve, inserted by section two of this act, for applicants who are actively engaged in the practice of speech-language pathology or audiology in the commonwealth.

SECTION 4. All persons who, on the effective date of this act, are actively engaged in the practice of speech-language pathology or audiology in the commonwealth shall apply for a license in speech-language pathology or audiology within one year after the effective date of this act.

Approved January 5, 1983.

EMERGENCY LETTER - January 6, 1983 @ 10:49 A.M.

Chap. 667. AN ACT PROVIDING FOR THE LICENSING OF PRACTITIONERS OF CERTAIN ALLIED HEALTH PROFESSIONS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 13 of the General Laws is hereby amended by inserting after section 11 the following section:-

Section 11A. There shall be a board of allied health professions, hereinafter called the board, which shall consist of eleven members to be appointed by the governor. Members of the board shall be residents of the commonwealth and citizens of the United States. Three of such members shall be athletic trainers licensed in accordance with the provisions of section twenty-three B of chapter one hundred and twelve; two of such members shall be occupational therapists licensed in accordance with the provisions of section twenty-three B of chapter one hundred and twelve, one such member shall be an occupational therapy assistant licensed in accordance with the provisions of said section twenty-three B; two of such members shall be physical

therapists licensed in accordance with the provisions of said section twenty-three B; one such member shall be a physical therapist assistant licensed in accordance with the provisions of said section twenty-three B; except that such members constituting the first board shall be persons who are eligible for licensing as practitioners of said allied health profession. One of such members shall be a physician licensed in accordance with the provisions of section two of chapter one hundred and twelve, and one of such members shall be selected from and shall represent the general public.

Each member of the board shall serve for a term of three years. No member shall be appointed to more than two consecutive full terms, provided, however, that a member appointed for less than a full term may serve two full terms in addition to such part of a full term, and a former member shall again be eligible for appointment after a lapse of one or more years.

A member of the board may be removed by the governor for neglect of duty, misconduct, malfeasance or misfeasance in office after being given a written statement of the charges against him and sufficient opportunity to be heard thereon. Upon the death, resignation or removal for cause of any member of the board, the governor shall fill such vacancy for the remainder of that member's year.

The board shall, at its first meeting, and annually thereafter, elect from among its members a chairman, vice-chairman, and a secretary. Such officers shall serve until their successors are elected and qualified. The board shall meet at least once a month or more often upon the call of the chairman at such times and places as the chairman shall designate.

Each member shall be reimbursed for necessary expenses incurred in the discharge of his official duties.

The board shall have the following powers and duties:

(a) The board shall administer, coordinate, and enforce the provisions of this section, evaluate the qualifications, and approve the examinations for licensure under this section, and may issue subpoenas, examine witnesses, and administer oaths, and may investigate allegations of practices violating the provisions of this section.

(b) The board shall adopt rules and regulations relating to professional conduct to carry out the policy of this section including, but not limited to, regulations relating to professional licensure and to the establishment of ethical standards of practice for persons holding a license to practice athletic training, occupational therapy, or physical therapy in the commonwealth.

(c) The board shall conduct such hearings and keep such records and minutes as are necessary to carry out its duties.

The board shall provide reasonable public notice of the times and places of all hearings authorized under this section, in such manner and at such times as it may determine.

SECTION 2. Chapter 112 of the General Laws is hereby amended by striking out sections 23A to 23P, inclusive, and inserting in place thereof the following sixteen sections:-

Section 23A. The following words as used in sections twenty-three A to twenty-three P, inclusive, unless the context otherwise requires, shall have the following meanings:-

"Athletic trainer", any person who is duly licensed in accordance with this section as an athletic trainer and who limits his practice to schools, teams or organizations with whom he is associated and who is under the direction of a physician or dentist duly registered in the commonwealth.

"Athletic training", the application of principles, methods and procedures of evaluation and treatment of athletic injuries, preconditioning, conditioning and reconditioning of the athlete through the use of appropriate preventative and supportive devices, temporary splinting and bracing, physical modalities of heat, cold, massage, water, electric stimulation, sound, exercise and exercise equipment under the discretion of a physician. Athletic training includes instruction to coaches, athletes, parents, medical personnel and communities in the area of care and prevention of athletic injuries.

"Board", the board on allied health professions, established under section eleven A of chapter thirteen.

"Occupational therapy", the application of principles, methods and procedures of evaluation, problem identification, treatment, education, and consultation which utilizes purposeful activity in order to maximize independence, prevent or correct disability, and maintain health. These services are used with individuals, throughout the life span, whose abilities to interact with their environment are limited by physical injury or illness, disabilities, poverty and cultural differences or the aging process. Occupational therapy includes but is not limited to: (1) administering and interpreting tests necessary for effective treatment planning; (2) developing daily living skills, perceptual motor skills, sensory integrative functioning, play skills and prevocational and vocational work capacities; (3) designing, fabricating or applying selected orthotic and prosthetic devices or selected adaptive equipment; (4) utilizing designated modalities, superficial heat and cold, and neuromuscular facilitation techniques to improve or enhance joint motion muscle function; (5) designing and applying specific therapeutic activities and exercises to enhance or monitor functional or motor performance and to reduce stress; and (6)

adapting environments for the handicapped. These services are provided to individuals or groups through medical, health, educational, industrial or social systems.

Occupational therapy shall also include delegating of selective forms of treatment to occupational therapy assistants and occupational therapy aides; provided, however, that the occupational therapist so delegating shall assume the responsibility for the care of the patient and the supervision of the occupational therapy assistant or the occupational therapy aide.

"Occupational therapist", a person who is duly licensed to practice occupational therapy in the commonwealth in accordance with section twenty-three B.

"Occupational therapy assistant", a person duly licensed in accordance with section twenty-three B and who assists in the practice of occupational therapy who works under the supervision of a duly licensed occupational therapist.

"Physical therapy", a health profession that utilizes the application of scientific principles for the identification, prevention, remediation and rehabilitation of acute or prolonged physical dysfunction thereby promoting optimal health and function. Physical therapy practice is evaluation, treatment and instruction related to neuromuscular, musculoskeletal, cardiovascular and respiratory functions. Such evaluation shall include but is not limited to performance and interpretation of tests as an aid to the diagnosis or planning of treatment programs. Such treatment shall include but is not limited to the use of therapeutic exercise, physical activities, mobilization, functional and endurance training, traction, bronchopulmonary hygiene postural drainage, temporary splinting and bracing, massage, heat, cold, water, radiant energy, electricity or sound. Such instruction shall include teaching both patient and family physical therapy procedures as part of a patient's on-going program. Physical therapy also shall include the delegating of selective forms of treatment to physical therapist assistants and physical therapy aides; provided, however, that the physical therapist so delegating shall assume the responsibility for the care of the patient and the supervision of the physical therapist assistant or physical therapy aide.

Physical therapy shall also include the providing of consultation services for health, educational, and community agencies.

"Physical therapist", a person who is duly licensed to practice physical therapy in the commonwealth in accordance with section twenty-three B.

"Physical therapist assistant", a person duly licensed in accordance with section twenty-three B and who assists in the practice of physical therapy under the direction of a duly li-

censed physical therapist.

"Recognized educational institution", a degree-granting college or university recognized as such by the United States Office of Education of the Commonwealth.

Section 23B. The board shall examine applicants for licensure in each of the fields it supervises at such times and places as it may determine and shall conduct at least two such examinations in each field in each calendar year. The board shall establish examination and testing procedures to enable the board to ascertain the competency of persons wishing to be licensed as qualified athletic trainers, occupational therapists, occupational therapy assistants, physical therapists and physical therapist assistants. Applications for such licenses, signed and sworn by the applicants shall be made on forms furnished by the board. An applicant who furnished satisfactory proof that he is good moral character and that he has met the educational and clinical practice requirements set forth in section twenty-three F, twenty-three G, twenty-three H, twenty-three I, or twenty-three J, shall, upon payment of a fee determined by the secretary of administration and finance, be examined by the board, and if found qualified, and if he passes the examination, shall be licensed to practice.

Every person licensed hereunder shall, during January of every even numbered year, apply to the board for renewal of his license and pay a fee determined by the secretary of administration and finance to the board and thereupon the board shall issue a license showing that the holder is entitled to practice for the period covered by said payment. The board may require specific continuing eudcation as a condition for license renewal. The board may provide for the late renewal of a license which has lapsed and may require the payment of a late fee, an examination, continuing education and supervised experience prior to issuing said renewed license.

Section 23C. A person who meets the qualifications to be admitted to the examination for licensure as an athletic trainer or an occupational therapist or occupational therapy assistant or physical therapist or physical therapist assistant, may between the date of filing an application for licensure and the announcement of the results of the next succeeding examination for licensure, according to which application he has filed, practice as an athletic trainer; as an occupational therapist or as an occupation therapy assistant under the direction of an occupational therapist duly licensed under this chapter; as a physical therapist or physical therapist assistant under direction of a physical therapist duly licensed under this chapter. If any person so practicing fails to qualify for the pass the first announced examina-

tion after filing for licensure, all privileges under this section shall automatically cease upon due notice to the applicant of such failure. Such privileges shall be renewed upon filing for a second examination for licensure and shall automatically cease upon notice to the applicant that he has failed to pass the second examination. Such privileges may again be renewed upon the applicant petitioning the board for permission to file a third application and said permission being granted by the board, and shall automatically cease upon due notice that he has failed to pass the third examination. The privilege shall not exceed beyond the third examination.

Section 23D. The board may without examination, license as an athletic trainer, or an occupational therapist or occupational therapy assistant, or physical therapist or physical therapist assistant, any applicant who is duly licensed or registered under the laws of another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico. At the time of making such application, the applicant shall pay a fee determined by the secretary of administration and finance to the board.

Section 23E. Nothing in this section shall be construed as prevention or restricting the practice, services, or activities of:

(a) any person licensed in this Commonwealth by any other statute from engaging in the profession or occupation for which he is licensed or:

(b) any person employed as an athletic trainer or occupational therapist or occupational therapy assistant or physical therapist or physical therapist assistant by the Government of the United States or any agency of it, if such person provides occupational therapy or physical therapy solely under the direction or control of the organization by which he is employed, or

(c) any person pursuing a supervised course of study leading to a degree or certificate in athletic training or occupational therapy or physical therapy at an accredited or approved educational program, if the person is designated by a title which clearly indicates his status as a student or trainee, or

(d) any person fulfilling the supervised field work experience requirements of this section, if the experience constitutes a part of the experience necessary to meet the requirement of that section, or

(e) any person performing athletic training services or occupational therapy services or physical therapy services in the commonwealth if these services are performed for no more than two days in a calendar year in association with an athletic trainer or occupational therapist of physical therapist licensed under this section, if the person is licensed under the law of another

state which has licensure requirements at least as stringent as the requirements of this section.

Section 23F. An applicant for licensure as an athletic trainer shall:

(a) be a graduate of a college or university approved by the board and completed such college's or university's curriculum in athletic training, or other curricula deemed acceptable to the board: and has completed a program of practical training in athletic training deemed acceptable to the board.

(b) have passed an examination administered by the board. Such examination shall be written, and, in addition, at the discretion of the board, may be oral and demonstrative, and shall test the applicant's knowledge of the basic and clinical sciences as they apply to athletic training theory and practice, including the applicant's professional skills and judgment in the utilization of athletic training techniques and methods, and such other subjects as the board may deem useful to determine the applicant's fitness to act as an athletic trainer. The examination shall be conducted at least twice a year at times and places to be determined by the board.

Section 23G. An applicant for licensure as an occupational therapist shall:

(a) successfully completed an accredited occupational therapist educational program approved by the board,

(b) successfully completed the therapist level field work requirements as stipulated in the essentials of an accredited educational program for the occupational therapist or its equivalent,

(c) successfully passed an examination approved by the board for licensure as an occupational therapist. Such examination shall be written and shall test the applicants' knowledge of the basic and clinical sciences related to the occupational therapy theory and practice, including the applicant's professional skills and judgements in the utilization of occupational therapy techniques and methods, and such other subjects as the board may deem useful to determine the applicant's fitness to act as an occupational therapist. The examination shall be conducted by the board at least twice each year and at times and places to be determined by the board; provided, however, that the board may utilize any existing national examination that meets the requirements in this section.

Section 23H. An applicant for licensure as an occupational therapy assistant shall:

(a) successfully completed an accredited occupational therapy assistant educational program approved by the board,

(b) successfully completed a minimum of two months of super-

vised field work,

(c) successfully passed an examination conducted by the board for licensure as an occupational therapy assistant. Such examination shall be written and shall test the applicant's knowledge of the basic and clinical sciences related to the occupational therapy theory and practice, and such other subjects as the board may deem useful to determine the applicant's fitness to act as an occupational therapy assistant. The examination shall be conducted by the board at least twice each year and at times and places to be determined by the board; provided, however, that the board may utilize any existing national examination that meets requirements of this section.

Section 23I. An applicant for licensure as a physical therapist shall:

(a) be a graduate of a three or four year secondary school or has passed a high school equivalency test deemed acceptable by the board,

(b) be a graduate of an accredited educational program leading to professional qualification in physical therapy and approved by the board,

(c) or have graduated from an educational program in physical therapy chartered in a sovereign state outside the United States and have furnished to the board such evidence as it may require: (1) that his education is substantially the equivalent of that of graduates of approved programs in the United States, and (2) that he has sufficient qualifications, including the proficiency in the English language, to practice physical therapy,

(d) have passed an examination administered by the board. Such examination shall be written, and may, at the discretion of the board, in addition, be oral and demonstrative, and shall test the applicant's knowledge of the basic and clinical sciences as they relate to physical therapy, including the applicant's professional skills and judgment in the utilization of physical therapy techniques and methods, and other subjects as the board may deem useful to determine the applicant's fitness to act as a physical therapist. The examination shall be conducted by the board at least twice each year and at times and places to be determined by the board.

Section 23J. An applicant for licensure as a physical therapist assistant shall:

(a) be a graduate of a three or four year secondary school or has passed a high school equivalency test deemed acceptable to the board,

(b) be a graduate of an accredited educational program leading to professional qualification as physical therapist assistant and approved by the board,

(c) have passed an examination administered by the board. Such examination shall be written, and may, at the discretion of the board, in addition, be oral and demonstrative, and shall test the applicant's knowledge of the basic and clinical sciences as they relate to physical therapy and other subjects as the board may deem useful to determine the applicant's fitness to act as a physical therapist. The examination shall be conducted by the board at least twice each year and at times and places to be determined by the board.

Section 23K. The board may, after a hearing pursuant to chapter thirty, revoke, suspend, cancel the license of or place on probation, reprimand, censure or otherwise discipline a licensee upon proof satisfactory to a majority of the board that said person:

(a) obtained or attempted to obtain a license by fraud or deception,

(b) been convicted of a felony or of a crime involving moral turpitude,

(c) has been grossly negligent in his practice of athletic training or occupational therapy or physical therapy,

(d) been adjudged mentally ill or incompetent by the court of competent jurisdiction,

(e) used drugs or intoxicating liquors to the extent which adversely affects his practice,

(f) acted in manner which is professionally unethical according to ethical standards of the professions of occupational therapy or physical therapy.

Section 23L. Nothing in this section shall be construed as authorizing an athletic trainer, occupational therapist, occupational therapy assistant, physical therapist, or physical therapist assistant to practice medicine or any other form or method of healing not specified in said section.

Section 23M. The board shall adopt reasonable rules and regulations to carry into effect sections twenty-three A to twenty-three P inclusive and may amend and revoke such rules and regulations at its discretion. The board shall keep a record of its proceedings and a roster of all persons licensed by it under this section. The roster shall include the licensee's name, last known business and residential address; date of licensing, and license number.

Section 23N. No person shall hold himself out as an athletic trainer or as being able to practice athletic training or to render athletic training services in this commonwealth unless he is licensed in accordance with section twenty-three B.

Section 23 O. No person shall hold himself out as an occupational therapist or as an occupational therapy assistant or as

being able to practice occupational therapy or to render occupational therapy services in the commonwealth unless he is licensed in accordance with section twenty-three B. No person not so licensed may use in connection with his name or place of business the letters, "O.T.R.", or "C.O.T.A.", or any other words, letters, abbreviations, or insignia indicating that he is an occupational therapist or occupational therapy assistant.

Section 23P. No person shall hold himself out as a physical therapist, or as a physical therapist assistant or as being able to practice physical therapy or to render physical therapy services in the commonwealth unless he is licensed in accordance with section twenty-three B. No person not so licensed may use in connection with his name the words or letters, "P.T.", "R.P.T", "L.P.T.A.", "PH.T.", "P.T.A.", "P.T.D.", "P.T.T.", "physical therapist", "physiotherapist", "physical therapist assistant", or any other words, letters, abbreviations, or insignia indicating that he is a physical therapist or physical therapist assistant.

SECTION 3. For one year from the effective date of this act, a license as an athletic trainer or occupational therapist or occupational therapy assistant, or physical therapist assistant shall be issued without examination to an applicant who satisfies the board, established by section one of this act, that when necessary he has obtained an appropriate educational degree from an accredited institution, or who satisfies the board that he is and actually has been, engaged, for at least two years in the practice of athletic training, occupational therapy, or physical therapy as defined by section twenty-three A of chapter one hundred and twelve of the General Laws. Any person who is presently a duly registered physical therapist in the commonwealth will not be required to apply for physical therapy licensure under this chapter until his current registration expires and shall at that time be granted licensure by the board without examination.

Approved January 5, 1983.

EMERGENCY LETTER - January 6, 1983 @ 10:50 A.M.

Chap. 668. AN ACT ESTABLISHING THE OFFICE OF SECRETARY OF LABOR.

Be it enacted, etc., as follows:

SECTION 1. Chapter 6 of the General Laws is hereby amended by striking out section 17A, as most recently amended by section 104 of Chapter 329 of the Acts of 1980, and inserting in place thereof the following section:-

Section 17A. There is hereby established a cabinet, which shall serve directly under the Governor. The cabinet shall consist of the Secretary of Administration, the Secretary of Communities and Development, the Secretary of Consumer Affairs, the Secretary of Environmental Affairs, the Secretary of Human Services, the Secretary of Elder Affairs, the Secretary of Manpower Affairs, the Secretary of Labor, the Secretary of Public Safety, the Secretary of Transportation and Construction and such other officers of the Executive Department as the Governor may from time to time designate.

SECTION 2. Chapter 6A of the General Laws is hereby amended by striking out section 2, as most recently amended by section 106 of Chapter 329 of the acts of 1980, and inserting in place thereof the following section:- Section 2. There are hereby established the following executive officers, each of which shall serve directly under the Governor:- communities and development, consumer affairs, energy resources, environmental affairs, human services, elder affairs, manpower affairs, labor, public safety and transportation and construction.

SECTION 3. Said Chapter 6A of the General Laws is hereby amended by inserting after section 17A the following four sections:-

Section 17B. The following agencies are hereby declared to be within the executive office of labor:- the department of labor and industries, insofar as it includes divisions, boards, commissions, committees and sections subject to its direction and jurisdiction; the minimum wage commission; and the health, welfare and retirement trust funds board.

Nothing in this section shall be construed as conferring any power or imposing any duties upon the secretary with respect to any of the foregoing agencies except as expressly provided by law.

Section 17C. The division of industrial accidents, and all other state agencies within said division, including the industrial accident board, the office of self-insured and the industrial accident rehabilitation board is hereby declared to be within the executive office of labor, but in no respect subject to the jurisdiction thereof.

Nothing in this section shall be construed as conferring any powers or imposing any duties upon the secretary of labor with

respect to the foregoing agencies except as expressly provided by law.

Section 17D. The labor relations commission, insofar as it includes divisions, boards, commissions, committees, and sections subject to its direction and jurisdiction, is hereby declared to be within the executive office of labor, but in no respect subject to the jurisdiction thereof.

Nothing in this section shall be construed as conferring any powers or imposing any duties upon the secretary of labor with respect to the foregoing agencies except as expressly provided by law.

Section 17E. The department of the Board of Conciliation and Arbitration, insofar as it includes divisions, boards, commissions, committees, and sections subject to its direction and jurisdiction, is hereby declared to be within the executive office of labor, but in no respect subject to the jurisdiction thereof.

The joint labor-management committee, insofar as it includes divisions, boards, commissions, committees, and sections subject to its direction and jurisdiction, is hereby declared to be within the executive office of labor, but in no respect subject to the jurisdiction thereof.

Nothing in this section shall be construed as conferring any powers or duties upon the secretary of labor with respect to the foregoing agencies except as expressly provided by law.

SECTION 4. Chapter 6A of the General Laws is hereby amended by striking out in section 17 and inserting in place thereof the following section:-

Section 17. The following state agencies are hereby declared to be within the executive office of manpower affairs:- the department of commerce and development and all other agencies within said department; the division of employment security, the state advisory council and board of review, but excluding the division of standards, welfare and retirement trust funds board; the investment board established by section fifty-seven of chapter one hundred and fifty-one A; and the Commission on employment of the handicapped.

Nothing in this section shall be construed as conferring any powers or imposing any duties upon the secretary with respect to the foregoing agencies except as expressly provided by law.

SECTION 5. Section 9H of said Chapter 23 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Whenever the Governor shall determine that an emergency exists in respect to food, or fuel, or any other common necessity of life, including the providing of shelter,

or any two or more of such necessaries of life, he may, by writing signed by him, designate the adjutant general, the director of civil defense, the secretary of labor and the commissioner of public safety to act as an emergency commission, and thereupon the Commission shall have, with respect to the necessary or necessaries of life as to which the emergency exists, all powers and authority granted by the Commonwealth Defense Act of nineteen hundred and seventeen, being chapter three hundred and forty-two of the General Acts of nineteen hundred and seventeen, to persons designated or appointed by the Governor under section twelve of said chapter three hundred and forty-two; and the Governor may revoke such written authority at any time.

SECTION 6. Section 2 of Chapter 23C of the General Laws, is hereby amended by striking in the first sentence, after the word "labor", and before the word "but" the following words:- and consumer affairs.

SECTION 7. Subsection (a) of Section 9I of Chapter 23 is hereby amended by striking the first sentence and substituting in place thereof the following sentence:- (a) There shall be in the Executive Office of Manpower Affairs a Division of Employment Security, in this and in sections 9-J to 9-N, inclusive, called the division, which shall be under the supervision and control of a director, in said sections called the director, who shall be appointed by the governor for a term coterminous with that of the Governor.

SECTION 8. Subsection (a) of Section 9-O of Chapter 23 is hereby amended by striking in the first sentence the word "department", and inserting in place thereof the following words:- the executive office of labor.

SECTION 9. Section 1 of Chapter 23 of the General Laws, as most recently amended by section 230 of Chapter 351 of the Acts of 1981, is hereby further amended by inserting after the words "in this chapter called the commissioner" the following word:- "and".

SECTION 10. 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 any board, commission, committee, department council, or other state agency transferred to the executive office of labor by this act shall

remain in the custody of such agencies and shall not be affected by this act. All duly existing contracts, leases and obligations of such agencies in force immediately prior to the effective date of this act shall thereafter be performed by such agencies. 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 such agencies remaining unexpended on the effective date of this act shall be available for expenditure by such agencies for the purposes for which 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 shall continue to be exercised and performed by, and to be assigned to, such agencies.

SECTION 11. All employees of any board, commission, committee, department, council, or other state agency which are transferred to the executive office of labor 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 such agencies within 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 agency, 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 such agencies within 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 aboli-

tion 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 12. All petitions, hearings and other proceedings duly brought before, and all prosecutions and legal and other proceedings duly begun by any board, commission, committee, council or other state agency transferred to the executive office of labor under the authority of this act, shall continue unabated and remain in force notwithstanding the passage of this act, and shall thereafter be completed before or by such state agencies.

All orders, rules and regulations duly made, and all licenses, permits, certificates and approval duly granted by such state agencies 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 otherwise suspended, revised, rescinded or cancelled in accordance with law.

Approved January 5, 1983.

EMERGENCY LETTER - January 6, 1983 @ 10:50 A.M.

Chap. 669. AN ACT ENDING THE INVESTMENT OF PUBLIC PENSION FUNDS IN FIRMS DOING BUSINESS IN OR WITH SOUTH AFRICA.

Be it enacted, etc., as follows:

Paragraph (d) of subdivision (1) of section 23 of chapter 32 of the General Laws, as most recently amended by section 1 of chapter 491 of the acts of 1980, is hereby further amended by adding the following paragraphs:-

(vi) After January 1, 1983, no public pension funds under this subsection shall remain invested in any bank or financial institution which directly or through its subsidiaries has outstanding loans to the Republic of South Africa or its instrumentalities, and no assets shall remain invested in the stocks, securities or other obligations of any company doing business in or with the Republic of South Africa. Any proceeds of sales required under this paragraph shall be invested as much as reasonably possible in institutions or companies which invest or conduct business operations in Massachusetts so long as such use is consistent with sound investment policy.

(vii) Notwithstanding the provisions of the preceding paragraph, if sound investment policy so requires the investment committee may vote to spread the sale of such investments over no more than three years so that no less than one-third the value of said investments is sold in any one year. So long as any funds remain invested in any bank, financial institution or firm referred to in paragraph (vi), the investment committee shall annually, on or before January thirty-first, file with the clerk of the senate and the clerk of the house of representatives a report listing all South Africa-related investments held by the fund and their book market value as of the preceding December first.

(This bill returned by the Governor, to the Senate, the branch in which it originated, with his objections thereto, was passed by the Senate, January 3, 1983, and, in concurrence, by the House of Representatives, January 4, 1983, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution; and thereby has "The force of a law".)

Chap. 1. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY RELATIVE TO ALLOWING PASSENGERS ON SAID AUTHORITY TO TAKE BICYCLES ON ITS FACILITIES DURING OFF PEAK HOURS.

Resolved, That the Massachusetts Bay Transportation Authority is hereby authorized and directed to make an investigation and study relative to allowing passengers of the said Authority to take bicycles on its facilities during off peak hours. Said Authority shall in the course of their investigation confer with members of the bicycle riding public and their organizations, including the Boston Area Bicycle Coalition. Said Authority shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendation into effect, by filing the same with the clerk of the house of representatives on or before the last Wednesday in December, nineteen hundred and eighty-two.

Approved April 1, 1982.

Chap. 2. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE COMMISSION ON JUDICIAL CONDUCT RELATIVE TO ASSOCIATE JUSTICE JOSEPH S. MITCHELL, JR.

Resolved, The commission on judicial conduct, established by chapter two hundred and eleven C of the General Laws, is hereby authorized and requested to make an investigation and study relative to the alleged improper, illegal and inconsistent handling of court matters by Associate Justice Joseph S. Mitchell, Jr. of the superior court department of the trial court.

Approved April 2, 1982.

Chap. 3. RESOLVE PROVIDING FOR A FURTHER INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO DEATH ARISING OUT OF EXPOSURE TO RADIATION OR HAZARDOUS WASTES.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 2642,

relative to the time within which tort actions for personal injuries or for death arising out of exposure to radioactive wastes or hazardous wastes may be commenced; of current house document numbered 4358, relative to the time within which tort actions for personal injuries or for death arising out of exposure to radioactive wastes or hazardous wastes may be commenced; and of current house document numbered 4362, relative to the time within which tort actions for personal injuries or for death arising out of exposure to radioactive wastes or hazardous wastes may be commenced, and to include its conclusions and its recommendations, if any, in relation thereto, and in relation to its conclusions and recommendations made, if any, in accordance with chapter five of the Resolves of nineteen hundred and eighty-one, 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, 1982.

Chap. 4. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE ADVISORY BOARD ON LEGISLATIVE, JUDICIAL AND CONSTITUTIONAL OFFICERS COMPENSATION RELATIVE TO COMPENSATION OF MEMBERS OF THE GENERAL COURT AND CERTAIN OTHER RELATED MATTERS.

Resolved, That the advisory board on legislative, judicial, and constitutional officers compensation is hereby authorized and directed to make an investigation and study of the subject matter of current house documents numbered 418, relative to the compensation of members of the general court; 3345, relative to salaries of members of the general court and constitutional officers of the commonwealth; 3829, relative to the appointment of former members of the general court to positions within the legislature; 3833, relative to reducing the compensation of certain chairmen and vice chairmen of the committees of the general court; 3838, regulating the appointments of former members of the general court to legislative positions; 3840, relative to reducing the compensation of certain chairmen and vice chairmen of the committees of the general court; and 4922, relative to the compensation of the constitutional officers, certain executive officers; and members of the general court, and changing the name of and the terms and compensation of the members of the advisory board on legislative and constitutional officers com-

pensation. Said board shall report to the general court the results of its investigation and study together with its recommendation, if any, and drafts of such legislation as may be necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of May, nineteen hundred and eighty-two.

Approved April 2, 1982.

Chap. 5. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO EXPOSURE AND INHALATION OF SUSPECTED OR KNOWN CARCINOGENS BY UNIFORMED MEMBERS OF PAID FIRE DEPARTMENTS.

Resolved, That a special commission, to consist of two members of the senate, three members of the house of representatives, and four persons to be appointed by the governor, one of whom shall be a member of the professional firefighters association of Massachusetts, one of whom shall be a member of the Massachusetts Association of Contributory Retirement Systems, Inc., and two of whom shall be members of The Massachusetts Medical Society who are recognized experts in the field of research and treatment of carcinogens, is hereby established for the purpose of making an investigation and study relative to the effects and results of exposure and inhalation of suspected or known carcinogens on uniformed members of paid fire departments, and to review any other such matter that the said commission deems appropriate.

Approved April 30, 1982.

Chap. 6. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO MEDICAL PROFESSIONAL LIABILITY INSURANCE AND THE NATURE AND CONSEQUENCES OF MEDICAL MALPRACTICE.

Resolved, That the special commission, established under the provisions of section twelve of chapter three hundred and sixty-two of the acts of nineteen hundred and seventy-five, shall, in the course of its investigation and study consider the subject

matter of current senate document numbered 1529, relative to the statute of limitations in medical malpractice cases.

Approved June 14, 1982.

Chap. 7. RESOLVE IN FAVOR OF THE WIDOW OF THE LATE TIMOTHY M. ROURKE.

Resolved, That, for the purpose of promoting the public good, and after an appropriation has been made therefor, there be paid out of the state treasury to the widow of the late Timothy M. Rourke, who died while a member of the present house of representatives, the salary to which he would have been entitled had he lived and served until the end of the term for which he was elected.

Approved June 28, 1982.

Chap. 8. RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO ESTABLISHING A MASSACHUSETTS AGRICULTURAL INSTITUTE.

Resolved, That the special commission, established by chapter four of the resolves of nineteen hundred and eighty-one, is hereby revived and continued.

Approved July 1, 1982.

Chap. 9. RESOLVE INCREASING THE MEMBERSHIP OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE AWARDING OF CONTRACTS FOR CONSTRUCTION AND FOR MATERIALS BY COUNTIES, CITIES, TOWNS, AND DISTRICTS IN CASES OF EXTREME EMERGENCY AND OTHER RELATED MATTERS.

Resolved, That the membership of the special commission,

established by chapter eighty-eight of the resolves of nineteen hundred and sixty-five and most recently revived and continued under the provisions of chapter three of the resolves of nineteen hundred and eighty, is hereby increased by one person to be appointed by the governor and who shall be a representative of the Massachusetts Chapter Associated Builders & Contractors, Inc.

Approved July 6, 1982.

Chap. 10. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE DEPARTMENT OF PUBLIC UTILITIES RELATIVE TO PROBLEMS OF VIBRATION ALONG A CERTAIN PORTION OF THE ROADBED OF THE BOSTON AND MAINE RAILROAD.

Resolved, That the department of public utilities is hereby authorized and directed to make an investigation and study relative to problems of vibration occurring along the reconstructed portion of roadbed of the tracks of the Boston and Maine railroad in the South Medford, Medford Hillside and West Medford districts of the city of Medford and the town of Winchester. Said department may expend, subject to appropriation, funds for expert services and expenses necessary to accomplish the purposes of this resolve. 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 eighty-two.

Approved July 8, 1982.

Chap. 11. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE QUALITY AND CONDUCT OF THE DISABILITY DETERMINATION SERVICE OF THE MASSACHUSETTS REHABILITATION COMMISSION.

Resolved, That a special commission, to consist of the house chairman of the committee on human services and elderly affairs, the senate chairman of the committee on human services and

elderly affairs, the secretary of the executive office of human services, the commissioner of the department of public welfare, the commissioner of the Massachusetts rehabilitation commission, and six persons to be appointed by the governor, two of whom shall be members of the general public receiving disability pensions, one of whom shall be an attorney employed by a legal services program which attorney has experience in the field of application procedures and appeals procedures with respect to disability claims, one of whom shall be an administrative law judge, active or retired, who has had experience in hearing social security disability appeals, one of whom shall be a regional officer representing the federal social security agency and one of whom shall be a social security disability case worker who is also a member of a labor union that represents disability determination workers, is hereby established for the purpose of making an investigation and study relative to the quality and conduct of the disability determination service of the Massachusetts rehabilitation commission. Said investigation and study shall include, but not be limited to, consideration of the unit's response to recent federal guidelines concerning case reviews, the quality and efficacy of initial determinations and subsequent appeals, especially as compared to other states, and basic application and appeal procedures.

The Massachusetts rehabilitation commission and disability determination service shall provide full cooperation to the commission, including direct and unrestricted access to all records, papers, and files, provided that any patient records examined shall have patient identifying information removed.

Said commission shall report to the house of representatives the results of its investigation and study, and its recommendations if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Wednesday in May, nineteen hundred and eighty-three.

Approved December 16, 1982.

EMERGENCY LETTER - December 17, 1982 @ 2:45 P.M.

Chap. 12. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE CURRENT NURSING SHORTAGE IN THE COMMONWEALTH.

Resolved That a special commission, to consist of three mem-

bers of the senate, one of whom shall be the senate chairman of the committee on health care, three members of the house of representatives, one of whom shall be the house chairman of the committee on health care; the secretary of human services or his designee, the commissioner of public health or his designee, a rate setting commissioner or his designee, and nine persons to be appointed by the governor, one of whom shall be a member of the Massachusetts Federation of Nursing Homes, one of whom shall be a member of the Massachusetts Hospital Association, one of whom shall be a member of the Massachusetts Nurses Association, one of whom shall be a member of the Massachusetts Association of Homes for the Aged, one of whom shall be a member of the board of registration of nursing, one of whom shall be a member of the Licensed Practical Nurses of Massachusetts, and two of whom shall be nursing instructors, one of whom shall be a representative of a hospital school of nursing and one of whom shall be a representative of a degree-granting school of nursing and one of whom shall be a representative of the Massachusetts Association of Temporary Services, is hereby established for the purpose of making an investigation and study relative to the current nursing shortage in the commonwealth.

Said commission shall report to the house of representatives 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 July first, nineteen hundred and eighty-three. Said clerk shall forward such recommendations to the joint committee on health care.

Approved December 23, 1982.

NUMBER OF ACTS AND RESOLVES APPROVED, APPROVAL WITHHELD, ACTS VETOED BY THE GOVERNOR, PASSED OVER HIS VETO AND ACTS DECLARED EMERGENCY LAWS BY THE GOVERNOR UNDER AUTHORITY OF THE CONSTITUTION.

The General Court during its second session held in 1982 passed 668 Acts and 12 Resolves of which 643 Acts and 12 Resolves received executive approval. 24 Acts from which executive approval was withheld became law by virtue of Chapter 1, Section 1, Article II of the Constitution of the Commonwealth.

Chapter 233, 234, 238, 239, 240, 268, 269, 349, 350, 351, 365, 383, 442, 443, 444, 445, 447, 448, 449, 450, 487, 600 and 601 were passed, but failed to receive executive approval; as, however, they were not returned, with objections thereto, within ten days after they had been received in the executive department, the General Court not having been dissolved in the meantime, said Acts have the force of law, under the provisions of the Constitution governing such cases and have been so certified.

101 Acts 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; respectively Chapters 12, 27, 32, 52, 54, 59, 66, 71, 97, 107, 129, 151, 152, 155, 159, 180, 183, 185, 190, 202, 216, 218, 242, 258, 275, 287, 301, 303, 313, 321, 331, 347, 348, 360, 361, 363, 364, 366, 376, 377, 380, 385, 386, 402, 405, 420, 422, 424, 427, 430, 435, 436, 441, 452, 455, 456, 457, 458, 459, 462, 464, 470, 477, 485, 486, 492, 501, 513, 515, 518, 526, 527, 533, 543, 546, 547, 549, 551, 552, 553, 554, 555, 567, 581, 582, 584, 585, 587, 589, 592, 595, 602, 604, 609, 629, 631, 636, 661, 663, 666, 667, and 668.

The Governor returned one Act "Ending the investment of public pension funds in firms doing business in or with South Africa" (Chapter 669) with his objections thereto in writing, and his objections were not sustained.

One Act "Pertaining to nuclear power" (Chapter 503) was passed by the people in the November 2, 1982 general election.

The General Court was dissolved on Tuesday, January 4, 1983 at twelve o'clock midnight, the session having occupied 364 days.

OFFICE OF THE SECRETARY, BOSTON, June 10, 1983

I hereby certify that the acts and resolves contained in these volumes are true copies of the originals on file in this department.

I further certify that the index and table of changes contained in this volume have been prepared under the direction of the Committee 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

The following table of changes has 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.

INDEX

A.

	Chapter
Accountants, certified public, registration of, further regulating	366
Acton-Boxborough regional school district, lease agreement for the joint use of telephone equipment, authorization to enter into	28
ADMINISTRATION AND FINANCE, EXECUTIVE OFFICE FOR:	
in general,	
fees and charges paid to the commonwealth, authorizing the secretary of administration to set	602
public employee retirement administration, establishing a division of	630
commissioner of administration,	
state employees, certain management positions, relative to the reclassification of	11
Adoption, subsidy program, establishment of, by the department of social services, authorizing	540
Adult bookstores and theatres, authorizing cities and towns to require special permits for the establishment of	603
Advisory board on legislative, judicial and constitutional officers compensation, compensation of members of the General Court and other related matters, providing for an investigation and study relative to, by...(Resolve)	4
duties of, relative to	20
AGED PERSONS:	
fares for transportation on the Massachusetts Bay Transportation Authority, relative to	547
life leases and long term leases in nursing homes, retirement homes and homes for the aged, regulating the sale of	544
Milford, geriatric authority of *Milford*, authorizing the establishment and financing of	76
protection of, providing additional	604
shared elderly housing, authorizing cities and towns to provide for, by special permit	344
ALCOHOLIC BEVERAGES:	
in general,	
advisory council on alcoholism, increasing the membership of	38
farmer-breweries, licensing and regulating of, providing for	627
hotels, certain, sale of alcoholic beverages in, further regulating	231
operating a motor vehicle while under the influence of intoxicating liquor, increasing the penalties for	373
making corrective changes in the law relative to vehicular homicide resulting from	376
sale to minors, increasing the fine for	97
special provisions relative to particular cities and towns,	
Barnstable, additional licenses, certain, authorizing the town to issue	351
Boston, Orient Heights Yacht Club, authorization to issue license for the sale of, to	431
Bourne, Beach Package Store, Inc., authorization to issue license for the sale of, to	114
Brewster, Culp, Kenneth A., and Lida H., authorization to issue license for the sale of, to	447
Glidden, Bruce A., authorization to issue license for the sale of, to	445
Luke's of Brewster, Inc., authorization to issue license for the sale of, to	446

Chapter

ALCOHOLIC BEVERAGES: —*Concluded.*
special provisions relative to particular cities and towns, —*Concluded.*
Dartmouth, Towne Liquors of Dartmouth, Inc., authorization to issue license for the sale of, to 60
Dighton, Collard, John E. and Adele L., d/b/a Johnny's Market, authorization to issue license for the sale of, to 601
Edgartown, Al's Package Store, Inc., authorization to issue license for the sale of, to 239
Gloucester, Collins Package Store, Inc., authorization to issue license for the sale of, to 114
Kingston, Benotti, Fernando L. and Olga Z., authorization to issue license for the sale of, to 442
Whitaker, Keith A., authorization to issue license for the sale of, to 444
Lenox, Bartoni, Anthony, d/b/a "Lil" Anthony's Package Store, authorization to issue license for the sale of, to 383
Colvin, Marie C., d/b/a Lenoxdale Package Goods Store, Inc., authorization to issue license for the sale of, to 383
Manchester, Brown's Fruit and Grocery, Inc., d/b/a Brown's Market, authorization to issue license for the sale of, to 350
Marshfield, H & M Enterprises, Inc., authorization to issue license for the sale of, to 449
Leo's Bakery, Inc., authorization to issue license for the sale of, to 448
Milton, nonprofit organizations, relative to the issuance of one-day licenses to 469
Nantucket, Butnell Corporation, authorization to issue license for the sale of, to 240
Plymouth, Cedarville Liquors, Inc., Corvini Package Store, Inc., Baratta's Package Store, Inc., and Vintners Group, Ltd., Inc., authorization to issue license for the sale of, to 450
Griswold, Benjamin F., authorization to issue license for the sale of, to 443
J.R. Algird, Inc., authorization to issue license for the sale of, to 365
Scituate, Greenbush Package Store, Inc., authorization to issue license for the sale of 487
Spencer, Ekleberry, William D., for the Spencer Country Inn, authorization to issue a license for the sale of 484
Wareham, Assinippi Liquors, Inc., authorization to issue license for the sale of, to 233
Crowley, Mary E., authorization to issue license for the sale of, to 234
DeBella, John M., authorization to issue license for the sale of, to 238
Glenn Haven Variety, Inc., authorization to issue license for the sale of, to 600
Wellesley, Babson College, Italo-American Educational Club of Wellesley, Inc., Wellesley College, Wellesley College Club of Wellesley College, Wellesley Country Club, authorization to issue licenses for the sale of, to 635
Westfield, additional license for the sale of, authorization to issue 428
Westport, Olde Sanford Liquor Mart, Inc., authorization to issue license for the sale of, to 268
Winthrop, Nat's Delicatessen & Package Goods Store, Inc., authorization to issue license for the sale of, to 269
Towne Liquor Mart, Inc., authorization to issue license for the sale of, to 269
Alcoholics, treatment of, defining treatment program units relative to 617
Alcoholism, advisory council on, increasing the membership of 38
Algird, J.R., Inc., Plymouth, alcoholic beverages, authorization to issue license for the sale of, to 365
Allied health professions, certain, providing for the licensing of practitioners of, and establishing a board of registration of 667

	Chapter
Al's Package Store, Inc., Edgartown, alcoholic beverages, authorization to issue license for the sale of, to	239
Ambulances, obstructing the right of way of, relative to	122
Andover, town of (see Cities and towns).	
Animals, fighting of, exhibition of, relative to the authority of officers to prevent	230
Anna Jaques Hospital, removal of a certain parcel of land from registration, allowing	410
Annual reports, state officers or departments, recommendations for legislative action, relative to	29
Apiary inspector, full-time, providing for	664
APPROPRIATIONS:	
for fiscal year 1983,	
appropriation bill	191
budgetary provisions, certain recurring, incorporating into the General Laws	357
capital outlay,	
correctional facilities, program to expand and upgrade, providing for	347
federal building and courthouse, Springfield, providing a capital outlay program for the acquisition of	659
highway, bridge and economic development program for the commonwealth, providing for	335
state armories, providing for	649
supplemental,	
collective bargaining agreement between the commonwealth and the National Association of Government Employees (Local R-1-270) Unit 6, funding of	1
between the Massachusetts Board of Regents of Higher Education and the University of Massachusetts Patrolmens' Association, funding of	316
between the Massachusetts Trial Court and the Middlesex Superior Court Officers Association, funding of	408
between the Massachusetts Trial Court and the Office and Professional Employees International Union, Local 6 (Professional Unit), funding of	355
between the Massachusetts Trial Court and the Suffolk Superior Court Officers Association, funding of	409
Danvers, planning assistance, providing	435
disaster relief, Fall River, providing funds for rental assistance to certain former residents	273
Salem, providing funds for planning assistance to the city of	265
existing and new activities for fiscal 1982	44 139 241
Fall River, providing funds for planning assistance to the city of	274
metropolitan district commission parks and recreation division	535
reimbursement to certain communities assessed by the Massachusetts Bay Transportation Authority	335
Taunton, directing the state treasurer to pay a certain sum of money to, to be used for the purpose of satisfying an outstanding judgment	311
April Realty Trust, Revere, land in, authorizing the commonwealth to convey a certain parcel under the control of the metropolitan district commission to	548
Arlington, town of (see Cities and towns).	
Asbestos, removal of, in public schools, extending the time during which cities, towns and regional school districts may be reimbursed for	651
Ashland, town of (see Cities and towns).	

Chapter

Ashland State Park, easements in certain land in, authorizing the commonwealth to grant to the town of Ashland, for water supply purposes 290
Assinippi Liquors, Inc., Wareham, alcoholic beverages, authorization to issue license for the sale of, to 233
ATTORNEY GENERAL, DEPARTMENT OF:
civil actions against certain state employees, relative to the defense of, by 299
Attorneys, fees in contempt proceedings, providing that the defendant shall pay in certain cases 282
Audiology and speech-language pathology, for the licensing of persons engaged in the practice of, and establishing a board of registration for 666
Aunt's and Uncle's Day, annual observance of, providing for 182
Avon, town of (see Cities and towns).

B.

Babson College, Wellesley, alcoholic beverages, authoriation to issue license for the sale of, to 635
Bail, applying the amount of district court bail to bail in the superior court under certain conditions 179
Baker, Raymond, state police officers, authorization to become, notwithstanding maximum age requirements 348
BANKS AND BANKING:
in general,
federal savings and loan insurance corporation, authorizing the commissioner of banks to appoint as liquidating agent of certain banks 474
financial institutions, branch offices and acquisitions of, relative to regionalization 626
mergers, conversions and certain other changes in the laws governing state-chartered savings banks, co-operative banks and trust companies, relative to 155
mobile homes, loans by savings banks, co-operative banks and credit unions for the purchase of, increasing the term and amount of 223
mortgage loans, residential, prohibiting the arbitrary denial of, or denial based on the location of the property 327
trust accounts, deceased depositor, increasing amount payable to widow, husband or next of kin 53
co-operative banks,
conversion of, relative to 536
employee retirement association for, relative to 111
liquidation of member bank, rate of dividends to be paid by the Co-operative Central Bank, in the event of, relative to 13
mergers, notices of, relative to 71
credit unions,
employee retirement association for, relative to 111
loans for the improvement of certain real estate, relative to 186
Massachusetts Credit Union Share Insurance Corporation, relative to 278
shares, amount that may be held by members, increasing 181
savings banks,
employee retirement association for, relative to 111
investments, authority to make, relative to 213
notices of meetings of incorporators, relative to 62
trust companies,
directors of, relative to the qualifications of 536
investments, authority to make, relative to 213
merger authority for, clarifying 418

	Chapter
Baratta's Package Store, Inc., Plymouth, alcoholic beverages, authorization to issue license for the sale of, to	450
Barnstable, town of (see Cities and towns).	
BARNSTABLE COUNTY (see Counties).	
Bartoni, Anthony, d/b/a "Lil" Anthony's Package Store, Lenox, alcoholic beverages, authorization to issue license for the sale of, to	383
Bay Colony Railroad Corporation, further regulating	166
Bazinet, Honorable Wilfred P., Highway, Douglas and Webster, designating a portion of a state highway in the towns of, as	48
Beach Package Store, Inc., Bourne, alcoholic beverages, authorization to issue license for the sale of, to	85
Beano, time limits for the operation of the game of, relative to	207
Becket, town of (see Cities and towns).	
Belchertown, town of (see Cities and towns).	
Bellingham, town of (see Cities and towns).	
Benotti, Fernando L. and Olga Z., Kingston, alcoholic beverages, authorization to issue license for the sale of, to	442
Berkley, town of (see Cities and towns).	
BERKSHIRE COUNTY (see Counties).	
Billerica, town of (see Cities and towns).	
Blackstone, town of (see Cities and towns).	
Blackstone-Millville Regional School District, authorization to hold annual elections with residency requirements and validating certain proceedings	209
Blackstone River and Canal Commission, notification requirements by member cities and towns, relative to	51
Blackstone Valley Vocational Regional School District, validating certain proceedings and apportioning certain costs among member towns	147
Blind, commission for (see Massachusetts Commission for the Blind).	
persons, real property tax exemptions, further regulating	258
Blue laws, (see Sunday laws).	
Boston, city of (see Cities and towns).	
Boston and Maine Railroad, vibration along a certain portion of the roadbed, investigation and study by the department of public utilities...(Resolve)	10
Boston Metropolitan District, issuance of refunding bonds, relative to	413
Bourne, town of (see Cities and towns).	
Boxborough, town of (see Cities and towns).	
Boxing, licensing of, further regulating	500
Braintree, town of (see Cities and towns).	
Brewster, town of (see Cities and towns).	
BRIDGES:	
Boston, Finn, Monsignor Charles A., Bridge, designating a certain footbridge as	7
capital outlay program, highway, bridge and economic development for the commonwealth, providing for	335
Chicopee, bridge connecting the city of Holyoke with the city of, designation as Vietnam Veterans Memorial Bridge	26
Danvers, Szypko, Lieutenant Leonard A., Memorial Bridge, designating a certain bridge as	8
Holyoke, bridge connecting the city of Chicopee with the city of, designation as Vietnam Veterans Memorial Bridge	26
Lowell, Rourke Bridge, designating a certain bridge over the Merrimack River as	204
Worcester, Thomas A. Jolly Bridge, designating a certain bridge as	496
Bridgewater state college, authorizing the trustees to expend money to reconstruct a certain avenue in the town of Bridgewater	575
BRISTOL COUNTY (see Counties).	
Brockton, city of (see Cities and towns).	

Chapter

Brockton Parking Authority, establishment of 509
Brookfield, town of (see Cities and towns).
Brookline, town of (see Cities and towns).
Brokers, real estate, fee to prospective tenants, further regulating 21
Brothers of Holy Cross of the Eastern Province of the United States of America, Inc., merger with Brothers of Holy Cross-Moreau Hall, Inc., authorizing 498
Brown's Market, Brown's Fruit and Grocery, Inc., d/b/a, Manchester, alcoholic beverages, authorization to issue license for the sale of, to 350
Buckland, town of (see Cities and towns).
Buddhism, Nichiren Shoshu, solemnization of marriage by a priest of, allowing 379
Budget, (see Appropriations).
Budgetary provisions, certain recurring, incorporating into the General Laws 357
Burns, certain, reporting the treatment of, relative to 218
Business records, production in court in compliance with subpoena, relative to 101
Butnell Corporation, Nantucket, alcoholic beverages, authorization to issue license for the sale of, to 240

C.

Cambridge, city of (see Cities and towns).
Cambridge Hospital, leasing of the building known as the Lee B. Macht Community Health Center, by the city of Cambridge, for a term not to exceed ninety-nine years, authorizing 543
Campaign funds, investment of, by certain political committees, further regulating 59
Candeias, Kenneth, state police officers, authorization to become, notwithstanding maximum age requirements
Canton, town of (see Cities and towns). 348
Cape Cod and Hyannis Railroad, Inc., railroad services by, extending 33
Cape Cod Family and Children's Service, Inc., removing certain restrictions upon the county commissioners of Barnstable county in contracting with 421
Capital outlay, (see Appropriations).
Capital punishment, providing for in certain cases of first degree murder 554
Carroll, Roger V., state police officers, authorization to become, notwithstanding maximum age requirements 348
Caruso Music Company, metropolitan district commission, directing the leasing of a certain parcel of land in the town of Saugus, by, to 590
Cedar Grove Cemetery, Boston, increasing the amount of real property the proprietors may hold and authorizing compensation for the trustees 483
Cedarville Liquors, Inc., Plymouth, alcoholic beverages, authorization to issue license for the sale of, to 450
CEMETERIES:
Cedar Grove Cemetery, Boston, increasing the amount of real property the proprietors may hold and authorizing compensation for trustees 483
vandalism to, increasing the penalties for 169
Certified public accountants, registration of, further regulating 366
Charlemont, town of (see Cities and towns).
Charles River, licenses to fill and maintain structures over, certain, making irrevocable 572
Chelmsford, town of (see Cities and towns).
Chelsea, city of (see Cities and towns).
Chicopee, city of (see Cities and towns).
CHILDREN:
abuse or neglect, requiring certain persons to report cases of 102
adoption subsidy program, authorizing the department of social services to establish 540

Chapter

CHILDREN: —*Concluded.*
custody of, relative to 252
fees for child support enforcement services, relative to the collection of 471
guardian of, regulating the requirement of a bond of a natural parent in certain cases 281
handicapped, blind or deaf, authorizing the erection of highway signs to protect 257
mentally retarded, transportation to certain facilities, requiring the commonwealth to pay the cost of 607
minor, grandparents of, authorizing the court to grant visitation rights to 514
pornography, relative to 364
support orders for, certain, relative to accessibility of information for the establishment and enforcement of 301
Chiropractors, authorizing the performance of certain procedures 154
CITIES AND TOWNS:
in general,
adult bookstores and theatres, authorizing cities and towns to require special permits for the establishment of 603
agreements by municipalities relative to certain transportation service, further regulating 515
animal control officer, exhibition of fighting animals, relative to the authority of, with respect to 230
annual budget, date for submission of, in 1982, relative to 10
annual town meeting, date for, in 1982, relative to 10
asbestos in public schools, extending the time for reimbursement for removal of 651
assessments upon, by regional water and regional sewerage districts, relative to 550
boards of health, regulations of, increasing the penalty for violations of 96
bonds and notes, certain, redemption of, relative to 23
borrowing, for certain services in relation to assessing of property during 1982, relative to 57
borrowing, for computer hardware and software, authorizing 98
classification of land for taxation purposes, making certain changes in the procedure of 369
elderly housing, shared, authorization to provide for, by special permit 344
elections, city and town offices, extending the time within which nomination papers may be certified 283
emergency, for purpose of borrowing or expending funds, further defining 22
emergency medical technicians, certain incapacitated, relative to leaves without loss of pay for 203
employees, towns, providing that they may hold office of selectman in same town 107
employment contract, with certain executive or administrative officers, authorization to enter into 279
equalized valuations, dates for the establishment of and appeals therefrom, relative to 47
estimated valuation, authorizing the commissioner of revenue to use, in certain cities and towns, for fiscal year 1982 56
excise tax, motor vehicles owned by former prisoners of war, permitting municipalities to waive 597
firefighters and police officers, certain retired, indemnification of, further regulating 584
highways, laying out or repair of, engineering plans for, extending the time to prepare 50
indemnification of municipal officials, providing for uniform application in cities and towns 176

	Chapter
CITIES AND TOWNS: *—Continued.*	
in general, *—Concluded.*	
investment of certain funds, increasing the authority of	134
joint operation with other governmental units for certian public activities, authorization to enter into agreement for	24
liability of municipalities for damage to private property occurring during a riot, further defining	476
libraries, certain free public, further regulating	322
licenses, certain, for certain premises, further regulating the issuance of	534
metropolitan district commission, payments made by, to cities and towns in lieu of taxes, relative to	657
mortgage review boards, directing that cities and towns encourage the establishment of	327
motor vehicles, certain, charges for storage of, where ordered by police or other public authority, further regulating	333
municipal electric departments, authorization to establish self-insurance trust funds	640
pari-mutuel betting funds, clarifying the allocation of, for certain cities and towns	549
parking facilities, off-street, in commercial area revitalization districts, providing additional assistance to finance the construction of	313
police officers, off duty work details, relative to the payment of	70
retirement boards, members of, providing for the indemnification of	641
revaluation, providing relief from	653
sanitary codes of all cities and towns, providing for a central file for	565
school building assistance for growth communities, so-called, relative to	613
school committees, compensation of members, authorizing	296
selectman, person holding office of, may also be employee of said town, providing	107
shared elderly housing, authorization to provide for, by special permit	344
signs, highway, to protect blind, deaf or handicapped children, authorizing the erection of	257
sprinkler systems automatic, further regulating the installation of	545
tax payments, estimated, authorizing certain cities and towns to use	336
taxation, classification of land for purposes of, making certain changes in the procedure of	369
real estate, certain exemptions from, further regulating	653
exemptions and abatements, extending the time within which applications may be filed	295
town officers, elected, compensation of, relative to	226
trust funds, certain, investment of, by cities and towns, relative to	52
tuition payments, nonresident students, establishing separate accounts for	43
United American Veterans of the U.S.A., Inc., leasing of property for, authorizing	187
water pollution control, providing financial assistance for, to	286
zoning, adult bookstores and theatres, relative to requiring a special permit for the establishment of	603
use of land for purposes of viticulture, exemption from certain restrictions	40
special provisions relative to particular cities,	
Boston alcoholic beverages, Orient Heights Yacht Club, authorization to issue license for the sale of, to	431
Collins, Robert L. Baseball Diamond, designating a certain baseball diamond as	495
election of the city council and the school committee in the city of, relative to	605

Chapter

CITIES AND TOWNS: —*Continued.*
special provisions relative to particular cities, —*Continued.*
Boston alcoholic beverages, Orient Heights Yacht Club, authorization to issue license for the sale of, to —*Concluded.*
environment department, establishing 624
Finn, Monsignor Charles A., Bridge, designating a certain footbridge as 7
Funding Loan Act of 1982, and the Massachusetts Convention Center Authority, establishing 190

tidewaters, certain licenses to fill, made irrevocable 457
Brockton, appropriation of money for, and payment of, a certain bill, authorizing 517
Brockton Parking Authority, establishment of 509
civil service laws, position of city auditor, exempting from 505
conservation land, authorizing the city to use a parcel of, for park and recreational purposes 459
water supply for the city of, providing an adequate 270
Cambridge, bond anticipation notes, relative to the refunding of 353
fees for alcoholic beverages licenses, relative to 397
land within the city of Waltham owned by the city of, authorizing the department of public works to acquire 541
leasing by the city of a certain building for a term not to exceed ninety-nine years, authorizing 543
O'Leary, James, authorizing the reinstatement of, to the police department of the city of 453
Chelsea, board of assessors, tenure for Guy A. Santagate as a member of, providing 583
civil service laws, position of superintendent of parks, exempting from 506
Chicopee, Holyoke, bridge connecting the cities of, designation as Vietnam Veterans Memorial Bridge 26
tax limitation under proposition two and one-half, basis for, relative to 89
Fall River, disaster relief, abatement of taxes subsequent to the fire of 1982, providing for 267
disaster relief, alleviation of the financial burden imposed by the fire of 1982, relative to 272
disaster relief, rental assistance for certain former residents of, providing funds for 273
easements in land in Freetown and Fall River, authorization to grant to EG & G, Inc., for access to New England Energy Park 171
funds for planning assistance to the city of, providing 274
tidewaters of the Taunton river, making irrevocable a certain license to fill 464
waterfront improvement project, authorization to borrow money for 406
Gardner, Vietnam Veterans Memorial By-pass, designating a certain by-pass in the city of, as 308
Gloucester, alcoholic beverages, Collins Package Store, Inc., authorization to issue license for the sale of, to 114
civil service laws, position of agent of the board of health, exempting from 172
position of city electrician, exempting from 6
Holyoke, Chicopee, bridge connecting the cities of, designation as Vietnam Veterans Memorial Bridge 26
school committee, providing that the mayor shall be a voting member of 414
stock of the Holyoke and Westfield Railroad Company, authorizing the city to transfer its shares to the Penn Central Corporation 211

	Chapter
CITIES AND TOWNS: —*Continued.*	
special provisions relative to particular cities, —*Continued.*	
Lawrence, bond anticipation notes, certain, relative to the refunding of	109
Leominster, elective municipal offices, candidates for, providing for the nomination of, by preliminary election	68
retirement board of, authorization to establish certain service as creditable service for certain members of the fire department	88
Lowell, Rourke Bridge, designating a certain bridge over the Merrimack River as	204
Lynn, civil service laws, positions in the purchasing department, exempting from	201
Economic Development and Industrial Corporation of Lynn, eminent domain takings by, relative to	113
Lynn Harbor, tidewaters, certain licenses to fill, made irrevocable	562
overlay deficit, authorizing the city to appropriate over a period of years	263
Powers, Leo J., authorizing the city to reinstate	393
Lynn Water and Sewer Commission, employees of, relative to the retirement of	460
establishment of	381
Marlborough, civil service laws, position of traffic supervisor, exempting from	417
position of physician for the school department, exempting from	490
position of supervisor of attendance in the school department, exempting from	491
Medford, community antenna television system, license fee on the operator of, authorizing the city to increase	662
proceeds from the sale of real estate, relative to the use of	432
New Bedford, highway route signs, certain, directing the department of public works to include the name of the city on	156
New Bedford Harbor Development Commission, leasing powers of, relative to	247
Newton, Claflin School property, authorizing the city to sell	468
Emerson School property, authorizing the city to sell certain land known as	292
housing authority, establishing and abolishing the Newton housing services department and transferring its duties and functions	479
omitted property, authorizing an additional time period for the city to add to the tax list	462
park commission, abolishing, and establishing a parks and recreation commission	426
tax abatements for fiscal year 1982, authorizing additional time for the city to act on	358
North Adams, land, certain parcels, authorizing the department of public works to acquire	361
mobile home parks, providing for the establishment of regulations relative to rent and evictions in	243
Northampton, Calvin Coolidge, correspondence of, providing for storage in the Forbes Library	480
Pittsfield, dogs, licensing and keeping of, in the city of, relative to	529
referendum question relative to the establishment of a sewer user fee, providing for	384
Quincy, city auditor, election by the city council, providing for	105
Revere, annuity to Theresa Conley	438
borrowing of money to pay prior year bills, authorizing	317
McCarthy, Frank V., Memorial Pavilions, designating certain pavilions as	494

Chapter

CITIES AND TOWNS: —*Continued.*
special provisions relative to particular cities, —*Concluded.*
Salem, civil service laws, position of veterans' agent, exempting from 256
disaster relief, alleviation of the financial burden imposed by the fire of 1982, relative to 271
planning assistance, providing funds for 265
fire department civil service list, certain, reviving and extending 116
Scituate, park land, authorization to sell to the New York, New Haven and Hartford Railroad Company 461
Somerville, renovation of certain facilities, encouraging, and to provide financial assistance for 370
salaries of the mayor and board of assessors, authorization to set by ordinance 656
tax abatements, authorizing the city to establish an overlay reserve for 354
Springfield, Gandara, Jose N., Mental Health Center, designating the mental health center in the city of, as 164
Taunton, directing the state treasurer to pay a certain sum of money to, to enable the city to pay an outstanding judgment 311
Waltham, land owned by the city of Cambridge within the city of, authorizing the department of public works to acquire 541
Westfield, alcoholic beverages, additional license for the sale of, authorization to issue 428
Woburn, water mains, authorizing the construction of, by the metropolitan district commission in the city of 598
Worcester, Jolly, Thomas A. Bridge, designating a certain bridge as 496
special provisions relative to particular towns,
Andover, civil service laws, position of gas inspector, exempting from 5
school property, certain, authorizing the town to convey or lease 530
tax abatements, certain, authorizing an additional time period to act on 454
Arlington, civil service laws, position of director of fire safety in the department of community safety, exempting from 561
Ashland, Ashland State Park, land located in, authorizing the commonwealth to grant to the town certain easements in, for water supply purposes 290
Avon, Veterans of Foreign Wars Square, designating a certain public square as 160
Barnstable, alcoholic beverages, additional licenses, authorizing the town to issue 351
Bedford, annual town meeting, election of town officers at, validating the proceedings at 46
Becket, Sherwood Forest Road maintenance district, establishment of 380
Belchertown, borrowing capacity to install certain water mains, increasing 205
Bellingham, Blackstone, real estate taxes, certain, authorizing towns to refund 168
Berkley, annual town meeting, validating a certain proceeding at 465
Billerica, civil service laws, position of veterans' service investigator, exempting from 19
Blackstone, Bellingham, real estate taxes, certain, authorizing towns to refund 168
school committee, relative to the operation of 475
validating certain proceeding taken at town meeting held in 1982 209
Boxborough, Gerald Hines Development Boston, Ltd., easement to construct sewer lines in certain conservation land, authorization to construct 246
Bourne, alcoholic beverages, Beach Package Store, Inc., authorization to issue license for the sale of, to 85

Chapter

CITIES AND TOWNS: —*Continued.*
special provisions relative to particular towns, —*Continued.*
Braintree, civil service laws, making certain employees of the school department subject to the provisions of 390
position of sealer of weights and measures and position of inspector of plumbing, exempting from 399
exchange of land with Kenneth A. Hanson, authorizing 510
Brewster, alcoholic beverages, Culp, Kenneth A. and Lida H., authorization to issue license for the sale of, to 447
Glidden, Bruce A., authorization to issue license for the sale of, to 445
Luke's of Brewster, Inc., authorization to issue license for the sale of, to 446
Blue Cross and Blue Shield, overpayments, refund to town employees, relative to 394
Brookfield, Wagon Wheel Mobile Home Park, providing for the establishment of regulations relative to rent and evictions, in 616
Brookline, comptroller, term of appointment of, relative to 15
Taggart, Glen D., authorizing the town to appoint as a police officer 227
Buckland, Shelburne, restoration of the bridge of flowers, authorization to provide funds for 325
Canton, placement of names of candidates on ballot in municipal elections to be determined by lot, providing 77
recall elections, providing for 78
Charlemont, flood damage, providing reimbursement funds for 633
Chelmsford, mobile home parks, providing for the establishment of regulations relative to rent and evictions in 237
Concord, Kalmia Woods Water District, transferring its functions to the town and dissolving the district 463
Danvers, planning assistance, providing an appropriation for 435
public hospital of, increasing the number of trustees to manage the 84
Szypko, Lieutenant Leonard M., Memorial Bridge, designating a certain bridge as 8
Dartmouth, alcoholic beverages, Towne Liquors of Dartmouth, Inc., authorization to issue license for the sale of, to 60
correctional facility, construction of, further defining the authority of the selectmen and of the county commissioners of Bristol county, relative to 585
Dighton, alcoholic beverages, Collard, John E., and Adele L., d/b/a Johnny's Market, authorization to issue license for the sale of, to 601
Douglas, Bazinet, Honorable Wilfred P., Highway, designating a portion of a state highway in, as 48
valdiating proceedings at the election session of the annual town meeting held in 1982 208
Dover, call fire department personnel, compensation of, relative to 4
water distribution system in the town of Walpole to own, construct and operate 403
Duxbury, treasurer-town collector, providing for the appointment of 559
Edgartown, alcoholic beverages, Al's Package Store, Inc., authorization to issue license for the sale of, to 239
validating certain actions of the town and authorizing the issuance of bonds and notes for a sewer construction project 75
Foxborough, recall elections, providing for 599
Framingham, treasurer-collector, relative to the appointment of 284
Franklin, civil service laws, all positions at the Ray Memorial Library, exempting from 293
all positions in the recreation department and the council-on-aging, exempting from 289

Chapter

CITIES AND TOWNS: —*Continued.*
special provisions relative to particular towns, —*Continued.*
Franklin, civil service laws, all positions at the Ray Memorial Library, exempting from —*Concluded.*
position of chief of police, exempting from 158
public works department, certain positions in, exempting from 504
Ray Memorial Library, repair of, authorizing the appropriation of funds for 12
Freetown, land in, authorizing the city of Fall River and the commonwealth to grant easements to EG&G, Inc., for access to New England Energy Park 171
Georgetown, lease of land by the department of public works from the town of, for a commuter parking facility, authorizing 538
Great Barrington, parking fines, authorizing the establishment of 110
Hanson, recall elections, providing for 255
Hopedale, water and sewer commissioners, establishing a board of 578
Hull, Hog Island, authorizing the town to acquire 499
Kingston, alcoholic beverages, Benotti, Fernando L. and Olga Z., authorization to issue license for the sale of, to 442
Whitaker, Keith A., authorization to issue license for the sale of, to 444
Lanesborough, payment of a certain unpaid bill, authorizing 323
Lenox, alcoholic beverages, Bartoni, Anthony d/b/a "Lil" Anthony's Package Store, authorization to issue license for the sale of, to 383
Colvin, Marie C., d/b/a Lenoxdale Package Goods Store, Inc., authorization to issue license for the sale of, to 383
Lexington, park land, authorizing town to lease a certain parcel and to sell certain buildings to Robert J. Lind 374
Littleton, burial rights, certain purchasers of, authorizing the cemetery commissioners to refund monies to 69
Lunenberg, recall elections in, providing for 67
Manchester, alcoholic beverages, Brown's Fruit and Grocery, Inc., d/b/a Brown's Market, authorization to issue license for the sale of, to 350
Marblehead, collector of taxes, appointment of, providing for 17
town treasurer, appointment of, providing for 16
Marion, Taber Library, authorizing the town to accept the transfer of, from the Marion Library Association and the Marion Natural History Society 79
Marshfield, alcoholic beverages, H & M Enterprises, Inc., authorization to issue license for the sale of, to 449
Leo's Bakery, Inc., authorization to issue license for the sale of, to 448
Mashpee, civil service laws, positions of plumbing inspector and gas inspector, exempting from 388
South Cape Beach, acquisition by the department of environmental management, relative to 287
Mattapoisett, dogs, relative to the licensing and keeping of, in the town of 493
Medway, recall elections, providing for 434
Middleborough, municipal light board, members of, providing for the election of 3
Milford, geriatric authority of Milford, authorizing the establishment and financing of 76
Millis, annual election and town meeting in 1982, validating actions taken at 125

	Chapter
CITIES AND TOWNS: —*Continued.*	
special provisions relative to particular towns, —*Continued.*	
Millville, Hartnett, Charles L. "Gabby", Memorial Highway, designating a portion of a certain state highway as	392
treasurer-collector of taxes, estabishing the office of	427
validating certain proceedings taken at town meeting held in 1982	209
Milton, alcoholic beverages, nonprofit organizations, relative to the issuance of one day licenses to	469
Monson, water and sewer department in, establishing	161
Nantucket, alcoholic beverages, Butnell Corporation, authorization to issue license for the sale of, to	240
Needham, sale of school property, relative to the use of the proceeds from	294
Northborough, land, conveyance of a portion of Westborough State Hospital land by the commonwealth to the town of, authorizing	646
Norwood, civil service laws, positions of clerk and secretary in the school department, exempting from	18
Costello, Michael F., providing for classification as firefighter in the town of	467
Oxford, Upper Blackstone Water Pollution Abatement District, authorizing the town to become a participating member of	522
authorizing the town to provide facilities for the disposal of sewage by agreement with	423
Plymouth, alcoholic beverages, Cedarville Liquors, Inc., Corvini Package Store, Inc., Baratta's Package Store, Inc., and Vintners Group, Ltd., Inc., authorization to issue license for the sale of, to	450
Griswold, Benjamin F., authorization to issue license for the sale of, to	443
J. R. Algird, Inc., authorization to issue license for the sale of, to	365
Demarsh, Leo F., Memorial Boat Ramp, designating a certain boat ramp as	523
Princeton, judicial jurisdiction of the district court of Leominster, placing the town of, in	30
Randolph, pedestrian crossing signals at a certain intersection, directing the department of public works to install	570
treasurer/clerk, office of, establishing	92
Raynham, Taunton State Hospital, certain parcel of land at, directing the commonwealth to convey to the town of	315
Rehoboth, dogs, licensing and keeping of, relative to	580
Rowley, town clerk, certain fees paid to, relative to	126
Sandwich, land, leasing of a certain parcel in the Shawme-Crowell State Forest to the town of, authorizing the commissioner of environmental management to	401
Saugus, dogs, relative to the licensing and keeping of	596
land under the control of the metropolitan district commission, certain parcel, authorizing the commonwelath to convey to the town of	330
town manager, relative to the appointment of	395
Scituate, alcoholic beverages, Greenbush Package Store, Inc., authorization to issue license for the sale of	487
Healy, David E., authorizing the town to pay a sum of money to	245
town employees, authorizing the town administrator to appoint and remove	466
Shelburne, Buckland, restoration of the bridge of flowers, authorization to provide funds for	325
Shrewsbury, civil service laws, certain positions in the school department, exempting from	389
South Hadley, validating the acts and proceedings taken at the biennial state election held in 1982	524

	Chapter
CITIES AND TOWNS: —*Continued.*	
special provisions relative to particular towns, —*Continued.*	
Southwick, flood damage, providng funds for reimbursement for	633
Spencer, alcoholic beverages, Ekleberry, William D., for the Spencer Country Inn, authorization to issue license for the sale of	484
Springfield, civil service laws, position of administrative assistant to the city solicitor in the law department, exempting from	416
positions, certain, in the data processing department of the city of, exempting from	415
Stoneham, legal fees, certain, authorization to pay	162
water storage facility and water mains, authorizing the construction by the metropolitan district commission in the town of	598
Sudbury, land, certain parcel, authorizing the town to sell	140
Sutton, recall elections, providing for	163
Tewksbury, bond anticipation notes, relative to the refunding of	382
civil service status, providing that certain employees of the pubic works department shall be granted	511
conservation land, authorizing town to sell a certain parcel of	61
Wakefield, water mains, authorizing the construction of, by the metropolitan district commission in the town of	598
Walpole, easements and rights of way, certain, for water supply purposes, authorizing the town to acquire	288
police career incentive pay program, revoking certain action taken by the town, relative to	261
water distribution system, authorizing the town to construct, own and operate in the town of Dover	403
Wareham, alcoholic beverages, Assinippi Liquors, Inc., authorization to issue license for the sale of, to	233
Crowley, Mary E., authorization to issue license for the sale of, to	234
DeBella, John M., authorization to issue license for the sale of, to	238
Glenn Haven Variety, Inc., authorization to issue license for the sale of, to	600
hydroelectric power generating plant, authorization to establish	35
payment of sum of money to certain school employees for services rendered in prior fiscal years, authorizing	206
Watertown, park land, certain, authorizing the town to sell	2
Webster, Bazinet, Honorable Wilfred P., Highway, designating a portion of a state highway in, as	48
Rockefeller, Godfrey S., Square, designating a certain traffic island as	224
Wellesley, alcoholic beverages, Babson College, Italo-American Educational Club of Wellesley, Inc., Wellesley College, Wellesley College Club, Wellesley Country Club, authorization to issue licenses for the sale of, to	635
Wenham, town treasurer/collector, authorizing the combining of the offices town treasurer and town collector into the office of	566
West Springfield, civil service laws, school department, certain positions in, exempting from	497
dogs, relative to the licensing and keeping of	647
Westborough, land, conveyance of certain parcels by the commonwealth to the town of, authorizing	632
Weston, referendum question relative to a nuclear weapons freeze, providing for	386
Westport, alcoholic beverages, Olde Sanford Liquor Mart, Inc., authorization to issue license for the sale of, to	268
appropriation of certain sums in two fiscal years, authorizing	411
school repairs, authorization to expend the balance of a certain bond issue for	412

	Chapter
CITIES AND TOWNS: —*Concluded.*	
special provisions relative to particular towns, —*Concluded.*	
Winchester, water mains, authorizing the construction of, by the metropolitan district commission in the town of	598
Winthrop, alcoholic beverages, Nat's Delicatessen & Package Store, Inc., authorization to issue license for the sale of, to	269
Towne Liquor Mart, Inc., authorization to issue license for the sale of, to	269
validating proceedings at annual town meetings held in 1980 and 1981	210
CITY AND TOWN CLERKS:	
elections, records of, certification of, relative to	94
nomination papers, listing of public offices on, authorizing the inclusion of the office of town clerk	151
Civil process, fees for the service of, further regulating	513
CIVIL SERVICE:	
civil service commission,	
members of, relative to the compensation of	324
validating the oath of office of Joseph M. Duffy, as a member of, and any act performed by him	391
department of personnel administration,	
civil service positions in certain counties, physical examinations for, providing that they must be conducted at the Western Massachusetts Hospital in the city of Westfield	9 137
seniority, with reference to reemployment lists, further defining	571
provisions for particular cities or towns,	
Andover, position of gas inspector, exempting from	5
Arlington, position of director of fire safety in the department of community safety, exempting from	561
Billerica, position of veterans' service investigator, exempting from	19
Braintree, position of sealer of weights and measures and position of inspector of plumbing, exempting from	399
school department, making certain employees of, subject to the provisions of	390
Brockton, position of city auditor, exempting from	505
Chelsea, position of superintendent of parks, exempting from	506
Franklin, position of chief of police, exempting from	158
public works department, certain positions in, exempting from	504
Ray Memorial Library, all positions at, exempting from	293
recreation department and the council-on-aging, all positions in, exempting from	289
Gloucester, position of city electrician, exempting from	6
position of agent of the board of health, exempting from	172
Lynn, positions in the purchasing department, exempting from	201
Marlborough, position of physician for the school department, exempting from	490
position of supervisor of attendance in the school department, exempting from	491
position of traffic supervisor, exempting from	417
Mashpee, positions of plumbing inspector and gas inspector, exempting from	388
Norwood, positions of clerk and secretary in the school department, exempting from	18
Salem, fire department civil service list, certain, reviving and extending	116
position of veterans' agent, exempting from	256
Shrewsbury, certain positions in the school department, exempting from	389

Chapter

CIVIL SERVICE: —*Concluded.*
provisions for particular cities or towns, —*Concluded.*
Springfield, position of administrative assistant to the city solicitor in the law department, exempting from 416
positions, certain, in the data processing department, exempting from 415
Tewksbury, public works department, certain employees of, providing permanent civil service status to 511
West Springfield, school department, certain positions in, exempting from 497
provisions for specific individuals,
Ficco, Donald, correctional officer, authorization to take civil service examination for, notwithstanding maximum age requirement 36
Hodgdon, Ronald, police officer, authorization to take civil service examination, notwithstanding maximum age requirement 123
McCarthy, Sharonlee, police officer, authorization to take civil service examination, notwithstanding maximum age requirement 37
Clinic, further defining the term 591
Clinical laboratories, laws and regulations relative to, increasing the penalties for violation of 215
Cobble Mountain, taxation of hydroelectric generating facility on, relative to 45
Cogeneration, energy, and small power production, further regulating 120
Collard, John E. and Adele L., d/b/a Johnny's Market, Dighton, alcoholic beverages, authorization to issue license for the sale of, to 601
Collective bargaining, state police and metropolitan district commission police, certain members of, further regulating impasses involving 346
COLLEGES, UNIVERSITIES AND INSTITUTES:
Bridgewater state college, authorizing the trustees to expend money to reconstruct a certain avenue in the town of Bridgewater 575
Mount Wachusett Community College, directing the trustees to name a certain complex as the Vietnam Veterans Memorial Physical Education Complex 133
public colleges and universities, expenditure of funds for purpose of influencing legislation, relative to 212
Collins Package Store, Inc., Gloucester, alcoholic beverages, authorization to issue license for the sale of, to 114
Collins, Robert L., Baseball Diamond, Boston, designating a certain baseball diamond as 495
Columbia Cultural Trust, No. 540, conveyance by the commonwealth of a certain parcel of land in the city of Taunton, to, authorizing 623
Colvin, Marie C., d/b/a Lenoxdale Package Goods Store, Inc., Lenox, alcoholic beverages, authorization to issue license for the sale of, to 383
COMMERCE AND DEVELOPMENT, DEPARTMENT OF:
tourist promotion agencies, financial assistance program for, relative to 419
Commercial area revitalization districts, construction of off-street parking facilities in, by cities and towns, providing additional assistance for 313
COMMISSIONS, SPECIAL:
blind, for the, (see Massachusetts commission for the blind).
carcinogens, exposure to and inhalation of, by certain members of fire departments, effects of, investigation and study relative to...(Resolve) 5
contracts, for construction and materials, in cases of emergency, awarding of, increasing the membership of the special commission established to make an investigation and study relative to...(Resolve) 9
hospital charges, investigation and study of, further regulating the study commission 518
judicial conduct, associate justice Joseph S. Mitchell, Jr., providing for an investigation and study relative to the conduct of, by...(Resolve) 2

	Chapter
COMMISSIONS, SPECIAL: —*Concluded.*	
Massachusetts Rehabilitation Commission, disability determination service of, investigation and study relative to the quality and conduct of, providing for...(Resolve)	11
Massachusetts Agricultural Institute, establishment of, reviving and continuing the special commission making an investigation and study relative to...(Resolve)	8
medical malpractice and medical professional liability insurance, investigation and study relative to, increasing the scope of...(Resolve)	6
nursing shortage in the commonwealth, investigation and study relative to, providing for...(Resolve)	12
Common Day of Rest Law, permitting the opening of certain retail stores on Sundays	556
COMMONWEALTH:	
in general,	
bonds and notes, certain, relative to the terms of	337
issuance of, relative to	34
capital outlay , armories, for state, providing for	649
correctional facilities, providing for the expansion and upgrading of	347
federal building and courthouse, providing for the acquisition of, by the commonwealth	659
highway, bridge and economic development for the commonwealth, providing for	335
constitutional officers, salaries of, increasing	455
contracts between persons and the commonwealth, providing for confidentiality of statements required to be filed	593
departments, or heads thereof or officers of, recommendations for legislative action, relative to	29
employees, additional group life insurance for both active and retired, further regulating	648
fees and charges paid to the commonwealth, authorizing the secretary of administration to set	602
indemnification of members of the state police and the metropolitan district commission, for certain actions, relative to	345
payment of the transportation costs of mentally retarded children to certain facilities by the, requiring	607
state art commission, directing the erection of a plaque honoring Polish-American citizens, by	342
Taunton, payment of sum of money to, for the purpose of satisfying a judgment, directing the state treasurer to make	311
water pollution abatement facilities, reimbursement by commonwealth for costs of maintaining, relative to	297
land,	
Andover, conveyance of a parcel of land under the control of the department of environmental management in the town of, to Garabed Dargoonian, authorizing	660
Ashland, authorization to grant to the town easements in certain land in Ashland State Park, for water supply purposes	290
Boston, conveyance of certain parcels in the city of, to the Massachusetts Bay Transportation Authority by the metropolitan district commission, directing	310
Cambridge, certain parcels owned by the city of, and located within the city of Waltham, authorizing the department of public works to acquire	541
Carlisle, Great Brook Farm State Park, certain premises within, authorizing the department of environmental management to lease	326
Fall River, authorization to grant to EG & G, Inc., easements in land in the city of	171

Chapter

COMMONWEALTH: —*Continued.*
land, —*Continued.*
Fitchburg, certain public land in the city of, authorizing the department of public works to acquire, for highway purposes 574
Freetown, authorization to grant to EG & G, Inc., easements in parcels in the town of, for access to New England Energy Park 171
Georgetown, lease of certain land by the department of public works from the town of, authorizing 538
Harwich, easements on, over and across certain land in, authorizing the commonwealth to grant to the commonwealth electric company 329
Ipswich, certain parcels in the town of, authorizing the commonwealth to convey to Essex County 558
Lawrence, Essex county superior courthouse, authorizing the county commissioners to transfer title to the commonwealth 300
Lowell, transfer of a certain parcel of land in the city of, from the department of environmental management to the department of public works, authorizing 291
Ludlow, conveyance of a certain easement in the town of, to Henry F. and Ruth A. Richardson by the metropolitan district commission, authorizing 622
Marlborough, conveyance of a certain parcel of land in the city of, to John P. Costedio, by the metropolitan district commission, authorizing 539
conveyance of a certain parcel of land in the city of, to Ralph Vigeant by the metropolitan district commission, authorizing 302
land under the control of the metropolitan district commission in the city of, authorizing the commonwealth to convey to Dennis P. and Carolyn M. Kennedy 525
Methuen, acquisition of a portion of the so-called Tenney Estate in the town of, providing for 606
North Adams, authorizing the department of public works to acquire certain lands in the city of 361
Northborough, conveyance by the commonwealth of a portion of Westborough State Hospital land to the town of, authorizing 646
Pittsfield, conveyance by the commonwealth to the General Electric Corporation of a certain parcel in the city of, directing 628
Revere, certain parcel under the control of the metropolitan district commission, authorizing the commonwealth to convey to April Realty Trust 548
Sandwich, authorizing the commissioner of environmental management to lease a certain parcel of land in Shawme-Crowell State Forest to the town of 401
Saugus, certain parcel under the control of the metropolitan district commission, authorizing the commonwealth to convey to the town of 330
lease of a certain parcel of land in the town of, to Caruso Music Company by the metropolitan district commission, directing 590
Springfield, federal building and courthouse in the city of, authorizing the commonwealth to acquire and providing a capital outlay program for that purpose 659
Taunton, conveyance of a certain parcel in the city of under the control of the department of mental health to the Columbia Cultural Trust No. 540, authorizing 623
State Hospital, parcel of land at, directing the commonwealth to convey to the town of Raynham 315
Wayland, conveyance of a certain parcel under the control of the metropolitan district commission in the town of, to Edwin W. Marston, Sr. and Catherine A. Marston, authorizing the commonwealth 588

	Chapter
COMMONWEALTH: —*Concluded.*	
land, —*Concluded.*	
Webster, grant of an easement by the commonwealth over land under the control of the department of environmental management in the town of, to Elizabeth Larkin Harke, in exchange for other land, authorizing	639
Wendell, certain land in the town of, authorizing the commonwealth to grant to the New England Power Company certain easements across	564
Westborough, conveyance by the commonwealth of certain parcels to the town of, authorizing	632
Commonwealth Electric Company, Harwich, easements on, over and across certain land in, authorizing the commonwealth to grant to	329
Commonwealth Pier, commonly known as Pier 5, regulating the use of	636
Concord, town of (see Cities and towns).	
Conduct of public officials and employees, state employees, filing of state tax returns, providing that compensation may be received for	143
further regulating	612
Conflict of interest, (see Municipal officers and employees, conduct of; State employees, conduct of)	
Conley, Theresa, authorizing the city of Revere to pay an annuity to	438
CONSERVATION:	
Brockton, land, authorizing the city to use a certain parcel for park and recreational purposes	459
fisheries, sea clam and ocean quahog, relative to the conservation and management of	363
forest cutting practices, further regulating	592
Tewksbury, land, authorizing town to sell a certain parcel of	61
Consumer protection, consumer credit disclosure law, relative to	332
Contracts, commonwealth, with the, providing, for the confidentiality of certain statements required to be filed by persons entering into	593
personal service, certain, further regulating the termination of	159
Controlled substances, distribution of, further regulating	650
forfeiture of property in cases involving, further regulating	132
penalties for manufacture and distribution of certain, further regulating	458
Co-operative Central Bank, dividends to be paid in the event of liquidation of a member bank, rate of, relative to	13
Copy Products, Inc., authorizing the treasurer of Bristol county to pay a certain sum of money to	407
Cormier, Linda, payment by Montachusett Regional Vocational-Technical School, district to, authorizing	145
CORPORATIONS:	
in general,	
dissolution of, distribution to stockholders after, relative to	141
employee cooperative corporations, providing for the establishment of	104
stockholders, certain, rights of, relative to	149
taxation, revising the corporate excise to provide business incentives	658
provisions relative to particular corporations,	
Bay Colony Railroad Corporation, further regulating	166
Brothers of Holy Cross-Moreau Hall, Inc., merger with Brothers of Holy Cross of the Eastern Province of the United States of America, Inc., authorizing	498
Cape Cod and Hyannis Railroad, Inc., railroad services by, extending	33
Economic Development and Industrial Corporation of Lynn, eminent domain takings by, relative to	113
Everett Development and Financial Corporation, establishing the	73
Holyoke and Westfield Railroad Company, authorization to merge	400

	Chapter
CORPORATIONS: —*Concluded.*	
provisions relative to particular corporations, —*Concluded.*	
Massachusetts Corporation for Educational Telecommunications, establishing	560
Massachusetts Credit Union Share Insurance Corporation, relative to	278
Massachusetts Technology Park Corporation, establishing	312
increasing the membership of the board of directors of	451
New England Education Loan Marketing Corporation, relative to	356
New England Southern Railroad Company, incorporating	32
Rogerson House, corporate charter of, relative to	242
Taunton Police Mutual Benefit Association, Inc., benefits to members upon retirement, relative to the amount that may be paid	135
Waltham Police Relief Assocation, Incorporated, benefits to members upon retirement, increasing	136
Winchester Police Relief Association, Inc., benefits to members upon retirement, increasing	146
Worcester County Mechanics Association, powers of, further regulating	63
Correctional facilities, expansion and upgrading of, providing for a capital outlay program for	347
Correctional facility, Dartmouth, Bristol county, further defining the authority of the selectmen and the county commissioners relative to the construction of	585
CORRECTIONS, DEPARTMENT OF:	
appointment of certain persons to the position of correction officer, notwithstanding maximum age requirement, authorizing	362
correctional officer, civil service examination for, authorizing Donald Ficco to take, notwithstanding the maximum age requirement	36
employees, certain, retirement rights of, relative to	637
Corrective changes, general and special laws, making	634
Corvini Package Store, Inc., Plymouth, alcoholic beverages, authorization to issue license for the sale of, to	450
Costedio, John P., metropolitan district commission, authorizing the conveyance of a certain parcel of land in Marlborough by, to	539
Costello, Michael F., Norwood, providing for classification as a permanent firefighter in the town of	467
COUNTIES:	
in general,	
appropriations, supplemental, county hospitals, certain, making	236
county budgets, adoption by advisory boards on county expenditures, providing for	244
highways, laying out or repair of, engineering plans for, extending the time to prepare	50
juror system, expansion of the Middlesex county juror system to all counties, authorizing	298
special provisions relative to particular counties,	
Barnstable county, appropriations, supplemental, making	192
Cape Cod Family and Children's Service, Inc., removing certain restrictions upon the county commissioners in contracting with	421
retirement system, directing the reinstatement of Robert D. Watt as a member in	512
Berkshire county, appropriations, supplemental, making	195
Mosquito Control Project, relative to	119
Bristol county, appropriations, supplemental, providing	157
Copy Products, Inc., authorizing the treasurer to pay a certain sum of money to	407

	Chapter
COUNTIES: —*Concluded.*	
special provisions relative to particular counties, —*Concluded.*	
Bristol county, appropriations, supplemental, providing —*Concluded.*	
correctional facility, construction of, further defining the authority of the county commissioners and of the selectmen of the town of Dartmouth, relative to	585
superior court, making certain personnel changes in	321
Dukes county, appropriations, supplemental, providing	196
position of county veterans' agent, authorization to establish	128
Essex county, appropriations, supplemental, to fund collective bargaining agreements, providing	199
appropriations, supplemental, providing	198
Ipswich, land in the town of, authorizing the commonwealth to convey certain parcels to	558
superior courthouse at Lawrence, authorizing the county commissioners to transfer title to the commonwealth and authorizing the renovation of	300
Franklin county, appropriations, supplemental, making	194
disposal of solid waste, authorizing the county commissioners to establish a program for	340
Hampden county, appropriations, supplemental, providing	121 200
Hampshire county, appropriations, supplemental, making	193
conveyance of certain land to the county commissioners of, extending the period of time for	250
Middlesex county, appropriations, supplemental, making	235
jurors, selection and management of, regulating	298
officers in charge of pools of jurors, establishing salaries of	621
Norfolk county, appropriations, supplemental, providing	197
Plymouth county, designation of clerk of the equity proceedings in, relative to	577
land in East Bridgewater, certain, directing the reconveyance of, by the county commissioners of	582
Liberty Printing Company, Inc., authorization to pay a certain sum of money to	214
unpaid bills, authorizing the county treasurer to pay	144
Worcester county, appropriations, supplemental, providing	153
employees of, relative to group insurance coverage for	615
County employees, conduct of, further regulating	612
COURTS:	
in general,	
business records, production in court, compliance with subpoena, relative to	101
fees, for child support enforcement services, relative to the collection of	471
judges, appointment of, certain, relative to	552
certain, compensation of, making a corrective change relative to	527
salaries of, increasing	455
juror system, expansion of the Middlesex county juror system to all counties, authorizing	298
justices, retirement of certain, relative to	589
trial court, providing for the appointment of additional	405
long-arm jurisdiction to enforce support orders, allowing trustee process	481
district, in general,	
clerks, increasing the salaries of	587
jurisdiction of, enlarging the scope of the offenses within the	229
malicious destruction of personal property, granting the district courts jurisdiction over the offense of	175

Chapter

COURTS: —*Concluded.*
district, special provisions
Concord district court, Perenick, Charles H., providing for a leave of absence as clerk/magistrate for 456
Leominster, district court of, judicial jurisdiction of, placing the town of Princeton in 30
Lowell, district court of, making certain personnel changes in 321
West Roxbury district court, authorizing the clerk and chief probation officer to make certain adjustments in their cashbooks 542
housing,
interlocutory orders of, certain, appeals from, relative to 65
land,
Anna Jaques Hospital, removal of a certain parcel of land from registration, allowing 410
employees, certain, relative to the compensation of 485
subdivision control law, appeals under, extending jurisdiction of, to 533
municipal,
jurisdiction of, enlarging the scope of the offenses within the 229
probate and family,
alimony, jurisdiction of certain action for, relative to 642
children, custody of, relative to 252
civil contempts, procedure for, further regulating 328
fees, attorney's, in contempt proceedings, providing that defendant shall pay in certain cases 282
certain, further regulating 532
for child support, enforcement services, relative to the collection of 471
grandparents, right to visit minor children, authorizing the court to grant 514
guardianships, for spendthrifts, further regulating 228
regulating the requirement of a bond of a natural parent in certain cases 281
interlocutory orders of, certain, appeals from, relative to 65
minors, estates of, relative to the distribution of funds of, to parents 178
probation officers in Franklin and Hampshire counties, relative to the appointment and removal of 594
support orders, establishing long-arm jurisdiction to enforce 481
wage assignments, in proceedings involving alimony or support, relative to 54
superior and supreme,
bail, applying the amount of district court bail to bail in the superior court under certain conditions 179
Barnstable county superior court, restoring a certain case to the civil docket of 251
Bristol county, superior court of, making certain personnel changes in 321
interlocutory orders of, certain, appeals from, relative to 65
Middlesex county, officers in charge of pools of jurors, establishing salaries of 621
Plymouth county, designation of clerk of the equity proceedings in, relative to 577
CRIMES:
alcoholic beverages, sale to minors, increasing the penalty for 97
cemetery vandalism, increasing the penalties for 169
child abuse or neglect, requiring certain persons to report cases of 102
child pornography, relative to 364
clincial laboratories, laws and regulations relative to, increasing the penalties for violation of 215
commercial fisherman laws, penalties for violations of, further regulating 131
controlled substances, manufacture and distribution of certain, further regulating the penalties for 458

Chapter

CRIMES: —*Concluded.*
dangerous weapons, further defining 254
false report of crime to police officer, prohibiting the intentional making of 219
fire or explosion, certain devices causing, possession of, increasing the penalty for 66
fraud in procurement of supplies, making a correction change in the law relative to 184
insurance claims, fraudulent, further regulating the penalty for 150
larceny of leased or rented property, relative to 259
minors, matters harmful to, relative to the dissemination of, to 603
murder, first degree, providing for capital punishment in certain cases of 554
nursing, engaging in the practice of, without a license, increasing the penalty for 170
operating a motor vehicle while under the influence of intoxicating liquor, increasing the penalties for 373
pornography, child, relative to 364
rubbish disposal, illegal, increasing the penalties for 130
sausages, in colored casings, manufacture and sale of, abolishing the crime of 216
victims of, authorization to appear at parole hearing 108
CRIMINAL PROCEDURE AND PRACTICE:
search warrant, for person for whom an arrest warrant is outstanding, authorizing the issuance of 260
wage assignments, in proceedings involving support, relative to 54
witness in criminal trial, testimony of, use of prior conviction to affect testimony, relative to 87
Criminal offender record information, use of files by the active or organized militia, authorizing 31
Crowley, Mary E., Wareham, alcoholic beverages, authorization to issue license for the sale of, to 234
Culp, Kenneth A. and Lida H., Brewster, alcoholic beverages, authorization to issue license for the sale of, to 447

D.

Damages, assessment of, in eminent domain takings, petition for, changing the time limit allowed for filing 248
Danvers, town of (see Cities and towns).
Dargoonian, Garabed, conveyance of a certain parcel of land, by the commonwealth, in the town of Andover to, authorizing 660
Dartmouth, town of (see Cities and towns).
DeBella, John M., Wareham, alcoholic beverages, authorization to issue license for the sale of, to 238
Deerfield, town of (see Cities and towns).
DeMarsh, Leo F., memorial boat ramp, Plymouth, designating a certain boat ramp in the town of, as 523
Determination of need program, relative to 553
Dighton, town of (see Cities and towns).
DiPadua, Debra, state police officers, authorization to become, notwithstanding maximum age requirements 348
Disaster relief,
Fall River, abatement of taxes subsequent to the fire of 1982, providing for 267
alleviation of the financial burden imposed by the fire of 1982, relative to 272
rental assistance for certain former residents of, providing funds for 273
New Braintree, alleviation of the financial burden imposed by the fire of 1977, relative to 271
Salem, alleviation of the financial burden imposed by the fire of 1982, relative to 271
providing funds for planning assistance to the city of 265

	Chapter
District attorneys and assistant district attorneys, increasing the salaries of	645
DISTRICTS:	
in general,	
bonds and notes, certain, redemption of, relative to	23
joint operation with other governmental units for certain public activities, authorization to enter into agreement for	24
police officers, off duty work details, relative to the payment of	70
water pollution control, providing financial assistance for, to	286
special classes of districts,	
commercial area revitalization districts, construction of off-street parking facilities in, by cities and towns, providing additional assistance for	313
fire, emergency medical technicians, certain, relative to leaves without loss of pay for	203
historic, East Village Historic District, expanding the area of	375
Old King's Highway Regional Historic District, relative to	338
metropolitan, Boston Metropolitan District, issuance of refunding bonds, relative to	413
regional health district, municipal withdrawal from, relative to	124
regional school district,	
Acton-Boxborough Regional School District, lease agreement for the joint use of telephone equipment, authorization to enter into	28
asbestos in public schools, extending the time for reimbursement for removal of	651
Blackstone-Millville Regional School District, authorization to hold annual elections with residency requirements, and validating certain proceedings	209
budget process, relative to	148
Mohawk Trail Regional School District, providing for the issuance of notes by	398
South Middlesex Regional Vocational Technical School District, group health insurance for certain retired teachers, authorization to pay fifty percent of the premium	625
Southern Worcester County Regional Vocational School District, use of roof arbitration award account, further regulating	508
regional vocational,	
Blackstone Valley Vocational Regional School District, validating certain proceedings and apportioning certain costs among member towns	147
Montachusett Regional Vocational-Technical School District, payment to Linda Cormier, authorizing	145
road maintenance, Sherwood Forest Road maintenance district, establishment of	380
sanitary, Greater Lawrence Sanitary District, authorization to accept and treat certain wastewater	387
sewer, regional sewerage districts, assessment limitations of, relative to	550
South Essex Sewerage District, relative to	492
water, emergency medical technicians, certain, relative to leaves without loss of pay for	203
Kalmia Woods Water District, dissolving and transferring its functions to the town of Concord	463
Lynnfield Center Water District, extending the boundaries of	86
Metropolitan Water District, sources of water supply previously abandoned by member communities of, relative to	25
Plum Island Water District, amount of money that may be borrowed	167
regional water districts, assessment limitations of, relative to	550
Sandwich Water District, judgment, certain, authorization to borrow money to pay	14

Chapter

DISTRICTS: —*Concluded.*
special classes of districts, —*Concluded.*
water, emergency medical technicians, certain, relative to leaves without loss of pay for —*Concluded.*
Seekonk Water District, authorization to borrow money to pay a certain judgment 557
Tyngsborough water district, establishment of 516
relative to 631
water pollution abatement, Upper Blackstone Water Pollution Abatement District, authorizing the town of Oxford to become a participating member of 522
Upper Blackstone Water Pollution Abatement District, authorizing the town of Oxford to provide facilities for the disposal of sewage by agreement with 423
relative to certain actions regarding treatment of certain sewage material by the 177
Dogs,
Mattapoisett, relative to the licensing of 493
Pittsfield, relative to the licensing and keeping of 529
Rehoboth, relative to the licensing and keeping of 580
Saugus, relative to the licensing and keeping of 596
West Springfield, relative to the licensing and keeping of 647
Dorn, Kenneth, building, designating a certain building at the Taunton State Hospital as the 563
Douglas, town of (see Cities and towns).
Dover, town of (see Cities and towns).
Drugs,
controlled substances, forfeiture of property in cases involving, further regulating 132
controlled substances, penalties for manufacture and distribution of certain, further regulating 458
Duffy, Joseph M., validating a certain qualifying oath of office relative to 391
DUKES COUNTY (see Counties).
Duxbury, town of (see Cities and towns).

E.

East Village Historic District, Lexington, expanding the area of 375
Eaton, Howard K., state police officers, authorization to become, notwithstanding maximum age requirements 348
Economic Development and Industrial Corporation of Lynn, eminent domain takings by, relative to 113
Edgartown, town of (see Cities and towns).
EDUCATION:
in general,
private trade, business and correspondence schools, further regulating the licensing of 610
school committees, certain school activities, relative to the control and management of 173
compensation of members, authorizing cities and towns to allow 296
special education, health care services associated with, relative to 314
transportation of mentally retarded children to certain facilities, requiring the department to provide 607
higher education,
boards of trustees of higher education, increasing the membership on 402
EG & G, Inc, easements in land in the town of Freetown and the city of Fall River, authorizing the commonwealth and the city of Fall River to grant 171

	Chapter
Ekleberry, William D. for the Spencer Country Inn, Spencer, alcoholic beverages, authorization to issue license for the sale of	484
ELDER AFFAIRS, DEPARTMENT OF:	
aged persons, protection of, providing additional	604
ELECTIONS:	
in general,	
campaign funds of candidates, use of, further regulating	59
nomination papers, for city and town offices, extending the time for certification by local registrars	283
listing of public offices on, authorizing the inclusion of the office of town clerk	151
nuclear weapons freeze, nonbinding referendum, providing for	385
records of elections, certification of, relative to	94
streets lists, availability to certain organizations, relative to	222
"veteran", false use of word by candidates for public office, increasing the penalty for	80
special provisions relative to particular cities and towns,	
Boston, election of the city council and the school committee in the city of, relative to	605
Canton, placement of names of candidates on ballot in municipal elections to be determined by lot, providing	77
recall elections, providing for	78
Hanson, recall elections, providing for	255
Leominster, elective municipal offices, candidates for, providing for the nomination of, by preliminary elections	68
Lunenberg, recall elections in, providing for	67
Medway, recall elections, providing for	434
Pittsfield, referendum question, establishment of a sewer user fee, providing for	384
Sutton, recall elections, providing for	163
Weston, referendum question, nuclear weapons freeze, non-binding, providing for	386
Electric and gas companies,	
authorization to issue and sell evidences of indebtedness at a discount	220
electricity or gas, theft of, providing civil penalties for, and for damages to property of gas and electric companies	305
Emergency medical technicians, municipal employees, certain incapacitated, relative to leaves without loss of pay for	203
Eminent domain, petition for assessment of damages, changing the time allowed for the filing of	248
Employee cooperative corporations, providing for the establishment of	104
Employee retirement associations, for cooperative banks, savings banks and credit unions, relative to	111
Employment security law, benefits under, certain, relative to	502
further clarifying	331
relative to	489
Energy,	
alternative, producer, defining	120
cogeneration and small power production, further regulating	120
Engineer, electrical, Frederick A. Haas, directing the certification of, as	58
ENVIRONMENTAL AFFAIRS, EXECUTIVE OFFICE FOR:	
Environmental management, department of (formerly Department of Natural Resources)	
Dargoonian, Garabed, authorizing the commonwealth to convey a certain parcel in the town of Andover, under the control of, to	660
Great Brook Farm State Park, authorizing the leasing of certain premises within, by	326

Chapter

ENVIRONMENTAL AFFAIRS, EXECUTIVE OFFICE FOR: —*Concluded.*
Environmental management, department of (formerly Department of Natural Resources) —*Concluded.*
Harke, Elizabeth Larkin, authorizing the commonwealth to grant an easement over land in the town of Webster, under the control of, to 639
Ipswich, land in, authorizing the commonwealth to convey to Essex county certain parcels under the control of 558
Lowell, land, authorizing the transfer of a certain parcel to the department of public works, by 291
Methuen, land, acquisition of a portion of the Tenney Estate so-called by the commonwealth to be under the control of, providing for 606
Sandwich, leasing of a certain parcel of land in the Shawme-Crowell State Forest to the town of, authorizing the commissioner to 401
South Cape Beach, Mashpee, relative to the acquisition of, by 287
Wendell, land in, authorizing the commonwealth to grant to the New England Power Company certain easements across land under the control of 564
ENVIRONMENTAL QUALITY ENGINEERING, DEPARTMENT OF:
contamination of certain private water supplies, directing that the department establish standards to prevent 631
sanitary codes of cities and towns, providing for a central file for 565
ESSEX COUNTY (see Counties).
Everett Development and Financial Corporation, establishing the 73
Executive council, compensation and expenses of, study of, included as duties of the advisory board on legislative, judicial and constitutional officers' compensation 20
Explosion or fire, certain devices causing, possession of, increasing the penalty for 66

F.

Fall River, city of (see Cities and towns).
Farmer-Breweries, licensing and regulating of, providing for 627
Federal Comprehensive Employment and Training Program, amendment to act implementing 396
Federal sponsored training programs, and certain state training programs relative to appointments based upon 396
Fees, and charges paid to the commonwealth, authorizing the secretary of administration to set 602
child support enforcement services, relative to the collection of 471
civil process, for the service of, further regulating 513
probate and family court, further regulating certain 532
Ficco, Donald, civil service examination for correctional officer, authorization to take, notwithstanding maximum age requirement 36
Finn, Monsignor Charles A., bridge, Boston, designating a certain footbridge as 7
FIRE DEPARTMENTS AND FIREFIGHTERS:
in general,
indemnification of certain retired firefighters and police officers, further regulating 584
provisions for particular cities and towns,
Dover, call fire department personnel, compensation of, relative to 4
Leominster, retirement system of, authorization to establish certain service as creditable service for certain members of the fire department 88
Lynn, fire department, the relief association of, the, relative to the amount of retirement benefit which may be paid by 225

Chapter

FIRE DEPARTMENTS AND FIREFIGHTERS: —*Concluded.*
provisions for particular cities and towns, —*Concluded.*
Revere, annuity to Theresa Conley, widow of a former firefighter, authorization to pay 438
Salem, civil service list, certain, reviving and extending 116
West Springfield, Permanent Firemen's Relief Association, Inc., payment of certain benefits to certain members, authorizing 404
Winchester, firemen's relief association, authorization to expand its scope of benefits and to offer members a choice 478
special provisions,
Costello, Michael F., Norwood, providing for classification as firefighter in the town of 467
Fire or explosion, certain devices causing, possession of, increasing the penalty for 66
Fire engines, obstructing the right of way of, relative to 122
Fire prevention regulations, board of, further regulating 520
FISHERIES, WILDLIFE AND RECREATIONAL VEHICLES, DEPARTMENT OF:
commercial fisherman laws, penalties for violations of, further regulating 131
fisheries, sea clam and ocean quahog, relative to the conservation and management of 363
Foley, Thomas, appointment as police officer by the metropolitan district commission, validating 501
FOOD AND AGRICULTURE, DEPARTMENT OF:
apiary inspector, full-time, providing for 664
milk, interstate shipments of, repealing the requirement of reciprocity in the acceptance of, in certain instances 106
Forest cutting practices, further regulating 592
Foxborough, town of (see Cities and towns).
Framingham, town of (see Cities and towns).
FRANKLIN COUNTY (see Counties).
Franklin, town of (see Cities and towns).
Freetown, town of (see Cities and towns).

G.

Gandara, Jose, N., Mental Health Center, Springfield, designating the mental health center in the city of, as 164
Gardner, city of (see Cities and towns.)
Gas and electric companies,
authorization to issue and sell evidences of indebtedness at a discount 220
gas or electricity, theft of, providing civil penalties for, and for damage to property of gas or electric companies 305
GENERAL COURT:
House journals from 1715 to 1780, reprinting and purchase by commonwealth, relative to 378
members of, certain, compensation of, making a corrective change relative to 519
increasing the salaries of 455
General Electric Corporation, conveyance by the commonwealth of a certain parcel of land in the city of Pittsfield, to, directing 628
Georgetown, town of (see Cities and towns).
Gerald Hines Develoment Boston, LTD., Boxborough, easement in certain conservation land, authorizing the town to grant, to 246
Geriatric Authority of Milford, authorizing the establishment and financing of 76
Glenn Haven Variety, Inc., Wareham alcoholic beverages, authorization to issue license for the sale of, to 600

Chapter

Glidden, Bruce A., Brewster, alcoholic beverages, authorization to issue license for the sale of, to 445
Gloucester, town of (see Cities and towns).
Gloucester Pier Advisory Board, further regulating 537
Governmental unit, definition of relative to contracts for certain public service, expanding 24
GOVERNOR:
proclamations by,
Aunt's and Uncle's Day, annual observance of, providing for 182
parlimentary law month, annual observance of 82
Grandparents, right to visit minor children, authorizing the probate court to grant 514
Great Barrington, town of (see Cities and towns).
Great Brook Farm State Park, certain premises within, authorizing the department of environmental management to lease 326
Greater Lawrence Sanitary District, authorization to accept and treat certain wastewater 387
Greenbush Package Store, Inc., alcoholic beverages, authorization to issue a license for the sale of 487
Griswold, Benjamin F., Plymouth, alcoholic beverages, authorization to issue license for the sale of, to 443
Group Insurance Commission, membership of, relative to 436
Growth communities or districts, relative to school building assistance for 613

H.

H & M Enterprises, Inc., Marshfield, alcoholic beverages, authorization to issue license for the sale of, to 449
Haas, Frederick A., directing the board of registration of professional engineers to certify as an electrical engineer 58
HAMPDEN COUNTY (see Counties).
HAMPSHIRE COUNTY (see Counties).
Handicapped persons, hunters, use of special equipment by, providing for 39
Perkins School for the Blind, relative to 112
Hanson, town of (see Cities and towns).
Hardwick, town of (see Cities and towns).
Harke, Elizabeth Larkin, grant of an easement by the commonwealth over land under the control of the department of environmental management in the town of Webster to, authorizing 639
Hartnett, Charles L., "Gabby", Memorial Highway, Millville, designating a portion of a certain state highway in the town of, as 392
Health,
boards of, filing of sanitary codes with the department of environmental quality engineering, requiring 565
local, regulations of, increasing the penalty for violations of 96
insurer, health care, recovery of medical assistance costs against, by the department of public welfare, relative to 367
services, health care, for school-aged child receiving special education, relative to 314
Healy, David E., payment of sum of money to, by town of Scituate, authorizing 245
HIGHWAYS:
in general,
capital outlay program for accelerated highway, bridge and economic development for the commonwealth, providing for 335
laying out or repair of, engineering plans for, extending the time to prepare 50
signs, to protect blind, deaf or handicapped children, authorizing the erection of, upon 257

Chapter

HIGHWAYS: —*Concluded.*
special provisions,
Douglas, Honorable Wilfred P. Bazinet Highway, designating a portion of a state highway as 48
Millville, Charles L. "Gabby" Hartnett Memorial Highway, designating a portion of a certain state highway as 392
New Bedford, highway route signs, certain, directing the department of public works to include the name of the city on 156
Historical and archaeological sites, preservation of, further regulating 152
Hodgdon, Ronald, civil service examination for police officer, authorization to take, notwithstanding maximum age requirement 123
Hog Island, authorizing the town of Hull to acquire 499
Holyoke, city of (see Cities and towns)
Holyoke and Westfield Railroad Company, stock of, authorizing the city of Holyoke to transfer to the Penn Central Corporation its shares of 211
authorization to merge 400
Hopedale, town of (see Cities and towns).
Hopedale Housing Authority, tenure of office for Barbara M. Stevens as executive director of, providing 579
Hopkinton, town of (see Cities and towns).
HOSPITALS:
in general,
mentally ill persons, involuntary admission to a mental hospital, authorizing certain psychologists to perform evaluations for 614
rates of payment and charges, establishment of, relative to 372
special provisions relative to particular hospitals,
Anna Jaques Hospital, removal of a certain parcel of land from registration, allowing 410
Danvers, public hospital of, increasing the number of trustees to manage the 84
Northampton State Hospital, relative to 309
Sturdy Memorial Hospital, relative to hospital charges of 285
Taunton State Hospital, Kenneth Dorn Building, designating a certain building as 563
Western Massachusetts Hospital, Westfield, providing that physical examinations for civil service positions in certain counties may be conducted at 137
providing that physical examinations for civil service positions in certain counties shall be conducted at 9
Hotels, sale of alcoholic beverages in, further regulating 231
Housing, shared elderly, authorizing cities and towns to provide for 344
Housing authorities,
Hopedale, tenure of office for Barbara M. Stevens as executive director of, providing 579
Newton Housing Authority, establishing 479
real estate owned by, relative to the tax status of 620
Hull, town of (see Cities and towns).
Hunters, handicapped, use of special equipment by, providing for 39

I.

Identification cards, certain, issuance by the registrar of motor vehicles, further regulating 100
Inspector General, office of, authorizing the appointment of Robert J. Patenaude as an investigator 306
further regulating 277
rules and regulations promulgated by, relative to 528

	Chapter
INSURANCE:	
in general,	
agents and brokers, licensing of, further regulating	665
commissions paid to, relative to	371
fraudulent insurance claims, further regulating the penalty for	150
insurance policies, certain, solicitation or negotiation of, relative to	576
companies,	
foreign life insurance companies, conditions for admission of, relative to	439
investment limits, real estate, further regulating	472
investment of the capital of insurance companies, relative to	249
investments of life insurance companies, relative to	425
life insurance company separate accounts, relative to	318
specific classes of insurance,	
fire, standard form of policy, further regulating	280
legal services plans, further regulating	595
life, amount of insurance on certain loans, increasing	526
policies, authorizing student education loans as part of	275
policies, standard valuation of, relative to	334
savings bank life insurance, relative to	276
standard valuation of policies, relative to	618
motor vehicle, assigned risk plan, making a corrective change in the law regulating the operation of	180
rate manuals for, relative to	174
Interlocutory orders, in certain courts, appeals from, relative to	66
Interstate library compact, relative to authorizing an increase in the number of member states	569
Italo-American Educational Club of Wellelsey, Inc., Wellesley, alcoholic beverages, authorization to issue license for the sale of, to	635

J.

J. R. Algird, Inc., Plymouth, alcoholic beverages, authorization to issue license for the sale of, to	365
Johnny's Market, John E. and Adele L. Collard d/b/a, Dighton, alcoholic beverages, authorization to issue license for the sale of, to	601
Johnson, Kenneth A., Braintree, authorizing the town to exchange certain land with	510
Jolly, Thomas A., Bridge, Worcester, designating a certain bridge as	496
Judicial conduct, commission on (see Commission on Judicial conduct.)	
Judicial council, radiation or hazardous waste, death arising from exposure to, providing for an investigation relative to, by...(Resolve)	3
Juror system, expansion of the Middlesex county juror system to all counties, authorizing	298
Justices (see also Courts).	
trial court, providing for the appointment of additional	405
Justices of the peace, jurisdiction of, in the solemnization of marriages, relative to	486

K.

Kalmia Woods Water District, dissolving, and transferring its functions to the town of Concord	463
Kennedy, Dennis P. and Carolyn M., land in Marlborough under the control of the metropolitan district commission, authorizing the commonwealth to convey a certain parcel to	525
Kent, John D., state police officers, authorization to become, notwithstanding maximum age requirements	348

Chapter

Kingston, town of (see Cities and towns).

L.

LABOR:
employment security law, certain benefits under, relative to 502
further clarifying 331
relative to 489
secretary of labor, establishing the office of 668
workmen's compensation, dependents of deceased employees, increasing the benefits for 663
Laboratories, clinical, laws and regulations relative to, increasing the penalties for, violation of 215
Land, waste storage or disposal site, recording of certain notices, relative to 232
wet, rotten or spongy, repealing certain out-dated statutes relative to 95
Lanesborough, town of (see Cities and towns).
Larceny (see Crimes).
Lawrence, city of (see Cities and towns).
Lead poisoning, single family dwellings, extending the exemption from certain provisions of the law relative to 654
Lenox, town of (see Cities and towns).
Lenoxdale Package Goods Store, Inc., Marie C. Colvin d/b/a, Lenox, alcoholic beverages, authorization to issue license for the sale of, to 383
Leominster, city of (see Cities and towns).
Leo's Bakery, Inc., Marshfield, alcoholic beverages, authorization to issue license for the sale of, to 448
Lexington, town of (see Cities and towns).
Libraries, free public, certain, further regulating 322
LICENSES AND PERMITS:
allied health profession, certain, providing for the licensing of practitioners of 667
audiology and speech-language pathology, providing for the licensing of persons engaged in the practice of 666
farmer-breweries, providing for the licensing and regulating of 627
nursing, engaging in the practice of, without a license, increasing the penalty for 170
real estate salesmen, licensing of, further regulating 72
schools, private business, certain, license to operate, relative to the issuance of 360
private trade, business and correspondence, further regulating the licensing of 610
Sunday licenses, certain, for certain premises, further regulating the issuance of 534
turbines, certain, persons operating or in charge of, exempting from license requirement 41
vending facilities in public buildings, relative to granting permits to the commission for the blind for the operation of 568
"Lil" Anthony's Package Store, Anthony Bartoni d/b/a, Lenox, alcoholic beverages, authorization to issue license for the sale of, to 383
Limited partnerships, further regulating, 202
Lind, Robert J., Lexington, lease of park land and sale of buildings by the town of, to, authorizing 374
Liquors (see Alcoholic beverages).
Littleton, town of (see Cities and towns).
Littleton, burial rights, certain purchasers of, authorizing the cemetery commissioners to refund monies to 69

	Chapter
Loans (see also Banks and banking).	
mortgage loans, residential, prohibiting denial in certain instances, and encouraging the establishment of mortgage review boards	327
student education loans, authorizing as part of certain life insurance policies	275
Long-term care facilities, security protection, certain, for residents of, providing	74
telephone service in, requiring that privacy and easy access to, must be provided to residents of	64
Lowell, city of (see Cities and towns).	
Luke's of Brewster, Inc., Brewster, alcoholic beverages, authorization to issue license for the sale of, to	446
Lunenburg, town of (see Cities and towns).	
Lynn, city of (see Cities and towns).	
Lynn Fire Department, The Relief Association of the, relative to the amount of retirement benefit which may be paid by	225
Lynnfield Center Water District, extending the boundaries of	86
M.	
Madden, Agnes Loyola, directing the teachers retirement board to establish a retirement date for	343
Maple syrup, labeling and sale of, regulating	103
Marblehead, town of (see Cities and towns).	
Marion, town of (see Cities and towns).	
Marlborough, city of (see Cities and towns).	
Marriage, solemnization of, by a priest of Nichiren Shoshu Buddhism, allowing	379
solemnization of, relative to the jurisdiction of justices of the peace in the	486
Marshfield, town of (see Cities and towns).	
Marston, Edwin W., Sr. and Catherine A. Marston, conveyance by the commonwealth of a certain parcel of land under the control of the metropolitan district commission in the town of Wayland, to, authorizing	588
Mashpee, town of (see Cities and towns).	
Mass transportation, agreements by cities and towns relative to certain transportation service, further regulating	515
MASSACHUSETTS:	
Masschusetts Bay Transportation Authority,	
appropriation to reimburse certain communities assessed by the Massachusetts Bay Transportation Authority	335
bicycles, allowing passengers to bring, onto its facilities, providing for an investigation and study relative to, by...(Resolve)	1
fares for senior citizens, relative to	547
issuance of refunding bonds, relative to	413
land, Boston, directing the metropolitan district commission to convey certain parcels to	310
Massachusetts Commission for the Blind, operation of, further regulating	644
permits to operate vending facilities in certain buildings, relative to the granting of, to	568
Massachusetts Convention Authority, establishing	190
further regulating	629
Massachusetts Corporation for Educational Telecommunications, creating the	560
Massachusetts Credit Union Share Insurance Corporation, relative to	278
Massachusetts Historical Commission, duties of, further regulating	152
Massachusetts Home Mortgage Finance Agency, further regulating	264
Massachusetts Housing Finance Agency, further regulating	264
relative to	546

	Chapter
MASSACHUSETTS: —*Concluded.*	
Massachusetts Legal Assistance Corporation, establishing	609
Massachusetts Motor Vehicle Reinsurance Facility, governing committee of, relative to, membership on	129
Massachusetts Port Authority, Commonwealth Pier, also known as Pier 5, restricting the use of, by	636
Massachusetts Technology Park Corporation, board of directors of, increasing the membership of	451
establishing	312
Mattapoisett, town of (see Cities and towns).	
McCarthy, Frank V., Memorial Pavilions, Revere, designating certain pavilions as	494
McCarthy, Robert B., contributory retirement systems for state employees, relative to eligibility for membership in, by	638
McCarthy, Sharonlee, civil service examination for police officer, authorization to take, notwithstanding maximum age requirement	37
Medford, city of (see Cities and towns).	
Medicaid, overpayments, collection of, by the department of public welfare, relative to	368
Medical assistance program, making certain changes in	611
Medical examiners, compensation of, relative to	138
Medway, *town of* (see Cities and towns).	
MENTAL HEALTH, DEPARTMENT OF:	
Columbia Cultural Trust No. 540, conveyance by the commonwealth of a certain parcel of land in th city of Taunton under the control of the department, to, authorizing	623
mentally ill persons, involuntary admission to a mental hospital, authorizing certain psychologists to perform evaluations for	614
Springfield, Gandara, Jose N., mental health center, designating the mental health center in the city as	164
Westborough State Hospital, conveyance to the town of Northborough of a portion of the land under the control of, authorizing	646
Mental institutions (see Hospitals).	
Mentally retarded children, transportation to certain facilities, requiring the commonwealth to pay the cost of	607
METROPOLITAN DISTRICT COMMISSION:	
in general,	
parks and recreation division, making an appropriation for	535
payments to city or town in lieu of taxes for property located there, relative to	657
police officers for, collective bargaining impasses involving certain, further regulating	346
indemnification of, for certain actions, relative to	345
private land, authorizing the commission to enter upon, for certain purposes	507
special provisions,	
Boston, Finn, Monsignor Charles A., Bridge, designating a certain footbridge as, marker by	7
land, certain parcels of, directing the conveyance to the Massachusetts Bay Transportation Authority of, by	310
Caruso Music Company, lease of a certain parcel of land in the town of Saugus to, by, directing	590
Costedio, John P., conveyance of a certain parcel of land in Marlborough to, by, authorizing	539
Foley, Thomas, validating the appointment of, as a police officer	501
Marlborough, land in, authorizing the commonwealth to convey a certain parcel under control of the commission to Dennis P. and Carolyn M. Kennedy	525

	Chapter
METROPOLITAN DISTRICT COMMISSION: —*Concluded.*	
special provisions, —*Concluded.*	
Marston, Edwin W., Sr. and Catherine A., authorizing the commonwealth to convey a certain parcel of land in the town of Wayland under the control of, to	588
Revere, land in, conveyance of a certain parcel to April Realty Trust, authorizing	548
Richardson, Henry F. and Ruth A., conveyance of a certain easement in the town of Ludlow to, by, authorizing	622
Saugus, land, conveyance of a certain parcel to the town of, authorizing	330
Stoneham, water storage facility, and water mains in Stoneham, Wakefield, Winchester and Woburn, authorizing the construction of	598
Vigeant, Ralph, conveyance of a certain parcel of land in Marlborough to, by, authorizing	302
Metropolitan water district, member communities of, sources of water supply previously abandoned by, relative to	25
Middleborough, town of (see Cities and towns).	
MIDDLESEX COUNTY (see Counties).	
Middlesex Canal Commission, appointment of directors and certain notification requirements by member cities and towns, relative to	51
Militia, active or organized, use of criminal offender record information files by, authorizing	31
Milk, interstate shipments of, repealing the requirement of reciprocity in the acceptance of, in certain instances	106
Millis, town of (see Cities and towns).	
Millville, town of (see Cities and towns).	
Milton, town of (see Cities and towns).	
Minors,	
dissemination of matters harmful to, relative to the penalty for	603
estates of, relative to the distribution of funds of, to parents	178
sale of alcoholic beverages to, increasing the penalty for	97
Mobile home parks,	
Brookfield, providing for the establishment of regulations relative to rent and evictions in the wagon wheel mobile home park, in the town of	616
Chelmsford, providing for the establishment of regulations relative to rent and evictions in	237
land used for, taxation of, relative to	661
North Adams, providing for the establishment of regulations relative to rent and evictions in	243
loans for the purchase of, increasing the amount and term that may be made by certain banks	223
tax exemptions for certain, relative to	319
Mohawk Trail Regional School District, notes, certain, providing for the issuance of, by	398
Monson, town of (see Cities and towns).	
Montachusett Regional-Vocational Technical School District, payment to Linda Cormier, authorizing	145
Mortgage review board, directing cities and towns to encourage the establishment of	327
Mortgages,	
notes, short-term residential, certain, further regulating	608
Soldiers' and Sailors' Civil Relief Act, foreclosure under, relative to	127
MOTOR VEHICLES:	
accident reports, amount of property damage necessary to require filing, increasing	81
certificates of title, relative to	307

	Chapter
MOTOR VEHICLES: —*Concluded.*	
distributors of, certain, further regulating the business practices of	91
emergency vehicles, right-of-way, obstruction of passage, relative to	122
enclosure and coverage of certain loads on motor vehicles using public ways, relative to	217
excise tax on, form of bills, relative to	117
insurance, rate manuals for, relative to	174
leased vehicles, registration of, relative to	470
license examinations, form of, relative to	90
license to operate, and certificate of registration, revocation or suspension of, further regulating	262
operating under the influence of intoxicating liquor, increasing the penalties for	373
making corrective changes in the law relative to vehicular homicide resulting from	376
procedure relative to violations of motor vehicle laws, further regulating	586
railroad grade crossings, operation of certain motor vehicles at, relative to	142
recreational vehicles, registration reciprocity for, further regulating	433
registration, certificate of, and license to operate, further regulating the suspension or revocation of	262
registration plates, to former prisoners of war, providing for the issuance of without payment of a fee	597
temporary, providing for the issuance of	266
right turn at red light, penalty for making an illegal, relative to	221
storage of non-commercial passenger motor vehicles, by order of police or other public authority, further regulating the charges for	333
Motorboats, registration of, further regulating	115
Mount Greylock, radio communication tower on, relative to	652
Mount Wachusett Community College, directing the trustees to name a certain complex the Vietnam Veterans' Memorial Physical Eduction Complex	133
Municipal electric departments, authorization to establish self-insurance trust funds	640
MUNICIPAL FINANCE:	
annual budget, cities and towns, dates for submission of, in 1982, relative to	10
bonds and notes, certain, of cities, towns or districts, redemption of, relative to	23
borrowing, by cities and towns, for certain services in relation to assession of property during 1982, relative to	57
for computer hardware and software, authorizing	98
emergency, for purpose of borrowing or expending funds, further defining	22
equalized valuations, dates for the establishment of and appeals therefrom, relative to	47
investment of certain funds, by cities and towns, increasing the authority of	134
tax payments, authorizing certain cities and towns to use estimated	336
taxation, real estate, certain exemptions, further regulating	653
trust funds, certain, investment of, by cities and towns, relative to	52
tuition payments, nonresident students, establishing separate accounts for	43
Municipal liability, for damage to private property occurring during a riot, further defining	476
MUNICIPAL OFFICERS AND EMPLOYEES:	
animal control officer, increasing the authority of, in certain circumstances	230
conduct of, further regulating	612
emergency medical technicians, certain incapacitated, relative to leaves without loss of pay for	203
employment contract, with certain executive or administrative officers, authorizing cities and towns to enter into	279

Chapter

MUNICIPAL OFFICERS AND EMPLOYEES: —*Concluded.*
indemnification of municipal officials, providing for uniform applicaiton in cities and towns 176
retirement boards, members of, providing for the indemnification of 641
selectman, person holding office of, may also be employee of said town, providing 107
town officers, elected, compensation of, relative to 226
Murder, (see Crimes).

N.

NANTUCKET COUNTY (see Counties).
Nantucket, town of (see Cities and towns).
Nat's Delicatessen & Package Goods Store, Inc., Winthrop, alcoholic beverages, authorization to issue license for the sale of, to 269
Needham, town of (see Cities and towns).
New Bedford, city of (see Cities and towns).
New England Education Loan Marketing Corporation, relative to 356
New England Energy Park, easements in the town of Freetown and the city of Fall River for access to, authorizing the commonwealth and the city of Fall River to grant to EG & G, Inc. 171
New England Power Company, Wendell, land in the town of, authorizing the commonwealth to grant easements across, to 564
New England Southern Railroad Company, incorporating 32
New York, New Haven and Hartford Railroad Company, park land, Scituate, authorizing the town to convey a certain portion of 461
Newton, city of (see Cities and towns).
Nicastro, John, state police officers, authorization to become, notwithstanding maximum age requirements 348
NORFOLK COUNTY: (see Counties).
North Adams, city of (see Cities and towns).
Northampton, city of (see Cities and towns).
Northampton State Hospital, relative to 309
Northborough, town of (see Cities and towns).
Norwood, town of (see Cities and towns).
Notes, mortgage, further regulating certain residential 608
Nuclear power, conditions for construction of nuclear power plant and for disposal of radioactive waste, including voter approval, relative to 503
Nuclear weapons freeze, non-binding referendum relative to, providing for 385
Nursing, engaging in the practice of without a license, increasing the penalty for 170
Nursing homes, life leases and long term leases in, regulating the sale of 544
security protection, certain, for residents of, providing 74
telephone service in, requiring that privacy and easy access to be provided for residents of 64

O.

Obscene, changing the definition of, in crimes involving the dissemination of matters harmful to minors 603
Old Colony Planning Council, annual assessment charge levied on cities and towns by, further regulating 99
Old King's Highway Regional Historic District Commisison, relative to 338
Olde Sanford Liquor Mart, Inc., Westport, alcoholic beverages, authorization to issue license for the sale of, to 268
O'Leary, James, Cambridge, authorizing the reinstatement of, to the police department of the city of 453
Orient Heights Yacht Club, Boston, alcoholic beverages, authorization to issue license for the sale of, to 431

Chapter

Orleans Historical Society, identification number, authorizing the division of motorboats to issue a certain, to 55
Oxford, town of (see Cities and towns).

P.

Pari-mutuel betting funds, allocation of, for certain cities and towns, clarifying 549
Park land, Lexington, authorizing the town to lease a certain parcel of, to Robert J. Lind 374
Scituate, authorization to sell to the New York, New Haven and Hartford Railroad Company 461
Watertown, sale of, authorizing 2
Parliamentary law month, proclamation by governor for annual observance of 82
Parole board, powers of certain members appointed as special state police officers, enlarging the 437
victims of crime, authorization to appear before, at parole hearing 108
Partnerships, limited, further regulating 202
Patenaude, Robert J., appointment as an investigator in the office of inspector general, authorizing 306
Penn Central Corporation, authorizing the city of Holyoke to transfer its shares of stock of the Holyoke and Westfield Railroad Company to 211
Pension funds, public, ending the investment of, in firms doing business with South Africa 669
PENSIONS: (see Retirement systems and pensions).
Perenick, Charles H., Concord district court, providing for a leave of absence as clerk magistrate for 456
Perkins School for the Blind, relative to 112
PERMITS: (see Licenses and permits).
Personal property, certain leased or rented, larceny of, relative to 259
Personal service contracts, certain, termination of, further regulating 159
PERSONNEL ADMINISTRATION, DEPARTMENT OF: (see Civil service).
Pharmacists, renewal of, registration of, providing for continuing education for 619
Pharmacy, board of registration in, increasing the membership of 452
Physical therapists records, certain, allowing into evidence in certain civil actions 118
Physicians, burns, certain, relative to reporting the treatment of 218
Pier 5, also known as Commonwealth Pier, regulating the use of 636
Pilotage, rates, port of Boston, further regulating 93
Pittsfield, city of (see Cities and towns).
Plum Island Water District, increasing the amount of money that may be borrowed 167
PLYMOUTH COUNTY (see Counties).
Plymouth, town of (see Cities and towns).
POLICE DEPARTMENTS AND POLICE OFFICERS:
in general,
accident reports, amount of property damage necessary to require filing with, increasing 81
indemnification of certain retired police officers and firefighters, further regulating 584
municipal police officers, off duty work details, relative to the payment of 70
police officers, false report of crime to, prohibiting the intentional making of 219
state police, members of, relative to the indemnification of, for certain actions 345

	Chapter
POLICE DEPARTMENTS AND POLICE OFFICERS: —*Concluded.*	
particular cities and towns,	
Franklin, position of chief of police, exempting from civil service laws	158
Taunton, Taunton Police Mutual Benefit Association, Inc., retirement benefits, relative to the amount that may be paid, by	135
Walpole, police career incentive pay program, revoking certain action taken by the town, relative to	261
Waltham Police Relief Association, Incorporated, amount of certain benefit which may be paid by, increasing	136
Winchester, Winchester Police Relief Association, Inc., benefits to members upon retirement, increasing	146
specific individuals,	
Foley, Thomas, appointment as a police officer by the metropolitan district commission, validating	501
Hodgdon, Ronald, civil service examination for police officer, authorization to take notwithstanding the maximum age requirements	123
McCarthy, Sharonlee, police officer, authorization to take civil service examination for, notwithstanding maximum age requirement	37
O'Leary, James, authorizing the reinstatement to the police department of the city of Cambridge	453
Taggart, Glen D., authorizing the town of Brookline to appoint as a police officer in said town	227
Police patrol vehicles, obstructing the right of way of, relative to	122
Polish-American citizens, plaque honoring, directing the state art commission to erect	342
Political committees, certain, investment of campaign funds by, further regulating	59
Pornography, child, relative to	364
Port of Boston, pilotage rates, further regulating	93
Powers, Leo J., Lynn, authorizing the city to reinstate	393
PRACTICE IN CIVIL ACTIONS:	
civil process, service of, fees for, further regulating	513
interest to be paid in certain civil actions, increasing the amount	183
physical therapists records, certain, allowing into evidence	118
small claims actions, jurisdictional amount, increasing	27
summary process cases, appeal of, relative to the procedure for	304
wage assignments, in proceedings involving support, relative to	54
Princeton, town of (see Cities and towns).	
Prior convictions, use of, in criminal trial to affect testimony of witness, relative to	87
Prisoners of war, former, distinctive license plates, providing for the issuance, without payment of a fee, of, to	597
PROBATE COURTS: (see Courts, probate and family).	
Probation officers, probate courts of Franklin and Hampshire counties, relative to the appointment and removal of	594
Psychologists, certain licensed, authorization to perform evaluations for the involuntary admission of a person to a mental hospital	614
PUBLIC HEALTH, DEPARTMENT OF:	
alcoholics, treatment of, defining treatment program unit relative to	617
clinic, further defining the term	591
health care facilities, determination of need program, relative to	553
Public officials, certain, validation of acts performed by, abolishing the payment of a subsequent fee	253
PUBLIC SAFETY, DEPARTMENT OF:	
burns, certain, reporting the treatment of, to the commissioner, relative to	218

Chapter

PUBLIC SAFETY, DEPARTMENT OF: —*Concluded.*
General Electric Corporation, conveyance by the commonwealth of a certain parcel of land in the city of Pittsfield, under the control of the department, to, directing 628
smoke detectors, installation of, in certain residential buildings and structures, further regulating 573
sprinkler systems, automatic, further regulating the installation of 545
turbines, certain, persons operating or in charge of, further regulating 41
PUBLIC UTILITIES, DEPARTMENT OF:
Boston and Maine Railroad, vibration along a certain portion of the roadbed, investigation and study by...(Resolve) 10
PUBLIC WELFARE, DEPARTMENT OF:
branch welfare offices, relative to the location and number of 420
child support orders, accessibility to the department of information which may facilitate the establishment and enforcement of, relative to 301
delinquent support debts, establishing a set-off debt collection procedure for the collection of 581
dependent child, further defining for purpose of eligibility for public assistance and to provide educational grants 424
fraud, prevention of, relative to 440
grant levels, directing the department to make adjustments of consistent with federal laws 359
medicaid overpayments, collection of, by, relative to 368
medical assistance program, making certain changes in and also making changes in the charge system at state institutions 611
public assistance programs, eligibility determinations extending the time limits for and requiring certain reports to be made 422
state institutions, charge system at, making certain changes in and also making changes in the medical assistance program 611
subrogation rights, against certain third parties, recovery of costs of medical assistance, by, relative to 367
third party payments, requiring repayment to, department of certain welfare assistance payments received from 430
PUBLIC WORKS, DEPARTMENT OF:
registry of motor vehicles,
accident reports, amount of property damage necessary to require filing with, increasing 81
identification cards, issuance by the registrar, further regulating 100
license to operate motor vehicles, and certificate of registration for, further regulating the revocation or suspension of 262
motorboats, registration of, further regulating 115
registration, certificates of, and license to operate motor vehicles, further regulating the revocation or suspension of 262
registration plates, temporary, authorizing registrar to issue 266
special provisions,
Chicopee, bridge connecting the city of Holyoke with the city of, designation as Vietnam Veterans Memorial Bridge, marker by 26
Danvers, Szypko, Lieutenant Leonard M., Memorial Bridge, designating a certain bridge as, marker by 8
Douglas, Bazinet, Honorable Wilfred P., Highway, designating a portion of a state highway in the towns of Douglas and Webster as, marker by 48
Fitchburg, certain public land in the city of, authorizing the department to acquire, for highway purposes 574
Gardner, Vietnam Veterans Memorial By-pass, designating a certain by-pass as, marker to be erected by 308
Georgetown, lease of land for a commuter parking facility from the town of, authorizing 538

Chapter

PUBLIC WORKS, DEPARTMENT OF: —*Concluded.*
special provisions, —*Concluded.*
Lowell, land, authorizing the transfer of a certain parcel from the department of environmental management to 291
Rourke Bridge, designating a certain bridge over the Merrimac River, marker by 204
Millville, Hartnett, Charles L."Gabby", Memorial Highway, designating a portion of a certain state highway as, marker by 392
New Bedford, directing the inclusion of the name of the city on certain highway route signs 156
North Adams, acquisition of certain public lands in the city of, by, authorizing 361
Randolph, pedestrian crossing signals at a certain intersection, directing the installation of, by 570
Waltham, land in, authorization to acquire certain parcels owned by the city of Cambridge 541
Webster, Rockefeller, Godfrey S., Square, designating a certain traffic island as, marker by 224

Q.

Quincy, city of (see Cities and towns).

R.

Racing, pari-mutuel betting funds, clarifying the allocation of, for certain cities and towns 549
Railroads, Bay Colony Railroad Corporation, further regulating 166
Cape Cod and Hyannis Railroad, Inc., railroad services by, extending 33
grade crossings, operation of certain motor vehicles at, relative to 142
Holyoke and Westfield Railroad Company, authorization to merge 400
New England Southern Railroad Company, incorporating 32
Randolph, town of (see Cities and towns).
Rate setting commission, determination of need program, relative to 553
hospital policy review board, relative to 372
Raynham, town of (see Cities and towns).
REAL ESTATE:
assessing of, certain services in relation to, borrowing by cities and towns during 1982 for, relative to 57
brokers and salesmen, business of finding dwelling accommodations, fee charged to prospective tenants, further regulating 21
classification of land for purposes of taxation, making certain changes in the procedure of 369
dwelling accommodations for prospective tenants, business of finding, fee, further regulating 21
eminent domain takings, assessment of damages, changing the time limit within which a petition may be filed for 248
equalized valuations, dates for the establishment of and appeals therefrom, relative to 47
housing and redevelopment authorities, tax status of real estate owned by, relative to 620
lead poisoning, single family dwellings, extending the exemption from certain provisions of the law relative to 654
mobile homes, property tax exemptions for, relative to 319
mortgage loans, denial of, prohibiting in certain instances, and encouraging establishment of review boards 327
mortgages, foreclosure of, under the Soldiers' and Sailors' Civil Relief Act, relative to 127

	Chapter
REAL ESTATE: —*Concluded.*	
real estate salesmen, licensing of, further regulating	72
tax payments, estimated, authorizing certain cities and towns to use	336
taxation, classification of land for, making certain changes in the procedure of	661
exemption for blind persons, further regulating	258
exemptions from, certain, further regulating	653
taxes, abatements and exemptions, extending the time within which applications may be filed	295
Recall elections,	
Canton, providing for	78
Foxborough, providing for	599
Hanson, providing for	255
Lunenberg, providing for	67
Medway, providing for	434
Sutton, providing for	163
Recession Revenue Replacement Fund, establishment of	191
RECORDS:	
historical and archaeological sites, inventory of, providing that it shall not be public	152
public, certain, information contained in, relative to the disclosure of	189
fee to be charged for furnishing certain, establishing	477
public meetings, of certain, corrective change in the law relative to	83
Recreational vehicles, registration reciprocity for, further regulating	433
Redevelopment authorities, real estate owned by, relative to the tax status of	620
Referendum, nuclear weapons freeze, non-binding, submission to voters	385
Pittsfield, sewer user fee, relative to the establishment of, providing for	384
Weston, nuclear weapons freeze, non-binding, providing for	386
Regional planning commissions, joint operation with other governmental units for certain public activities, authorization to enter into agreement for	24
Regional transit authorities, joint operation with other governmental units for certain public activities, authorization to enter into agreement for	24
REGISTRARS OF VOTERS:	
certification of nomination papers for city and town offices, extending the time for	283
street lists, availability to certain organizations, relative to	222
REGISTRATION, BOARDS OF:	
allied health professions, establishing a	667
engineers, professional, authorizing and directing that Frederick A. Haas be certified as an electrical engineer	58
pharmacists, providing for continuing education for renewal of registration of	619
pharmacy, increasing the membership of	452
public accountancy, further regulating the registration of certified public accountancy	366
speech-language pathology and audiology, establishing	666
REGISTRY OF MOTOR VEHICLES: (see Public works, department of registry of motor vehicles).	
Rehoboth, town of (see Cities and towns).	
Resource recovery facilities, private, taxation of, relative to	551
Rest homes, security protection, certain, for residents of, providing	74
telephone service in, requiring that privacy and access to must be provided for residents of	64
Retirement homes, life leases and long term leases of residents of, regulating the sale of	544
RETIREMENT SYSTEMS AND PENSIONS:	
in general,	
contributory retirement law, amending certain provisions of	630

Chapter

RETIREMENT SYSTEMS AND PENSIONS: —*Concluded.*
in general, —*Concluded.*
corrections department, employees of, certain, relative to the retirement rights of 637
division of public employee retirement administration, establishing 630
employee retirement association, for savings banks, co-operative banks and credit unions, relative to 111
retirement boards, members of, providing for the indemnification of 641
state employees, retired, additional group life insurance, further regulating 648
teachers, out-of-state, at public academies, providing creditable service for retirement purposes 339
special provisions,
Leominster, retirement board of, authorization to establish certain service as creditable service for certain members of the fire department 88
Madden, Agnes Loyola, directing the teachers retirement board to establish a certain retirement date for 343
McCarthy, Robert B., contributory retirement systems for state employees, relative to eligibility for membership in, by 638
Revere, Theresa Conley, authorization to pay an annuity to 438
Watt, Robert D., directing the reinstatement of, as a member in the Barnstable County retirement system 512
REVENUE, DEPARTMENT OF:
in general,
commissioner, directing that a wage reporting system be designed and operated by 643
delinquent support debts, establishing a set-off debt collection procedure for the collection of 581
equalized valuations, dates for the establishment of and appeals therefrom, relative to 47
estimated valuation, authorizing commissioner to use, in certain cities and towns, for fiscal year 1982 56
Revere, city of (see Cities and towns).
Richardson, Henry F. and Ruth A., metropolitan district commission, authorizing the conveyance of a certain easement in the town of Ludlow by, to 622
Rivers: (see Waters and waterways).
Rockefeller, Godfrey S., Square, designating a certain traffic island in the town of Webster as 224
Rogerson House, corporate charter of, relative to 242
Rourke Bridge, designating a certain bridge over the Merrimack River as 204
Rourke, Timothy M., resolve in favor of the widow of...(Resolve) 7
Rowley, town of (see Cities and towns).
Rubbish disposal, illegal, increasing the penalties for 130

S.

Salem, city of (see Cities and towns).
Salem and Beverly Water Supply Board, acquisition of land from and sale of land to, by the water resources commission, authorizing the construction of a water supply reservoir 521
Sales, common day of rest law, permitting the opening of certain retail stores on Sundays 556
maple syrup, regulating the labeling and sale of 103
sausages, in colored casings, manufacture and sale of, relative to 216
Sandwich, town of (see Cities and towns).

Chapter

Sandwich Water District, authorization to borrow money to pay a certain judgment 14
Sanfacon, Sandra, licensing of social workers, exempting from certain provisions of laws relative to 165
Sanitary codes, of cities and towns, providing for a central file for the keeping of copies of 565
Santagate, Guy A., Chelsea, board of assessors, providing tenure as a member of, for 583
Saugus, town of (see Cities and towns).
Sausages, in colored casings, manufacture and sale of, relative to 216
Savings bank life insurance, relative to 276
SCHOOLS:
private,
business schools, certain, license to operate, relative to the issuance of 360
personal service contracts, termination of, further regulating 159
trade, business and correspondence schools, further regulating the licensing of 610
public,
asbestos, extending the time during which cities, towns and regional school districts may be reimbursed for removal of 651
assault by pupil, protection against, authorizing persons to use such force as is necessary in such defense 303
school adjustment counsellors, employment of, relative to 49
school building assistance for growth districts, relative to 613
school committees, certain school activities, relative to the control and management of 173
compensation of members, authorizing 296
teachers, out-of-state, at public academies, providing creditable service for retirement purposes 339
Scituate, town of (see Cities and towns).
Search warrant, for person for whom an arrest warrant is outstanding, authorizing the issuance of 260
Secretary of labor, establishing the office of 668
Security protection, for residents of nursing homes, rest homes and long-term care facilities, providing 74
Seekonk Water District, authorization to borrow money to pay a certain judgment 557
SEWERS AND DRAINS:
special provisions relative to particular cities, towns or districts,
Edgartown, sewer construction project, authorizing the issuance of bonds and notes for 75
Greater Lawrence Sanitary District, authorization to accept and treat certain wastewater 387
Lynn Water and Sewer Commission, employees of, relative to the retirement of 460
establishing 381
Monson, water and sewer department in, establishing 161
Oxford, Upper Blackstone Water Pollution Abatement District, authorizing the town to provide facilities for the disposal of sewage by agreement with 423
South Essex Sewerage District, relative to 492
Ware, board of water and sewer commissioners, authorization to regulate the sewer system 473
Shawme-Crowell State Forest, parcel of land in, authorizing the commissioner of environmental management to lease to the town of Sandwich 401
Shelburne, town of (see Cities and towns).
Shellfish fisheries, sea clam and ocean quahog, relative to the conservation and management of 363

	Chapter
Sherwood Forest Road Maintenance District, establishment of	380
Shrewsbury, town of (see Cities and towns).	
Small claims actions, jurisdictional amount, increasing	27
Smoke detectors, installation of, in certain residential buildings and structures, further regulating	573
SOCIAL SERVICES, DEPARTMENT OF:	
adoption subsidy program, authorizing the establishment of, by the	540
Social workers, licensing of, exempting Sandra Sanfacon from certain provisions of laws relative to	165
Soldiers' and Sailors' Civil Relief Act, foreclosure of mortgages under, relative to	127
Somerville, city of (see Cities and towns).	
South Africa, firms doing business in and with, ending the investment of public pension funds in	669
South Cape Beach, Mashpee, acquisition by the department of environmental management, relative to	287
South Essex Sewerage District, relative to	492
South Hadley, town of (see Cities and towns).	
South Middlesex Regional Vocational Technical School District, group health insurance for certain retired teachers, authorization to pay fifty percent of the premium	625
Southern Worcester County Regional Vocational School District, use of the roof arbitration award account, further regulating	508
Southwick, town of (see Cities and towns).	
Speech-Language Pathology and Audiology, providing for the licensing of persons engaged in the practice of, and establishing a board of registration for	666
Spencer, town of (see Cities and towns).	
Spencer Country Inn, William D. Ekleberry for the, Spencer, alcoholic beverages, authorization to issue license for the sale of	484
Spendthrifts, guardianships for, further regulating	228
Springfield, city of (see Cities and towns).	
Sprinkler systems, automatic, further regulating the installation of	545
State Art Commission, plaque honoring Polish-American citizens, directing the erection of, by	342
STATE AUDITOR, DEPARTMENT OF:	
duties of, further defining	555
State departments, (see Commonwealth).	
STATE EMPLOYEES:	
civil actions against certain employees, attorney general shall defend, relative to	299
conduct of, filing of state tax returns, providing that certain state employees may receive compensation for	143
conduct of, further regulating	612
group life insurance for, additional, further regulating	648
land court, employees of, relative to the compensation of	485
management positions, reclassification of, relative to	11
state department heads, appointment and removal of, relative to	320
State finance, bonds and notes of the commonwealth, issuance of, relative to	34
certain, relative to the terms of	337
correctional facilities, providing for the expansion and upgrading of	347
State House, Vietnam Veterans of Massachusetts, Inc., quarters for, assigning	488
State institutions, charge system for care of persons at, making certain changes in	611

Chapter

STATE POLICE:
collective bargaining impasses involving certain members of, further regulating 346
maximum age requirement, authorizing certain persons to become officers in the division of, notwithstanding 348
Stevens, Barbara M., Hopedale Housing Authority, providing tenure of office as executive director of, for 579
Stoneham, town of (see Cities and towns).
Student education loans, as part of certain life insurance policies, authorizing 275
Sturdy Memorial Hospital, hospital charges of, relative to 285
Subdivision control law, (see also Zoning).
appeals under, extending jurisdiction to land court 533
Sudbury, town of (see Cities and towns).
SUFFOLK COUNTY (see Counties).
Summary process, (see Practice in civil actions).
Sunday laws, permitting the opening of certain retail stores on 556
Sundays, certain licenses for certain premises, further regulating the issuance of 534
Support debts, delinquent, establishing a set-off procedure for the collection of 581
SUPREME JUDICIAL AND SUPERIOR COURTS: (see Courts, supreme judicial or superior).
Sutton, town of (see Cities and towns).
Szypko, Lieutenant Leonard M., Memorial Bridge, Danvers, designating a certain bridge as 8

T.

Taber Library, Marion, authorizing the town to accept the transfer of, from the Marion Library Association and the Marion Natural History Society 79
Taggart, Glen D., authorizing the town of Brookline to appoint as a police officer 227
Taunton, city of (see Cities and towns).
Taunton Police Mutual Benefit Association, Inc., retirement benefits, relative to the amount that may be paid, by 135
Taunton State Hospital, Kenneth Dorn Building, designating a certain building as 563
parcel of land at, directing the commonwealth to convey to the town of Raynham 315
Tax refunds, set-off procedure against, to collect delinquent support debts, establishing 581
TAXATION:
in general,
equalized valuations, dates for the establishment of and appeals therefrom, relative to 47
special classes of taxes,
corporation, estimated tax payments to be made to a designated bank depositary, authorizing 567
resource recovery facilities, private, relative to the taxation of 551
revision of corporate excise, to provide business incentives 658
estate, trusts, certain, relative to the treatment of under the 531
excise, motor fuel and special fuels tax returns, certain, relative to the due dates of 352
motor vehicle, form of tax bill, relative to 117
motor vehicles of former prisoners of war, permitting cities and towns to waive payment of tax for 597
income, estimated tax payments to be made to a designated bank depositary, authorizing 567
personal income tax, making changes in 377

Chapter

TAXATION: —*Concluded.*
special classes of taxes, —*Concluded.*
income, estimated tax payments to be made to a designated bank depositary, authorizing —*Concluded.*
tax refunds, set-off procedure against, for the collection of delinquent support debts, establishing 581
wage reporting system, relative to making permanent 643
racing, pari-mutuel betting funds, clarifying the allocaiton of, for certain cities and towns 549
real estate, classification of land for taxation, making certain changes in the procedure of 369
661
housing and redevelopment authorities, relative to the tax status of real estate owned by 620
equalized valuation, authorizing the commissioner to use in certain cities and towns, for fiscal year 1982 56
exemption for blind persons, further regulating 258
exemptions and abatements, certain, extending the time within which applications may be filed 295
exemptions from, further regulating 653
mobile homes, certain, exemptions for, relative to 319
tax payments, estimated, authorizing certain cities and towns to use 336
sales, exempting certain materials from the retail sales tax 429
exemptions from, certain, further regulating 655
Teachers: (see Schools).
Telephone service, in nursing homes, rest homes and long term care facilities, requiring that residents must be provided with privacy and easy access to 64
Tenney Estate, so-called, Methuen, acquisition of a portion of, by the commonwealth, providing for 606
Tewksbury, town of (see Cities and towns).
Tidewaters (see Waters and waterways).
Tourist promotion agencies, financial assistance program for, relative to 419
Towne Liquor Mart, Inc., Winthrop, alcoholic beverages, authorization to issue license for the sale of, to 269
Towne Liquors of Dartmouth, Inc., Dartmouth, alcoholic beverages, authorization to issue license for the sale of, to 60
Training programs, special state or federal, appointments based upon, relative to 396
Transportation authorities, agreements by cities and towns relative to certain service, further regulating 515
TREASURER, STATE:
bonds and notes of the commonwealth, issuance of, relative to 34
certain, relative to the terms of 337
Trust funds, certain, investment of, by cities and towns, relative to 52
Trusts, treatment of certain under the estate tax, relative to 531
Turbines, certain, persons operating or in charge of, exempting from license requirement 41
Tyngsborough, town of (see Cities and towns).
Tyngsborough Water District, establishment of 516
relative to 631

U.

Uncle's and Aunt's Day, annual observance of, providing for 182
Uniform reciprocal enforcement of support, attachment of certain tax refunds in proceedings relative to, authorizing 42
United American Veterans of the U.S.A., Inc., leasing of building space by cities and towns for 187

Chapter

United States, federal building and courthouse in the city of Springfield, authorizing the commonwealth to acquire 659
Upper Blackstone Water Pollution Abatement District, authorizing the town of Oxford to become a participating member of 522
authorizing the town of Oxford to provide facilities for the disposal of sewage by agreement with 423
relative to certain actions regarding treatment of certain sewage material by the 177
Utilities, (see Public utilities, department of).

V.

Validation of acts, by certain public officials, abolishing the payment of a subsequent fee 253
Vehicles, (see Motor vehicles).
Vehicular homicide, making corrective changes in the law relative to 376
Vending facilities, in public buildings, relative to granting permits to the commission for the blind for the operation of 568
VETERANS: (see also Vietnam Veterans).
public office, false use of word "veteran" by candidates for, increasing the penalty for 80
records of, relative to 188
United American Veterans of the U.S.A, Inc., leasing of building space by cities and towns for 187
Veterans of Foreign Wars Square, Avon, designating a certain public square as 160
VIETNAM VETERANS:
Vietnam Veterans of Massachusetts Inc., State House, assigning quarters for, in 488
Vietnam Veterans Memorial Bridge, designating a certain bridge connecting the city of Holyoke with the city of Chicopee as 26
Vietnam Veterans Memorial By-Pass, Gardner, designating a certain by-pass in the city of, as 308
Vietnam Veterans Memorial Physical Education Complex, directing the trustees of Mount Wachusett Community College to name a certain complex as the 133
Vigeant, Ralph, metropolitan district commission, authorizing the conveyance of a certain parcel of land in Marlborough by, to 302
Vintners Group, Ltd., Inc., Plymouth, alcoholic beverages, authorization to issue license for the sale of, to 450
Viticulture, use of land for purposes of, exemption from certain zoning restrictions 40

W.

Wage reporting system, making permanent, relative to 643
Wagon Wheel Mobile Home Park, Brookfield, providing for the establishment of regulations relative to rent and evictions in 616
Wakefield, town of (see Cities and towns).
Walpole, town of (see Cities and towns).
Waltham, city of (see Cities and towns).
Waltham Police Relief Association Incorporated, amount of certain benefit which may be paid by, increasing 136
Wareham, town of (see Cities and towns).
Waste, hazardous, disposal or treatment site, requiring the recording of notices relative to land used as 232
Water pollution abatement facilities, reimbursement by commonwealth for costs of maintaining, relative to 297
grants, relative to 441

	Chapter
Water pollution control, division of, relative to the awarding of water pollution abatement facility grants	441
Water resources commission, authorization to acquire certain land from the Salem and Beverly Water Supply Board and to convey said land to said board and authorizing construction of a water supply reservoir	521
WATER SUPPLY:	
in general,	
contamination of certain private water suppplies, providing assistance to prevent	631
metropolitan water district, sources of water supply previously abandoned by member communities, relative to	25
special provisions,	
Brockton, water supply, providing an adequate	270
Dover, water distribution system in the town of, authorizing the town of Walpole to construct and operate and own a	403
Lynn, water and sewer commission, employees of, relative to the retirement of	460
establishing	381
Monson, water and sewer department in, establishing	161
Salem and Beverly Water Supply Board, authorization to construct a water supply reservoir	521
Stoneham water storage facility and water mains in, authorizing the construction of, by the metropolitan district commission	598
Wakefield, Winchester and Woburn, water mains in, authorizing the construction of, by the metropolitan district commission	598
Walpole, easements and rights of way, certain, authorizing the town to acquire for water supply purposes	288
water distribution system in the town of Dover, authorizing the construction and operation by the town of Walpole	403
WATERS AND WATERWAYS:	
in general,	
water pollution control, providing financial assistance to cities, towns and districts for	286
special classes,	
inland waters, Charles River, making irrevocable certain licenses to fill and maintain structures over	572
rivers, scenic and recreational, appeals procedures with regard to, further defining	349
tidewaters, Boston, certain licenses to fill, made irrevocable	457
Lynn Harbor, certain licenses to fill made irrevocable	562
Taunton River, certain licenses to fill, in the city of Fall River, making it irrevocable	464
Watertown, town of (see Cities and towns).	
Watt, Robert D., Barnstable county, retirement system, reinstatement as a member in, directing	512
Weapons, dangerous, further defining	254
Webster, town of (see Cities and towns).	
Wellesley, town of (see Cities and towns).	
Wellesley College, Club of Wellesley College, Wellesley Country Club,, Wellesley, alcoholic beverages, authorization to issue licenses to, for the sale of	635
Wenham town of (see Cities and towns).	
West Springfield, town of (see Cities and towns).	
West Springfield Permanent Firemen's Relief Association, Inc., payment of certain benefits to certain members, authorizing	404
Westborough, town of (see Cities and towns).	
Westborough State Hospital, conveyance of a portion of, to the town of Northborough, authorizing	646

	Chapter
Western Massachusetts Hospital (see Hospitals).	
Westfield, city of (see Cities and towns).	
Weston, town of (see Cities and towns).	
Westport, town of (see Cities and towns).	
Whitaker, Keith A., Kingston, alcoholic beverages, authorization to issue license for the sale of, to	444
Winchester, town of (see Cities and towns).	
Winchester Firemen's Relief Association, authorization to expand the scope of benefits and to offer members a choice	478
Winchester Police Relief Association, Inc., benefits to members upon retirement, increasing	146
Winthrop, town of (see Cities and towns).	
Woburn, city of (see Cities and towns).	
Worcester, city of (see Cities and towns).	
WORCESTER COUNTY: (see Counties).	
Worcester County Mechanics Association, powers of, further regulating	63
Workmens' Compensation, deceased employees, increasing the benefits to dependents of	663

XYZ.

YOUTH SERVICES, DEPARTMENT OF:	
state administrative procedure act, providing that the department shall be subject to the provisions of	341
Zoning, further regulating	603
restrictions, use of land for purposes of viticulture, exemption from certain	40
shared elderly housing, authorizing cities and towns to provide for	344
subdivision control law, plans submitted for approval under	185

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 EIGHTY-TWO.*†

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; third sentence revised, 1981, 760 § 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).

SECT. 16 added, 1980, 54 (designating the right whale as the marine mammal or marine mammal emblem of the commonwealth).

---

*For table showing changes in legislation made during the years 1921 to 1931, inclusive, see Table of Changes contained in pages 485-587 of the Acts and Resolves of 1932.

†References in this table are to the Tercentenary Edition of the General Laws, as most recently amended, unless otherwise specified.

SECT. 17 added, 1980, 189 (designating the dinosaur track as the fossil or fossil emblem of the commonwealth).

SECT. 18 added, 1981, 106 (designating babingtonite as the mineral or mineral emblem of the commonwealth).

SECT. 19 added, 1981, 383 § 2(designating the song "All Hail to Massachusetts" as the song of the commonwealth).

SECT. 20 added, 1981, 383 § 2 (designating the song "Massachusetts" as the folk song of the commonwealth).

SECT. 21 added, 1981, 402 (designating the poem, "Blue Hills of Massachusetts" as the official state poem of the common wealth).

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; act of 1979 submitted upon referendum after passage and repealed by the people at the state election on November 4, 1980. This action revived section as most recently amended by 1979, 159; first paragraph, fifth sentence revised, 1981, 808 § 20. (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; 1981, 808 § 35.) For temporary act see 1965, 271 § 1; 1966, 441 § 2; 688 § 2; section revised, 1982, 455 § 1; fifth and sixth sentences stricken out and one sentence inserted, 1982, 519 § 1. (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; 1982, 455 § 12; 519 § 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; third paragraph revised, 1981, 68. (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; last sentence revised, 1980, 107; 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; 1981, 69. (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); section revised, 1981, 575.

SECTS. 63-64 added, under caption, 1971, 1008 § 1 (establishing a legislative post audit and oversight bureau).

SECT. 63, second paragraph revised, 1972, 243; section revised, 1981, 351 § 282. (See 1981, 351 § 299.)

SECT. 65 added, 1972, 462 (establishing a senate art committee); revised, 1981, 351 § 282. (See 1981, 351 § 299.)

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 recission of certain statutes).; revised, 1980, 80 § 2; section repealed, 1981, 782 § 1. (See 1979, 518 § 2; 1980, 80 § 3.)

SECT. 4B added, 1980, 580 § 5 (providing for the revocation of certain statutes by cities and towns); revised, 1981, 782 § 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; subclause (*j*) added, 1982, 189 § 2; 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; section revised, 1980, 281.

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; act submitted upon referendum after passage and repealed by the people at state election on November 4, 1980. This action revived section as most recently amended by 1969, 835 § 1. (See 1963, 744 § 8; 1969, 835 § 7.)

SECT. 2 amended, 1946, 591 § 2; 1949, 722; 1955, 730 § 1; 1963, 744 § 2; 1965, 844 § 1; 1969, 835 § 2; 1976, 480 § 22; section revised, 1979, 677 § 3; act submitted upon referendum after passage and repealed by the people at state election on November 4, 1980. This action revived section as most recently amended by 1976, 480 § 22; section revised, 1982, 455 § 2. (See 1955, 730 § 43; 1963, 744 § 8; 1969, 835 § 7; 1976, 480 § 27; 1982, 455 § 12.)

SECT. 2 revised, 1982, 455 § 3. (See 1982, 455 § 12.)

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); section revised, 1981, 102 § 1; 1982, 182. (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. 12DD added, 1980, 140 (providing for the annual obsevance of Pearl Harbor Day).

SECT. 12EE added, 1981, 102 § 2 (providing for the annual observance of Grandparents' Day).

SECT. 14B added, 1964, 291 (providing for the annual observance of October twenty-fifth as State Constitution Day).

SECT. 14C added, 1971, 70 (providing for the annual observance

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); section revised, 1981, 90.

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 section 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. 15 OO added, 1980, 33 (relative to the annual observance of Saint Jean de Baptiste Day).

SECT. 15PP added, 1980, 63 (relative to the annual observance of Town Meeting Day).

SECT. 15QQ added, 1982, 82 (relative to the annual observance of parliamentary law month).

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; 1980, 329 § 103; 1981, 351 § 286; 808 § 21. (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; 1980, 329 § 133; 1981, 351 § 299; 808 § 35.)

SECT. 17A added, under caption, 1969, 704 § 1 (establishing a governor's cabinet); amended, 1970, 862 § 1; 1980, 329 § 104; revised, 1982, 668 § 1. (See 1969, 704 § 60; 1970, 862 § 6; 1980, 329 § 134.)

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. 18A added, 1980, 329 § 105 (establishing the board of regents of higher education). (See 1980, 329 § 133.)

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; revised, 1981, 699 § 1; 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; 1981, 699 § 97.)

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. 35 revised, 1981, 699 § 2.

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; 1981, 699 § 3. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1977, 234 § 198; 739 § 2; 872, § 204; 1981, 699 § 97.)

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; revised, 1981, 699 § 4; 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; 1981, 699 § 97.)

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; thirdparagraph, 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; third paragraph, first sentence revised, 1981, 699 § 5. (See 1950, 479 §§ 6, 7; 1963, 719 § 2; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1981, 699 § 97.)

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. 58, first sentence revised, 1981, 699 § 6. (See 1981, 699 § 97.)

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; 1981, 699 § 7; 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; 1981, 699 § 97.)

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. 74-84 stricken out and twelve sections inserted, 1980, 513.

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); second paragraph, third sentence revised, 1981, 699 § 8. (See 1981, 699 § 97.)

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.

SECT. 119, last sentence revised, 1981, 699 § 9. (See 1981, 699 § 97.)

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; revised, 1981, 699 § 10. (See 1973, 774 § 7; 1974, 422 § 54; 1977, 234 § 198, 872 § 204; 1981, 699 § 97.)

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; revised, 1981, 699 § 11; 1982, 644 § 1. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50, 1210 § 39; 1974, 422 § 54; 1977, 234 § 198; 872 § 204; 1981, 699 § 97.)

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; second paragraph, last sentence stricken out, 1982, 644 § 2; 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. 131, paragraph added, 1980, 329 § 98. (See 1980, 329 § 101.)

SECT. 131B amended, 1982, 644 § 3.

SECT. 131C amended, 1982, 644 § 4.
SECT. 131D amended, 1982, 644 § 5.
SECT. 131F amended, 1982, 634 § 1.
SECT. 131J amended, 1982, 644 § 6.
SECT. 133 revised, 1982, 568; amended, 1982, 644 § 7.
SECTS. 133A-133F added, 1982, 568.
SECT. 134 amended, 1982, 644 § 8.
SECT. 135, third sentence stricken out, 1973, 1210 § 6; sentence added, 1976, 144 § 1; section amended, 1982, 644 § 9; paragraph added, 1982, 644 § 10. (See 1973, 1210 § 39.)
SECT. 136, paragraph added, 1982, 644 § 11.
SECT. 137 revised, 1973, 1210 § 7. (See 1973, 1210 § 39.)
SECT. 143, two paragraphs inserted after first paragraph, 1982, 644 § 12.
SECT. 145, paragraphs (*a*) and (*b*) revised, 1982, 644 § 13.
SECT. 146 revised, 1982, 644 § 14.
SECT. 147 revised, 1982, 644 § 15.
SECT. 148 amended, 1982, 644 § 16.
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; section revised, 1981, 555 § 1; amended, 1982, 20 § 1. (See 1981, 555 § 2.)
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); sentence inserted after second sentence, 1981, 367 § 1. (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 strickenout and paragraph inserted, 1979, 702 § 4.

SECT. 169, paragraph added, 1973, 961 § 2; section repealed1979, 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; amended, 1982, 31.

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 medicolegal investigation); first two paragraphs revised, 1981, 773 § 1.

SECTS. 185-189 added, under caption, 1981, 351 § 289 (establishing the office of handicapped affairs). (See 1981, 351 § 299.)

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; amended, 1980, 329 § 106; section revised, 1982, 668 § 2.(See 1970, 862 § 6; 1973, 1168 § 40; 1979, 796 § 35; 1980, 329 § 134.)

SECT. 3, two sentences added, 1981, 699 § 12; last two sentences revised, 1982, 44 § 3. (See 1981, 699 § 97; 1982, 44 § 16.)

SECT. 8 amended, 1970, 862 § 3; 1971, 204; 1973, 1021 § 3, 1168 § 7. (See 1970, 862 § 6; 1973, 1168 § 40.)

SECT. 9, first paragraph amended, 1974, 806 § 5. (See 1974, 806 § 41.)

SECTS. 9A-9B added, 1973, 1224 § 1 (providing for the payment of certain expenses of the attorney general and the department of public utilities).

SECT. 9A, first sentence revised, 1974, 691; 1976, 266 § 2; second paragraph, three sentences added, 1981, 375 § 1. (See 1976, 266 § 23.)

SECT. 9B revised, 1981, 795 § 1.

SECT. 14, first paragraph amended, 1977, 565, § 1. section repealed, 1980, 329 § 107. (See 1980, 329 § 134.)

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; act submitted upon referendum after passage and repealed by the people at state election om November 4, 1980. This action revived section as most recently amended by 1978, 552 § 4. (See 1972, 776 § 6; 1973, 1210 § 39, 1229 § 13; 1974, 806 § 41; 1975, 706 § 312.)

SECT. 16A added, under caption, 1970, 862 § 4 (establishing an executive office of elder affairs); section and caption preceding section repealed, 1973, 1168 § 8. (See 1970, 862 § 6; 1973, 1168 § 40.)

SECT. 17 revised, 1982, 668 § 4.

SECT. 17A added, 1974, 692 (establishing a service unit within the executive office of manpower affairs).

SECTS. 17B-17E added, 1982, 668 § 3 (relative to the secretary of labor).

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; 1982, 372 § 1. (See 1982, 372 § 10.)

SECT. 32, second paragraph amended 1977, 234 §§ 25-27; 872 §§ 19-21; revised, 1981, 699 § 13; third paragraph, clause (6) revised, 1979, 567; third paragraph revised, 1981, 776 § 1; paragraph inserted after fourth paragraph, 1979, 675 § 1. fifth paragraph revised, 1981, 776 § 2; paragraph added, 1982, 553 § 1. (See 1977, 234 § 198; 872 § 204; 1981, 699 § 97.)

SECT. 32A added, 1981, 528 § 1 (further regulating long term care facilities).

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); section revised, 1982, 372 § 1A. (See 1982, 372 § 10.)

SECT. 35, first paragraph, clause (1) revised, 1980, 524 § 1; 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 first paragraph, 1980, 329 § 55; paragraph inserted after second paragraph, 1979, 675 § 2; amended, 1982, 553 § 2. (See 1980, 329 § 134.)

SECTS. 47-48 added, 1980, 287 (further regulating certain procedures of the rate setting commission).

SECT. 47 amended, 1982, 634 § 2.

SECT. 49 added, 1981, 785 (relative to drugs dispensed to certain industrial accident patients).

SECTS. 37-49 amended, 1982, 372 § 2. (See 1982, 372 § 10.)

SECTS. 50-72 added, 1982, 372 § 1B (relative to rates in acute care hospitals.) (See 1982, 372 § 10.)

SECT. 58, first paragraph revised, 1982, 518.

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; last paragraph amended, 1982, 602 § 1. (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); paragraph added, 1980, 572 § 1. (See 1975, 684 § 97; 1980, 572 § 417.)

SECT. 3C added, 1976, 311 (regulating fees for the use of state-owned ice skating rinks); second sentence amended, 1977, 829 § 213; section repealed, 1980, 329 § 76; 572 § 2. (See 1980, 329 § 134; 1980, 572 § 417.)

SECT. 4 revised, 1948, 610 § 4; 1951, 717 § 2; third sentence revised, 1955, 730 § 4. (See 1948, 610 §§ 6, 7; 1955, 730 § 43.)

SECT. 4A, first paragraph, first sentence stricken out and three sentences inserted, 1982, 630 § 1. (See 1982, 630 § 56.)

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; second paragraph amended, 1980, 579 § 63. (See 1969, 704 § 60; 766 § 48; 1971, 116 § 45; 1980, 579 § 66.)

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; act submitted upon referendum after passage and repealed by the people at state election on November 4, 1980. This action revived section as most recently amended by 1978, 514 § 1B; 1980, 579 § 1; sentence inserted after first sentence, 1980, 579 § 3; two sentences added, 1980, 579 § 2; first paragraph amended, 1981, 699 § 14; 767 § 1; 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; 1980, 579 § 66; 1981, 699 § 97.)

SECT. 4B amended, 1968, 492 § 1; revised, 1974, 835 § 6; 1979, 677 § 6; act submitted upon referendum after passage and repealed by the people at stae election on November 4, 1980. This action revived section as most recently amended by 1974, 835 § 6. (See 1974, 835 § 185.)

SECT. 4C amended, 1969, 146; first two sentences stricken out and three sentences inserted, 1969, 704 § 6; section repealed, 1980, 579 § 4. (See 1969, 704 § 60; 1980, 579 § 66.)

SECT. 4D, first two paragraphs revised, 1969, 704 § 7. first paragraph amended, 1979, 677 § 7; act submitted upon referendum after passage and repealed by the people at state election on November 4, 1980. This action revived section as most recently amended by 1969, 704 § 7; first paragraph revised, 1982, 44 § 3A. (See 1969, 704 § 60; 1982, 44 § 16.)

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; section amended, 1980, 329 § 108; section revised, 1981, 351 § 287. (See 1974, 835 § 185; 1978, 514 § 287; 1980, 329 § 134; 1981, 351 § 299.)

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; first paragraph, third sentence stricken out and two sentences inserted, 1981, 767 § 2; second paragraph amended, 1980, 579 § 60; fourth sentence revised, 1981, 699 § 15. (See 1973, 1229 § 13; 1978, 393 § 45; 1980, 579 § 66; 1981, 699 § 97.)

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. section revised, 1981, 767 § 3. (See 1975, 358 § 8; 1977, 234 § 198; 872 § 204.)

SECT. 4J, first three sentences stricken out and ten sentences inserted, 1981, 767 § 4.

SECT. 4K, seventh sentence revised, 1981, 767 § 5.

SECT. 4L added, 1981, 808 § 21A. (See 1981, 808 § 35.)

SECT. 5 amended, 1979, 677 § 8; act submitted upon referendum after passage and repealed by the people at state election on November 4, 1980. This action revived the first sentence as appearing in 1962, 757 § 4; first sentence stricken out and two sentences inserted, 1982, 44 § 4. (See 1982, 44 § 16.)

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); section revised, 1981, 767 § 6.

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; 1980, 579 § 5. (See 1980, 579 § 66.)

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; revised, 1982, 357 § 1 third paragraph amended, 1955, 643 § 7; 1962, 757 § 22; fourth paragraph amended, 1962, 757 § 22; section amended, 1974, 835 § 10; paragraph inserted after fourth paragraph, 1981, 699 § 16; fifth paragraph stricken out and two

paragraphs inserted, 1981, 767 § 7. (See 1955, 643 § 12; 1973, 1078 § 8; 1974. 835 § 185; 1981, 699 § 97; 1982, 357 § 21.)

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; third sentence revised, 1981, 699 § 21; paragraph inserted after first paragraph, 1981, 699 § 17; 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; 1981, 699 § 97.)

SECT. 28B added, 1979, 775 (establishing a certain employee assistance program).

SECT. 29 amended, 1945, 580 § 4; revised, 1982, 357 § 2. (See 1945, 580 § 9; 1982, 357 § 21.)

SECT. 30 amended, 1952, 144; 1962, 757 § 23; revised, 1974, 835 § 14; first sentence revised, 1981, 767 § 8. (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; section stricken out 1980, 579 § 51. (See 1969, 704 § 60; 1975, 311 § 15; 1980, 579 § 66.)

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. 30B-30P inserted, 1980, 579 § 51. (See 1980, 579 § 66.)

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; amended, 1980, 514 § 1.

SECT. 30T, clause (3) amended, 1978, 514 § 3; section revised, 1980, 514 § 2; 1981, 805. (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); section repealed, 1980, 579 § 6. (See 1980, 579 § 66.)

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.

SECTS. 39-48 stricken out and sections 39A, 39B, 39C, 40A, 40B, 40C, 40D inserted, 1980, 579 § 7. (See 1980, 579 § 66.)

SECTS. 40E-42K added, 1980, 579 § 12 (improving the system of public construction). (See 1980, 579 § 66.)

SECT. 41, second paragraph, fourth sentence revised, 1981, 699 § 15; 1982, 324 § 1. (See 1981, 699 § 97; 1982, 324 § 2.)

SECTS. 43A-43G added, 1980, 579 § 15 (improving the system of public construction). (See 1980, 579 § 66.)

SECTS. 43H-43I added, 1982, 357 § 3 (relative to state-owned or state-occupied facilities). (See 1982, 357 § 21.)

SECTS. 49-50 added, 1982, 630 § 2 (relative to the division of public employee retirement administration).

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; 1980, 579 § 16. (See 1938, 249 § 6; 1980, 579 § 66.)

SECT. 2 repealed, 1962, 757 § 35.

SECT. 4 amended, 1935, 251; revised, 1937, 84 § 1; 1938, 249 § 2; amended, 1971, 1004 § 1; 1980, 579 § 17. (See 1937, 84 § 2; 1938, 249 § 6; 1980, 579 § 66.)

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. 4A amended, 1980, 579 § 18. (See 1980, 579 § 66.)

SECT. 4B amended, 1980, 579 § 19. (See 1980, 579 § 66.)

SECT. 5 revised, 1935, 460 § 1; amended, 1938, 387 § 1; 1946, 591 § 5; first sentence revised, 1980, 480 § 1; section amended, 1980, 579 § 20. (See 1935, 460 § 2; 1938, 387 § 2; 1980, 579 § 66.)

SECT. 6 revised, 1953, 612 § 6; 1962, 590 § 1; 1969, 704 § 13; amended, 1980, 579 § 21. (See 1953, 612 §§ 10-13; 1969, 704 § 60; 1980, 579 § 66.)

SECT. 9 amended, 1938, 249 § 3; 1980, 579 § 22. (See 1938, 249 § 6; 1980, 579 § 66.)

SECT. 10 amended, 1938, 249 § 4; 1943, 440 § 1; 1962, 590 § 2, 757 § 36; 1980, 579 § 23. (See 1938, 249 § 6; 1980, 579 § 66.)

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; section repealed, 1980, 579 § 24. (See 1955, 317 § 2; 1960, 620 § 2; 1980, 579 § 66.)

SECT. 11 repealed, 1980, 579 § 25. (See 1980, 579 § 66.)

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); amended, 1980, 579 § 26. (See 1980, 579 § 66.)

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; section amended, 1980, 579 § 27; first sentence revised, 1982, 488. (See 1980, 579 § 66.)

SECT. 17A added, 1956, 107 § 1 (relative to the care, custody and preservation of certain flags carried in time of war); section amended, 1980, 579 § 28. (See 1980, 579 § 66.)

SECT. 17B added, 1973, 990 (providing for the exhibition of selected writings of John Adams); section amended, 1980, 579 § 29. (See 1980, 579 § 66.)

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; 1982, 455 § 4; act submitted upon referendum after passage and repealed by the people at state elecion on November 4, 1980. This action revived third sentence as most recently amended by 1976, 480 § 23. (See 1949, 789 § 5; 1944, 730 § 43; 1963, 744 § 8; 1969, 835 § 7; See 1976, 480 § 27; 1982, 455 § 12.)

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.

SECT. 20 added, 1980, 579 § 50 (improving the system of public construction); last paragraph revised, 1981, 808 § 22. section stricken out and Section 20A inserted, 1982, 634 § 3. (See 1980, 579 § 66.)

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; sentence inserted after fifth sentence, 1982, 152 § 1. (See 1975, 706 § 312.)

SECTS. 26A AND 26B added, 1973, 1155 § 2 (relative to the duties of the state archeologist).

SECT. 26A, paragraph (1) revised, 1982, 152 § 2.

SECT. 26B revised, 1982, 152 § 3.

SECT. 26C added, 1982, 152 § 4 (establishing a state register of historic places).

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); two paragraphs inserted before first paragraph, 1982, 152 § 5; paragraph added, 1982, 152 § 6.

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; 1982, 455 § 5; act submitted upon referendum after passage and repealed by the people at state

election November 4, 1980. This action revived the second sentence as most recently amended by 1976, 480 § 24. (See 1976, 480 § 27.) (See 1949, 789 § 5; 1955, 730 § 43; 1963, 744 § 8; 1969, 835 § 7; 1982, 455 § 12.)

SECT. 4 amended, 1980, 30 § 1.

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; 1980, 30 § 2.

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; revised, 1981, 351 § 293. (See 1981, 351 § 299.)

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); stricken out and sections 35A, 35B and 35C inserted, 1981, 351 § 294. (See 1981, 351 § 299.)

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, first paragraph amended, 1973, 1002 § 6; second paragraph, first sentence amended, 1980, 572 § 3; fourth paragraph revised, 1973, 944 § 1; 1982, 207; fifth paragraph revised, 1973, 1165 § 1; 1974 244 § 1; amended 1977, 845. (See 1973, 1165 § 5; 1980, 572 § 417.)

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).

SECT. 47 added, 1980, 552 § 1 (placing the Emergency Finance Board within the general laws of the commonwealth and increasing the compensation to the members of said board); section revised, 1981, 782 § 3. (See 1981, 782 § 16.)

SECT. 48 added, 1981, 808 § 22A (relative to the Arts and Humanities Fund). (See 1981, 808 § 35.)

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; 1982, 455 § 6; act submitted upon referendum after passage and repealed by the people at state election on November 4, 1980. This action revived the second sentence as most recently amended by 1976, 480 § 25. (See 1949, 789 § 5; 1955, 730 § 43; 1963, 744 § 8; 1969, 835 § 7; 1976, 480 § 27; 1982, 455 § 12.)

SECT. 2, first sentence revised, 1941, 596 § 5. second paragraph, sentence inserted after first sentence, 1981, 684 § 12.

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; section revised, 1980, 580 § 3.

SECT. 6A added, 1975, 689 § 6 (relative to the filing of certain unusual reports).

SECT. 6B added, 1981, 795 § 2(corrective change).

SECT. 7 added, 1980, 580 § 4 (relative to the duties and responsibilities of the division of local mandates); four sentences inserted after third sentence, 1981, 556. section stricken out, 1981, 795 § 1 (corrective change).

SECT. 12 revised, 1962, 733; amended, 1971, 943 § 5; 1975, 270; second sentence stricken out, 1978, 201; four sentences inserted after third sentence, 1981, 556; fifth and sixth sentences revised, 1979, 760; tenth sentence revised, 1982, 555.

SECT. 13 added, 1976, 502 (authorizing the state auditor to enter into certain agreements or audit purposes); amended, 1981, 700 § 2.

SECT. 26F added, 1981, 705 (relative to public notification of certain chemicals in a city or town water supply).

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; 1982, 455 § 7; act submitted upon referendum after passage and repealed by the people at state election on November 4, 1980. This action revived the second sentence as most recently amended by 1978, 442 § 14B. (See 1949, 789 § 5; 1955, 730 § 43; 1963, 744 § 8; 1969, 835 § 7; 1976, 480 § 27; 1982, 455 § 12.)

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); revised, 1982, 299 § 1.

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); last sentence revised, 1982, 634 § 4.

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; section revised, 1980, 231 § 1. (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; seventh paragraph revised, 1980, 534 § 1. (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; 1980, 525 § 1; 1982, 645 § 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; 1982, 645 § 5.)

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; revised, 1980, 261 § 33; 525 § 2; amended, 1980, 534 § 2. revised, 1982, 645 § 2. (See 1947, 675 § 4; 1948, 423 § 7; 1951, 804 § 4; 1956, 686 § 3; 1963, 743 § 4; 1969, 769 § 4; 1972, 744 § 5; 1974, 809 § 2; 1975, 835 § 4; 1977, 659 § 4; 1978, 367 § 72; 1979, 393 § 73; 1982, 645 § 5.)

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; 1980, 525 § 3; 1982, 645 § 3. (See 1947, 675 § 4; 1951, 804 § 4; 1956, 686 § 3; 1963, 743 § 4; 1969, 769 § 4; 1982, 645 § 5.)

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;

SECTS. 22-25A revised, 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 12A. — OFFICE OF INSPECTOR GENERAL.

New chapter inserted, 1980, 388 § 1.

SECT. 2, second sentence revised, 1981, 7.

SECT. 7 revised, 1982, 277 § 1.

SECT. 9, first paragraph amended, 1982, 277 § 2; second paragraph amended, 1982, 277 § 3.

SECT.10, first paragraph, first sentence revised, 1981, 374.

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; 1981, 699 § 18; 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; 1981, 699 § 97.)

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. 11A added, 1982, 667 § 1 (providing for the licensing of practitioners of certain allied health professions.)

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; first two sentences stricken out and three sentences inserted, 1982, 452.

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; amended, 1980, 572 § 4. (See 1980, 572 § 417.)

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; section revised, 1981, 351 § 253. second sentence revised, 1981, 699 § 19. (See 1938, 337 § 2; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1977, 234 § 98; 872 § 204; 1981, 351 § 299; 1981, 699 § 97.)

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. revised, 1981, 699 § 20. (See 1955, 730 § 43; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1977, 234 § 198; 872 § 204; 1981, 699 § 97.)

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; third sentence revised, 1981, 182.

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).

SECTS. 85-87 added under caption, 1982, 666 § 1 (establishing the board of registration for speech-language pathology and audiology).

Chapter 14. — Department of Corporations and Taxation.

Chapter stricken out and new chapter 14 inserted, 1953, 654 § 1. (See 1953, 654 §§ 103-109.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to chapter 14, as so inserted:

SECT. 1, sentence added, 1954, 429.

SECT. 2, first paragraph amended, 1967, 844 § 8; third paragraph amended, 1963, 801 § 32; second sentence revised, 1969, 766 § 16; amended, 1971, 116 § 16; 1972, 300 § 15; 1973, 426 § 16; 1974, 422 § 17; 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;

SECT. 3, second paragraph amended, 1964, 460 § 1.

SECT. 4, second paragraph amended, 1954, 681 § 3; 1975, 684 § 28. (See 1954, 681 §§ 20, 22; 1975, 684 § 97.)

SECT. 5 added, 1956, 380 § 1 (authorizing the state tax commission to provide for certain tax returns and tax calculations without fractional parts of a dollar); repealed, 1976, 415 § 98. (See 1956, 380 § 2; 1976, 415 § 116.)

Chapter stricken out and new chapter 14 inserted, 1978, 514 § 5. (See 1978, 514 § 287.)

The following references are to chapter 14, as so inserted:

SECT. 2, second sentence stricken out, 1979, 677 § 13; act submitted upon referendum after passage and repealed by the people at state election on November 4, 1980. This action strikes out the second sentence as appearing in 1978, 514 § 5B.

SECT. 3, paragraph added, 1980, 27 § 1.

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.)

SECTS. 1A-1D repealed, 1980, 329 § 109. (See 1980, 329 § 133.)

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; 1981, 699 § 21; second paragraph revised, 1971, 964; 1973, 847 § 2; second sentence revised, 1981, 699 § 22; 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; 1981, 699 § 97.)

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; revised, 1980, 261 § 1; thirteenth paragraph revised, 1981, 795 § 2A; 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; third paragraph amended, 1981, 708 § 1. (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; amended, 1980, 170 § 1. (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; first sentence revised, 1980, 329 § 110. (See 1980, 329 § 134.)

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. 19-39A repealed, 1980, 329 § 111. (See 1980, 329 § 133.)

SECTS. 40-45 added, under caption, 1966, 589 § 1 (establishing a council on the arts and humanities).

SECT. 41, first sentence stricken out and two sentences inserted, 1981, 699 § 23. (See 1981, 699 § 97.)

SECT. 43 amended, 1981, 808 § 23. (See 1981, 808 § 35.)

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 15A. — BOARD OF REGENTS OF HIGHER EDUCATION.

New chapter inserted, 1980, 329 § 112. (See 1980, 329 § 133.)

SECT. 4 amended, 1981, 699 § 23A. (See 1981, 699 § 97.)

SECT. 7, first paragraph, second sentence amended, 1981, 351 § 190; fifth paragraph revised, 1981, 689 § 1. (See 1981, 351 § 299.)

SECT. 9, first paragraph, first sentence stricken out and seven sentences inserted, 1981, 496. first sentence amended, 1982, 402.

SECT. 13, first paragraph, first sentence amended, 1981, 746 § 10; second paragraph amended, 1981, 746 § 11. (See 1981, 746 § 13.)

SECT. 18 added, 1982, 212 § 1 (relative to the expenditure of certain funds through the Massachusetts college system and universities).

Chapter 15B — THE NEW ENGLAND EDUCATIONAL LOAN MARKETING CORPORATION ACT.

New chapter inserted, 1981, 351 §191.

(See 1981, 351 § 299.)

Chapter repealed, 1982, 356 § 2. (See 1982, 357 § 27.)

Chapter 15C. — MASSACHUSETTS COLLEGE STUDENT LOAN AUTHORITY.

New chapter inserted, 1981, 803.

SECT. 3 revised, 1982, 356 § 13. (See 1982, 356 § 27.)

SECT. 4, paragraph (*h*) added, 1982, 356 § 14. (See 1982, 356 § 27.)

SECT. 5, paragraph (*j*) added, 1982, 356 § 15; paragraph (*l*) stricken out and paragraphs (*l*) and (*l½*) added, 1982, 356 § 16. (See 1982, 356 § 27.)

SECT. 10, paragraph (*c*, second sentence revised, 1982, 356 § 17; paragraph (*d*), clause (1) revised, 1982, 356 § 18; clause (10) revised, 1982, 356 § 19. (See 1982, 356 § 27.)

SECT. 11, second sentence stricken out, 1982, 356 § 20. (See 1982, 356 § 27.)

SECT. 13, first two sentences stricken out and sentence inserted, 1982, 356 § 21; third sentence amended, 1982, 356 § 22. (See 1982, 356 § 27.)

SECT. 18 amended, 1982, 356 § 23. (See 1982, 356 § 27.)

SECT. 20, first and second sentences stricken out and one sentence inserted, 1982, 356 § 24. (See 1982, 356 § 27.)

SECT. 22, second paragraph amended, 1982, 356 § 25. (See 1982, 356 § 27.)

SECTS. 27-28 added, 1982, 356 § 26 (relative to College Student Loan Authority dissolution, liquidation or other termination). (See 1982, 356 § 27.)

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. revised, 1981, 699 § 24. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1977, 234 § 198; 872 § 204; 1981, 699 § 97.)

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; 1980, 579 § 61; fourth paragraph amended, 1964, 645. (See 1969, 766 § 48; 1980, 579 § 66.)

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; revised, 1981, 699 § 25. (See 1969, 704 § 60; 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1977, 234 § 198; 872 § 204; 1981, 699 § 97.)

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; revised, 1981, 699 § 26; 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; 1981, 699 § 97.)

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; paragraph added, 1980, 508 § 6. (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); section revised, 1982, 551. (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. revised, 1981, 699 § 27. (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; 1981, 699 § 97.)

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; revised, 1981, 704 § 4; paragraph inserted after first paragraph, 1974, 409 § 2; 1976, 486 § 3; second paragraph revised, 1959, 611 § 3; amended, 1963, 527; revised, 1964, 477 § 1; six sentences added, 1981, 684 § 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, 1957, 482 § 2; paragraph added, 1963, 558 § 2; section revised, 1968, 504 § 1; second paragraph, two sentences added, 1980, 329 § 62. (See 1941, 725 §§ 4-6; 1980, 329 § 134.)

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; section revised, 1982, 38.

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; clause (*h*) added, 1982, 422 § 1; subsection (C) added, 1973, 1168 § 12; subsection (D) added, 1979, 342 § 62; second paragraph revised, 1979, 765 § 3; subsection (D) stricken out, 1981, 795 § 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; 1981, 699 § 28. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1977, 234 § 198, 872 § 204; 1981, 699 § 97.)

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; 1981, 699 § 29; fifth sentence amended, 1977, 234 §§ 70A, 71A, 72A, 872 §§ 67-69; 1981, 699 § 30. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1977, 234 § 198, 872 § 204; 1981, 699 § 97.)

SECT. 5, second paragraph amended, 1974, 752 § 2; third paragraph amended, 1974, 752 § 3; fourth paragraph revised, 1969, 885 § 4;

amended, 1974, 752 § 4; revised, 1982, 420 § 1; fifth paragraph amended, 1974, 752 § 5; revised, 1977, 736; amended, 1980, 266. 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; amended, 1982, 440.

SECT. 5C revised, 1970, 701 § 1. (See 1970, 701 § 3.)

SECT. 5D revised, 1980, 524 § 2; amended, 1981, 67.

SECT. 5G added, 1977, 363A § 52; first paragraph stricken out and three paragraphs inserted, 1982, 430 § 1. (See 1977, 363A § 76.)

SECT. 5H added, 1982, 367 (relative to third party recovery by the department of public welfare).

SECT. 6 revised, 1969, 885 § 7; amended, 1973, 1210 § 11; first paragraph revised, 1977, 953 § 1; third paragraph amended, 1974, 752 § 6; first sentence revised, 1982, 420 § 2; 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; second paragraph amended, 1982, 422 § 2.

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; 1981, 699 § 31. (See 1972, 300 § 44; 1973, 426 § 50; 1974, 855 § 8; 1977, 234 § 198, 872 § 204; 1981, 699 § 97.)

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. 6, third sentence revised, 1981, 699 § 32. (See 1981, 699 § 97.)

SECT. 8, first sentence stricken out and two sentences inserted, 1981, 699 § 33. (See 1981, 699 § 97.)

SECT. 9, second pragraph, second sentence revised, 1981, 699 § 34. (See 1981, 699 § 97.)

SECT. 20 added, 1979, 795 § 2 (relative to the advancement of certain funds).

SECT. 21 added, 1982, 540 § 1 (authorizing the department of social services to establish an adoption subsidy program).

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; paragraph revised, 1981, 699 § 35. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1977, 234 § 198, 872 § 204; 1981, 699 § 97.)

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; amended, 1980, 329 § 86; 1981, 351 § 166; second paragraph revised, 1969, 647 § 2; amended, 1971, 1000 § 2. (See 1980, 329 § 134; 1981, 351 § 299.)

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; amended, 1980, 329 § 85; 1981, 351 § 165. (See 1973, 1210 § 39; 1978, 367 § 72; 1980, 329 § 134; 1981, 351 § 299.)

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. 14G added, 1982, 357 § 4 (relative to the collection of veterans' benefits). (See 1982, 357 § 21.)

SECT. 15, first sentence revised, 1977, 864 § 7; section revised, 1980, 329 § 87; amended, 1981, 351 § 167. (See 1980, 329 § 134; 1981, 351 § 299.)

SECT. 17, paragraph added, 1981, 808 § 24. (See 1981, 808 § 35.)

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, second paragraph revised, 1982, 607 § 1; fourth paragraph amended, 1973, 1194; fifth paragraph stricken out, 1982, 607 § 2. (See 1982, 607 § 7.

SECT. 28 revised, 1982, 607 § 3. (See 1982, 607 § 7.)

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.)

SECT. 4A added, 1982, 357 § 5 (relative to a sliding fee scale for home care services). (See 1982, 357 § 21.)

SECT. 13, clause (2) amended, 1980, 566.

SECTS. 14-26 added, 1982, 604 § 1 (providing further protection of elderly persons).

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 §§ 76-78; section revised, 1981, 699 § 36. (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; 1981, 699 § 97.)

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; section revised, 1981, 699 § 37. (See 1969, 766 § 48; 1971, 116 § 45; 1971, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1977, 234 § 198, 872 § 204; 1981, 699 § 97.)

SECT. 6, first sentence revised, 1965, 678 § 1; 1967, 347 § 1; 1974, 654 § 1; second sentence revised, 1975, 706 § 31; section revised, 1981, 351 § 254. (See 1975, 706 § 312; 1981, 351 § 299.)

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; amended, 1980, 86. (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).

SECT. 13, definition of "Arbor" inserted, 1980, 378 § 1; definitions of "Director" and "Division" stricken out and definitions of "Bureau" and "Chief" inserted, 1981, 351 § 255. (See 1981, 351 § 299.)

SECT. 14, first sentence revised, 1980, 378 § 2; fourth sentence revised, 1980, 378 § 3.

SECT. 15 revised, 1980, 378 § 4.

SECT. 16 amended, 1981, 351 § 257. (See 1981, 351 § 299.)
SECT. 17 amended, 1981, 351 § 258. (See 1981, 351 § 299.)

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; 1981, 699 § 38; last sentence revised, 1981, 351 § 135. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1975, 706 § 312; 1977, 234 § 198; 872 § 204; 1981, 351 § 299; 699 § 97.)

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; section revised, 1981, 760 § 2. (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; section revised, 1981, 760 § 3. (See 1975, 706 § 312.)

SECT. 6C revised, 1964, 524 § 3; second paragraph amended, 1975, 706 § 53; 1981, 760 § 4. (See 1975, 706 § 312.)

SECT. 6D revised, 1964, 524 § 4; amended, 1975, 706 § 54; section revised, 1981, 760 § 5. (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; revised 1981, 760 § 6; 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; eighth paragraph revised, 1975, 706 § 77. (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; first paragraph, second sentence amended, 1980, 572 § 5. (See 1980, 572 § 417.)

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; two paragraphs added, 1982, 349. (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).

SECT. 17D added, 1980, 53 (limiting the liability of landowners who, without charge, make land available to the public for the removal of fuel wood).

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; section revised, 1980, 511 § 1. (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 "Commissioner" inserted, 1980, 511 § 2. 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; last paragraph amended, 1980, 261 § 1A.

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; amended, 1982, 286 § 1, 2; sixth sentence revised, 1982, 441.

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; second paragraph stricken out and two paragraphs inserted, 1982, 286 § 3.

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; two paragraphs added, 1980, 510; stricken out, 1982, 297.

SECT. 37A added, 1981, 628 § 1 (providing fo a Massachusetts clean lakes and great ponds program).

SECT. 38 revised, 1967, 873 § 9; first paragraph amended, 1970, 692 § 1; sentence added, 1972, 678; section revised, 1982, 286 § 4.

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; paragraph (6), clause (a) amended, 1980, 572 § 6; clause (b), first sentence revised, 1980, 572 § 7. (See 1980, 572 § 417.)

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; last sentence revised, 1980, 354 § 15; 1981, 351 § 134. 699 § 39. (See 1975, 706 § 312; 1977, 872 § 204; 1980, 354 § 23; 1981, 351 § 299; 699 § 97.)

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; two sentences added, 1982, 565 § 1; third paragraph revised, 1981, 351 § 259; fourth paragraph, first sentence revised, 1981, 760 § 7; eighth paragraph revised, 1976, 706 § 77; 1981, 760 § 8. (See 1975, 706 § 312; 1981, 351 § 299.)

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).

SECT. 15 added, 1980, 329 § 72 (establishing the Quabbin reservoir advisory board). (See 1980, 329 § 134.)

Chapter 21B. — Mining Regulation and Reclamation

New Chapter inserted, 1977, 957 § 1.

SECT. 4, second sentence amended 1980, 572 § 8. (See 1980, 572 § 417.)

SECT. 5, first paragraph, clause (1) revised, 1980, 572 § 9. (See 1980, 572 § 417.)

Chapter 21C. — Massachusetts Hazardous Waste Management Act

New Chapter inserted, 1979, 704 § 2.

SECT. 4, ninth paragraph revised, 1980, 508 § 1.

SECT. 7, first paragraph, second and third sentences stricken out, 1980, 508 § 2; second and third paragraphs revised, 1980, 508 § 2A; third paragraph, two sentences inserted after second sentence, 1982, 232 § 1; two paragraphs inserted after eleventh paragraph, 1980, 508 § 3.

SECT. 14 added, 1980, 508 § 9 (further regulating the disposal of hazardous waste materials).

Chapter 21D. — FURTHER REGULATING THE DISPOSAL OF HAZARDOUS WASTE MATERIALS.

New chapter inserted, 1980, 508 § 8.

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; revised, 1980, 354 § 16; 1981, 699 § 40. (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; 1980, 354 § 23; 1981, 699 § 97.)

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; 1981, 699 § 41; second paragraph amended, 1974, 541 § 1. (See 1948, 634 § 3; 1972, 802 § 77; 1974, 541 § 24; 1977, 872 § 204; 1981, 699 § 97.)

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; 1981, 346 § 1. (See 1971, 827 § 2.)

SECT. 14 added, 1945, 710 § 1 (establishing within the department of public safety a board of fire prevention regulations); first paragraph revised, 1960, 674; amended, 1971, 580; fourth paragraph revised, 1955, 730 § 31; 1963, 801 § 52; section revised, 1980, 462 § 1. (See 1945, 710 § 18; 1955, 730 § 43.)

Chapter 23. — Department of Labor and Industries.

SECT. 1 revised, 1977, 864 § 8; amended, 1981, 351 § 230. 1982, 668 § 9. (See 1981, 351 § 299.)

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; section revised, 1980, 445; 1981, 351 § 231; second sentence revised, 1981, 699 § 42. (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; 1981, 351 § 299; 1981, 699 § 97.)

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; last two sentences revised, 1981, 351 § 233. (See 1935, 479 § 7; 1969, 704 § 7; 1969, 704 § 60; 1981, 351 § 299.)

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; 1981, 351 § 232; fifth sentence revised, 1979, 374 § 2; section

amended, 1981, 351 § 249. (See 1939, 261 § 25; 1969, 704 § 60; 1981, 351 § 299.)

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; 1980, 146; section repealed, 1981, 351 § 234. (See 1979, 393 § 73; 1981, 351 § 299.)

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; 1982, 668 § 5.

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; subsection (a), first sentence revised, 1982, 668 § 7; 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; 1981, 699 § 43. (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; 1981, 699 § 97.)

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; 1981, 699 § 44. (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; 1981, 699 § 97.)

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. 9O, subsection (a), first sentence amended, 1982, 668 § 8.

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; revised, 1981, 699 § 45; 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; 1981, 699 § 97.)

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.)

SECT. 11P revised, 1980, 261 § 1B.

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; section revised, 1980, 506. second paragraph, first sentence revised, 1981, 699 § 46; (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; 1981, 699 § 97.)

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; revised, 1981, 699 § 47. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1977, 234 § 198; 872 § 204; 1981, 699 § 97.)

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; 1980, 120; 1982, 419.

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. 29, two paragraphs inserted after fifth paragraph, 1980, 490 § 14; seventh paragraph stricken out, 1980, 490 § 14.

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; first paragraph amended, 1980, 490 § 15; paragraph inserted after first paragraph, 1980, 490 § 16.

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; paragraph (*c*) amended, 1980, 490 § 17.

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; paragraph (5) added, 1982, 658 § 1. (See 1982, 658 § 10.)

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 23C. — BOARD OF CONCILIATION AND ARBITRATION.
New chapter inserted, 1981, 351 § 235. (See 1981, 351 § 299.)
SECT. 2, first sentence amended, 1982, 668 § 6.

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; 1981, 699 § 48. (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; 1981, 699 § 97.)

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. 5B added, 1981, 375 § 2 (relative to rules and regulations of the department).

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; 1980, 572 § 10. (See 1980, 572 § 417.)

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.

SECT. 12M added, 1981, 375 § 3 (establishing a fuel charge monitoring bureau).

SECTS. 17-17A added, 1971, 1093 (authorizing the imposition and collection of assessments from public utility companies).

SECT. 17 revised, 1973, 1224 § 3; second sentence revised, 1980, 349.

SECT. 17A amended, 1978, 514 § 9. (See 1978, 514 § 287.)

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. 1980, 329 § 71; 1981, 699 § 49. (See 1955, 730 § 43; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1977, 234 § 198; 872 § 204; 1980, 329 § 134; 1981, 699 § 97.)

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; 1980, 329 § 77; 1981, 699 § 50. (See 1955, 730 § 43; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1977, 234 § 198, 872 § 204; 1980, 329 § 134; 1981, 699 § 97.)

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. 8G added, 1981, 775 § 1 (licensing motor vehicle examiners); (See 1981, 775 § 4.)

SECT. 8G added, 1981, 797 § 1 (aurhorizing the insurance commissioner to make certain assessments against insurance companies); section stricken out, 1982, 634 § 5.

SECT. 8H added, 1982, 634 § 5 (authorizing the commissioner of insurance to make certain assessments).

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; 1981, 699 § 51; 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; 1981, 699 § 97.)

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; revised, 1981, 699 § 52; third sentence amended, 1956, 16 § 1; paragraph revised, 1972, 777 § 1; first sentence amended, 1973, 426 § 40; 1974, 422 § 45; 1977, 872 § 117; 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; 1980, 88; fourth paragraph amended, 1972, 300 § 38; 1973, 426 § 41; 1974, 422 § 46; first sentence amended, 1977, 234 §§ 121-123; revised, 1977, 721A § 12; 1981, 699 § 53. (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; 1981, 699 § 97.)

SECT. 5 revised, 1960, 765 § 2; first paragraph amended, 1972, 777 § 2; second paragraph revised, 1981, 282; 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; revised, 1981, 699 § 54. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1977, 234 § 198; 872 § 204; 1981, 699 § 97.)

SECT. 3 revised, 1936, 244 § 1; 1941, 596 § 23; 1961, 562 § 1; third sentence revised, 1979, 374 § 4; paragraph added after first paragraph, 1980, 354 § 17. (See 1936, 244 § 4; 1980, 354 § 23.)

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. 3, third sentence revised, 1981, 699 § 55. (See 1981, 699 § 97.)

SECT. 9, definition of "After school program" inserted, 1981, 726 § 1; 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; first sentence amended, 1981, 726 § 2; paragraph (*b*) amended, 1981, 726 § 3; paragraph (*c*) amended, 1981, 726 § 4.

SECT. 11 revised, 1974, 682 § 3; paragraph (*a*) amended, 1981, 726 § 5; subsection (*c*) added, 1975, 858 § 4.

SECT. 11A added, 1975, 858 § 5 (authorizing certain requests for information on prospective adoptive families).

SECT. 12 amended, 1981, 723 § 6.

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; amended, 1980, 579 § 40. (See 1941, 509 § 9; 1969, 704 § 60; 1974, 835 § 185; 1980, 579 § 66.)

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; section revised, 1981, 351 § 198. (See 1969, 704 § 60; 1979, 393 § 73; 1981, 351 § 299.)

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).

SECTS. 2F AND 2G added, 1980, 579 § 41 (improving the system of public construction). (See 1980, 579 § 66.)

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; paragraph inserted after second paragraph, 1980, 579 § 42. (See 1969, 704 § 60; 1980, 579 § 66.)

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; amended, 1980, 579 § 43; paragraph added after first paragraph, 1980, 579 § 44. (See 1969, 704 § 60; 1980, 579 § 66.)

SECT. 5 revised, 1939, 502 § 4; 1941, 656 § 2; 1945, 242 § 5, 637 § 2; subdivision (1) amended, 1962, 757 § 42; section amended, 1980, 579 § 45. (See 1941, 656 § 17; 1945, 279; 1980, 579 § 66.)

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. amended, 1980, 579 § 46; (See 1976, 283 § 34; 1980, 579 § 66.)

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. 6B added, 1981, 351 § 199 (relative to federal grant funds). (See 1981, 351 § 299.)

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).

SECTS. 6, 6A, 7, AND 7A stricken out and fourteen sections added, 1980, 579 § 47. (See 1980, 579 § 66.)

SECT. 7L added, 1981, 690 (providing that alaw appropriating money for the expenses of the commonwealth shall not contain provisions onany other subject matter).

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; revised, 1980, 579 § 52. (See 1969, 704 § 60; 1975, 311 § 15; 1980, 579 § 66.)

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.)

SECTS. 12A-12B added, 1982, 357 § 6 (relative to certain obligations for items or services). (See 1982, 356 § 21.)

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. 19A added, 1982, 357 § 7 (relative to transfers of a specific sum). (See 1982, 357 § 21.)

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.)

SECTS. 26A-26B added, 1980, 579 § 47. (See 1980, 579 § 66.)

SECT. 27 amended, 1937, 359; revised, 1939, 502 § 13; amended, 1941, 656 § 9; revised, 1947, 636 § 2; 1950, 45; second sentence revised, 1982, 357 § 8; last sentence amended, 1962, 757 § 48. (See 1941, 656 § 17; 1982, 357 § 21.)

SECTS. 27A-27B added, 1973, 1230 § 6 (further regulating expendituresof certain funds for certain equipment).

SECT. 27C added, 1980, 580 § 2 (limiting cost obligations on cities and towns); subsection (*a*) amended, 1981, 782 § 4; subsection (*b*) amended, 1981, 782 § 5; subsection (*c*) amended, 1981, 782 § 6; subsection (*g*) added, 1981, 767 § 9. (See 1981, 782 § 16.)

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; third sentence revised, 1981, 767 § 9. (See 1969, 704 § 60; 1975, 684 § 97; 1976, 283 § 34; 1981, 767 § 30.)

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; third sentence revised, 1981, 767 § 9. (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 accummulated 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; clause (*a*) revised, 1980, 354 § 22B; paragraph (d) added, 1981, 699 § 56. (See 1974, 835 § 185; 1980, 354 § 22C; 1981, 699 § 97.)

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. first paragraph revised, 1981, 539.

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; 1981, 710. (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. 41 amended, 1980, 579 § 48. (See 1980, 579 § 66.)

SECT. 45, first and second sentences amended, 1980, 578 § 15; (See 1980, 578 § 53.)

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, first paragraph revised, 1980, 578 § 16; first sentence revised, 1981 13 § 68; paragraph added, 1965, 633; 1977, 336 § 4; two paragraphs added, 1978, 513 § 21. paragraph added, 1982, 34 § 1. (See 1980, 578 § 53.)

SECT. 49A added, 1978, 513 § 17 (providing for the issuance of minibonds); clause (1) revised, 1979, 519; sentence inserted after penultimate sentence, 1981, 110.

SECT. 49B added, 1981, 695 § 2 (relative to commercial paper). (See 1981, 695 § 3.)

SECT. 50 revised, 1939, 502 § 15; 1941, 656 § 10; 1945, 242 § 14; amended, 1962, 757 § 51; revised, 1980, 578 § 17. (See 1941, 656 § 17; 1980, 578 § 53.)

SECT. 51 revised, 1980, 578 § 18. (See 1980, 578 § 53.)

SECT. 52 revised, 1954, 389 § 1; 1980, 578 § 19. (See 1954, 389 § 2; 1980, 578 § 53.)

SECT. 53 amended, 1977, 336 § 5; 1981, 695 § 1; sentence added, 1982, 34 § 1A. (See 1981, 695 § 3.)

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; paragraph added, 1981, 697; section revised, 1981, 731 § 1.

SECT. 64A added, 1981, 731 § 1 (further regulating public employees deferred compensation programs).

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.)

SECT. 4 amended, 1980, 579 § 49. (See 1980, 579 § 66.)

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; revised, 1980, 572 § 11; third sentence stricken out, 1982, 253. (See 1972, 684 § 136; 1980, 572 § 417.)

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. 25, paragraph added, 1982, 357 § 9. (See 1982, 357 § 21.)

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; first sentence revised, 1982, 29.

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; amended, 1980, 579 § 53. (See 1956, 677 § 2; 1972, 774 § 12; 1980, 579 § 66.)

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. 39Q AND 39R added, 1980, 579 § 62 (improving the system of public construction). (See 1980, 579 § 66.)

SECT. 39R, subsection (*f*) added, 1982, 593 § 1.

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 (3) amended, 1981, 699 § 57; paragraph (4A) inserted, 1982, 357 § 10; paragraph (9) added, 1956, 729 § 4; amended, 1957, 648 § 2; definition of "Class allocation" revised, 1981, 699 § 65; definition of "Class relocation" revised, 1981, 699 § 66; definition of "Employee" revised, 1981, 699 § 67; definition of "Increment" revised, 1981, 699 § 68; definition of "Job group" amended, 1981, 699 § 69; definition of"Manager" inserted, 1981, 699 § 70; definition of "Position" revised, 1981, 699 § 71; definition of "Step-in-range" revised, 1981, 699 § 72. (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; 1981, 699 § 97; 1982, 357 § 21.)

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; 1981, 699 §§ 58, 60, 61, 62; paragraph inserted after salary schedule, 1971, 66 § 1; 1981, 699 § 59; 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; paragraph (12) inserted, 1981, 293 § 5. (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; 1981, 293 § 7; 699 § 97.)

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.)

SECTS. 46C-46H added, 1981, 699 § 73. (See 1981, 699 § 97.)

SECT. 46C, paragraph (1), salary schedule revised, 1981, 699 §§ 74-76. (See 1981, 699 § 97.)

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. 1B added, 1982, 341 (relative to the department of youth services).

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. paragraph inserted after first paragraph, 1980, 329 § 28. (See 1969, 808 § 12; 1970, 712 § 12; 1980, 329 § 134.)

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. 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. 11A ½, fourth paragraph, clauses (1)-(5) revised, 1978, 372 § 2; sixth paragraph, second sentence revised, 1980, 220 #YSM 1; seventh paragraph revised, 1978, 372 § 3; eleventh, twelfth and thirteenth paragraphs stricken out and four paragraphs inserted, 1978, 372 § 4.

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 prior changes see Table of Changes contained in Acts and Resolves of 1977.

The following references are to Chapter 31, as so inserted.

SECT. 1, definition of "Seasonal position" amended, 1979, 77 § 1; second sentence amended, 1979, 577 § 1; section revised, 1981, 767 § 10. (See 1979 77 § 2; 1979, 577 § 2; 1981, 767 § 30.)

SECT. 2 revised, 1981, 767 § 11. (See 1981, 767 § 30.)
SECT. 3 revised, 1981, 767 § 12. (See 1981, 767 § 30.)
SECT. 4 revised, 1981, 767 § 13. (See 1981, 767 § 30.)
SECT. 5, paragraph (*l*) stricken out and paragraphs (*l*)-(*p*) inserted, 1981, 767 § 14. (See 1981, 767 § 30.)
SECTS. 6A, 6B, 6C inserted, 1981, 767 § 15. (See 1981, 767 § 30.)
SECT. 16 revised, 1981, 767 § 16. (See 1981, 767 § 30.)
SECT. 18, second paragraph amended, 1979, 543.
SECT. 20 amended, 1981, 351 § 133. (See 1981, 351 § 299.)
SECT. 24 revised, 1981, 767 § 17. (See 1981, 767 § 30.)
SECT. 26, paragraph added, 1979, 265; revised, 1979, 554.
SECT. 33, paragraph added, 1982, 571.
SECT. 34, paragraph inserted after first paragraph, 1981, 767 § 18. (See 1981, 767 § 30.)
SECT. 39, paragraph inserted after second paragraph, 1982, 630 § 3. (See 1982, 630 § 56).
SECT. 42,second paragraph, sentence inserted after first sentence, 1981, 767 § 19. (See 1981, 767 § 30.)
SECT. 43 revised, 1981, 767 § 20. (See 1981, 767 § 30.)
SECT. 46 amended, 1982, 630 § 4. (See 1982, 630 § 56.)
SECT. 48, third paragraph, clause inserted after second clause, 1980, 536; clause inserted after twenty-fourth clause, 1980, 329 § 63. section revised, 1981, 767 § 21. (See 1980, 329 § 134; 1981, 767 § 30.)
SECT. 48A, second sentence revised, 1978, 409 § 1.
SECT. 48A added, 1981, 767 § 22 (relative to a career management service program for state service). (See 1981, 767 § 30.)
SECT. 62, paragraph added, 1979, 648 § 1.
SECT. 62A added, 1979, 648 § 2 (relative to punishment duty for police officers and firefighters).
SECT. 69 revised, 1981, 767 § 23. (See 1981, 767 § 30.)

Chapter 31A. — MUNICIPAL PERSONNEL SYSTEMS.

New chapter inserted, 1981, 767 § 24. (See 1981, 767 § 30.)

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 "Actuary" revised, 1982, 630 § 5; definition of "Annual gross earned income" inserted, 1982, 630 § 6; definition of "Beneficiary" revised, 1949, 618 § 1; definition of "Commissioner" inserted, 1982, 630 § 7; definition of "District" amended, 1953, 583 § 1; 1956, 306 § 1; revised, 1981, 701 § 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 amended, 1980, 556 § 1;556 § 2; first sentence revised, 1981, 701 § 2; definition of "Employer" inserted, 1982, 630 § 8; 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; 1980, 556 § 3; 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; 1980, 556 § 4; definition of "Regional medical panel" inserted, 1982, 630 § 9; 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; 1980, 556 § 5; 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; 1982, 630 § 56.)

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; 1980, 556 § 6; paragraph added, 1964, 532 § 2. (See 1973, 767 § 6.)

SECT. 3, subdivision (1), paragraph (a), clause (i) amended, 1970, 751; 1971, 94; last sentence revised, 1980, 170 § 2; clause (ii), last sentence revised, 1978, 523 § 1; 1980, 170 § 3; 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; 1980, 329 § 88; 1981, 351 § 168; 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; revised, 1981, 760 § 9; 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; first sentence revised, 1982, 339; 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; subdivision (6), paragraph (*c*) revised, 1982, 630 § 10; subdivision (7), paragraph (*b*), sentence inserted after second sentence 1982, 630 § 11. (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; 1980, 329 § 134; 1981, 351 § 299; 1982, 630 § 56.)

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 (*a*), first sentence revised, 1982, 630 § 12; paragraph (*b*) revised, 1946, 403 § 4; amended, 1964, 125; revised, 1964, 738; 1965, 73; 1966, 509 § 1; first sentence revised, 1982, 630 § 13; paragraph (*c*) revised, 1946, 403 § 5; amended, 1952, 524 § 4; 1954, 684 § 6; revised, 1955, 695 § 6; 1961, 494; subdivision (4), second sentence stricken out and two sentences inserted, 1982, 630 § 14. (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; 1982, 630 § 56.)

SECT. 5, subdivision (1), paragraph (*a*), first sentence amended, 1947, 388 § 4; 1958, 321 § 4; 1967, 826 § 4; revised, 1982, 630 § 15; 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; paragraph (*d*) added, 1982, 630 § 16. (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; 1982, 630 § 56.)

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; section revised, 1982, 630 § 17. (See 1982, 630 § 56.)

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; last sentence revised, 1980, 556 § 7; subdivision (5) added, 1949, 618 § 5; section revised, 1982, 630 § 18. (See 1948, 446 § 5; 1974, 459 § 4; 1982, 630 § 56.)

SECT. 8, subdivision (1), paragraph (b) amended, 1947, 667 § 6; section revised, 1982, 630 § 19. (See 1982, 630 § 56.)

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; 1980, 556 § 8. (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; first paragraph revised, 1980, 429. (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; 1980, 556 § 9; 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; 1980, 556 § 10; subdivision (3A) inserted, 1982, 630 § 20. (See 1982, 630 § 56.)

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 (3), paragraph (*a*) revised, 1980, 329 § 66; paragraph (*b*) revised, 1980, 329 § 67; 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; section revised, 1982, 630 § 21. (See 1951, 784 § 3; 1977, 363A § 76; 1978, 514 § 287; 1980, 329 § 134; 1982, 630 § 56.)

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; paragraph added, 1981, 428 § 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; sentence added, 1980, 316; 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 revised, 1982, 630 § 22; subdivision (4 ¼) 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 ¾) added, 1973, 1003 § 11; paragraph (*b*) amended, 1978, 523 § 6; subdivision (4 ⅞) added, 1978, 487 § 10; subdivision (4 ⅞A) added, 1980, 556 § 11; subdivision (4 ⅞B) added, 1980, 556 § 12; subdivision (5), paragraph (b) amended, 1956, 422 § 2; paragraph (e) revised, 1956, 609 § 3; paragraph (*g*) revised, 1982, 630 § 23; paragraph (*h*) amended, 1979, 267 § 1; revised, 1982, 630 § 24; 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; two sentences inserted after ninth sentence, 1980, 556 § 13; paragraph (j) added, 1948, 488 § 1. (See 1948, 488 § 2, 508 § 2; 1954, 642 § 2; 1978, 566 § 6; 1979, 136 § 2; 1982, 630 § 56.)

SECT. 20A added, 1982, 641 (relative to indemnification of members of retirement boards.)

SECT. 21, subdivision (1), paragraph (c), last sentence revised, 1967, 597 § 16; amended, 1971, 1012 § 8; revised, 1973, 1003 § 13; 1978, 487 § 12; 1980, 556 § 14; paragraph (*d*) added, 1980, 329 § 65; subdivision (2) amended, 1946, 432 § 3; sentence added, 1967, 597 § 17; 1971, 1012 § 9; 1973, 1003 § 14; 1978, 487 § 13; two sentences added 1980, 556 § 15; subsection 4, paragraph added, 1980, 329 § 64; section revised, 1982, 630 § 25. (See 1978, 566 § 6; 1980, 329 § 134; 1982, 630 § 56.)

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 (6), paragraph (*b*) amended, 1982, 630 § 26; 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; paragraphs (i) and (j) added, 1980, 556 § 16. (See 1949, 560 § 3; 1954, 656 § 2; 1956, 409; 1957, 516 § 4; 1969, 849 § 79; 1978, 566 § 6; 1979, 393 § 73; 1982, 630 § 56.)

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; revised, 1982, 630 § 27; paragraph (d) added, 1961, 441 § 2; introductory paragraph amended, 1979, 342 § 18; clause (i) revised, 1972, 343 § 1; clause (*v*) inserted, 1980, 491 § 1; first paragraph, sentence added, 1981, 781 § 1; fourth paragraph amended, 1981, 795 § 4; clause (*vi*) added, 1981, 781 § 3; paragraphs (*vi*)-(*vii*) added, 1982, 669; subdivision (2), paragraph (a), first sentence revised, 1967, 597 § 19; 1971, 1012 § 11; 1973, 1003 § 16; 1978, 487 § 15; 1980, 556 § 17; 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; clause (*v*) inserted, 1980, 491 § 2; first paragraph, sentence added, 1981, 781 § 2; clause (*vii*) added, 1981, 781 § 4; paragraph (c) amended, 1960, 744 § 1; three sentences inserted after third sentence, 1977, 369; paragraph (*d*) revised, 1982, 630 § 28; paragraph (*e*) amended, 1979, 267 § 3; revised, 1982, 630 § 29; paragraph (f) added, 1960, 744 § 2; subdivision (3) added, 1976, 269 § 2. (See 1978, 566 § 6; 1979, 342 § 19; 1982, 630 § 56.)

SECT. 23A added, 1982, 357 § 11 (relative to appropriation for the purpose of accumulating assets).(See 1982, 357 § 21.)

SECT. 24, subdivision (1), first sentence revised, 1967, 597 § 20; 1978, 487 § 16; amended, 1971, 1012 § 12; revised, 1973, 1003 § 17; 1980, 556

§ 18; subdivision revised, 1982, 630 § 30. (See 1978, 566 § 6; 1982, 630 § 56.)

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; 1980, 556 § 19; 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 (*b*), third sentence revised, 1982, 630 § 31; paragraph (f) added, 1946, 166 § 2; paragraph (g) added, 1946, 403 § 8; paragraph (h) added, 1946, 603 § 3; revised, 1982, 630 § 32; subdivision (3), paragraph (a) revised, 1946, 166 § 3; last sentence amended, 1946, 403 § 9; paragraph (*a*) revised, 1982, 630 § 33; subdivision (4), paragraph (*a*) amended, 1964, 532 § 3; 1953, 583 § 2; 1956, 306 § 4; fourth and fifth sentences revised, 1981, 701 § 3; paragraph revised, 1982, 630 § 34; paragraph added, 1968, 593; subdivision (5) added, 1948, 507 § 2; amended, 1957, 150 § 2, 415; paragraph (a) amended, 1969, 751 § 9; revised, 1982, 630 § 35; paragraph (c) added, 1967, 158; subdivision (6) added, 1967, 597 § 22; paragraph (*a*) revised, 1982, 630 § 36; subdivision (7) added, under caption, 1971, 1012 § 14; paragraph (*a*) revised, 1982, 630 § 37; subdivision (8) added, 1973, 1003 § 19; paragraph (*a*) revised, 1982, 630 § 38. (See 1953, 583 § 3; 1982, 630 § 56.)

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. 28L added, 1982, 637 (relative to retirement rights of certain employees of the department of correction).

SECT. 39, sentence added, 1948, 207.

SECT. 40 amended, 1967, 155; revised, 1982, 630 § 39. (See 1982, 630 § 56.)

SECT. 41 amended, 1971, 555 § 2; paragraph added, 1981, 428 § 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; second paragraph revised, 1982, 630 § 40. (See 1982, 630 § 56.)

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; second paragraph revised, 1982, 630 § 41; 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; 1982, 630 § 56.)

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); section revised, 1982, 630 § 42. (See 1968, 601 § 2; 1982, 630 § 56.)

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; section revised, 1982, 630 § 43. (See 1960, 724 § 2; 1963, 571 § 2; 1964, 464 § 2; 1969, 30 § 3; 1970, 738 § 2; 1982, 630 § 43.)

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; section revised, 1982, 630 § 43; (See 1978, 393 § 45; 1982, 630 § 56.)

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; second paragraph, third sentence revised, 1982, 630 § 44. (See 1957, 750 § 2; 1982, 630 § 56.)

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;

third paragraph revised, 1982, 630 § 45.(See 1961, 71 § 2; 1982, 630 § 56.)

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; paragraph (*b*) amended, 1981, 711. (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; revised, 1982, 630 § 46.

SECT. 91B added, 1982, 630 § 46 (relative to the filing of certain statements).

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. 95B added, 1981, 681 (increasing the maximum pensions payable to certain widows).

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 (a), second and third sentences revised, 1980, 556 § 20; paragraph (c) revised, 1980, 542 § 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; 1980, 542 § 2.)

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; 1980, 397 § 1; revised, 1982, 615 § 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; 1982, 436.

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 afterfirst 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; amended, 1980, 397 § 2; 1982, 615 § 2; paragraph added, 1982, 357 § 12. (See 1982, 357 § 21.)

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; second paragraph, first sentence revised, 1982, 648 § 1; fifth paragraph revised, 1969, 229; 1982, 648 § 2. (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).

SECT. 16 added, 1981, 392 § 20 (relative to the certain additional right of an employee to insurance coverages). (See 1981, 392 § 24.)

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; section revised, 1982, 615 § 3.

SECT. 2, paragraph (g) revised, 1958, 136 § 2; section revised, 1958, 536; paragraph (*a*) revised, 1982, 615 § 4; paragraph (b) revised, 1960, 214 § 1; paragraph (d) revised, 1958, 580; sentence added, 1982, 615 § 5; paragraph (g) revised, 1958, 558 § 3; 1982, 615 § 6; 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; section amended, 1982, 615 § 7.

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. 6 revised, 1981, 271.

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; amended, 1982, 615 § 8.

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; third paragraph, third sentence revised, 1980, 150; fifth paragraph amended, 1982, 615 § 9.

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; section revised, 1982, 615 § 10.

SECT. 9B added, 1960, 386 § 2 (extending group general or blanket insurance to the surviving spouse and dependents of insured persons retired from the service of any political subdivision of the commonwealth); revised, 1961, 214; first paragraph amended, 1975, 806 § 11; second paragraph amended, 1975, 806 § 12. (See 1962, 647 § 6.)

SECT. 9C added, 1967, 303 (providing for payment of part of cost of group health insurance for widows and children of certain deceased firefighters); amended, 1975, 806 § 13; 1982, 615 § 11.

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; paragraph revised, 1982, 615 § 12.

SECT. 9D ½ added, 1978, 260 (relative to insurance coverage of the surviving spouse of an employee or retired employee of certain governmental units); section amended, 1982, 615 § 13.

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; section amended, 1982, 615 § 14.

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; section amended, 1982, 615 § 15.

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; amended, 1982, 615 § 16.

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; section revised, 1982, 615 § 17.

SECT. 10A added, 1975, 806 § 19 (authorizing group dental insurance coverage for certain persons); first paragraph amended, 1982, 615 § 18; second paragraph, two sentences added, 1982, 615 § 19.

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; section revised, 1982, 615 § 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; first paragraph, schedule revised, 1981, 578 § 1; fourth paragraph revised, 1981, 578 § 2; sixth paragraph revised, 1971, 167; seventh paragraph amended, 1973, 843 § 4; sentence added, 1982, 615 § 21; eighth paragraph amended, 1982, 615 § 22.

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; tenth paragraph amended, 1982, 615 § 23.

SECT. 11E added, 1970, 626 § 3 (relative to payment of certain costs for group life and health insurance coverage for retired teachers); first paragraph amended, 1982, 615 § 24; 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; second paragraph amended, 1982, 615 § 25.

SECT. 12, first sentence revised, 1980, 216.

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); sentence added, 1982, 615 § 26.

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; seventh paragraph amended, 1982, 615 § 27.

SECT. 17 added, 1981. 392 § 22 (relative to extension of coverages to certain employees). (See 1981, 392 § 24.)

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 (*b*), fifth paragraph, sentence added, 1982, 188; 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. 81 revised, 1981, 141.

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; amended, 1980, 329 § 123. (See 1977, 972 § 2; 1980, 329 § 133.)

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, 697. (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; sixth paragraph, second sentence revised, 1980, 220 § 2; 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; 1981, 351 § 140; last sentence amended, 1947, 58; two sentences added, 1979, 325. (See 1981, 351 § 299.)

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; two paragraphs added, 1981, 293 § 6. (See 1981, 293 § 7.)

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; amended, 1980, 579 § 31. (See 1974, 694 § 6; 1978, 478 § 343; 1980, 579 § 66.)

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; section revised, 1981, 45.

SECT. 25 amended, 1933, 175 § 1; first sentence revised, 1969, 849 § 7; second sentence revised, 1981, 351 § 141. (See 1969, 849 § 79; 1981, 351 § 299.)

SECT. 26, first sentence revised, 1969, 849 § 8; last sentence revised, 1978, 478 § 26. (See 1969, 849 § 79; 1978, 478 § 343.)

SECT. 26 added, 1980, 579 § 30 (improving the system of public construction). (See 1980, 579 § 66.)

SECT. 27 amended, 1933, 175 § 2; 1969, 849 § 9; revised, 1981, 351 § 142. (See 1969, 849 § 79; 1981, 351 § 299.)

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; section amended, 1980, 579 § 32; 1980, 579 § 33. (See 1933, 318 § 9; 1934, 291 § 6; 1969, 849 § 79; 1980, 579 § 66.)

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.)

SECTS. 28-28A stricken out and section 28 inserted, 1981, 351 § 143. (See 1981, 351 § 299.)

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; last paragraph revised, 1980, 579 § 34; section revised, 1981, 351 § 144; subsection (*a*) revised, 1981, 806 § 1; subsection (*d*) revised, 1981, 806 § 2; last sentence revised, 1982, 244 § 3. (See 1973, 1166 § 2; 1980, 579 § 66; 1981, 351 § 299; 1982, 244 § 4.)

SECT. 28C added, 1974, 659 (requiring public hearings on county revenue sharing allotments from the federal government); section repealed, 1981, 351 § 145. (See 1981, 351 § 299.)

SECT. 29 revised, 1939, 501 § 2; amended, 1945, 158 § 2; 1969, 849 § 13; second sentence revised, 1978, 15; section repealed, 1981, 351 § 145A. (See 1969, 849 § 79; 1981, 351 § 299.)

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; section revised, 1981, 351 § 146. (See 1969, 849 § 79; 1981, 351 § 299.)

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; amended, 1981, 351 § 147. (See 1970, 147 § 2; 1981, 351 § 299.)

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; section amended, 1981, 351 § 148. (See 1948, 591 §§ 4-7; 1969, 849 § 79; 1978, 478 § 343; 1981, 351 § 299.)

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; two sentences added, 1981, 351 § 149. (See 1981, 351 § 299.)

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. section revised, 1980, 578 § 39. (See 1980, 578 § 53.)

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; section revised, 1980, 578 § 40. (See 1980, 578 § 53.)

SECT. 38 amended, 1953, 75; fourth sentence revised, 1980, 578 § 41. (See 1980, 578 § 53.)

SECT. 38A added, 1980, 578 § 42 (relative to bonds and notes of cities, towns and districts). (See 1980, 578 § 53.)

SECT. 39 amended, 1980, 578 § 43. (See 1980, 578 § 53.)

SECTS. 39A-39F added, 1949, 488 (relative to the furnishing and certification of county notes by the director of accounts).

SECT. 39B revised, 1963, 37.

SECTS. 39G AND 39H added, 1962, 232 § 1 (permitting the use of facsimile seals by counties and the use of facsimile signatures and countersignatures upon their bonds, notes and certificates of indebtedness).

SECT. 39I added, 1980, 578 § 44 (relative to the signature on bonds or notes of a county). (See 1980, 578 § 53.)

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; 1981, 200 § 1; paragraph (1A) added, 1977, 233 § 2; three salary schedules revised, 1978, 375 § 2; 1981, 200 § 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; 1981 200 § 7.)

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; 1981, 731 § 2.

SECT. 57A added, 1981, 731 § 2 (relative to Individual Retirement Accounts for public employees).

Chapter 36. — Registers of Deeds.

SECT. 2 revised, 1982, 33 § 1.

SECT. 3 revised, 1937, 219 § 1; 1939, 214 § 3; 1982, 33 § 2.

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); revised, 1980, 498.

SECT. 6 revised, 1960, 761 § 3.

SECT. 9, subsection (*a*), clause (8) revised, 1980, 166 § 1. (See 1980, 166 § 2.)

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. 30 amended, 1981, 351 § 150. (See 1981, 351 § 299.)

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; second paragraph revised, 1981, 788 § 1. (See 1970, 769 § 4; 1981, 788 § 2.)

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; section amended, 1981, 773 § 2. (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. 1B revised, 1981, 773 § 3.

SECT. 1C amended, 1981, 773 § 4.

SECT. 2, last sentence stricken out and two sentences inserted, 1945, 632 § 1; last sentence stricken out and paragraph added, 1977, 941 § 5; section amended, 1981, 773 § 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; amended, 1981, 773 § 6.

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 sentence revised, 1976, 272 § 1; 1981, 34; 386 § 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; fourth sentence revised, 1980, 220 § 3; 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 noncompliance with the law requiring that certain meetings be open to the public); revised, 1964, 323 § 1; first sentence stricken out and two sentences inserted, 1974, 83; section revised, 1975, 303 § 3. (See 1960, 437 § 7; 1975, 303 § 5.)

SECT. 24 amended, 1970, 78 § 2.

Chapter 40. — Powers and Duties of Cities and Towns.

For temporary legislation relative to the appointment of veterans to civil service employments under the apprentice training provisions of the G.I. Bill of Rights, so called, see 1946, 586; 1947, 673; 1948, 392.

For temporary legislation relative to the emergency housing commission and to local boards of appeals, see 1946, 592; 1947, 609; 1948, 657.

SECT. 1A added, 1967, 44 § 1 (relative to definition of "district"); revised, 1969, 505 § 3.

SECT. 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; revised, 1981, 496; second paragraph, last sentence revised, 1982, 634 § 6.

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 1981, 628 § 2; 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; stricken out, 1980, 261

§ 1C; paragraph added, 1977, 421; 1978, 575; 1979, 796 § 5; 1980, 261 § 1D; last paragraph stricken out and two paragraphs inserted, 1981 307; paragraph added, 1981, 351 § 119. (See 1932, 271 § 7; 1951, 798 § 8; 1957, 227 § 2; 1969, 849 § 79; 1979, 796 § 35; 1981, 351 § 299.)

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; 1982, 24. (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; two sentences added, 1981 132 § 1; third and fourth sentences stricken out and one sentence inserted, 1978, 481 § 2; two paragraphs added, 1978, 481 § 3; paragraph added, 1978, 481 § 4. (See 1981 132 § 2.)

SECT. 4F added, 1973, 84 (regulating the purchase of items of apparel by cities and towns);

SECT. 4G added, 1980, 217 (authorizing an increased amount for which contracts with cities and towns may be invited).

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; first sentence revised, 1980, 20; 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 (36C) added, 1981 302 (relative to mosquito control); 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); clause (73) added, 1981, 351 § 120 (relative to parking and moving motor vehicle violations). (See 1938, 142 § 2; 1954, 627 §§ 65, 67; 1969, 849 § 79;1973, 1210 § 39; 1975, 706 § 312; 1978, 581 § 8; 1981, 351 § 299.)

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. 8I added, 1980, 384 (authorizing cities and towns to establish an energy resources commission).

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; section revised, 1982, 187. (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; second sentence revised, 1981, 109; 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. clauses (23)-(24) added, 1981, 644 § 1; (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; first paragraph, first sentence revised, 1980, 329 § 73A; paragraph added, 1949, 644 § 1; same paragraph amended, 1955, 458 § 1; revised, 1957, 417 § 1; paragraph added, 1966, 273; revised, 1966, 566; 1967, 86. (See 1980, 329 § 134.)

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; first sentence revised, 1981, 644 § 2; 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; stricken out, 1981, 644 § 3.

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); first sentence revised, 1981, 644 § 4; fourth sentence revised, 1968, 369; amended, 1971, 438; revised, 1982, 333 § 1.

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. second sentence stricken out and two sentences inserted, 1981 38. (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); first sentence revised, 1980, 261 § 2; first paragraph revised, 1981, 419; 1982, 369 § 1; third paragraph revised, 1982, 369 § 2.

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, first paragraph revised, 1982, 40; 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; fifth paragraph amended, 1982, 185.

SECT. 9, third paragraph amended, 1977, 829 § 3E; fifth paragraph amended, 1977, 829 § 4A; paragraph inserted after sixth paragraph, 1982, 344; seventh paragraph, third sentence stricken out, 1977, 829 § 3F. paragraph added, 1980, 508 § 5;

SECT. 9A added, 1982, 603 § 1 (relative to adult book stores or adult motion picture theaters). (See 1982, 603 § 9.)

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; first sentence revised, 1982, 533 § 1. (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; third sentence revised, 1980, 41.

Chapter 40C. — Historic Districts.

New Chapter inserted, 1960, 372.

SECT. 3 revised, 1966, 525 § 1; first paragraph, second sentence amended, 1975, 163 § 14; revised, 1975, 706 § 99. (See 1966, 525 § 2; 1975, 706 § 312.)

SECTS. 2-13 stricken out and new sections 2-17 inserted, 1971, 359 § 1.

SECT. 3, first paragraph amended, 1974, 282.

SECT. 12 stricken out and sections 12-12A inserted, 1974, 168.

Chapter 40D. — Industrial Development of Cities and Towns.

New Chapter inserted, 1967, 772 § 1.

SECT. 1, clause (*h*) stricken out, 1978, 496 § 4; clauses (k) and (l) revised, 1970, 326; clause (*m*) and (*n*) revised, 1977, 206 § 1; clause (o ½) added, 1972, 775 § 1; revised, 1977, 206 § 2; clause (p ½) added,

1971, 1017 § 1; two sentences added, 1972, 373 § 1; stricken out, 1973, 1160 § 1; clause (*r*) added, 1977, 206 § 3; section revised, 1978, 495 § 1; paragraph (*e*) amended, 1981, 777 § 1; paragraph (1) amended, 1981, 778; revised, 1981, 777 § 2; paragraph (*l*) revised, 1979, 787 § 2.

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; section revised, 1980, 268 § 1; third sentence revised, 1980, 500 § 1; sixth sentence revised, 1981, 80 § 1. (See 1980, 80 § 12.)

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, second sentence revised, 1981, 777 § 3; third sentence stricken out, 1979, 787 § 3; last sentence revised, 1981, 777 § 4.

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.

SECT. 10, first sentence revised, 1980, 500 § 2; amended, 1981, 80 § 2. (See 1981, 80 § 12.)

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. 4, paragraph added, 1980, 561 § 1.

SECT. 5A added, 1980, 561 § 2 (authorizing the Massachusetts Technology Development Corporation to receive certain federal funds).

SECT. 6, sentence added, 1981, 247 § 5. (See 1981, 247 § 7.)

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 40I. — THE BAY STATE SKILLS CORPORATION ACT.

New chapter inserted, 1981, 351 § 192. (See 1981, 351 § 193.)

SECT. 4, two definitions inserted after definition of "Program of skill training or education consistent with employment need", 1982 44 § 5.

SECT. 6, clause (6), paragraph (B) amended, 1982, 44 § 6.

Chapter 40J — Massachusetts Technology Park Corporation.

New chapter inserted, 1982, 312 § 1.

SECT. 3, second paragaraph revised, 1982, 451.

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; section revised, 1980, 129.

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; first sentence stricken out and two sentences inserted, 1981, 386 § 2.

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); second paragraph, second sentence revised, 1980, 261 § 3. (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; revised, 1980, 313. (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; 1981, 386 § 3. 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; third sentence amended, 1981, 459; two sentencesinserted 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; revised, 1981, 421 § 1; seventh paragraph revised, 1981, 421 § 2; eighth paragraph amended, 1965, 62; 1963, 299; paragraph inserted after eighth paragraph, 1967, 567. stricken out, 1981, 421 § 3. (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; first sentence revised, 1982, 533 § 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; amended, 1981, 760 § 10. (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, sentence inserted after third sentence, 1980, 195; paragraph added, 1979, 217.

SECT. 97E added, 1981, 94 (authorizing municipal police chiefs to attend certain conventions).

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. 98F added, 1980, 142 (relative to the keeping of daily logs by police departments).

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. amended, 1981, 446.

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; 1982, 584. (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; first sentence revised,1982, 226. (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. 108N added, 1982, 279 (authorizing cities and towns to contract with an executive or administrative officer relative to conditions of employment).

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. 111M added, 1982, 203 (relative to leaves without loss of pay for certain medical technicians).

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; first paragraph revised, 1980, 579 § 54. (See 1980, 579 § 66.)

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.

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 (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 (3) revised, 1977, 232 § 2; clause (3B) added, 1979, 796 § 6; revised, 1981, 101; 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; clause (27) added, 1981, 628 § 3; clauses (28) and (29) added, 1982, 98. (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; 1981, 191 § 1; clause (3A) added, 1981, 191 § 2; clause (4) revised, 1958, 383 § 1; 1963, 82; 1965, 68; 1981, 191 § 3; clause (4A) added, 1966, 60; amended, 1978, 119 § 4; revised, 1981, 191 § 4; clause (5) revised, 1941, 83; amended, 1952, 123 § 1; revised, 1958, 383 § 2; 1981, 191 § 5; clause (6) amended, 1952, 123 § 2; 1970, 55; revised, 1981, 191 § 6; clause (7) revised, 1981, 191 § 7; clause (7A) added, 1957, 224; revised, 1967, 31; clause (7B) added, 1962, 672 § 2; clause (7C) added, 1981, 191 § 8; 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; two sentences added, 1982, 22 § 1; 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; clause (20) added, 1980, 77. (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; revised, 1981, 439.

SECT. 19A added, 1981, 782 § 8 (relative to overdue payments of certain bonds, notes and certificates). (See 1981, 782 § 16.)

SECT. 20 amended, 1946, 358 § 21; revised, 1947, 60; sentence added, 1949, 403; section revised, 1966, 61; 1979, 191; 1981, 439.

SECT. 21 amended, 1946, 358 § 22; revised, 1980, 521; 578 § 38; 1982, 23. (See 1980, 578 § 53.)

SECT. 21A added, 1980, 521 (relative to the redemption and refunding of bonds and notes).

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; 1982, 22 § 2; 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; second sentence revised, 1968, 598 § 2; amended, 1970, 525; revised, 1972, 88; clause (2) revised, 1980, 169. (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; 1980, 98; second paragraph, first sentence stricken out and two sentences inserted, 1982, 70.

SECT. 53D added, 1977, 665 (permitting cities and towns to establish recreation and park funds).

SECT. 53E added, 1981, 339 § 1 (relative to allocating certain anticipated receipts).

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; first sentence amended, 1980, 15; section revised, 1982, 52.

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; fourth sentence revised, 1982, 134.

SECT. 55A revised, 1948, 143 § 2, 194 § 2; 1950, 224; amended, 1954, 48; revised, 1978, 83; 1980, 366.

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; 1981, 731 § 3.

SECT. 67A added, 1981, 731 § 3 (relative to deferred compensation).

SECT. 68 added, 1973, 47 (authorizing cities, towns and districts to pay salary increases retroactively).

SECT. 69 added, 1981, 87 (providing a penalty for tendering an insufficient funds check in payment of certain municipal fees).

Chapter 44A. — QUALIFIED BOND ACT.

New chapter inserted, 1980, 329 § 68. (See 1980, 329 § 134.)

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. 12 revised, 1980, 182.

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; first sentence stricken out, two sentences inserted, 1980, 446.

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; first and second paragraphs revised, 1981, 684 § 2; 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. 1D added, 1977, 869 § 2.

SECT. 1E added, 1981, 684 § 3 (further regulating the registration of births, deaths, marriages and divorce records or reports).

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;

SECT. 3 amended, 1968, 358 § 2; second paragraph amended, 1976, 486 § 5; section revised, 1981, 684 § 4. (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; last sentence stricken out and seven sentences inserted, 1981, 684 § 5. (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; 1981, 684 § 6. (See 1968, 84 § 6.)

SECT. 4B added, 1981, 684 § 7 (relative to artificial insemination).

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, 1972, 260; section revised, 1981, 684 § 8. (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; revised, 1981, 684 § 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; first four paragraphs stricken out and six paragraphs inserted, 1981, 684 § 10. (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; sentence inserted after first sentence, 1981, 684 § 11.

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 YSM 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; sentence added, 1981, 322.

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. 44A added, 1980, 304 (requiring certification by the department of public safety of certain firefighting units).

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. 57H added, 1980, 101 (authorizing certain time off for officers of the Professional Firefighters of Massachusetts, AFL-CIO-CLC).

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; first paragraph revised, 1981, 198. (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; first paragraph amended, 1980, 269 § 1; first sentence revised, 1981, 386 § 4; second paragraph amended, 1980, 269 § 2; 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; last sentence revised, 1982, 222. (See 1938, 440 § 23.)

SECT. 7 amended, 1933, 254 § 6; revised, 1935, 345 § 2; amended, 1938, 440 § 5; revised, 1939, 188 § 3; amended, 1955, 67 § 2; 1959, 137; 1969, 205 § 1; 1974, 67; first paragraph amended, 1980, 269 § 4. (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; amended, 1980, 269 § 3.

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; 1981, 386 § 5.

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; sentence inserted after first sentence, 1981, 216.

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; 1981, 239 § 1. (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. 56 repealed, 1981, 143 § 1.

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; first paragraph revised, 1981, 143 § 2; 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; revised, 1981, 386 § 6.

SECT. 6 revised, 1957, 38.

SECT. 9 revised, 1941, 337 § 1; first sentence revised, 1953, 406 § 1; second sentence revised, 1975, 600 § 6; 1979, 664 § 1; third sentence revised, 1971, 920 § 1; second and third sentences revised, 1981, 167; (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; first three sentences revised, 1981, 386 § 7; 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; second paragraph, first sentence revised, 1982, 283 § 1; paragraph added after second paragraph, 1980, 134 § 1; seventh paragraph stricken out, 1980, 134 § 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; sentence added, 1980, 134 § 3; second paragraphrevised, 1933, 313 § 2; 1941, 278; amended, 1941, 472 § 4; first twosentences 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 fradulent 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.

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. 27 repealed, 1980, 134 § 4.

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; second sentence amended, 1977, 136; third sentence amended, 1966, 335 § 1; stricken out and two sentences inserted, 1976, 47. third sentence revised, 1981, 278 § 1; (See 1937, 384, 435.)

SECT. 45 amended, 1932, 310 § 13; first paragraph amended, 1936, 22; 1938, 84; section revised, 1938, 473 § 13; amended, 1941, 337 § 7; first paragraph amended, 1947, 338 § 1; 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 sentence revised, 1981, 172; 1982, 151; 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; first paragraph, first sentence revised, 1982, 283 § 2; third sentence revised, 1980, 134 § 5; third paragraph revised, 1980, 134 § 6. (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; first paragraph, last sentence stricken out, 1980, 134 § 7; sentence inserted after first sentence, 1981, 131; 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; second paragraph stricken out, 1981, 143 § 3; 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; revised, 1981, 278 §2. (See 1935, 257 § 12.)

SECT. 63, first sentence stricken out and four sentences inserted, 1981, 244.

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; sentence added, 1980, 168.

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. third sentence stricken out, 1981, 143 § 4.

SECT. 76A added, 1943, 411 § 20 (requiring a person applying to vote to write his name upon request of any election officer); amended, 1965, 283 § 1; repealed, 1975, 95.

SECT. 77 revised, 1967, 564 § 11; 1970, 869 § 10; amended, 1976, 475 § 2.

SECT. 77A added, 1970, 869 § 9 (relative to the election of governor and lieutenant governor); repealed, 1972, 400 § 8.

SECT. 78 revised, 1932, 135 § 2; amended, 1967, 564 § 12; sentence added, 1970, 424 § 2; sentence added, 1972, 400 § 9; section revised, 1976, 475 § 3.

SECT. 78A added, 1970, 424 § 3 (relative to the candidates for presidential electors and the office of president and vice president).

SECT. 79 amended, 1943, 411 § 21; 1965, 283 § 2; revised, 1972, 52 § 1.

SECT. 80 revised, 1958, 194; sentence added, 1966, 134.

SECT. 83, first sentence revised, 1964, 72 § 4; fourth sentence stricken out, 1964, 72 § 5.

SECT. 85, paragraph inserted after first paragraph, 1962, 437 § 42.

SECT. 85A added, 1937, 275 § 1 (relative to the challenging of voters at polling places at certain elections, primaries and caucuses). (See 1937, 275 § 2.)

SECT. 86 revised, 1945, 466 § 1; amended, 1950, 21; 1951, 153 § 1; revised, 1954, 101; 1959, 178 § 1; 1961, 213 § 1; amended, 1968, 632 § 1; 1971, 409 § 1, 920 § 9; revised, 1975, 260 § 1; 719; first sentence revised, 1977, 426. (See 1971, 920 § 11.)

SECT. 87, subsection (a) revised, 1945, 52; subsection (b) revised, 1936, 404 § 1; amended, 1961, 212; 1945, 466 § 2; 1951, 153 § 2; 1959, 178 § 2; 1961, 213 § 2; paragraph added, 1948, 477 § 1; subsection (b) revised, 1966, 368 § 1; amended, 1969, 545 §§ 1, 2; 1971, 409 § 2; 1972, 218 § 1; 1975, 87; 1981, 386 § 8; 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; clause (2) revised, 1981, 386 § 9; 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; revised, 1974, 197; 1981, 386 § 10; 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; two sentences added, 1980, 379. eighth sentence revised, 1981, 386 § 11.

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; revised, 1981, 239 § 2.

SECT. 103C amended, 1976, 420 § 2; revised, 1981, 239 § 3.

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; subsection (*b½*)amended, 1981, 386 § 12; 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; paragraph inserted after fourth paragraph, 1981, 193.

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. 111 revised, 1982, 94 § 1.

SECT. 112 amended, 1935, 257 § 6; 1939, 31 § 3; first sentence revised, 1946, 130 § 2; 1981, 278 § 3; second sentence revised, 1982, 94 § 2. (See 1935, 237 § 12.)

SECT. 115, second sentence revised, 1952, 207.

SECT. 116, first sentence revised, 1946, 130 § 3.

SECT. 116A added, 1981, 386 § 13 (relative to the filing of a statement of financial interest by certain persons).

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; paragraph inserted after sixth paragraph, 1981, 646; 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. 135B added, 1967, 564 § 16.

SECT. 137 revised, 1935, 55; first and second sentences revised, 1982, 94 § 3.

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. 142 revised, 1981, 278 § 4.

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. 156 revised, 1981, 278 § 5.

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. 2, second paragraph revised, 1980, 329 § 102. (See 1980, 329 § 134.)

SECT. 3, first paragraph, sentence added, 1981, 699 § 78; fourth paragraph first sentence revised, 1977, 234 §§ 126A-126C; 872 §§ 121-123; stricken out and two sentences inserted, 1981, 699 § 79; fifth paragraph revised, 1978, 204. (See 1977, 234 § 198; 872 § 204; 1981, 699 § 97.)

SECT. 6 revised, 1975, 774 § 2; third paragraph revised, 1982, 59. (See 1975, 774 § 5.)

SECT. 9, first paragraph revised, 1975, 373.

SECT. 18, clause (*h*), eleventh paragraph revised, 1980, 329 § 102; two paragraphs added, 1979, 335 § 1. (See 1979, 335 § 4.)

SECT. 19, subsection (*a*), first sentence revised, 1981, 278 § 6; 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. 25, first paragraph revised, 1980, 329 § 102.

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.)

SECT. 4, first and second paragraphs revised, 1980, 134 § 8.

SECT. 5, first paragraph revised, 1980, 134 § 9.

SECT. 6, sentence inserted before first sentence, 1980, 134 § 10.

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; first sentence amended, 1980, 269 § 5.

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; second sentence revised, 1982, 80. (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; 1981, 630 § 1. (See 1967, 816 § 2; 1981, 630 § 3.)

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. 1A, second paragraph, first and second sentences revised, 1980, 261 § 4.

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. 4, first paragraph, second sentence revised, 1980, 261 § 5; second paragraph revised, 1980, 261 § 6.

SECT. 4A, clause (*a*) revised, 1980, 261 § 6A.

SECT. 4C revised, 1980. 261 § 7.

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; section revised, 1982, 47 § 1.

SECT. 10B, first sentence revised, 1979, 283 § 2; 1982, 47 § 2; third sentence revised, 1982, 47 § 3.

SECT. 10C, first sentence revised, 1982, 47 § 4; two sentences inserted after first sentence, 1980, 456 § 1; second sentence stricken out, two sentences inserted, 1980, 403 § 1; second sentence revised, 1982, 47 § 5; paragraph added, 1979, 383 § 1. (See 1980, 403 § 15.)

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; revised, 1981, 506. (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; first paragraph amended, 1980, 403 § 2. 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; 1980, 403 § 15.)

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. 18D added, 1981, 558 § 5 (relative to the distribution of the commonwealth's share of pari-mutuel wagers); section revised, 1982, 549.

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; revised, 1981, 699 § 80; 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; 1981, 699 § 97.)

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; ninth sentence stricken out and two sentences inserted, 1980, 572 § 12; tenth sentence revised, 1979, 383 § 2. (See 1933, 321 § 9; 1972, 684 § 136; 1978, 514 § 287, 580 § 40; 1980, 572 § 417.)

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; third sentence amended, 1980, 572 § 13; seventh sentence amended, 1980, 572 § 14. (See 1933, 321 §§ 8, 9; 1972, 684 § 136; 1978, 580 § 40;1980, 572 § 417.)

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); first paragraph, clause (1) revised, 1980, 261 § 8; second paragraph revised, 1980, 261 § 9. (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. 2A, subsection (*a*), second paragraph revised, 1980, 261 § 10; subsection (*b*), introductory paragraph revised, 1980, 261 § 11; definition of "Class one residential" amended, 1982, 369 § 3; 1982, 661;definition of "Class two, open-space" revised, 1982, 369 § 4; subsection (*c*) revised, 1980, 261 § 12.

SECT. 2B, first paragraph revised, 1980, 261 § 13.

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, introductory clause amended, 1963, 160 § 8; 1970, 270 § 1; revised, 1974, 831 § 1; amended, 1975, 734 § 1; 1978, 435 § 1; revised, 1982, 653 § 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 Fourth A revised, 1981, 138; 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); sentence added, 1980, 411 § 1; (see 1980, 411 § 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 Seventeenth C added, 1981, 743 § 1; last sentence revised, 1982, 653 § 2;(see 1981, 743 § 2.) 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; 1982, 319; 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-seventh A added, 1982, 258; revised, 1982, 634 § 7;653 § 3;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; paragraph added, 1982, 653 § 4; clause Forty-first B added, 1982, 653 § 5; 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; 1982, 653 § 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. 5C, first and second sentences revised, 1982, 369 § 5.

SECT. 5D, first paragraph, sentence inserted after first sentence, 1982, 657 § 1. (See 1982, 657 § 3.)

SECT. 5F, first paragraph, sentence inserted after second sentence, 1982 657 § 2. (See 1982, 657 § 3.)

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 asessments). (See 1979, 797 § 25.)

SECT. 12A, first sentence revised, 1980, 261 § 14.

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. 20A added, 1980, 580 § 12 (limiting certain increases of costs, charges and fees on cities and towns); section revised, 1981, 782 § 9; 1982, 550 § 1. (See 1981, 782 § 16; 1982, 550 § 2.)

SECT. 20B added, 1982, 550 § 1 (relative to assessment limi tations of regional water and regional sewer districts). (See 1982, 550 § 2.)

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. 21C added, 1980, 580 § 1 (limiting state and local taxation and expenditures); section revised, 1981, 782 § 10. (See 1981, 782 § 16.)

SECT. 21D added, 1981, 782 § 11 (further regulating state and local taxation and expenditures).

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; first sentence revised, 1981, 339 § 2; third sentence revised, 1981, 461; paragraph inserted after second paragraph, 1975, 375 § 3; fourth paragraph revised, 1976, 393; paragraph added, 1980, 413 § 1. (See 1980, 413 § 2.) 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; third paragraph amended, 1980, 580 § 8. (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. 27C added, 1980, 580 § 2 (limiting state and local taxation and expenditures).

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 taxationof 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; second paragraph, first and

second sentences revised, 1981, 111 § 1; 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. first paragraph, second and third sentences revised, 1981, 111 § 2. (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. 52A added, 1980, 180 (requiring assessors to deliver certain plans to the land court department of the trial court).

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; revised, 1982, 653 § 6; 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; 1982, 653 § 11.)

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; 1980, 406 § 1. (See 1976, 250 § 6; 1980, 406 § 4.)

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); third sentence revised, 1980, 261 § 15. (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.)

Chapter repealed, 1980, 261 § 16.

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; third sentence revised, 1980, 97. (See 1976, 4 § 33.)

SECT. 2A added, 1980, 187 (authorizing cities and towns to enter into agreements with certain banks for the collection of accounts payable); amended, 1981, 429.

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; 1980, 64 § 1; clause 11 revised, 1971, 273 § 2; 1980, 64 § 1; 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; first sentence revised, 1981, 145 § 2; fourth sentence revised, 1971, 269; 1978, 534; sentence inserted after fourth sentence, 1976, 163; fifth sentence revised, 1980, 412; 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. 24 revised, 1980, 64 § 2.

SECT. 25 revised, 1977, 175.

SECT. 27 revised, 1980, 64 § 3.

SECT. 29 revised, 1963, 160 § 29; 1980, 64 § 4.

SECT. 30 revised, 1980, 64 § 5.

SECT. 31 revised, 1980, 64 § 6.

SECT. 34, first sentence amended, 1947, 313; section revised, 1980, 64 § 7.

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; stricken out, 1981, 303.

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; amended, 1980, 261 § 17; second paragraph amended, 1941, 231; sentence inserted before last sentence, 1947, 133; paragraph inserted after the second paragraph, 1938, 415 § 5. third paragraph, first sentence revised, 1981, 340 § 1. (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); section revised, 1981, 340 § 2.

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. 90 revised, 1980, 64 § 8.

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; first sentence amended, 1980, 580 § 9; 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; fifth paragraph, two sentences inserted after first sentence, 1982, 597 § 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; third sentence revised, 1982, 117 § 1; sentence inserted after sixth sentence, 1982, 117 § 2; ninth sentence revised, 1981, 170; tenth sentence revised, 1980, 406 § 2; eleventh sentence revised, 1978, 152. (See 1934, 375 § 2; 1959, 371 § 2; 1962, 231 § 4; 1976, 415 § 116; 1980, 406 § 4.) Affected by 1962, 727.

SECT. 2A added, 1938, 492 § 1 (providing for the suspension of certificates of registration in cases of nonpayment of the excise on registered motor vehicles); last sentence stricken out, 1943, 18; second sentence revised, 1945, 443; section revised, 1953, 339 § 1; amended, 1958, 91; first sentence revised, 1976, 398 § 2; 1977, 737 § 2; 1978, 514 § 88; second sentence revised, 1969, 183; amended, 1980, 572 § 15; 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; 1980, 572 § 417.)

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 61inserted, 1981, 768, § 1.

For prior changes see Table of Changes contained in Acts and Resolves of 1980.

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; revised, 1980, 261 § 18. (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.)

SECT. 2, paragraph added, 1980, 261 § 19.

SECT. 7, first paragraph, second and third sentences revised, 1980, 261 § 20; second paragraph, fifth sentence revised, 1980, 261 § 20A.

SECT. 16 revised, 1980, 261 § 21.

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; subparagraph (9) added 1980, 580 § 11 (allowing a tax deduction for rent of a residence). 1981, 782 §§ 12-13; paragraph (*b*) subparagraph (5) revised, 1977, 599 § 8; paragraph revised, 1979, 409 § 3; subparagraph (2), subsection (A) revised, 1979, 409 § 6; subparagraphs (1), (2) and (3) revised, 1982, 377 § 1. (See 1977, 599 § 11; 1979, 409 § 7; 1981, 782 § 16; 1982, 377 § 2.)

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 (*b*), clause (1), sentence added, 1980, 577 § 2A; subsection (*d*) added, 1979, 796 § 9; second paragraph amended, 1980, 485; 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. 6C added, 1975, 774 § 4.

SECT. 6D added, 1981, 808 § 25. (See 1981, 808 § 35.)

SECT. 6E added, 1981, 808 § 25. (See 1981, 808 § 35.)

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 (*a*) amended, 1981, 781 § 5; subsection (*b*) amended, 1981, 781 § 6; 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; 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. 8, paragraph (*a*) amended, 1981, 781 § 5; paragraph (*b*) amended, 1981, 781 § 6.

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 (*a*), first sentence revised, 1980, 27 § 2; paragraph (*b*) amended, 1966, 698 § 43; paragraph (*d*) amended, 1966, 698 § 44. (See 1969, 536 § 3; 1980, 27 § 11.)

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; definitions of "Promoter" and "Show" inserted, 1980, 395 § 1. (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. 8A added, 1980, 395 § 2 (requiring the filing of certain reports by promoters).

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 (*a*) revised, 1980, 577 § 3; 1982, 352 § 1; paragraph (*b*) amended, 1978, 514 § 117; stricken out, 1980, 403 § 3; paragraphs (*e*) and (*f*) revised, 1982, 352 § 2; paragraph (*h*) amended, 1978, 514 § 118; paragraph (*i*) amended, 1978, 514 § 119. (See 1978, 514 § 287; 1980, 403 § 15.)

SECT. 16A added, 1980, 577 § 4 (relative to the computation of fuel taxes); section repealed, 1982, 352 § 3.

SECT. 17, paragraph (*a*) amended, 1978, 514 § 120; third sentence amended, 1980, 572 § 16. (See 1978, 514 § 287; 1980, 572 § 417.)

SECT. 18, subsection (*a*) second sentence revised, 1977, 219 § 3; section revised, 1977, 219 § 4. (See 1977, 219 § 7.)

SECT. 21, subsection (*a*) amended, 1980, 403 § 4; subsection (*b*), clause (1) revised, 1977, 459 § 1; clause (3) revised, 1977, 219 § 5, 459 § 2; clauses(9) and (10) added, 1978, 367 § 54; clause (9) amended, 1981, 801; clause (9) inserted 1978, 543; stricken out 1980, 403 § 5; clause (11)

added, 1980, 403 § 5; amended, 1982, 301. clause (12) added, 1982, 581 § 2; (See 1977, 219 § 7; 1977, 459 § 7; 1978, 367 § 72; 1980, 403 § 15.)

SECT. 23 amended, 1978, 514 § 121. (See 1978, 514 § 287.)

SECT. 25 amended, 1980, 403 § 6. (See 1980, 403 § 15.)

SECT. 30, second paragraph revised, 1978, 514 § 122; third paragraph amended, 1978, 514 § 123. (See 1978, 514 § 287.)

SECT. 32 revised, 1980, 27 § 3. (See 1980, 27 § 11.)

SECT. 33, third paragraph amended, 1978, 514 § 124; section revised, 1980, 27 § 4. (See 1978, 514 § 287; 1980, 27 § 11.)

SECT. 33A, second paragraph amended, 1980, 403 § 7. (See 1980, 403 § 15.)

SECT. 34, sentence inserted after second sentence, 1980, 395 § 3

SECT. 36, paragraph added, 1977, 827.

SECT. 37 amended, 1978, 514 § 125; second paragraph revised, 1978, 514 § 126; third paragraph amended, 1978, 514 § 127; 1980, 403 § 8. (See 1978, 514 § 287; 1980, 403 § 15.)

SECT. 38 amended, 1978, 514 § 128. (See 1978, 514 § 287.)

SECT. 39 amended, 1978, 514 § 129. (See 1978, 514 § 287.)

SECT. 40, first paragraph revised, 1980, 27 § 5. (See 1980, 27 § 11.)

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. 45A added, 1980, 27 § 6 (permitting the commissioner to promulgate regulations relative to estimated payments of taxes).

SECT. 45B added, 1982, 567 (authorizing estimated tax payments to be made to certain banks).

SECT. 62C added, 1982, 567 (relative to estimated income tax payments).

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; last sentence stricken out and two sentences added, 1980, 572 § 17. (See 1978, 514 § 287; 1980, 572 § 417.)

SECT. 56, subsection (*e*), paragraph (2) amended, 1978, 514 § 137. (See 1978, 514 § 287.)

SECT. 57, second paragraph amended, 1980, 403 § 9. (See 1980, 403 § 15.)

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; first paragraph amended, 1980, 403 § 10; fifth paragraph revised, 1980, 499 § 1; fourth and fifth paragraphs revised, 1980, 572 § 18. (See 1977, 459 § 7; 1978, 514 § 287; 1980, 403 § 15; 1980, 499 § 3; 1980, 572 § 417.)

SECT. 67A added, 1980, 395 § 4 (requiring promoters to file certain notices).

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. 76 amended, 1980, 395 § 5.

SECT. 78 added, 1979, 277.

SECT. 79 added, 1980, 27 § 7. (See 1980, 27 § 11.)

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; definitions of "Promoter" and "Show" inserted, 1980, 395 § 1. (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. 8A added, 1980, 395 § 2 (requiring the filing of certain reports by promoters).

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 (*a*) revised, 1980, 577 § 3; 1982, 352 § 1; paragraph (*b*) amended, 1978, 514 § 117; stricken out, 1980, 403 § 3; paragraphs (*e*) and (*f*) revised, 1982, 352 § 2; paragraph (*h*) amended, 1978, 514 § 118; paragraph (*i*) amended, 1978, 514 § 119. (See 1978, 514 § 287; 1980, 403 § 15.)

SECT. 16A added, 1980, 577 § 4 (relative to the computation of fuel taxes); section repealed, 1982, 352 § 3.

SECT. 17, paragraph (*a*) amended, 1978, 514 § 120; third sentence amended, 1980, 572 § 16. (See 1978, 514 § 287; 1980, 572 § 417.)

SECT. 18, subsection (*a*) second sentence revised, 1977, 219 § 3; section revised, 1977, 219 § 4. (See 1977, 219 § 7.)

SECT. 21, subsection (*a*) amended, 1980, 403 § 4; subsection (*b*), clause (1) revised, 1977, 459 § 1; clause (3) revised, 1977, 219 § 5, 459 § 2; clauses(9) and (10) added, 1978, 367 § 54; clause (9) amended, 1981, 801; clause (9) inserted 1978, 543; stricken out 1980, 403 § 5; clause (11) added, 1980, 403 § 5; amended, 1982, 301. (See 1977, 219 § 7; 1977, 459 § 7; 1978, 367 § 72; 1980, 403 § 15.)

SECT. 23 amended, 1978, 514 § 121. (See 1978, 514 § 287.)

SECT. 25 amended, 1980, 403 § 6. (See 1980, 403 § 15.)

SECT. 30, second paragraph revised, 1978, 514 § 122; third paragraph amended, 1978, 514 § 123. (See 1978, 514 § 287.)

SECT. 32 revised, 1980, 27 § 3. (See 1980, 27 § 11.)

SECT. 33, third paragraph amended, 1978, 514 § 124; section revised, 1980, 27 § 4. (See 1978, 514 § 287; 1980, 27 § 11.)

SECT. 33A, second paragraph amended, 1980, 403 § 7. (See 1980, 403 § 15.)

SECT. 34, sentence inserted after second sentence, 1980, 395 § 3

SECT. 36, paragraph added, 1977, 827.

SECT. 37 amended, 1978, 514 § 125; second paragraph revised, 1978, 514 § 126; third paragraph amended, 1978, 514 § 127; 1980, 403 § 8. (See 1978, 514 § 287; 1980, 403 § 15.)

SECT. 38 amended, 1978, 514 § 128. (See 1978, 514 § 287.)

SECT. 39 amended, 1978, 514 § 129. (See 1978, 514 § 287.)

SECT. 40, first paragraph revised, 1980, 27 § 5. (See 1980, 27 § 11.)

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.45A added, 1980, 27 § 6 (permitting the commissioner to promulgate regulations relative to estimated payments of taxes).

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; last sentence stricken out and two sentences added, 1980, 572 § 17. (See 1978, 514 § 287; 1980, 572 § 417.)

SECT. 56, subsection (*e*), paragraph (2) amended, 1978, 514 § 137. (See 1978, 514 § 287.)

SECT. 57, second paragraph amended, 1980, 403 § 9. (See 1980, 403 § 15.)

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; first paragraph amended, 1980, 403 § 10; fifth paragraph revised, 1980, 499 § 1; fourth and fifth paragraphs revised, 1980, 572 § 18. (See 1977, 459 § 7; 1978, 514 § 287; 1980, 403 § 15; 1980, 499 § 3; 1980, 572 § 417.)

SECT. 67A added, 1980, 395 § 4 (requiring promoters to file certain notices).

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. 76 amended, 1980, 395 § 5.

SECT. 78 added, 1979, 277.

SECT. 79 added, 1980, 27 § 7. (See 1980, 27 § 11.)

Chapter 62D. — SET-OFF DEBT COLLECTION.

New chapter inserted, 1982, 581 § 1.

Chapter 62.—WAGE REPORTING SYSTEM.

New chapter inserted 1982, 643.

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; first sentence revised, 1982, 658 § 2; 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; 1982, 658 § 10.)

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); subsection (*a*), second and third sentences revised, 1982, 658 § 3; paragraph (*f*) added, 1973, 752 § 3; paragraph (*g*) added, 1977, 919 § 1. (See 1970, 634 § 7; 1973, 752 § 12; 1977, 919 § 3; 1982, 658 § 10.)

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; second sentence revised, 1982, 658 § 4; subsection (*e*) revised, 1973, 752 § 6; subparagraph (ii), first sentence revised, 1982, 658 § 5; 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; 1982, 658 § 10.)

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 deducation 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.)

SECTS. 38I-38J added, 1982, 658 § 6 (relative to certain allowable deductions). (See 1982, 658 § 10.)

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*), first sentence revised, 1980, 27 § 8; 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; 1980, 27 § 11.)

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; paragraphs (*k*) and (*l*) added, 1980, 577 § 5; revised, 1982, 352 § 4. (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; 1980, 577 § 6; section stricken out and sections 3and 3A inserted, 1982, 352 § 5. (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; 1980, 577 § 7; 1982, 352 § 6. (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; first sentence revised, 1982, 352 § 7; 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; paragraph (*c*) amended, 1980, 403 § 11; section revised, 1980, 577 § 8; 1982, 352 § 8. (See 1971, 497 § 15; 1977, 356 § 12; 1979, 481 § 13; 1980, 403 § 15.)

Chapter 64B. — Excise upon Charges for Meals served to the Public.

New chapter inserted, 1941, 729 § 17. (See 1941, 729 § 15.)

SECT. 1, definition of "taxable charge", revised, 1945, 663 § 1; 1946, 326 § 1; 1949, 725; 1953, 627 § 1; 1971, 555 § 44A; amended, 1973, 723 § 12; revised, 1975, 684 § 56; definition of "Meal" added, 1975, 684 § 57; definition of "Restaurant" added, 1975, 684 § 57; revised, 1975, 720 § 1. (See 1971, 555 § 67; 1973, 723 § 19; 1975, 684 § 97, 720 § 3.)

SECT. 2 revised, 1945, 663 § 2; 1946, 326 § 2; amended, 1953, 654 § 77; 1971, 555 § 44B, 901 § 1; revised, 1976, 415 § 51. (See 1971, 555 § 67; 1976, 415 § 116.)

SECT. 2A added, 1953, 627 § 2 (exempting certain meals from the excise imposed by this chapter); clause (*a*) amended, 1970, 888 § 16;

clause (*d*) added, 1961, 477; clauses (*e*) and (*f*) added, 1975, 684 § 58. (See 1970, 888 § 31; 1975, 684 § 97.)

SECT. 2B added, 1975, 720 § 2 (exempting certain food or beverages from the meal excise law). (See 1975, 720 § 3.)

SECT. 3 revised, 1945, 663 § 3; 1946, 326 § 3; amended, 1971, 555 § 44C; revised, 1975, 684 § 96. (See 1971, 555 § 67; 1975, 684 § 97.)

SECT. 4 revised, 1953, 617.

SECT. 5, first sentence amended, 1969, 673 § 1; second sentence amended, 1970, 195 § 1; third sentence amended, 1953, 654 § 78. (See 1970, 195 § 2.)

SECT. 6, paragraph added, 1943, 521 § 2; amended, 1948, 658; 1953, 654 § 79; second paragraph revised, 1954, 503 § 1; stricken out, 1969, 546 § 3. (See 1954, 503 § 2; 1969, 546 § 34.)

SECT. 6A added, 1972, 523 § 1 (further regulating the liability for room occupancy and meal excises).

SECT. 7 revised, 1946, 564; next to last sentence stricken out and two sentences inserted, 1953, 654 § 80; third sentence revised, 1957, 368 § 1; section amended, 1973, 708 § 6. (See 1957, 368 § 2; 1973, 708 § 10.)

SECTS. 4-9 stricken out, 1975, 684 § 96. (See 1975, 684 § 97.)

SECT. 10 amended, 1953, 654 § 81; revised, 1955, 540 § 4; repealed, 1966, 14 § 33. (See 1955, 540 §§ 5-7.)

Chapter repealed, 1975, 684 § 87. (See 1975, 684 § 97.)

Chapter 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. paragraphs (*k*) and (*l*) added, 1980, 577 § 9; stricken out and paragraph (*k*) inserted, 1982, 352 § 9. (See 1978, 514 § 287.)

SECT. 2, fourth paragraph revised, 1975, 819 § 1; section revised, 1976, 415 § 64; fourth paragraph, sentence added, 1980, 544 § 1. (See 1975, 819 § 7; 1976, 415 § 116; 1980, 544 § 2.)

SECT. 3, last paragraph revised, 1957, 382 § 1. section revised, 1982, 352 § 10 (errorin General Laws chapter refer ence).(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; 1980, 577 § 10; 1982, 352 § 11. (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; paragraph added, 1982, 352 § 12. (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; amended, 1980, 577 § 11; revised, 1982, 352 § 13; 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. 5 revised, 1980, 499 § 2. (See 1980, 499 § 3.)

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; 1982, 352 § 14. (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 (*b*) revised, 1981, 553; 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; 1982, 429 § 1; paragraph (*q*) revised, 1981, 571 § 1; paragraphs (*r*)-(*s*) revised, 1971, 555 § 45; paragraph (*r*) second sentence revised, 1977, 363A § 48; paragraph amended, 1977, 620 § 1; 1982, 429 § 2; paragraph (*s*) amended, 1977, 620 § 2; 1982, 429 § 3; 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; revised, 1982, 655 § 1; paragraph (*gg*) added, 1979, 796 § 11. stricken out and paragraph (*hh*) inserted, 1980, 261 § 22; paragraph (*ii*) added, 1982, 429 § 4. (See 1968, 87 § 2; 1971, 555 § 67; 1975, 684 § 97; 1978, 367 § 72, 514 § 287; 1979, 796 § 35; 1982, 655 § 2.)

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; revised, 1980, 557 § 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; revised, 1980, 557 § 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; amended, 1980, 403 § 12. (See 1978, 514 § 287; 1980, 403 § 15.)

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; first paragraph, fourth sentence amended, 1980, 572 § 19; second paragraph stricken out and two paragraphs inserted, 1972, 712 § 2. (See 1961, 469 § 4; 1969, 541 § 4; 1971, 555 § 67; 1980, 572 § 417.)

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; section revised, 1980, 572 § 20. (See 1969, 541 § 4; 1971, 555 § 67; 1980, 572 § 417.)

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; section revised, 1980, 572 § 21. (See 1977, 459 § 7; 1980, 572 § 417.)

SECT. 25 repealed, 1976, 415 § 115. (See 1976, 415 § 116.)

SECT. 27 revised, 1980, 403 § 13. (See 1980, 403 § 15.)

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; amended 1982, 83.

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; sentence added, 1982, 477; paragraph (*b*) revised, 1976, 438 § 2; paragraph added, 1982, 189 § 1. (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; revised, 1982, 581 § 3. (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. 17D added, 1980, 328 (regulating access to the Massachusetts natural heritage program data base).

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. 19, penultimate sentence amended, 1980, 572 § 22. (See 1980, 572 § 417.)

SECT. 20, subsection (11) revised, 1972, 393. 1981, 345 § 1.

SECT. 21, subsection (*c*) amended, 1972, 613, § 1. paragraph added, 1981, 345 § 2.

SECT. 23, clause (a), third sentence amended, 1980, 572 § 23. (See 1980, 572 § 417.)

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; amended, 1980, 572 § 24. (See 1972, 684 § 136; 1980, 572 § 417.)

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; first sentence amended, 1980, 329§ 113. (See 1978, 393 § 45; 1980, 329 § 133.)

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; 1980, 329 § 114. (See 1954, 627 §§ 65, 67; 1977, 771 § 2; 1980, 329 § 133.)

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 sentence amended, 1980, 329 § 115; second paragraph amended, 1967, 502; third sentence amended, 1972, 766 § 7. (See 1972, 766 § 23; 1980, 329 § 133.)

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; second paragraph, first sentence amended, 1980, 329 § 116. (See 1973, 786 § 2; 1980, 329 § 133.)

SECT. 7F added, 1972, 602 (establishing education scholarships for certain children of prisoners of war or servicemen missing in action in Southeast Asia); second paragraph, first sentence amended, 1980, 329 § 117. (See 1980, 329 § 133.)

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); section revised, 1981, 675.

SECT. 7H added, 1981, 707 § 1(establishing certain scholar ships for American Indians attending certain institutions).

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; 1980, 329 § 118; 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; first sentence amended, 1980, 329 § 119; second sentence amended, 1980, 329 § 119. (See 1980, 329 § 133.)

SECT. 31, introductory paragraph amended, 1965, 572 § 13; revised, 1974, 782 § 2; first sentence amended, 1980, 329 § 120; clause Second amended, 1972, 159 § 1; clause Thirteenth amended, 1972, 159 § 2. (See 1980, 329 § 133.)

SECT. 31A added, 1964, 66 (further regulating the awarding of degrees by educational institutions in the commonwealth); revised, 1975, 669; second sentence amended, 1980, 329 § 121.

SECT. 31B added, 1973, 305 (requiring the transfer of certain records to the board of higher education); amended, 1980, 329 § 122. (See 1980, 329 § 133.)

SECT. 31C added, 1973, 564 (requiring institutions to notify certain applicants of whether said institutions have certain academic accreditation).

SECT. 31D added, 1980, 329 § 83 (relative to eligibility for matching scholarship grants); section repealed, 1981, 689 § 2. (See 1980, 329 § 134.)

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).

SECT. 36 added, under caption, 1981, 772 § 1 (promotong the use of outside educational resources by public and private schools and community organizations).

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. 2A, first paragraph, clauses (3)-(6) stricken out and clauses (3)-(5) inserted, 1981, 351 § 122. (See 1981, 351 § 299.)

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; 1980, 144.

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; third sentence revised, 1981, 310; 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; first sentence revised, 1981, 662.

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-13C 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 14, 14A, 14B, 15, 16, 16A to16I 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; last two sentences stricken out,

1980, 580 § 6; section revised, 1981, 744; paragraph inserted after fouth paragraph, 1982, 148. (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. 17A added, 1981, 236 (establishing a revolving fund for the culinary arts program in public high schools).

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; section revised, 1980, 580 § 7; two sentences added, 1981, 471; paragraph added, 1981, 782 § 14. (See 1981. 782 § 16.)

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; sentence added, 1981, 460 § 1.

SECT. 34E added, 1973, 785 (providing for parental inspection or inspection by a pupil over eighteen of certain records of such pupil); revised, 1981, 460 § 2.

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); first sentence revised, 1981, 134.

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; 1980, 564; sentence inserted after fifth sentence, 1981, 112 § 1.

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); revised, 1982, 303.

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. 37I, paragraph inserted after third paragraph, 1981, 708 § 2.

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; amended, 1981, 96; 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. first paragraph amended, 1980, 572 § 25. (See 1951, 278 § 2; 1960, 20 § 2; 1972, 684 § 136; 1980, 572 § 417.)

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. 38P added, 1980, 520 § 1 (providing for the tenure of school psychologists).

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; fifth sentence revised, 1982, 49.

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; fifth sentence revised, 1982, 173.

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; first sentence revised, 1982, 296.

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, 1954, 378; 1958, 15; first paragraph revised, 1977, 67 § 1; fourth paragraph revised, 1977, 67 § 2; section revised, 1981, 85.

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; section revised, 1980, 111. (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; 1981, 83; 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. 71F added, 1982, 43 (establishing separate accounts for nonresident students tuition in certain cities and towns).

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, first paragraph revised, 1981, 351 § 123; 1982, 314; second paragraph revised, 1973, 318 § 1. (See 1981, 351 § 299.)

SECT. 5A added, 1981, 351 § 124 (relative to cost of certain special needs programs). (See 1981, 351 § 299.)

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; section revised, 1982, 607 § 4. (See 1978, 367 § 72; 1982, 607 § 7.)

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.)

SECT. 15 added, 1982, 357 § 13 (relative to reports concerning special education of mentally retarded persons). (See 1982, 357 § 21.)

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. 1F added, 1982, 212 § 2. (See 1982, 212 § 7.)

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. 14A added, 1982, 357 § 14 (relative to the transfer of certain monies to the General Fund). (See 1982, 357 § 21.)

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, 466 § 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, 466 § 14; 1956, 602 §§ 17-20.)

SECT. 22A amended, 1938, 446 § 12; revised, 1947, 652 § 12; two sentences added, 1955, 700 § 1; section repealed, 1956, 602 § 10. (See 1938, 446 § 14; 1956, 602 §§ 17-20.)

SECT. 22B, first paragraph amended, 1948, 360; section repealed, 1956, 602 § 10. (See 1956, 602 §§ 17-20.)

SECT. 22C added, 1945, 561 (authorizing the division of the blind to use federal funds available in a program of rehabilitation of the blind); repealed, 1966, 535 § 6.

SECT. 22D added, 1946, 552 § 3 (providing for co-operation by the commonwealth with the veterans' administration in the administration of federal laws and regulations relating to the rehabilitation of disabled veterans of World War II); amended, 1965, 572 § 24. (See 1946, 552 §§ 4, 5.)

SECT. 22E added, 1950, 206 (relative to tenure of teachers elected for vocational education); revised, 1969, 233.

SECT. 23 repealed, 1933, 102 § 3.

SECT. 24 revised, 1963, 24.

SECT. 24A added, 1947, 497 (relative to the appointment of veterans as teachers in state aided approved vocational schools); revised, 1958, 154; repealed, 1967, 50.

SECT. 25 revised, 1962, 419 § 2.

SECT. 26 revised, 1962, 419 § 3.

SECT. 28 revised, 1939, 501 § 6; amended, 1945, 158 § 6; first sentence revised, 1969, 849 § 73. (See 1969, 849 § 79.)

SECT. 30 amended, 1937, 41; revised, 1962, 419 § 4.

SECT. 31 revised, 1964, 498.

SECT. 31A added, 1934, 65 (authorizing the trustees of the Essex county agricultural school to pay transportation costs of certain pupils attending said school); amended, 1943, 42; revised, 1954, 63; 1962, 419 § 5.

SECT. 31B added, 1960, 481 (relative to athletic and other organizations of county agricultural school pupils); first sentence revised, 1962, 419 § 5A; third sentence revised, 1970, 69; fourth sentence amended, 1974, 31.

SECT. 31C added, 1963, 323 (authorizing the county commissioners of Essex county to appropriate money for insurance coverage for students at the Essex Agricultural and Technical Institute who are injured while participating in athletic activities); amended, 1964, 512.

SECT. 33 revised, 1962, 419 § 6; two sentences added, 1970, 548; sentence inserted after second sentence, 1977, 237.

SECT. 35, second sentence revised, 1956, 455; section revised, 1962, 419 § 7.

SECT. 35A added, 1961, 525 (authorizing the Essex county agricultural school to give certain courses to high school graduates and to award associate degrees to those completing such courses); revised, 1962, 419 § 7A; amended, 1965, 572 § 25.

SECT. 36 revised, 1962, 419 § 8.

SECT. 37 revised, 1962, 419 § 9.

SECT. 37A added, 1963, 562 § 1 (authorizing certain industrial, technical, agricultural and vocational schools to establish courses beyond secondary level and authorizing said schools to grant certain degrees to persons completing such courses of instruction); revised, 1965, 572 § 26; amended, 1967, 268 § 3; 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; section repealed, 1981, 808 § 26. (See 1981, 808 § 35.)

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. 11A added, 1982, 212 § 3 (prohibiting certain assessments on student tuition bills). (See 1982, 212 § 7.)

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; 1980, 329 § 78; 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; 1980, 329 § 134.)

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; third sentence amended, 1980, 572 § 26. (See 1980, 572 § 417.)

SECT. 20 repealed, 1973, 607 § 1. (See 1973, 607 § 9.)

SECT. 21 revised, 1980, 572 § 27. (See 1980, 572 § 417.)

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. 36B added, 1981, 700 § 1 (providing for analysis of narcotic drugs at the universityof Massachusetts medical school).
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. 9 revised, 1982, 357 § 15. (See 1982, 357 § 21.)
SECT. 11 amended, 1974, 835 § 145. (See 1974, 835 § 185.)
SECT. 16, third sentence revised, 1974, 520 § 3.
SECT. 17 revised, 1974, 520 § 4.
SECT. 24 added, 1982, 212 § 4 (relative to student tuition bills). (See 1982, 212 § 7.)

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).

SECT. 18 added, 1982, 212 § 5 (relative to student tuition bills). (See 1982, 212 § 7.)

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); second paragraph revised, 1982, 610 § 1. (See 1982, 610 § 11.)

SECT. 2, second paragraph, last sentence revised, 1980, 572 § 28. (See 1980, 572 § 417.)

SECT. 3, first paragraph revised, 1965, 34 § 2; second paragraph, last sentence revised, 1980, 572 § 29. (See 1980, 572 § 417.)

SECT. 4 revised, 1977, 826 § 3.

SECT. 6 amended, 1982, 610 § 2. (See 1982, 610 § 11.)

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, second sentence revised, 1980, 572 § 30; third to seventh sentences stricken out, 1977, 826 § 5; section revised, 1982, 360. (See 1980, 572 § 417.)

SECT. 3, second paragraph amended, 1973, 737; revised, 1977, 826 § 6; 1982, 610 § 3. (See 1982, 610 § 11.)

SECT. 4, fourth paragraph revised, 1982, 610 § 4. (See 1982, 610 § 11.)

SECT. 5 amended, 1982, 610 § 5. (See 1982, 610 § 11.)

SECT. 7, second paragraph, second sentence revised, 1980, 572 § 31. fourth paragraph revised, 1977, 826 § 7; 1982, 610 § 6. (See 1980, 572 § 417; 1982, 610 § 11.)

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; clauses (3) and (4) revised, 1981, 351 § 278. (See 1981, 351 § 299.)

SECTS. 19A-19D added, 1960, 760 § 1 (providing state aid for free public libraries). (See 1960, 760 §§ 2, 3.)

SECT. 19A added, 1960, 760 § 1; amended, 1963, 672; clauses (1) and (2) revised, 1970, 636 § 1; 1980, 99 § 1; second paragraph amended, 1970, 636 § 2.

SECT. 19C revised, 1970, 636 § 3; amended, 1980, 99 § 2; clauses (3) and (4) revised, 1980, 99 § 3; 1981, 351 § 278. (See 1981, 351 § 299.)

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).

SECTS. 33-34 added, 1982, 322 § 1 (further regulating certain free public libraries).

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; third sentence revised, 1981, 800 § 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; first paragraph amended, 1982, 248 § 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; 1981, 476; last sentence revised, 1981, 795 § 5; section revised, 1981, 800 § 2; last sentence revised, 1982, 634 § 8.

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; section revised, 1981, 800 § 3. (See 1963, 793 § 3; 1965, 653 § 2.)

SECT. 39, sentence added, 1955, 242; section revised, 1959, 626 § 5; sentence added, 1964, 548 § 3; revised, 1981, 800 § 4. (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; sentence inserted after fifth sentence, 1980, 477.

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; amended, 1982, 50.

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. 32C added, 1981, 270 (authorizing cities and towns to take certain easements for erecting snow fences).

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; revised, 1980, 502 § 1.

SECT. 41 added, 1968, 403 § 2 (requiring notice to utility companies before excavating within their defined rights-of-way and easements); repealed, 1980, 502 § 2.

SECT. 42 added, 1970, 208 (requiring notice to public utility companies of certain excavations on private land); repealed, 1980, 502 § 2.

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. 16A, first sentence revised, 1981, 440.

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; sentence added, 1982, 257.

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; first sentence revised, 1980, 329 § 73B. (See 1980, 329 § 134.)

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; last sentence revised, 1981, 351 § 41; second paragraph revised, 1961, 518 § 3. (See 1961, 518 § 5; 1981, 351 § 299.)

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; section revised, 1982, 217.

Chapter 86. — Boundaries of Highways and Other Public Places, and Encroachments Thereon.

SECT. 1, last sentence revised, 1964, 189.

SECT. 6, penultimate sentence amended, 1980, 417.

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; paragraph added, 1981, 42.

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; section revised, 1982, 122.

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; amended, 1981, 43; revised, 1981, 372; amended, 1982, 221. (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 "Child passenger restraint" inserted, 1981, 680 § 1. revised, 1982, 634 § 9; 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 "motorcycle split service brake system" inserted, 1981, 107 § 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; 1982, 470 § 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; 1981, 625 § 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; 1981, 107 § 3; 1981, 680 § 4.)

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. 1D, first sentence amended, 1980, 572 § 32. (See 1980, 572 § 417.)

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; sentence inserted after third sentence, 1982, 597 § 2; 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; 1980, 450. (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. 2D added, 1982, 266 (providing for the issuance of temporary registration plates).

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; first sentence amended, 1980, 572 § 33. (See 1980, 572 § 417.)

SECT. 3D, first sentence revised, 1953, 366 § 3; 1956, 75; second sentence amended, 1980, 572 § 34. (See 1980, 572 § 417.)

SECT. 3E, first sentence amended, 1980, 572 § 35. (See 1980, 572 § 417.)

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; amended, 1982, 470 § 2; 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 repossessor of a motor vehicle to return the number plates issued to the former owner).

SECT. 7 amended, 1932, 123 § 1; 1933, 51; second sentence amended, 1933, 109; stricken out and two sentences inserted, 1965, 627 § 1; two sentences inserted after second sentence, 1959, 618 § 1; third sentence, as so inserted, revised, 1964, 411; third sentence stricken out and two sentences inserted, 1967, 623 § 1; fourth sentence stricken out and two sentences inserted, 1966, 204; sentence added after fourth sentence, 1939, 153; revised, 1972, 112; sixth sentence (as appearing in 1933, 51) revised, 1960, 242; amended, 1966, 81; 1967, 168; revised, 1968, 309; seventh sentence (as so appearing) revised, 1962, 116, 395 § 1; stricken out and two sentences inserted, 1962, 709 § 1; said two sentences stricken out and one sentence inserted, 1963, 409 § 1;ninth sentence revised, 1949, 260; amended, 1951, 235; revised, 1966, 149 § 1; 1975, 621; sentence inserted, 1969, 260; sentence inserted after ninth sentence, 1951, 370; 1968, 109; eleventh sentence revised, 1952, 253; 1971, 175; twelfth and thirteenth sentences stricken out and one sentence inserted, 1955, 124; twelfth sentence (as appearing in 1933, 51) revised, 1968, 110; sentence inserted after twelfth sentence, 1971, 206; stricken out, 1971, 934; first paragraph, sentence added, 1954, 570 § 1; 1963, 826 § 1; 1973, 1019; 1965, 69 § 1; 1967, 13; amended, 1968, 225; revised, 1969, 170; sentence added, 1972, 149; 1974, 445; 1975, 59; paragraph revised, 1978, 439 § 1; ninth sentence stricken out and two sentences inserted, 1981, 107 § 2; 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; 1981, 107 § 3.)

SECT. 7A revised, 1932, 41, 271 § 2.

SECT. 7B added, 1932, 271 § 3 (prerequisites to operation of school bus);

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. penultimate sentence amended, 1980, 572 § 36; (See 1974, 766 § 2; 1979, 761 § 8; 1980, 572 § 417.)

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. clause (7) revised, 1981, 62; paragraph added, 1981, 519. (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. 7D½ added, 1981, 625 § 2 (relative to the transportation of certain vocational school students).

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. 7AA added, 1981, 680 § 2 (relative to child passenger restraints). (See 1981, 680 § 4.)

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; sentence added, 1968, 551; section revised, 1973 361 § 1; fifth paragraph, two sentences added, 1980, 110; last paragraph stricken out, 1982, 90. (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; fourth paragraph, second and third sentences revised, 1980, 572 § 37; 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; 1980, 572 § 417.)

SECT. 8B added, 1963, 713 § 2 (relative to a learner's permit for unlicensed drivers learning to drive); first paragraph amended, 1966, 358 § 2; sentence inserted after first sentence, 1973, 361 § 2; second sentence stricken out and two sentences inserted, 1967, 187; third sentence amended, 1973, 925 § 14; third paragraph amended, 1966, 522 § 1; last sentence revised, 1967, 624; section revised, 1975, 261 § 5. (See 1963, 713 § 4; 1966, 358 § 3; 1973, 925 § 84.)

SECT. 8C added, 1973, 766 (establishing a medical advisory board to the registry of motor vehicles).

SECT. 8D added, 1975, 879 § 1 (relative to anatomical donor cards); paragraph added, 1981, 119 § 1. (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. 8E, second sentence revised, 1982, 100; third sentence amended, 1980, 572 § 38. (See 1980, 572 § 417.)

SECT. 8F repealed, 1980, 329 § 57; amended, 1980, 572 § 39. (See 1980, 329 § 134; 1980, 572 § 417.)

SECT. 8G amended, 1980, 329 § 59; first sentence amended, 1980, 572 § 40. (See 1980, 329 § 134; 1980, 572 § 417.)

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; 1982, 142; 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; first paragraph, sixth and seventh sentence revised, 1980, 572 § 41. (See 1933, 332 § 5; 1935, 223 § 2; 1936, 388 § 2; 1977, 781 § 2; 1980, 572 § 417.) 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; first paragraph revised, 1981, 755 § 1. (See 1975, 494 § 15; 1977, 427 § 2; 1981, 755 § 3.)

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; first paragraph, last sentence revised, 1981, 489; 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.

SECTS. 20A-20E stricken out and sections 20A, 20A½, 20C, 20D and 20E inserted, 1981, 351 § 115. (See 1981, 351 § 298.)

SECT. 20A, first three paragraphs revised, 1981, 746 § 1; fourth paragraph, first sentence revised, 1981, 746 § 2; last two sentences stricken

out, 1981, 746 § 3; fifth and sixth paragraphs revised, 1981, 746 § 4; seventh and eighth paragraphs revised, 1981, 746 § 5. (See 1981, 746 § 13.)

SECT. 20A ½, first paragraph, third sentence revised, 1981, 746 § 6; third paragraph revised, 1981, 746 § 6A; seventh and eighth paragraphs stricken out and three paragraphs inserted, tenth paragraph stricken out, 1981, 746 § 8. (See 1981, 746 § 13.)

SECT. 20E, clauses (*d*) and (*e*) revised, 1981, 746 § 9. (See 1981, 746 § 13.)

SECT. 20F added, 1978, 478 § 41 (providing for non-criminal disposition of certain motor vehicle offenses). section repealed, 1982, 586 § 1. (See 1978, 478 § 343; 1982, 586 § 4.)

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 soley 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 inserted after first paragraph, 1982, 373 § 1; paragraph added, 1933, 69. (See 1971, 1033 § 4; 1982, 373 § 20.)

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 revised, 1982, 373 § 2; paragraph (*b*) revised, 1964, 200 § 1; 1982, 373 § 3; paragraph (*c*) revised, 1939, 82; amended, 1955, 198 § 1; revised, 1964, 200 § 2; 1970, 253; amended, 1974, 647 § 2; revised, 1982, 373 § 4; 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; revised, 1980, 383 § 1; paragraph (*f*) amended, 1972, 488 § 2; first and second sentences revised, 1980, 383 § 2; paragraph (*h*)added, 1982, 373 § 5; 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; 1982, 373 § 20.)

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; section revised, 1982, 373 § 6. (See 1982, 373 § 20.)

SECT. 24E revised, 1975, 505 § 2; first paragraph revised, 1982, 373 § 7; fifth, sixth and seventh paragraphs stricken out and two paragraphs inserted, 1982, 373 § 8. (See 1982, 373 § 20.)

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); section revised, 1982, 373 § 9; subsection (*a*) amended, 1982, 376 § 1; subsection (*b*) revised, 1982, 376 § 2. (See 1982, 373 § 20.)

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).

SECTS. 24I-24J added, 1982, 373 § 10 (relative to operating a motor vehicle while drinking alcoholic beverages from an open container). (See 1982, 373 § 20.)

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; section amended, 1982, 81.

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; amended, 1981, 351 § 116. (See 1953, 319 §§ 39, 40; 1981, 351 § 298.)

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; eighth sentence revised, 1982, 262; 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; fourth, fifth, sixth, seventh and eighth sentences stricken out, six sentences inserted, 1980, 572 § 42. (See 1980, 572 § 417.)

SECT. 32H added, 1963, 802 (requiring lessors of motorcycles to be licensed by the registrar of motor vehicles); first paragraph, fifth, sixth and seventh sentences revised, 1980, 572 § 43. (See 1980, 572 § 417.)

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; stricken out, 1980, 329 § 56; 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; tenth paragraph revised, 1980, 329 § 58; 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; revised, 1980, 394; paragraph added, 1974, 851 § 11; revised, 1975, 494 § 13. twenty-fourth and twenty-fifth paragraphs stricken out and one paragraph inserted, 1980, 329 § 60; section revised, 1980, 572 § 44. paragraph inserted after twenty-second paragraph, 1982, 597 § 3; (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; 1980, 329 § 134; 1980, 572 § 417.)

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; clause (2), subdivision (*a*) revised, 1962, 603 § 1; section amended, 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; fifth paragraph amended, 1980, 260. 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; tenth paragraph, sentence added, 1981, 607; 775 § 2. (See 1971, 978 § 2; 1973, 917 § 2, 953 § 2; 1975, 707 § 9; 1976, 1 § 5; 266 § 23; 1981, 775 § 4.)

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; second paragraph revised, 1981, 732 § 1. (See 1946, 583 § 5; 1948, 637 §§ 4-9, 13, 663 § 4; 1981, 732 § 38.)

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; paragraph (*a*), last sentence amended, 1980, 572 § 45; paragraphs (*b*) and (*c*) revised, 1965, 670 § 3; paragraph (*b*) revised, 1980, 572 § 46; paragraph (*e*) amended, 1965, 670 § 4. (See 1980, 572 § 417.)

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; clauses (4) and (5) revised, 1982, 115.

SECT. 3, paragraph (*a*) amended, 1961, 505; second sentence revised, 1971, 769; 1973, 142 § 1; 1980, 572 § 47; sentence inserted after sixth sentence, 1969, 304; paragraph (*j*) revised, 1973, 142 § 2. (See 1980, 572 § 417.)

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; revised, 1981, 760 § 11. (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; revised, 1981, 760 § 12; 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; amended, 1980, 572 § 48; sixth paragraph, first sentence revised, 1975, 702 § 3; two sentences added, 1973, 808; last sentence revised, 1976, 16; last paragraph revised, 1980, 572 § 49. (See 1980, 572 § 417.)

SECT. 23, second paragraph revised, 1975, 702 § 4; amended, 1980, 572 § 50. (See 1980, 572 § 417.)

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. 30 amended, 1980, 572 § 51; section revised, 1982, 433. (See 1980, 572 § 417.)

SECT. 32, first sentence amended, 1975, 706 § 122; revised, 1981, 760 § 13;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; 1981, 517; 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. 3, second paragraph, first sentence revised, 1981, 114.

SECT. 4, first sentence revised, 1964, 540; section revised, 1965, 692 § 4; 1980, 447. (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, first sentence amended, 1980, 31; 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. section revised, 1981, 351 § 117. first paragraph, first sentence revised, 1981, 746 § 9A. (See 1964, 626 § 2; 1974, 424 § 5; 1978, 478 § 343; 1981, 351 § 298; 746 § 13.)

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 stricken out and new chapter inserted, 1982, 586 § 2. (See 1982, 586 § 4.)

For prior changes see Table of Changes contained in Acts and Resolves of 1954.

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; section revised, 1982, 307.

SECT. 2, paragraph (*a*) amended, 1972, 117; 1973, 81 § 1; clause (3) revised, 1975, 392 § 2; clause (12) added, 1981, 144; 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. 15, paragraph (*a*) revised, 1981, 259 § 1.

SECT. 15A added, 1981, 640 § 1 (providing for pre sumption of joint ownership of certain motor vehicles upon the death of a spouse). (See 1981, 640 § 2.)

SECT. 16, paragraph (*a*) amended, 1975, 392 § 7.

SECT. 17, paragraph (*d*) added, 1975, 392 § 8.

SECT. 19, paragraph (*c*) revised, 1981, 259 § 2.

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; first sentence revised, 1980, 572 § 52; second paragraph stricken out, 1975, 392 § 12. (See 1980, 572 § 417.)

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. 50, second sentence amended, 1980, 572 § 53. (See 1980, 572 § 417.)

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); last sentence revised, 1980, 572 § 54. (See 1970, 693 § 3; 1980, 572 § 417.)

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); second paragraph, first sentence revised, 1980, 572 § 55. (See 1980, 572 § 417.)

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; paragraphs (7) and (8) stricken out and paragraph (7) inserted, 1981, 382 § 1; paragraph (10) amended, 1946, 243, 549 § 5; 1953, 373; 1974, 835 § 147; paragraphs (10) and (11) stricken out, 1981, 382 § 2; 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; revised, 1980, 472.

SECT. 16 revised, 1981, 382 § 3.

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. 27A added, 1982, 25 (relative to certain abandoned sources of water supply).

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; 1980, 106.

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.)

SECT. 103 added, 1982, 507 § 1 (relative to surveys, soundings and drillings). (See 1982, 507 § 2.)

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.

SECT. 9B added, 1980, 531 § 1 (establishing civil and criminal remedies for certain fraudulent acts affecting the commonwealth and commercial bribery).

SECT. 14 amended, 1981, 351 § 127. (See 1981, 351 § 299.)

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. 14N, last paragraph revised, 1980, 572 § 56. (See 1980, 572 § 417.)

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); second paragraph revised, 1982, 610 § 7. (See 1982, 610 § 11.)

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; sixth sentence revised, 1980, 572 § 57; section amended, 1982, 610 § 8. (See 1980, 572 § 417; 1982, 610 § 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. 21E, third paragraph, second sentence revised, 1980, 572 § 58; last paragraph revised, 1982, 610 § 9. (See 1980, 572 § 417; 1982, 610 § 11.)

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; revised, 1980, 572 § 59; two sentences added, 1975, 187 § 1; last sentence amended, 1980, 572 § 60. (See 1980, 572 § 417.)

SECTS. 24B AND 24C added, 1962, 670 § 3 (further regulating collection agencies).

SECT. 24B revised, 1971, 314; last sentence stricken out, two sentences added, 1980, 572 § 61. (See 1980, 572 § 417.)

SECT. 24C, second sentence revised, 1969, 789 § 2; 1978, 346 § 1; section revised, 1973, 1149 § 1; second sentence revised, 1980, 572 § 62. (See 1973, 1149 § 33; 1980, 572 § 417.)

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; 1981, 463 § 1.

SECT. 28B stricken out, 1953, 164 § 2.

SECT. 28C repealed, 1981, 463 § 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 G, H and I added, 1975, 90 § 3; subsections J and K added, 1981, 235 § 1; subsection K revised, 1982, 332 § 1;

SECT. 49 added, 1970, 883 § 1 (prohibiting certain collection practices); first paragraph revised, 1975, 155; subparagraph (*a*) revised, 1980, 172; 1981, 795 § 6.

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. 50, definition of "User" added, 1980, 118 § 1.

SECT. 56, paragraph (1) revised, 1980, 118 § 2.

SECT. 57, subsection (*b*) amended, 1980, 118 § 3; subsection (*f*) added, 1980, 118 § 4.

SECT. 59 revised, 1980, 118 § 5.

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; 1980, 448.

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.

SECT. 76 added, 1982, 544 (regulating certain leases in nursing homes, retirement homes and homes for the aged).

Chapter 93A. — Regulation of Business Practices for Consumers Protection.

New chapter inserted, 1967, 813 § 1.

SECT. 1, clause (*d*) 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; first paragraph, sentence inserted after first sentence, 1980, 119.

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 (*g*) revised, 1982, 91 § 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).

SECT. 15 added, 1982, 91 § 2 (further regulating business practices of certain distributors of motor vehicles).

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; definition of "Bakery" revised, 1981, 469; 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. 10B, fourth sentence amended, 1980, 572 § 63. (See 1980, 572 § 417.)

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; fifth sentence amended, 1980, 572 § 64; clause (*b*) revised, 1982, 106. (See 1980, 572 § 417.)

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; fourth sentence amended, 1980, 572 § 65. (See 1975, 706 § 312; 1980, 572 § 417.)

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 diary farms to be licensed as qualified to measure, sample and accept milk for inclusion in a bulk tank truck).

SECT. 28, second sentence amended, 1980, 572 § 66; fourth sentence amended, 1980, 572 § 67; (See 1980, 572 § 417.)

SECT. 28A added, 1961, 561 § 2; sentence inserted after first sentence, 1966, 128. fourth sentence amended, 1980, 572 § 68; penultimate sentence amended, 1980, 572 § 69. (See 1980, 572 § 417.)

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; 1981, 351 § 260. (See 1975, 706 § 312;1981, 351 § 299.)

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; first sentence revised, 1981, 351 § 43; third sentence revised, 1976, 136 § 3. (1981, 351 § 299.)

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. second paragraph, last sentence amended, 1980, 572 § 70;. (See 1961, 94 § 2; 1980, 572 § 417.)

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; stricken out, 1981, 351 § 261. (See 1975, 706 § 312; 1981, 351 § 299.)

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, first paragraph, third sentence revised, 1981, 351 § 44; third paragraph revised, 1976, 136 § 5. (See 1981, 351 § 299.)

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. 65S revised, 1980, 572 § 71. (See 1980, 572 § 417.)

SECT. 65T added, 1963, 274 § 3 (authorizing the department of public health to establish regulations and standards for frozen dietary dairy desserts); first sentence revised, 1976, 193 § 1.

SECT. 65U added, 1967, 215 § 10 (establishing standards of labeling for frozen desserts and mix); first sentence revised, 1976, 193 § 2.

SECT. 66, third sentence amended, 1980, 572 § 72. (See 1980, 572 § 417.)

SECT. 66A added, 1945, 109 (making certain laws relative to cold storage warehouses inapplicable to locker plants, so called). third sentence amended, 1980, 572 § 72. (See 1980, 572 § 417.)

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; last sentence amended, 1980, 572 § 73. (See 1980, 572 § 417.)

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.)

SECT. 141 revised, 1981, 351 § 46. (See 1981, 351 § 299.)

SECTS. 143B AND 143C added, 1956, 693 (permitting the manufacture of sausage contained in colored casings and regulating the sale thereof);

SECTS. 143B AND 143C repealed, 1982, 216.

SECTS. 144-145 repealed, 1973, 383.

SECT. 146, first paragraph amended, 1934, 340 § 6; 1943, 508 § 3; sentence inserted after first sentence, 1981, 351 § 47; fourth sentence revised, 1975, 706 § 156; second paragraph amended, 1952, 387. (See 1934, 340 § 18; 1975, 706 § 312; 1981, 351 § 299.)

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; first sentence amended, 1980, 572 § 74; definitions of "poultry sold or used for food" and "producer" inserted, 1955, 515 § 1. (See 1975, 706 § 312; 1980, 572 § 417.)

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; 1981, 351 § 262. (See 1975, 706 § 312; 1981, 351 § 299.)

SECT. 152E-152G added, 1955, 515 § 2 (making the protection under the poultry bonding law applicable only to poultry producers).

SECT. 153A added, 1933, 116 (relative to the sale of meat and meat products containing certain preservatives); revised, 1933, 311; 1945, 165.

SECT. 156, second paragraph amended, 1960, 625.

SECT. 172 revised, 1939, 122.

SECT. 174A added, 1945, 92 § 1 (fixing standard weights of containers for certain flours, etc.); revised, 1946, 92.

SECT. 175 repealed, 1945, 92 § 2.

SECT. 177 revised, 1946, 176; amended, 1960, 243; revised, 1974, 115; 1975, 390.

SECT. 181 amended, 1939, 261 § 10; revised, 1960, 244; 1965, 676; last paragraph revised, 1968, 467 § 13.

SECT. 182 amended, 1939, 261 § 11; revised, 1968, 467 § 14.

SECT. 184 amended, 1939, 261 § 12; 1968, 467 § 15.

Caption following section 184A revised, 1961, 600 § 2.

SECT. 185A repealed, 1937, 341 § 4.

SECT. 186 revised, 1948, 598 § 1; clause Thirteenth added, 1963, 487 § 1; section amended, 1961, 600 § 2; 1970, 891 §§ 2, 3.

SECT. 187 revised, 1948, 598 § 2; first paragraph revised, 1970, 891 § 4; following the words "In the case of a drug", clause First revised, 1972, 427; clause Ninth inserted, 1957, 284; last paragraph revised, 1954, 577 § 1; amended, 1957, 284; following the words "In the case of food", clauses First to Eighth stricken out and clauses First to Fourteenth

inserted, 1970, 891 § 5; paragraph added, 1954, 577 § 2; words "In the case of a cosmetic" and clauses First to Third and paragraph added, 1961, 600 § 3.

SECT. 187A added, 1948, 598 § 3 (further regulating the sale of certain harmful drugs); revised, 1954, 577 § 3; first paragraph amended, 1955, 718 § 1; last sentence revised, 1967, 49; second paragraph amended, 1965, 229 § 1; 1956, 299 § 1; 1970, 443 § 4; third paragraph amended, 1965, 229 § 2; 1970, 443 § 5; fourth paragraph amended, 1956, 299 § 2; revised, 1970, 178; sixth paragraph amended, 1965, 229 § 3; 1970, 443 § 6; ninth paragraph amended, 1965, 27; last paragraph revised, 1960, 200; section repealed, 1971, 1071 § 2. (See 1954, 577 § 4; 1971, 1071 § 9.)

SECTS. 187B AND 187C added, 1955, 610 (relative to the illegal possession of harmful drugs and the reporting of harmful drug intoxication to the department of public health).

SECT. 187B amended, 1965, 229 § 4; 1970, 443 § 7; repealed, 1971, 1071 § 2. (See 1971, 1071 § 9.)

SECT. 187C repealed, 1971, 1071 § 2. (See 1971, 1071 § 9.)

SECT. 187D added, 1955, 718 § 2 (providing a penalty for the unauthorized making or altering of a prescription); amended, 1965, 229 § 5; 1970, 443 § 8, 345; revised, 1971, 1071 § 5. (See 1971, 1071 § 9.)

SECT. 187E added, 1961, 509 (providing that manufacturers of harmful drugs be licensed by the department of public health); revised, 1965, 515 § 1; fourth paragraph revised, 1968, 128; section repealed, 1971, 1071 § 2. (See 1971, 1071 § 9.)

SECT. 187F added, 1961, 603 (further regulating the shipment of harmful drugs into the commonwealth); revised, 1965, 515 § 2; repealed, 1971, 1071 § 2. (See 1971, 1071 § 9.)

SECT. 187G added, 1969, 587 (relating to search warrants in connection with harmful drugs and implements used therewith); repealed, 1971, 1071 § 2. (See 1971, 1071 § 9.)

SECT. 187H added, 1970, 539 (relative to the forfeiture and disposition of all harmful drugs and the articles, implements and paraphernalia used in, for or in connection with the unlawful use or possession of any harmful drug); repealed, 1971, 1071 § 2. (See 1971, 1071 § 9.)

SECT. 189, first sentence amended, 1948, 598 § 4; section revised, 1961, 600 § 4.

SECT. 189A added, 1948, 598 § 5 (relative to the adulteration or misbranding of food and drugs); revised, 1961, 600 § 5.

SECT. 190 revised, 1961, 600 § 6.

SECT. 191 revised, 1961, 600 § 7.

SECTS. 190-191 stricken out and new section 190 inserted, 1970, 891 § 6.

SECT. 192 revised, 1948, 598 § 6; 1961, 600 § 8.

SECT. 193 revised, 1948, 598 § 7; 1961, 600 § 9.

SECT. 194 revised, 1961, 600 § 10.

SECT. 194B added, 1968, 525 § 1 (providing a penalty for labelling certain fish products as "halibut"). (See 1968, 525 § 2.)

SECT. 196 repealed, 1948, 598 § 8.

SECTS. 197-217, as amended, stricken out, and new sections 197-217D inserted, 1957, 660 § 1. (See 1957, 660 §§ 6, 7.)

SECT. 197 amended, 1960, 204 § 4; definition of "chiropodist (podiatrist)" inserted, 1965, 229 § 6; revised, 1970, 443 § 9; definition of "Pharmacist," or "druggist" revised, 1961, 345 § 1; definition of "Nurse" revised, 1960, 660; 1961, 245; definition of "Narcotic Drug" amended, 1966, 71 § 1; 1969, 222 § 1; definitions of "amidone", "isoamidone" and "Ketobemidone" revised, 1963, 79; definitions of "LSD", "Psilocybin", and "D.M.T." inserted, 1966, 71 § 2; definition of "THC" inserted, 1969, 222 § 2.

SECT. 199A, first paragraph amended, 1965, 229 § 7; 1970, 443 § 10; third paragraph amended, 1965, 229 § 8; 1970, 443 § 11.

SECT. 199E, first paragraph revised, 1961, 345 § 2; second paragraph revised, 1968, 287; last paragraph stricken out, 1961, 345 § 3.

SECT. 199F inserted, 1959, 210 (penalizing the use of certain narcotic preparations except in food faith as a medicine); revised, 1960, 455.

SECT. 199G added, 1966, 339 (prohibiting the purchase without a prescription of certain exempt narcotic drugs by minors).

SECT. 205 revised, 1958, 95 § 1.

SECT. 211, paragraphs (*a*), (*b*) and (*c*) revised, 1958, 276; paragraph (*a*) amended, 1961, 345 § 4; 1970, 443 § 12; paragraph (*b*) amended, 1961, 345 § 5; 1970, 443 § 13; paragraph (*c*) amended, 1959, 248; paragraph (*d*) amended, 1970, 443 § 14; paragraph (*e*) added, 1961, 345 § 6.

SECT. 212 revised, 1958, 95 § 2.

SECT. 212A revised, 1960, 204 § 1.

SECT. 213 revised, 1958, 181.

SECT. 213A revised, 1960, 204 § 2; amended, 1970, 681.

SECTS. 217-217D stricken out and sections 217-217E inserted, 1960, 204 § 3 (further regulating the sale, possession and distribution of narcotic drugs).

SECTS. 197-217E repealed, 1971, 1071 § 2. (See 1971, 1071 § 9.)

SECT. 225, paragraph added, 1939, 69.

SECT. 227 amended, 1971, 795 § 2.

SECT. 228 amended, 1971, 795 § 3.

SECT. 229 amended, 1971, 795 § 4.

SECT. 230 amended, 1971, 795 § 5.

SECT. 231 amended, 1971, 795 § 6.

SECT. 231A added, 1971, 795 § 7 (regulating the collection of samples of certain feeding stuff by the commissioner for analysis).

SECT. 232 amended, 1971, 795 § 8.

SECT. 233 amended, 1971, 795 § 9.

SECT. 234 amended, 1971, 795 § 10.

SECT. 235 amended, 1971, 795 § 11.

SECTS. 225-235 repealed, 1972, 365 § 2.

SECT. 239A amended, 1939, 261 § 13; revised, 1968, 467 § 16.

SECT. 241, last sentence revised, 1981, 86.

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; 1980, 572 § 75. (See 1980, 572 § 417.)

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; first paragraph amended, 1980, 572 § 76; third paragraph

stricken out, 1969, 622; fourth paragraph amended, 1978, 514 § 192. (See 1972, 684 § 136; 1978, 514 § 287; 1980, 572 § 417.)

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; paragraph added, 1981, 269. (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; second sentence revised, 1981, 351 § 48; third sentence amended, 1980, 572 § 77. (See 1980, 572 § 417; 1981, 351 § 299.)

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, second sentence amended, 1980, 572 § 78;third sentence revised, 1968, 47 § 1. (See 1968, 47 § 2; 1980, 572 § 417..)

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 tabacco 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).

SECT. 309, fourth paragraph revised, 1980, 572 § 79. (See 1980, 572 § 417.)

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.)

SECT. 320 added, 1980, 528 § 1 (establishing a procedure for the transfer of rights and title to dies, molds or forms); section revised, 1981, 724 § 1.

SECTS. 321-327 added, 1981, 571 § 2 (relative to used beverage containers). (See 1981, 571 § 5.)

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; paragraph (*a*) amended, 1980, 572 § 80. (See 1980, 572 § 417.)

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; definition of "Dispense" amended, 1972, 806 § 3; definition of "Drug paraphernalia" inserted, 1981, 669 § 1; 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; 1980, 572 § 81; paragraph (*b*) amended, 1972, 684 § 14; 1980, 572 § 82; paragraph (*d*) amended, 1973, 1190 § 8; 1974, 770; paragraph (*f*) amended, 1972, 684 § 15; paragraph (*g*) added, 1973, 1190 § 9. (See 1972, 684 § 136; 1980, 572 § 417.)

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 (*a*) amended, 1982, 650 § 1; 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; 1982, 554 § 1; subsection (*b*) amended, 1973, 1190 § 16; 1982, 554 § 2; subsection (*c*) amended, 1972, 806 § 20; subsection (*e*) amended, 1973, 1190 § 17; first paragraph, third sentence amended, 1980, 572 § 83; second paragraph, second sentence amended, 1980, 572 § 84. (See 1980, 572 § 417; 1982, 554 § 8.)

SECT. 30, paragraph (*b*) amended, 1972, 806 § 21.

SECT. 31,Class A, paragraph (*c*) added, 1980, 436 § 1; stricken out, 1982, 650 § 2; first paragraph, Class B, subsection (*b*), clause (22) added, 1980, 241 § 1;. clause stricken out, 1982, 650 § 3; paragraph (*d*) amended, 1973, 459 § 1; paragraph (*e*) added, 1982, 650 § 3A; Class C, subsection (*a*), clause (6) stricken out, 1980, 241 § 2; paragraph (*a*), clauses 1-9 stricken out and clauses 1-7 inserted, 1980, 436 § 2; clauses (1)-(7) stricken out and clauses (1)-(15) inserted, 1982, 650 § 4 paragraph (*c*) amended, 1972, 806 § 22; paragraph (*e*) clause (17) added, 1977, 824; clauses (18) and (19) added, 1980, 436 § 3; clauses (1)-(19) stricken out

and clauses (1)-(16)inserted, 1982, 650 § 5; Class D, paragraph (*b*), clauses (2), (3) and (4) added 1979, 379.

SECT. 32 revised, 1980, 436 § 4; paragraph (*a*) revised, 1982, 458; paragraph (*b*) revised, 1982, 650 § 6.

SECTS. 32A-32H added, 1980, 436 § 4.

SECT. 32A, paragraph (*c*) added, 1981, 522; section revised, 1982, 650 § 7.

SECT. 32B revised, 1982, 650 § 8.

SECT. 32C revised, 1982, 650 § 9.

SECT. 32D revised, 1982, 650 § 10.

SECT. 32E revised, 1982, 650 § 11.

SECT. 32F revised, 1982, 650 § 12.

SECT. 32G revised, 1982, 650 § 13.

SECT. 32H revised, 1982, 650 § 14.

SECT. 32I added, 1981, 669 § 2 (relative to the possession and sale of drug paraphernalia).

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; revised, 1982, 650 § 15.

SECT. 44 revised, 1973, 533 § 1.

SECT. 46 repealed, 1978, 508 § 1.

SECT. 47, subsection (*a*), subparagraph (3) amended, 1982, 650 § 16; subparagraph (5) added, 1977, 556 § 1; subparagraph (6) added, 1981, 669 § 3; subparagraph (7) added, 1982, 132 § 1; subsection (*b*) first sentence revised, 1977, 556 § 2; 1982, 650 § 17; subsection (*d*) revised, 1977, 556 § 3; subsection (*e*) revised, 1972, 806 § 31. (See 1982, 132 § 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; 1980, 572 § 85. (See 1980, 572 § 417.)

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 necessaries of life to inspect annually all weighing and measuring devices in towns of five thousand or less inhabitants); sentence added, 1968, 71.

SECT. 34 amended, 1955, 190. (See 1965, 405.)

SECT. 35, first sentence revised, 1965, 406 § 2.

SECT. 36, first sentence revised, 1968, 37.

SECT. 37 amended, 1936, 72.

SECT. 41 amended, 1941, 462; first sentence revised, 1969, 704 § 46. (See 1969, 704 § 60.)

SECT. 42 amended, 1955, 185; revised, 1960, 447 § 1; 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;

first sentence revised, 1981, 351 § 49. (See 1937, 305 § 2; 1949, 34 § 2; 1977, 338 § 2; 1981, 351 § 299.)

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); paragraph added, 1980, 228.

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; section revised, 1980, 329 § 73C. (See 1980, 329 § 134.)

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 Pedlers.

SECT. 1, paragraph inserted before first paragraph, 1941, 490 § 21; second paragraph revised, 1936, 218; section revised, 1958, 146; amended, 1968, 467 § 32; 1969, 704 § 47. (See 1969, 704 § 60.)

SECT. 2 amended, 1948, 372; 1957, 243; revised, 1959, 218.

SECT. 3 amended, 1939, 261 § 23; 1941, 490 § 22; second sentence revised, 1948, 493 § 1; amended, 1972, 684 § 16; 1980, 572 § 86. (See 1948, 493 § 5; 1972, 684 § 136; 1980, 572 § 417.)

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); second sentence amended, 1980, 572 § 87. (See 1980, 572 § 417.)

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; third, fourth and fifth sentences revised, 1980, 572 § 88; 1981, 351 § 51. (See 1948, 493 § 5; 1980, 572 § 417; 1981, 351 § 299.)

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. sentence added, 1981, 351 § 52. (See 1981, 351 § 299.)

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. 5 amended, 1981, 215.

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; 1980, 162 § 1; first paragraph revised, 1982, 93 § 1; 93 § 2. (See 1973, 229 § 2; 1976, 19 § 2; 1978, 222 § 2; 1982, 93 § 3.)

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; amended, 1980, 572 § 89; fifth sentence revised, 1977, 961 § 2; paragraph added, 1957, 765 § 5. (See 1957, 765 § 21; 1972, 684 § 136; 1980, 572 § 417.)

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 — 102, subsection (3) revised, 1981, 349.

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 — 104, clause (*e*) revised, 1980, 261 § 23.
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 revised, 1980, 261 § 24; 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; revised, 1981, 351 § 53. (See 1972, 684 § 136; 1981, 351 § 299.)
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; revised, 1981, 351 § 54. (See 1972, 684 § 136; 1981, 351 § 299.)
SECT. 9 — 405 revised, 1959, 580 § 12; subsection (1) amended, 1961, 131 § 4; 1972, 684 § 127; revised, 1981, 351 § 55; subsection (2) amended, 1961, 131 § 5; 1972, 684 § 128. (See 1972, 684 § 136; 1981, 351 § 299.)
SECT. 9 — 406 amended, 1961, 131 § 6; 1972, 684 § 129; fifth sentence revised, 1981, 351 § 56. (See 1972, 684 § 136; 1981, 351 § 299.)
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 stricken out and new chapter 109 (with new title) inserted, 1982, 202 § 1. (See 1982, 202 § 3-4.)

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 anulling 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 (*a*) sentence added, 1981, 444 § 1; paragraph (*b*) amended, 1973, 430 § 8; revised, 1975, 149 § 1; paragraph (*e*) added, 1975, 149 § 2.

SECT. 204, subsection (*a*) amended, 1981, 444 § 2.

SECT. 304, clause (b) amended, 1980, 572 § 90; clause (i), last sentence amended, 1980, 572 § 91. (See 1980, 572 § 417.)

SECT. 402, paragraph (*a*) amended, 1977, 377 § 1; clause (1) revised, 1977, 377 § 2; clause (12)amended, 1982, 104 § 1. (See 1977, 377 § 4.)

SECT. 403, sentence added, 1977, 377 § 3. (See 1977, 377 § 4.)

SECT. 407A added, 1980, 362 (further regulating the sale of certain securities.)

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.

SECT. 1, definition of Take-over bid" revised, 1981, 508 § 1; definition of "Target company" revised, 1981, 508 § 2.

SECT. 2 revised, 1981, 508 § 3.

SECT. 4, paragraph added, 1981, 508 § 4.

SECTS. 5-6 revised, 1981, 508 § 5.

SECT. 7, second and third paragraphs revised, 1981, 508 § 6.

SECT. 9, paragraph (*e*) revised, 1981, 508 § 7; paragraphs (*i*)-(*j*) added, 1981, 508 § 8.

SECT. 10 revised, 1981, 508 § 9.

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; second paragraph revised, 1976, 486 § 17; sentence inserted after first sentence, 1981, 684 § 12. (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.)

SECTS. 4K-4L added, 1981, 734 § 1 (establishing a public in formation program relative to diethylstilbestrol).

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; section revised, 1980, 474.

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; second and third sentences revised, 1980, 572 § 92; fourth paragraph amended, 1975, 706 § 165. (See 1974, 806 § 41; 1975, 706 § 312; 1980, 572 § 417.)

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); stricken out and section 5K inserted, 1980, 261 § 24A. (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. 6D added, 1981, 756 (providing for an investigation and study of heredo-familial neuronal degenerations).

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, first sentence amended, 1981, 700 § 2; last sentence revised, 1943, 331 § 2; sentence added, 1977, 128; third and fourth sentences revised, 1982, 650 § 18.

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 "Health maintenance organization added", 1980, 541 § 1; definition of "Substantial capital expenditure" revised, 1977, 945 § 2; revised, 1980, 541 § 2; 1981, 670 § 1; 1982, 553 § 3; definition of "Substantial change in services" revised, 1980, 541 § 3; 1981, 670 § 2; 1982, 553 § 4. (See 1975, 881 § 4; 1980, 541 § 11.)

SECT. 25C, first paragraph revised, 1977, 945 § 3; 1980, 541 § 4; four sentences added, 1981, 717 § 1; stricken out, 1981, 717 § 2;two paragraphs inserted after first paragraph, 1980, 541 § 6; second paragraph amended, 1980, 541 § 5; fourth paragraph amended, 1973, 1168 § 20; fifth paragraph stricken out and two paragraphs inserted, 1977, 945 § 4; fifth paragraph, last sentence revised, 1980, 541 § 7; fifth paragraph revised, 1982, 553 § 5; paragraph added, 1973, 1168 § 21; sixth paragraph revised, 1982, 553 § 6. (See 1973, 1168 § 40; 1977, 945 § 7; 1980, 541 § 11; 1981, 717 § 3.)

SECT. 25C ½ added, 1980, 541 § 8 (relative to the determination of need for certain medical facilities). (See 1980, 541 § 11.)

SECT. 25E, second paragraph, sentence added, 1981, 367 § 2.

SECT. 25F amended, 1977, 945 § 5.

SECT. 25G, sentence inserted after first sentence, 1980, 541 § 9. (See 1980, 541 § 11.)

SECT. 25H added, 1977, 339 (providing for return and redistribution of certain unused medication); stricken out and section 25I inserted, 1980, 261 § 25.

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. 26F added, 1981, 705.

SECT. 27A revised, 1932, 209; first sentence revised, 1963, 145; seventh sentence revised, 1963, 145; eighth sentence revised, 1982, 124.

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; 1982, 96; paragraph added, 1982, 565 § 2.

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 atmosphericpollution 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; first sentence revised, 1982, 591 § 1; second paragraph amended, 1980, 541 § 10; third paragraph revised, 1977, 868 § 1; last paragraph revised, 1980, 572 § 93. (See 1980, 541 § 11; 1980, 572 § 417.)

SECT. 51A added, 1973, 1186 § 2 (authorizing the department of public health to regulate and license certain out-of-hospital dialysis units). last sentence amended, 1980, 572 § 94. (See 1980, 572 § 417.)

SECT. 51B added, 1978, 202.

SECT. 51C added, 1981, 720 (relative to staff membership in certain hospitals).

SECT. 52 revised, 1967, 891 § 2; paragraph added, 1973, 1186 § 3; definition of "Clinic" revised, 1979, 674 § 1; last sentence revised, 1982, 591 § 2; 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. 53B added, 1980, 374 § 1 (requiring the filing of certain reports).

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 proceding 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. 69K added, 1982, 357 § 16 (relative to patients eligible for federal veterans' benefits). (See 1982, 357 § 21.)

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; section revised, 1981, 495 § 1.

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; fifth paragraph stricken out, 1980, 261 § 26; twelfth paragraph amended, 1980, 572 § 95; thirteenth paragraph amended, 1981, 423; sixteenth paragraph revised, 1979, 773 § 2; seventeenth paragraph revised, 1980, 261 § 27. (See 1964, 620 § 1; 1973, 1168 § 40, 1210 § 39; 1980, 572 § 417.)

SECT. 71A added, 1955, 449 (to require hospitals to determine blood type of patients); repealed, 1967, 891 § 12.

SECT. 71A added, 1982, 357 § 17. (See 1982, 357 § 21.)

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; first and second paragraph revised, 1979, 571 § 2. paragraph added, 1975, 877 § 1; paragraph added, 1981, 528 § 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; 1982, 64.

SECT. 72E added, 1975, 877 § 2 (providing for the inspection of long term care facilities). (See 1975, 877 § 3.)

SECTS. 72F-72L added, 1980, 479 § 1 (relative to abuse of patients or residents in long-term care facilities).

SECTS. 72M-72U added, 1981, 528 § 3 (further regulating long term care facilities).

SECT 72V added, 1982, 74 (providing certain security protection for nursing home residents).

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; first sentence revised, 1981, 806 § 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; section revised, 1982, 236 § 3. (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; amended, 1980, 455 § 1. (See 1980, 455 § 2.)

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. 111B added, 1980, 393 § 1 (establishing a cancer registry).

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. 127O added, 1980, 132 (establishing a penalty for the conveyance of real estate to evade certain notices or orders).

SECT. 127P added, 1981, 750 § 1 (relative to the effect of the state environmental code on certain subdivision plans). (See 1981, 750 § 2.)

SECT. 128, two paragraphs added, 1943, 486; first of said paragraphs amended, 1947, 631 § 2; paragraph inserted after same paragraph, 1947, 631 § 2; section repealed, 1954, 209 § 1.

SECT. 128A added, 1949, 156 § 1 (relative to the filling and levelling of sites of demolished or removed buildings).

SECTS. 128B-128E added, 1954, 209 § 2 (establishing minimum housing standards and defining the powers of local boards of health relative to dwelling places).

SECT. 128D, last sentence stricken out, 1954, 447 § 1; section revised, 1960, 172 § 2.

SECT. 128E, sentence added, 1960, 172 § 3.

SECT. 128F added, 1954, 447 § 2 (providing penalties for violations of the law establishing minimum housing standards and rules and regulations relative thereto).

SECTS. 128B-128F, inclusive, repealed, 1963, 390 § 2.

SECT. 128G added, 1967, 718 § 5 (relative to inspection of farm labor camps). (See 1967, 718 § 10.)

SECT. 128H added, 1967, 718 § 5A (relative to educational and recreational opportunities at farm labor camps); amended, 1971, 373. (See 1967, 718 § 10.)

SECT. 137 revised, 1961, 326.

SECT. 141 revised, 1937, 278.

SECTS. 132-142, inclusive, repealed, 1982, 95.

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; fourth paragraph revised, 1982, 232 § 2; paragraph added, 1976, 118. (See 1955, 310 §§ 2, 3; 1975, 706 § 312.)

SECT. 150B added, 1980, 508 § 4 (further regulating the disposal of hazardous waste materials); fourth paragraph revised, 1982, 232 § 3.

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; seventh sentence revised, 1981, 351 § 57; eighth sentence revised, 1967, 347 § 5. (1981, 351 § 299.)

SECT. 155, sentence inserted after first sentence, 1981, 351 § 58. (See 1981, 351 § 299.)

SECT. 158, sentence inserted after first sentence, 1981, 351 § 59. (See 1981, 351 § 299.)

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; paragraph added, 1982, 286 § 5.

SECT. 160A added, 1960, 613 (regulating cross connections between public water supplies and other water supplies); first paragraph, second sentence amended, 1980, 572 § 96. (See 1980, 572 § 417.)

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); first paragraph, fifth sentence amended, 1980, 572 § 97; second paragraph amended, 1946, 155 § 1; paragraph added, 1946, 155 § 2. (See 1980, 572 § 418.)

SECT. 184B added, 1950, 431 (restricting the establishment and maintenance of blood banks); amended, 1967, 528; first sentence revised, 1973, 262; section revised, 1981, 580.

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 flouroscopic, 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; definition of "Treatment program unit" added, 1982, 617 § 1. (See 1973, 1040 § 3.)

SECT. 5 amended, 1973, 1229 § 4J. 1981, 535. (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. 6B added, 1982, 617 § 2 (relative to licensing treatment program units).

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. 3, fourth paragraph, last sentence revised, 1981, 516.

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 111D. — Clinical Laboratories.

New chapter inserted, 1975, 881 § 1.) (See 1975, 881 § 4;1981, 704 § 2.)

SECT. 8, paragraph (14) added, 1982 § 1.

SECT. 13, first sentence revised, 1982, 215 § 2.

Chapter 111E. — DRUG REHABILITATION.

(tNew chapter inserted, 1981, 704 § 3.) (See 1981, 704 § 2.)

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; second sentence amended, 1980, 572 § 98; fourth sentence amended, 1980, 572 § 99; second paragraph amended, 1980, 572 § 100; third paragraph, last sentence amended, 1980, 572 § 101; last sentence amended, 1980, 572 § 102; fifth paragraph, last sentence amended, 1980, 572 § 102. 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; 1980, 572 § 417.)

SECT. 2A amended, 1945, 396 § 3; 1954, 519 § 2; 1959, 334 § 2. 1980, 572 § 104. (See 1959, 344 § 3; 1980, 572 § 417.)

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. fourth paragraph revised, 1980, 213; second sentence revised, 1981, 639. (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. first sentence amended, 1980, 572 § 105. (See 1973, 925 § 84; 1060 § 3; 1980, 572 § 417.)

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; amended, 1980, 572 § 106. (See 1980, 572 § 417.)

SECTS. 9C-9H added, 1973, 937 § 1 (providing for the use of physician assistants). (See 1973, 937 § 4.)

SECT. 9G, eighth paragraph revised, 1980, 572 § 107. (See 1980, 572 § 417.)

SECT. 12 amended, 1948, 129 § 7.

SECT. 12A, first sentence amended, 1943, 41; revised, 1962, 407; section revised, 1963, 108; 1982, 218.

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; amended, 1980, 374 § 2.

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; second paragraph revised, 1980, 291; 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); revised, 1980, 272; amended, 1981, 495 § 2.

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 12S revised, 1980, 240.

SECT. 12V added, 1977, 555 (exempting from civil liability certain individuals for rendering emergency cardiopulmonary resusitation).

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 sentence amended, 1980, 572 § 108; third sentence amended, 1980, 572 § 109; last sentence amended, 1980, 572 § 110; revised, 1981, 472; second paragraph amended, 1970, 443 § 22; 1972, 684 § 20; last sentence amended, 1980, 572 § 111; third paragraph amended, 1970, 443 § 23; last sentence amended, 1980, 572 § 112; 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; 1980, 572 § 417.)

SECTS. 16A-16C added, 1979, 329 (providing for the limited registration of podiatrists).

SECT. 16A, first paragraph, first sentence amended, 1980, 572 § 113. (See 1980, 572 § 417.)

SECT. 16C, last sentence amended, 1980, 572 § 114. (See 1980, 572 § 417.)

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. (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. 23B, last sentence amended, 1980, 572 § 115. (See 1980, 572 § 417.)

SECT. 23C amended, 1977, 87.

SECT. 23D, last sentence amended, 1980, 572 § 116. (See 1980, 572 § 417.)

SECT. 23E, fourth sentence amended, 1980, 572 § 117; last sentence amended, 1980, 572 § 118.(See 1980, 572 § 417.)

SECT. 23G, first sentence amended, 1980, 572 § 119. (See 1980, 572 § 417.)

SECTS. 23A-23P revised, 1982, 667 § 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; first sentence amended, 1980, 572 § 120; third sentence amended, 1980, 572 § 121; seventh sentence amended, 1980, 572 § 122; ninth and tenth sentences stricken out, 1979, 57. (See 1941, 52 § 2; 1943, 165; 1945, 502 §§ 2, 4; 1972, 684 § 136; 1980, 572 § 417.) 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; 1980, 572 § 123; fifth sentence amended, 1980, 572 § 124; last sentence amended, 1980, 572 § 125; paragraph added, 1982, 619 § 1. (See 1945, 502 § 4; 1972, 684 § 136; 1980, 572 § 417; 1982, 619 § 2.)

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; 1980, 480 § 2.

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; first and second sentence amended, 1980, 572 § 126. (See 1963, 450 § 2; 1972, 684 § 136; 1980, 572 § 417.)

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; first paragraph, last sentence amended, 1980, 572 § 127; paragraph added, 1977, 653. (See 1963, 488 § 2; 1972, 684 § 136; 1980, 572 § 417.)

SECT. 39A added, 1980, 135 § 1 (providing for registration of pharmacies restricted to furnishing prescription drugs and pharmaceutical services to beneficiaries of Health, Welfare, and Retirement funds); third paragraph revised, 1981, 706.

SECT. 40 amended, 1934, 328 § 6A; 1937, 343 § 5; 1980, 135 § 2.

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; 1980, 572 § 128. (See 1972, 684 § 136; 1980, 572 § 417.)

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; amended, 1980, 572 § 129; third sentence amended, 1980, 572 § 130; fourth sentence amended, 1980, 572 § 131. (See 1939, 415 § 3; 1948, 221; 1972, 684 § 136; 1973, 925 § 84; 1980, 572 § 417.)

SECT. 45A amended, 1949, 564 § 2; revised, 1965, 583 § 3; 1977, 757 § 5; first sentence amended, 1980, 572 § 132. (See 1980, 572 § 417.)

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; first sentence amended, 1980, 572 § 133. (See 1980, 572 § 417.)

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; first sentence amended, 1980, 572 § 134; second paragraph amended, 1965, 583 § 6; stricken out and three paragraphs inserted, 1977, 757 § 7A; fourth paragraph revised, 1977, 757 § 8; fifth paragraph amended, 1980, 572 § 135; last paragraph stricken out and two paragraphs inserted, 1965, 583 § 7; last paragraph amended, 1972, 684 § 28; revised, 1980, 572 § 136. (See 1972, 684 § 136; 1980, 572 § 417.)

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; revised, 1980, 480 § 3.

SECT. 54 revised, 1958, 533 § 3; second sentence revised, 1969, 104; 1974, 810 § 4; 1975, 451 § 1.

SECT. 54A added, 1974, 810 § 5 (regulating the practice of veterinary medicine); definition of "Approving authority" stricken out, 1975, 451 § 2; inserted, 1975, 706 § 188. (See 1975, 706 § 312.)

SECT. 55 amended, 1937, 66; revised, 1939, 251 § 1; first paragraph amended, 1945, 724; 1952, 585 § 24; stricken out and two paragraphs inserted, 1957, 492; same two paragraphs stricken out and one paragraph inserted, 1958, 533 § 4; first paragraph stricken out and two paragraphs inserted, 1965, 46; first paragraph, second and third sentences revised, 1967, 347 § 6; second sentence amended, 1968, 538 § 1; revised, 1973, 925 § 21; third sentence amended, 1968, 538 § 2; fifth sentence amended, 1968, 538 § 3; paragraph inserted, 1951, 433 § 1; amended, 1972, 684 § 29; section revised, 1974, 810 § 6; 1975, 451 § 3; first paragraph, second sentence amended, 1980, 572 § 137; revised, 1981,576 § 1; second paragraph, first sentence revised, 1980, 572 § 138. (See 1939, 251 §§ 2, 3, 4; 1945, 711; 1951, 433 § 2; 1952, 585 §§ 25, 26; 1972, 684 § 136; 1973, 925 § 84; 1980, 572 § 417.)

SECT. 55A added, 1981, 576 § 2 (relative to the registration of certain veterinarians).

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; 1981, 576 § 3.

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); amended, 1980, 572 § 139. (See 1980, 572 § 417.)

SECT. 56D added, 1980, 428 (providing for an institutional license for certain veterinarian schools).

SECT. 56E added, 1981, 485 (providing clinical training opportunity for veterinarian students).

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; third paragraph, clause 10 added, 1975, 451 § 5; clause (11) added, 1981, 576 § 4.

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; revised, 1980, 572 § 140. (See 1972, 684 § 136; 1980, 572 § 417.)

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; third sentence amended, 1980, 572 § 141; last sentence amended, 1980, 572 § 142. (See 1953, 558 § 4; 1980, 572 § 417.)

SECT. 60E, paragraph added, 1953, 558 § 3; amended, 1971, 753 § 3; second paragraph amended, 1980, 572 § 143. (See 980, 572 § 417.)

SECT. 60F revised, 1957, 679 § 2. (See 1957, 679 §§ 4, 5.)

SECT. 60G amended, 1971, 282 § 1, 390 § 5.

SECT. 60H, last sentence amended, 1980, 572 § 144. (See 1980, 572 § 417.)

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; section 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; first paragraph, second sentence amended, 1980, 572 § 145; third and fourth sentences

revised, 1980, 572 § 146; second paragraph, last sentence amended, 1980, 572 § 147. (See 1973, 925 § 84; 1980, 572 § 417.)

SECT. 69 revised, 1949, 463; first paragraph, first sentence revised, 1980, 572 § 148; paragraph added, 1974, 716. (See 1980, 572 § 417.)

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); second sentence revised, 1981, 211. (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; first sentence amended, 1980, 572 § 149; second paragraph amended, 1980, 572 § 150; third paragraph, first sentence amended, 1980, 572 § 151. (See 1973, 925 § 84; 1980, 572 § 417.)

SECT. 73G amended, 1956, 164; first sentence amended, 1980, 572 § 152. (See 1980, 572 § 417.)

SECT. 73K, third sentence amended, 1980, 572 § 153. (See 1980, 572 § 417.)

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; 1980, 572 § 154; fourth and fifth sentences revised, 1969, 603 § 1; 1973, 265 § 1; fourth sentence amended, 1972, 684 § 32; 1980, 572 § 155; fifth sentence amended, 1972, 684 § 33; 1980, 572 § 156; stricken out and four sentences inserted, 1977, 884 § 1. (See 1959, 415 § 5; 1969, 603 § 7; 1972, 684 § 136; 1980, 572 § 417.)

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; amended, 1980, 572 § 157; fourth sentence amended, 1972, 684 § 35; 1980, 572 § 158; fifth sentence amended, 1972, 684 § 36; stricken out and four sentences inserted, 1977, 884 § 2; fifth sentence amended, 1980, 572 § 159. Affected, 1956, 371; 1957, 539, 595 §§ 6, 7. (See 1953, 350 §§ 13, 14; 1959, 415 § 5; 1969, 603 § 7; 1972, 684 § 136; 1980, 572 § 417.)

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; 1980, 572 § 160. (See 1969, 603 § 7; 1972, 684 § 136; 1980, 572 § 417.)

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; revised, 1980 572 § 161. (See 1969, 603 § 7; 1972, 684 § 136; 1980, 572 § 417.)

SECT. 77 amended, 1957, 595 § 1. (See 1956, 595 § 8.)

SECT. 80 revised, 1957, 595 § 2; first sentence amended, 1966, 599 § 2; section revised, 1982, 170. (See 1957, 595 § 8.)

SECT. 80A revised, 1953, 350 § 9; 1957, 595 § 3; section revised, 1982, 170. (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); revised, 1981, 524.

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; section revised, 1981, 524.

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; second paragraph revised, 1980, 572 § 162. (See 1972, 684 § 136; 1980, 572 § 417.)

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; second sentence amended, 1980, 572 § 163; third sentence amended, 1980, 572 § 164; sixth sentence amended, 1975, 588 § 4; 1980, 572 § 165. (See 1960, 472 § 2; 1972, 684 § 136; 1980, 572 § 417.)

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; 1980, 572 § 166. (See 1980, 572 § 417.)

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;

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; second paragraph amended, 1972, 684 § 43; 1973, 925 § 24, 596 § 2; 1948, 491; second paragraph amended, 1972, 684 § 43; 1973, 925 § 24; second sentence amended, 1980, 572 § 167; third paragraph amended, 1973, 925 § 25; revised, 1980, 480 § 4; fourth paragraph amended, 1972, 684 § 44; first sentence amended, 1980, 572 § 168; fifth paragraph amended, 1972, 684 § 45; 1980, 572 § 169; sixth paragraph amended, 1972, 684 § 46; third sentence amended, 1980, 572 § 170; eighth paragraph amended, 1972, 684 § 47; 1980, 572 § 171; ninth paragraph amended, 1972, 684 § 48; last paragraph, third sentence revised, 1980, 572 § 172. (See 1972, 684 § 136; 1973, 925 § 84; 1980, 572 § 417.)

SECT. 84, second paragraph amended, 1972, 684 § 49; revised, 1980, 572 § 173; fourth paragraph, clause (b) revised, 1978, 508 § 6. (See 1972, 684 § 136; 1980, 572 § 417.)

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.

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; third paragraph, clause (8) revised, 1980, 572 § 174; paragraph (*b*) revised, 1982, 366 § 1; paragraph (*c*) stricken out and paragraphs (*c*) and (*d*) inserted, 1972, 693 § 1; paragraph (*d*) amended, 1980, 572 § 175. (See 1973, 925 § 84; 1980, 572 § 417.)

SECT. 87B, paragraph (*b*) revised, 1972, 693 § 2; 1980, 572 § 176. (See 1980, 572 § 417.)

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; definition of "Barber" revised, 1980, 480 § 5; definition of "Cosmetologist" revised, 1980, 480 § 6.

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; first sentence amended, 1980, 572 § 177; second paragraph, fourth sentence stricken out and two sentences inserted, 1963, 471 § 2; second paragraph revised, 1980, 572 § 178; 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; fifth paragraph revised, 1980, 572 § 179. (See 1941, 619 § 2; 1980, 572 § 417.)

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; second sentence amended, 1980, 572 § 180; seventh sentence revised, 1980, 572 § 181; eighth sentence amended, 1980, 572 § 182; ninth sentence amended, 1980, 572 § 183; twelfth sentence amended, 1980, 572 § 184. (See 1980, 572 § 417.)

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; first paragraph, fourth sentence revised, 1980, 572 § 185; paragraph added, 1950, 440 § 1; revised, 1963, 510 § 1. second paragraph, second sentence amended, 1980, 572 § 186; last sentence amended, 1980, 572 § 187. (See 1950, 440 § 2; 1963, 510 § 3; 1980, 572 § 417.)

SECT. 87Q repealed, 1963, 510 § 2.

SECT. 87R amended, 1936, 314 § 5.

SECT. 87S, sentence added, 1952, 362; section revised, 1980, 480 § 7.

SECTS. 87T-87JJ added, under caption, 1935, 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; second paragraph, fourth sentence revised, 1980, 572 § 188. (See 1980, 572 § 417.)

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; first paragraph, second sentence amended, 1980, 572 § 189; fourth sentence amended, 1980, 572 § 190. (See 1980, 572 § 417.)

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; third paragraph revised, 1980, 572 § 191; last paragraph, second sentence amended, 1980, 572 § 192. (See 1966, 456 § 8; 1972, 684 § 136; 1980, 572 § 417.)

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; third sentence amended, 1980, 572 § 193. (See 1966, 456 § 8; 1980, 572 § 417.)

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.)

SECT.MM, third sentence amended, 1980, 572 § 194; last sentence amended, 1980, 572 § 195. (See 1980, 572 § 417.)

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; second paragraph revised, 1982, 72. (See 1962, 775 § 3; 1978, 522 § 2.)

SECT. 87TT, first paragraph revised, 1961, 363 § 2; second paragraph amended, 1973, 925 § 27; first and second sentences revised, 1980, 572 § 196. (See 1973, 925 § 84; 1980, 572 § 417.)

SECT. 87UU, second paragraph amended, 1972, 684 § 51; second sentence amended, 1980, 572 § 197. (See 1972, 684 § 136; 1980, 572 § 417.)

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; section revised, 1980, 572 § 198. (See 1972, 684 § 136; 1980, 572 § 417.)

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. 87DDD½ added, 1982, 21 § 1 (further regulating the licensing of real estate salesmenand brokers).

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; second sentence amended, 1980, 572 § 199; last sentence amended, 1980, 572 § 200; paragraph added, 1969, 166; amended, 1970, 328. (See 1973, 925 § 84; 1980, 572 § 417.)

SECT. 87HHH, first paragraph, third sentence revised, 1981, 351 § 60. (See 1981, 351 § 299.)

SECT. 87KKK revised, 1978, 508 § 8.

SECT. 87LLL revised, 1964, 518 § 2; amended, 1973, 782; first paragraph, third sentence amended, 1980, 572 § 201; fifth sentence amended, 1980, 572 § 202; eleventh sentence amended, 1980, 572 § 203; second paragraph, second sentence amended, 1980, 572 § 204; fifth sentence amended, 1980, 572 § 205. (See 1964, 518 § 3; 1980, 572 § 417.)

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. first paragraph, first sentence amended, 1980, 572 § 206; second paragraph, first sentence amended, 1980, 572 § 207; last sentence amended, 1980, 572 § 208. (See 1973, 925 § 84; 1980, 572 § 417.)

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; 1980, 572 § 209. (See 1972, 684 § 136; 1980, 572 § 417.)

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; section revised, 1980, 572 § 210. (See 1980, 572 § 417.)

SECTS. 87WWW-87ZZZ added, under caption, 1970, 521 § 2 (providing for the registration of certified health officers).

SECT. 87XXX amended, 1980, 572 § 211; 1980, 572 § 212. (See 1980, 572 § 417.)

SECTS. 87AAAA-87BBBB added, under caption, 1970, 781 § 2 (providing for certification of waste treatment facility operators).

SECT. 87AAAA revised, 1975, 736; fourth sentence revised, 1980, 572 § 213; last sentence amended, 1980, 572 § 214. (See 1980, 572 § 417.)

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; fourth sentence revised, 1980, 572 § 215. (See 1980, 572 § 417.)

SECT. 88, clause (3) amended, 1941, 626 § 13; 1956, 410; section revised, 1980, 572 § 216. (See 1980, 572 § 417.)

SECTS. 89-97 added, under caption, 1966, 409 § 2 (establishing a board of registration of chiropractors). (See 1966, 409 § 3.)

SECT. 89, definition of "License renewal certificate" added, 1972, 447 § 1. definition of "Chiropractic", sentence added, 1982, 154.

SECT. 91, second sentence revised, 1968, 453; second sentence revised, 1980, 572 § 217; third sentence amended (effective date to be December

1, 1969) 1966, 409 § 5; 1973, 925 § 32. (See 1973, 925 § 84; 1980, 572 § 417.)

SECT. 92 revised, 1968, 137; first sentence revised, 1980, 572 § 218. (See 1980, 572 § 417.)

SECT. 95 amended, 1969, 313; 1972, 447 § 2.

SECT. 96 amended, 1968, 477; revised, 1972, 447 § 3; second sentence revised, 1980, 572 § 219. (See 1980, 572 § 417.)

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; section revised, 1980, 572 § 220. (See 1972, 684 § 136; 1980, 572 § 417.)

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; first paragraph, last sentence amended, 1980, 572 § 221; second paragraph, last sentence amended, 1980, 572 § 222. (See 1980, 572 § 417.)

SECTS. 118-129 added, under caption, 1971, 1021 § 2 (regulating the registration and licensing of psychologists).

SECT. 121, sentence added, 1979, 216; second sentence stricken out and two sentences inserted, 1981, 285.

SECT. 123 amended, 1977, 829 § 10.

SECT. 126 revised, 1980, 572 § 223. (See 1980, 572 § 417.)

SECTS. 130-137 added, 1977, 818 § 2 (further regulating the registration and licensing of social workers). (See 1977, 818 § 4.)

SECT. 135, clauses (*d*) and (*e*) added, 1981, 91 § 1.

SECT. 136, second paragraph, first sentence amended, 1980, 572 § 224. (See 1980, 572 § 417.)

SECTS. 138-147 added under caption, 1982, 666 § 2.

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. 7, paragraph (*e*) revised, 1981, 119 § 2.

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; 1981, 565. (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. 44, last sentence revised, 1980, 319.

SECT. 44A added, 1978, 230 (relative to the cremation of bodies); last sentence revised, 1980, 319.

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; first paragraph, sentence added, 1981, 351 § 61; last paragraph amended, 1939, 160 § 3. (See 1936, 407 §§ 5-8; 1981, 351 § 299.)

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. 4, paragraph added, 1982, 357 § 18. (See 1982, 357 § 21.)

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; paragraph added, 1981, 351 § 159. (See 1951, 590 §§ 7, 8; 1954, 627 §§ 38, 65, 67; 1965, 793 § 9; 1974, 623 § 4; 1981, 351 § 299.)

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. first paragraph stricken out and two paragraphs inserted, 1981, 208.

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. 2, clause (e) added, 1980, 36 § 1. (See 1980, 36 § 3.)

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. 5 amended, 1982, 422 § 3.

SECT. 5A added 1980, 36 § 2 (relative to an application for assistance). (See 1980, 36 § 3).

SECT. 8, second paragraph stricken out, 1982, 430 § 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; definition of "Dependent child" revised, 1981, 351 § 171; 1982, 424 § 1. (See 1981, 351 § 299.)

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; first paragraph, first sentence revised, 1981, 351 § 174; 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; 1981, 351 § 299.)

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; paragraph inserted after second paragraph, 1981, 351 § 163; section amended, 1982, 422 § 4. (See 1973, 1210 § 39; 1979, 393 § 73; 1981, 351 § 299.)

SECT. 3A added, 1982, 301 § 2 (relative to locating absent parents and enforcing certain child support orders).

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. 4B added, 1981, 351 § 175 (relative to residents at the New Chardon street shelter in the city of Boston). (See 1981, 351 § 299.)

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; stricken out, 1982, 430 § 3; 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. 1, paragraph added, 1980, 329 § 99. (See 1980, 329 § 101.)

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; section revised, 1981, 351 § 172. (See 1973, 925 § 84, 1210 § 39; 1981, 351 § 299.)

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; two sentences added, 1981, 351 § 182. (See 1975, 684 § 97; 1976, 283 § 34; 1981, 351 § 299.)

SECT. 6A added, 1980, 329 § 38.

SECT. 7, paragraph inserted after first paragraph, 1971, 1084 § 3.

SECT. 9, first paragraph amended, 1982, 422 § 5. paragraph added, 1973, 1210 § 27. (See 1973, 1210 § 39.)

SECT. 10, paragraph (1) revised, 1972, 745; paragraph (7) added, 1972, 779; paragraphs (8) and (9) added, 1982, 241 § 5; fifth paragraph revised, 1973, 925 § 39; 1977, 825 § 3. (See 1973, 925 § 84; 1982, 241 § 27.)

SECT. 13 revised, 1971, 826. sentence added, 1980, 329 § 44; section amended, 1981, 351 § 183; two sentences inserted after first sentence, 1981, 351 § 184; section revised, 1982, 611 § 1. (See 1981, 351 § 299; 1982, 611 § 5.)

SECT. 14 revised, 1973, 1210 § 28. (See 1973, 1210 § 39.)

SECT. 16, second paragraph stricken out, 1982, 430 § 4.

SECT. 17, second paragraph stricken out, 1982, 430 § 5.

SECT. 17A added, 1981, 351 § 185 (relative to unauthorized medical claims). (See 1981, 351 § 299.)

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; first paragraph, two sentences added, 1982, 357 § 19; paragraph inserted after first paragraph, 1982, 368; paragraph added, 1981, 351 § 279. (See 1970, 701 § 4; 1975, 684 § 97; 1976, 283 § 34; 1981, 351 § 299; 1982, 357 § 21.)

SECT. 21 repealed, 1980, 524 § 3.

SECTS. 21A-21G added, under caption, 1980, 524 § 3 (relative to fraud and deceit in connection with the medical care and assistance program).

SECT. 22, first paragraph amended, 1974, 752 § 13; first sentence amended, 1982, 422 § 6; 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. 26, paragraph added, 1981, 770.

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; definition of"Child in need of services" inserted, 1973, 1073 § 3; section amended, 1973, 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; subsection F added, 1970, 825; amended, 1973, 433; section revised, 1973, 925 § 40; amended, 1973, 1073 § 4; subsection D amended, 1975, 276 § 1; subsection E amended, 1975, 276 § 2; subsection G added, 1974, 682 § 4; subsection H added, 1980, 478. (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; revised, 1980, 181; 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; 1981, 715 § 1. (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); section revised, 1982, 514.

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; first paragraph revised, 1980, 434; 1982, 102; third paragraph, sentence added, 1977, 501; paragraph inserted after fourth paragraph, 1978, 215 § 1; fifth paragraph revised, 1981, 91 § 2. (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 noncriminal fines upon juveniles for violation of the motor vehicle laws); amended, 1969, 838 § 16; 1980, 95. (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 committment 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.)

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 § 34. (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 "Community development project" inserted, 1981, 789 § 1; 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. (See 1981, 789 § 22.)

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. 16, paragraph inserted after first paragraph, 1981, 552; last paragraph amended, 1982, 620.

SECT. 21 amended, 1973, 834; second sentence revised, 1975, 641.

SECT. 26 amended, 1970, 694 § 2; clause (*j*) revised, 1976, 477 § 5; amended, 1981, 789 § 2; 808 § 27; clause (*k*) added, 1973, 884 § 1; paragraph (5) revised, 1981, 789 § 3; clause (*l*) added, 1974, 698 § 5; clause (*m*) added, 1978, 578. (See 1981, 789 § 22; 808 § 35.)

SECT. 26A added, 1973, 1215 § 8 (relative to increased housing for the elderly); two paragraphs added, 1980, 490 § 11.

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; paragraph added, 1981, 351 § 136; sixth paragraph, four sentences added, 1981, 510. (See 1973, 925 § 84; 1981, 351 § 299.)

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; second sentence amended, 1980, 490 § 4; 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; sentence added, 1981, 789 § 4. (See 1981, 789 § 22.)

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. amended, 1980, 490 § 1.

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. 57A added, 1981, 789 § 5 (relative to grants for certain community development projects). (See 1981, 789 § 22.)

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; definition of "Qualified psychologist" inserted, 1980, 571 § 1. (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; paragraphs (*a*) and (*b*) revised, 1982, 614. 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; second sentence revised, 1980, 571 § 2. paragraph (*c*) revised, 1980, 571 § 3. 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; sixth sentence revised, 1980, 571 § 4.

SECT. 21 revised, 1978, 367 § 71F. (See 1978, 367 § 72.)

SECT. 22 amended, 1978, 367 § 71G; revised, 1980, 571 § 5. (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; three sentences added, 1980, 329 § 45; paragraphs (*d*)-(*h*) added, 1978, 367 § 55B; paragraph (*i*) added, 1978, 367 § 71J. (See 1978, 367 § 72; 1980, 329 § 134.)

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. sentence added, 1980, 329 § 47; paragraph added, 1982, 357 § 20; revised, 1982, 611 § 2. (See 1973, 925 § 84, 1229 § 13; 1980, 329 § 48; 1982, 357 § 21; 1982, 611 § 5.)

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; sentence added, 1980, 329 § 46. section stricken out, 1982, 611 § 3. (See 1973, 925 § 84; 1980, 329 § 134; 1982, 611 § 5.)

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; sentence added, 1980, 436 § 5.

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.

SECTS. 38-55 stricken out, 1981, 704 § 1.

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. 12, two sentences added, 1981, 761.

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 adminis trative 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; 1982, 108 § 1.

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; sentence added,1982, 437. (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; 1980, 155 § 1. (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; first sentence revised, 1981, 181.

SECT. 130 revised, 1946, 543 § 2; 1948, 450 § 2; 1955, 770 § 67; 1980, 155 § 2. (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. 131 revised, 1980, 155 § 3.

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; second paragraph revised, 1982, 108 § 2; 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; repealed, 1980, 155 § 4. (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; repealed, 1980, 155 § 4.

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. 148 revised, 1980, 155 § 5.

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; 1980, 155 § 6. (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 "Director" revised, 1981, 351 § 263; definition of "Riding school operator" inserted, 1972, 717 § 1; definition

of "Trustees" revised, 1973, 43 § 1. (See 1975, 706 § 312; 1981, 351 § 299.)

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; 1981, 351 § 264; 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; revised, 1981, 558 § 6; paragraph (*h*) added, 1971, 987 § 2; revised, 1973, 1066; paragraph added, 1975, 619; amended, 1981, 351 § 265; last sentence revised, 1981, 558 § 7. (See 1981, 351 § 299.)

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. 5 revised, 1981, 351 § 266. (See 1981, 351 § 299.)

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. 12, first sentence revised, 1981, 351 § 267. (See 1981, 351 § 299.)

SECT. 13 amended, 1934, 340 § 11; revised, 1967, 347 § 7; amended, 1981, 351 § 268. (See 1934, 340 § 18; 1981, 351 § 299.)

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; section revised, 1981, 351 § 269. (See 1981, 351 § 299.)

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.

SECT. 32, sentence inserted before first sentence, 1982, 664.

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. 36C added, 1982, 103 § 1 (regulating the sale of maple syrup).

SECT. 38, paragraph added, 1982, 103 § 2.

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); second paragraph amended, 1980, 397 § 3. (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; sentence added, 1981, 783 § 1; fifth paragraph revised, 1971, 542. (See 1935, 571 § 2; 1939, 505 § 3; 1964, 686 § 2; 1975, 706 § 312.)

SECT. 4, first paragraph revised, 1981, 558 § 8; 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 "Guard Dog Business" inserted, 1981, 774 § 1; definition of "Pet shop" added, 1971, 993 § 1. (See 1934, 340 § 18; 1975, 706 § 312.)

SECT. 8A added, 1941, 375 (establishing a scale of fees for the innoculation of swine against hog cholera); repealed, 1966, 397.

SECT. 9 amended, 1943, 332 § 10; 1971, 32; 1981, 774 § 2.

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; second sentence amended, 1980, 572 § 225; eighth and ninth paragraphs revised, 1967, 347 § 11. (See 1980, 572 § 417.)

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; 1981, 59. (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; first sentence amended, 1980, 572 § 226; second sentence amended, 1975, 706 § 208. (See 1975, 706 § 312; 1980, 572 § 417.)

SECT. 39A added, 1971, 993 § 2 (requiring certain pet shop operators to obtain licenses from the director of animal health); first sentence amended, 1980, 572 § 227. (See 1980, 572 § 417.)

SECT. 39B added, 1981, 774 § 3 (relative to the licensing of guard dog businesses).

SECT. 40 revised, 1946, 416 § 1; amended, 1971, 312 § 2; first sentence amended, 1980, 572 § 228. (See 1980, 572 § 417.)

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 "Registered under the laws of the state" inserted, 1981, 336 § 1; definition of "Scallop" revised, 1971, 133 § 1; definition of "Shellfish" inserted, 1963, 131; last paragraph revised, 1945, 98 § 2; 1981, 336 § 2. (See 1975, 706 § 312.)

SECT. 2, first paragraph revised, 1980, 444 § 1; 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; section revised, 1982, 131 § 1. (See 1980, 444 § 3.)

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; 1982, 131 § 2. (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; 1982, 131 § 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; section revised, 1980, 444 § 2; second paragraph revised, 1981, 769. (See 1980, 444 § 3.)

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; revised, 1982, 131 § 4.

SECT. 41A added, 1970, 779 § 2 (relative to penalties for possession of female lobsters from which eggs have been removed); first sentence revised, 1982, 131 § 5.

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; 1982, 131 § 6.

SECT. 49 revised, 1982, 131 § 7.

SECT. 51 second sentence revised, 1982, 131 § 8.

SECT. 52, first paragraph, sentence added, 1970, 236; fourth paragraph, two sentences inserted after first sentence, 1972, 33; last paragraph revised, 1977, 447 § 2; paragraph added, 1982, 363.

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; section amended, 1980, 572 § 229. (See 1975, 706 § 312; 1980, 572 § 417.)

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; 1980, 572 § 230. (See 1970, 861 § 7; 1980, 572 § 417.)

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. 100A revised, 1980, 215 § 1. (See 1980, 215 § 2.)

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 "Falcon" and "Falconry" inserted, 1973, 496 § 1; definition of "Loaded

Shotgun or rifle" revised, 1975, 162; definition of "Management" added, 1981, 808 § 28; definition of"Nongame wildlife added, 1981, 808 § 29; definition of "Raptors" inserted, 1973, 496 § 2. (See 1975, 706 § 312; 1981, 808 § 35.)

SECT. 2A added, 1981, 808 § 31. (See 1981, 808 § 35.)

SECT. 4, clause (2) amended, 1973, 496 § 3; revised, 1973, 1071 § 1; 1980, 572 § 231; 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; second paragraph revised, 1981, 661 § 1. (See 1973, 1071 § 11; 1975, 706 § 312; 1980, 572 § 417; 1981, 661 § 1.)

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. 5A added, 1981, 808 § 32. (See 1981, 808 § 35.)

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; section revised, 1980, 572 § 232. (See 1977, 983 § 3; 1979, 767 § 8; 1980, 572 § 417.)

SECT. 11A added, 1981, 808 § 33. (See 1981, 808 § 35.)

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; first sentence amended, 1980, 572 § 233. (See 1980, 572 § 417.)

SECT. 17 amended, 1981, 758.

SECT. 17A added, 1981, 808 § 34. (See 1981, 808 § 35.)

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; first paragraph, second sentence amended, 1980, 572 § 234; second paragraph amended, 1975, 706 § 228. (See 1971, 1071 § 11; 1975, 706 § 312; 1980, 572 § 417.)

SECT. 20 amended, 1972, 706 § 4; fourth sentence amended, 1975, 706 § 229; section revised, 1977, 921 § 1; first sentence amended, 1980, 572

§ 235; fifth sentence amended, 1980, 572 § 236. (See 1975, 706 § 312; 1980, 572 § 417.)

SECT. 21 amended, 1972, 706 § 5; second sentence revised, 1980, 572 § 237. (See 1980, 572 § 417.)

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; ninth paragraph revised, 1980, 572 § 238; paragraph added, 1973, 1071 § 7. (See 1973, 1071 § 11; 1980, 572 § 417.)

SECT. 25 revised, 1973, 1071 § 8. first paragraph, second sentence amended, 1980, 572 § 239. (See 1973, 1071 § 11; 1980, 572 § 417.)

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; amended, 1980, 572 § 240. (See 1980, 572 § 417.)

SECT. 28, first paragraph, clause 1 amended, 1972, 706 § 7; amended, 1980, 572 § 242; clause (2) amended, 1969, 17; 1972, 706 § 8; amended, 1980, 572 § 243; first sentence amended, 1980, 572 § 241. (See 1980, 572 § 417.)

SECT. 29 revised, 1972, 125; amended, 1972, 223 § 2.

SECT. 30 amended, 1975, 706 § 230; 1980, 572 § 244. (See 1975, 706 § 312; 1980, 572 § 417.)

SECT. 31 amended, 1972, 135; first paragraph, second sentence amended, 1980, 572 § 245; second paragraph clause (3) amended, 1972, 706 § 9; 1973, 496 § 6; revised, 1979, 110. (See 1980, 572 § 417.)

SECT. 32, third sentence amended, 1975, 706 § 231. (See 1975, 706 § 312.)

SECT. 33 revised, 1969, 280.

SECT. 34 revised, 1978, 276.

SECT. 38, third sentence amended, 1980, 572 § 246. (See 1980, 572 § 417.)

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; section revised, 1980, 154; paragraph added, 1980, 194. (See 1975, 706 § 312.)

SECT. 46 amended, 1975, 706 § 252. (See 1975, 706 § 312.)

SECT. 52, amended, 1980, 572 § 247. (See 1980, 572 § 417.)

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. 69, paragraph added, 1982, 39.

SECT. 70, paragraph added, 1981, 661 § 2. (See 1981, 661 § 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. 80, first paragraph, third sentence revised, 1980, 572 § 248; fourth sentence revised, 1980, 84 § 1. (See 1980, 84 § 2; 572 § 417.)

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 § 3; repealed, 1956, 657 § 16.

SECT. 26D revised, 1952, 489 § 3; 1956, 657 § 17.

SECTS. 26E-26G added, 1956, 657 § 18 (relative to the condemnation, removal and destruction of trees infected with Dutch elm disease).

SECT. 27 amended, 1937, 415 § 10; revised, 1948, 660 § 21; repealed, 1956, 657 § 19.

SECT. 28 amended, 1937, 415 § 11; revised, 1948, 660 § 22; repealed, 1956, 657 § 19.

SECT. 29 repealed, 1948, 660 § 23.

SECT. 30, last sentence revised, 1945, 514; section amended, 1975, 706 § 257. (See 1975, 706 § 312.)

SECT. 31, third sentence amended, 1975, 706 § 258. (See 1975, 706 § 312.)

SECT. 32 amended, 1975, 706 § 259. (See 1975, 706 § 312.)

SECT. 33 amended, 1935, 373; 1936, 415 § 1.

SECT. 34, new paragraph added, 1935, 233.

SECT. 34A, first paragraph revised, 1950, 574; paragraph added, 1947, 366.

SECT. 35 amended, 1952, 308 § 2.

SECT. 36 revised, 1936, 415 § 2.

SECT. 36A added, 1945, 27 (relative to the acquisition by prescription or adverse possession of title to lands of the commonwealth under control of the department of conservation); amended, 1975, 706 § 260. (See 1975, 706 § 312.)

SECT. 38A added, 1969, 458 (directing the department of natural resources to construct trails for horseback riding, hiking and snowmobiling); amended, 1974, 806 § 14; revised, 1975, 706 § 261. (See 1974, 806 § 41; 1975, 706 § 312.)

SECTS. 40-45 added, under caption, 1943, 539.

SECT. 40 revised, 1982, 592 § 1.

SECT. 41 revised, 1982, 592 § 2.

SECTS. 42, 43 AND 44 revised, 1952, 427.

SECT. 42, two sentences added, 1977, 566; section revised, 1982, 592 § 3.

SECT. 43 amended, 1970, 756 § 1; section revised, 1982, 592 § 4.

SECT. 44 revised, 1982, 592 § 5.

SECT. 45 revised, 1970, 756 § 2; 1982, 592 § 6.

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; first paragraph, third sentence amended, 1980, 572 § 249; section revised, 1982, 592 § 7. (See 1980, 572 § 417.)

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; second sentence revised, 1981, 149; 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. 11E added, 1980, 578 § 49 (relative to the renovation of certain lands for municipal parks and recreation purposes). (See 1980, 578 § 53.)

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.

SECT. 6B added, 1981, 722 (regulating the application of herbicides).

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 (4) revised, 1981, 351 § 63; paragraph (6) revised, 1982, 534. paragraph (7) amended, 1964, 456; revised, 1973, 944 § 2; 1974, 117; paragraph (8) added, 1968, 448; paragraph (9) added, 1973, 1000 § 3. (See 1981, 351 § 299.)

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 (31) revised, 1981, 563; 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; revised, 1982, 556.

SECT. 7, first paragraph revised, 1964, 384 § 1; second paragraph revised, 1978, 378 § 1; sentence added, 1981, 351 § 64. (See 1981, 351 § 299.)

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; sentence added, 1981, 351 § 65. (See 1968, 24 § 7; 1981, 351 § 299.)

SECT. 15 amended, 1964, 384 § 2; 1970, 734 § 2; first paragraph, sentence added, 1981, 351 § 66; third paragraph revised, 1978, 378 § 2. (See 1981, 351 § 299.)

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; definitions of "Farmer brewer" and "Farmer brewery" inserted, 1982, 627 § 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; 1982, 231; 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; 1981, 351 § 67; 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; last sentence revised, 1982, 627 § 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; 1981, 351 § 299.)

SECT. 12A added, 1950, 372 (relative to the renewal of licenses to sell liquor in restaurants).

SECT. 12B added, 1981, 606 (further regulating the operation of certain premises licensed to sell alcoholic beverages).

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; second sentence revised, 1981, 351 § 68; sentence added, 1981, 177. (See 1981, 351 § 299.)

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; first paragraph revised, 1980, 318 § 1.

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; 1982, 627 § 3.

SECT. 19B added, 1977, 929 § 4 (providing for the issuance of farmer-winery licenses).

SECT. 19C added, 1982, 627 § 4 (relative to the issuance of farm-brewery 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; 1982, 627 § 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; amended, 1982, 627 § 6; clause (*e*) amended, 1980, 403 § 14; 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; 1980, 403 § 15.)

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; amended, 1981, 261.

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; 1982, 627 § 7; fourth paragraph revised, 1971, 260 § 2; first sentence amended, 1980, 35; 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; first sentence stricken out, 1981, 262; third paragraph amended, 1970, 768 § 2; paragraph added, 1970, 768 § 3; 1974, 279 § 2; seventh paragraph revised, 1977, 929 § 9; 1982, 627 § 8.

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; 1982, 627 § 9. (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; 1982, 627 § 10.

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; amended, 1982, 627 § 11.

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; fourth sentence revised, 1981, 351 § 69. (See 1981, 351 § 299.)

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; amended, 1982, 627 § 12.

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; 1981, 104; 1981, 263; 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; second sentence revised, 1980, 193; amended, 1982, 97; revised, 1982, 627 § 13. (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. 34D added, 1982, 373 § 11 (relative to the posting of penalties in certain establishments which sell alcoholic beverages).

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; second sentence revised, 1982, 627 § 14.

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; 1982, 373 § 12. (See 1982, 373 § 20.)

SECT. 16A amended, 1934, 328 § 12; revised, 1973, 1114 § 12; amended, 1982, 373 § 13. (See 1982, 373 § 20.)

SECT. 19 amended, 1934, 328 § 14; 1982, 373 § 14. (See 1982, 373 § 20.)

SECT. 20 amended, 1934, 328 § 15; 1948, 132; 1982, 373 § 15. (See 1982, 373 § 20.)

Chapter 140. — Licenses.

SECT. 2, fifth sentence revised, 1974, 261; 1981, 351 § 70. (See 1981, 351 § 299.)

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. 21B, third sentence revised, 1981, 351 § 71. (See 1981, 351 § 299.)

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. sentence inserted after second sentence, 1981, 351 § 72. (See 1981, 351 § 299.)

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; 1981, 351 § 73. (See 1959, 250; 1981, 351 § 299.)

SECT. 24, sentence added, 1980, 173; last sentence revised, 1982, 634 § 10.

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; 1981, 351 § 75; third sentence revised, 1975, 706 § 280. (See 1950, 802 §§ 4, 5; 1975, 706 § 312; 1981, 351 § 299.)

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; second sentence revised, 1981, 351 § 75. (See 1972, 802 § 77; 1981, 351 § 299.)

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. 46F, first sentence revised, 1980, 572 § 250. (See 1980, 572 § 417.)

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. 49, first sentence revised, 1981, 351 § 76. (See 1981, 351 § 299.)

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); fourth sentence revised, 1981, 351 § 77. (See1981, 351 § 299.)

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; second sentence revised, 1981, 351 § 78; eighth sentence stricken out and two sentences inserted, 1981, 703; sentence inserted after tenth sentence, 1957, 308. (See 1934, 254 § 2; 1953, 349; 1981, 351 § 299.)

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. 68 revised, 1980, 452.

SECT. 69, sentence added, 1974, 119.

SECT. 71 revised, 1943, 154.

SECT. 77, first sentence revised, 1981, 351 § 79. (See 1981, 351 § 299.)

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; section revised, 1980, 264 § 1; paragraph added, 1982, 356 § 26A. (See 1941, 158 §§ 2, 3; 1956, 689 § 9; 1982, 356 § 27.)

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; 1980, 572 § 251. (See 1973, 1149 § 33; 1980, 572 § 417.)

SECT. 98 amended, 1957, 97; sentence added, 1975, 170 § 2.

SECT. 100 amended, 1946, 119; revised, 1946, 174 § 1; 1956, 689 § 4; second paragraph,fifth sentence stricken out and five sentences added, 1981, 284 § 1. (See 1946, 174 § 2; 1956, 689 §§ 8A, 9; 1981, 284 § 8.)

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; first two sentences revised, 1980, 572 § 252; amended, 1973, 1149 § 3; paragraph added, 1975, 187 § 2; second paragraph, second sentence amended, 1980, 572 § 253. (See 1973, 1149 § 33; 1980, 572 § 417.)

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; section revised, 1980, 264 § 2. (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; section revised, 1980, 264 § 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; first paragraph revised, 1981, 384 § 1; paragraph added, 1974, 13; section revised, 1982, 332 § 2. (See 1972, 783 § 4; 1973, 273 § 5.)

SECT. 115 revised, 1948, 550 § 21; 1949, 297 § 7; sentence added, 1981, 351 § 80. (See 1981, 351 § 299.)

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 sentence revised, 1981, 351 § 81;fifth paragraph revised, 1973, 157. (See 1981, 351 § 299.)

SECT. 123 revised, 1957, 688 § 7; 1959, 296 § 4; 1968, 737 § 3; 1969, 799 § 3; clause Seventh revised, 1981, 541.

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; section revised, 1981, 598.

SECTS. 128A AND 128B added, 1968, 737 § 5 (further regulating the purchase and sale of firearms).

SECT. 128A revised, 1969, 799 § 6; sentence added, 1980, 353; section revised, 1981, 597.

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; fourth sentence revised, 1980, 572 § 254; paragraph added, 1969, 799 § 12A. (See 1980, 572 § 417.)

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; third sentence revised, 1980, 572 § 255; second paragraph amended, 1973, 136; third paragraph amended, 1974, 706 § 282. (See 1975, 706 § 312; 1980, 572 § 417.)

SECT. 131I added, 1981, 268 (providing a penalty for the possession of an altered, forged or counterfeited license to carry a firearm or a firearm indentification card).

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; second and third paragraphs stricken out, 1980, 100 § 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. 138A added, 1980, 430 (relative to the importation of dogs and cats and the sale of all dogs and cats).

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; 1980, 100 § 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; 1981, 351 § 82. (See 1934, 320 § 34; 1981, 351 § 299.)

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); paragraph (4), first sentence revised, 1981, 351 § 83; second sentence stricken out, 1981, 520. (See 1981, 351 § 299.)

SECT. 178 amended, 1981, 693.

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. 180C, third paragraph amended, 1980, 572 § 256. (See 1980, 572 § 417.)

SECT. 181, paragraph added, 1971, 996; first paragraph stricken out and five paragraphs inserted, 1979, 358 § 3; first paragraph revised, 1981, 351 § 84. Affected by 1935, 454 § 8. (See 1981, 351 § 299.)

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; second sentence amended, 1980, 572 § 257. (See 1980, 572 § 417.)

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; fourth sentence revised, 1981, 351 § 85; section revised, 1981, 694 § 1. (See 1935, 102 § 2; 1981, 351 § 299.)

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. 185B amended, 1980, 572 § 258. (See 1980, 572 § 417.)

SECT. 185D amended, 1967, 126; revised, 1975, 213; 1980, 460.

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); fourth sentence revised, 1981, 351 § 86. (See 1981, 351 § 299.)

SECT. 186 amended, 1936, 169 § 1.

SECT. 187 amended, 1936, 169 § 2.

SECT. 192 revised, 1948, 550 § 24; 1949, 297 § 9; first sentence revised, 1981, 351 § 87. (See 1981, 351 § 299.)

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; first paragraph, fourth sentence amended, 1980, 572 § 259; second paragraph, fourth sentence revised, 1980, 572 § 260. (See 1980, 572 § 417.)

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; first sentence stricken out and two sentences inserted, 1980, 191 § 1; subsection (*b*) revised, 1980, 191 § 2; subsection (*c*) revised, 1980, 191 § 3; subsections (*d*) and (*e*) stricken out, 1980, 191 § 4. (See 1980, 191 § 7.)

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. subsections (*r*) and (*s*) added, 1980, 191 § 5. (See 1980, 191 § 7.)

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 repealed, 1981, 733 § 1. (See 1981, 733 § 25.)

Chapter 140D. — CONSUMER CREDIT COST DISCLOSURE.

New chapter inserted, 1981, 733 § 2. (See 1981, 733 § 25.)

SECT. 1, definition of "Advertisement" inserted, 1982, 332 § 3.

SECT. 10, subsection (*e*), clause (1), subclause (D) stricken out, 1981, 733 § 2A. (See 1981, 733 § 25.)

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); second sentence revised, 1980, 572 § 261. (See 1980, 572 § 417.)

SECT. 3, clause (3) revised, 1954, 190 § 1; 1960, 723; amended, 1963, 491; revised, 1980, 572 § 262; clause (4) amended, 1934, 347 § 1; revised, 1959, 312 § 1; revised, 1967, 317; amended, 1972, 684 § 57; revised, 1980, 572 § 263; clause (5) amended, 1954, 190 § 2; revised, 1959, 312 § 2;

amended, 1972, 684 § 58; revised, 1980, 572 § 264; clause (8) amended, 1948, 187. (See 1972, 684 § 136; 1980, 572 § 417.)

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; first sentence amended, 1980, 572 § 265; sentence added, 1979, 109. (See 1980, 572 § 417.)

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; 1980, 572 § 266. (See 1980, 572 § 417.)

SECT. 6 revised, 1934, 347 § 2; third sentence revised, 1965, 645 § 2; section revised, 1977, 843 § 7; sentence inserted after fourth sentence, 1981, 351 § 88. last sentence amended, 1980, 572 § 267. (See 1980, 572 § 417; 1981, 351 § 299.)

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; first paragraph revised, 1981, 346 § 2. (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

SECTS. 3N-3O added, 1960, 737 § 2 (relative to rules and regulations governing gas fittings). (See 1960, 737 §§ 3, 4, 5 and 7.)

SECT. 3R added, 1965, 464 § 1 (requiring that the main doors of certain apartment houses be designed or equipped to close and lock automati cally); 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 issuanc of building permits for ten or more residential units).

SECT. 3Y added, 1980, 85 (relative to the term of office of certain inspectors of buildings, building commissioners and local inspectors).

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; revised, 1980, 572 § 268. (See 1980, 572 § 417.) (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; second sentence amended, 1980, 572 § 269. (See 1980, 572 § 417.)

SECT. 71C revised, 1957, 637 § 3; paragraph (1) amended, 1972, 684 § 61. fourth sentence revised, 1980, 572 § 270; eighth sentence stricken out, 1980, 572 § 271. (See 1972, 684 § 136; 1980, 572 § 417.)

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; 1980, 324 § 2. (See 1980, 324 § 3.)

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; last sentence amended, 1980, 572 § 272. (See 1968, 373 § 6; 1980, 572 § 417.)

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.

SECT. 71L revised, 1980, 572 § 273. (See 1980, 572 § 417.)

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; 1980, 572 § 274. (See 1941, 553 § 9; 1980, 572 § 417.)

SECT. 75 revised, 1941, 553 § 2; amended, 1950, 112; 1968, 227 § 1; 1971, 772 § 2; amended, 1973, 925 § 54; last two sentences revised, 1980, 572 § 275. (See 1941, 553 § 9; 1973, 925 § 54; 1980, 572 § 417.)

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; last sentence revised, 1980, 572 § 276. (See 1941, 553 § 9; 1980, 572 § 417.)

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; first two sentences stricken out and three sentences inserted, 1980, 572 § 277. (See 1972, 684 § 136; 1980, 572 § 417.)

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; 1980, 572 § 278. (See 1972, 684 § 136; 1980, 572 § 417.)

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; first paragraph, last sentence revised, 1980, 572 § 279. (See 1972, 684 § 136; 1980, 572 § 417.)

SECT. 46, first sentence amended, 1953, 207 § 1A; revised, 1982, 41.

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; last paragraph revised, 1980, 572 § 281. (See 1980, 572 § 417.)

SECT. 50A added, 1971, 605 (establishing the eligibility requirements for licensing certain nuclear steam power plant operators and engineers); fifth paragraph, fourth sentence amended, 1980, 572 § 280; last paragraph revised, 1980, 572 § 281. (See 1980, 572 § 417.)

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; second sentence revised, 1980, 572 § 282; last sentence revised, 1980, 572 § 283. (See 1972, 684 § 136; 1980, 572 § 417.)

SECT. 59 amended, 1971, 342; last sentence revised, 1980, 572 § 284. (See 1980, 572 § 417.)

SECT. 60 amended, 1951, 398; 1972, 684 § 66; revised, 1975, 748 § 2; amended, 1980, 572 § 285. (See 1972, 684 § 136; 1980, 572 § 417.)

SECT. 61 revised, 1975, 748 § 3.

SECT. 62 revised, 1971, 363; third paragraph amended, 1975, 523; section revised, 1975, 748 § 4; first paragraph, second sentence amended, 1980, 572 § 286; third paragraph, third sentence amended, 1980, 572 § 287. (See 1980, 572 § 417.)

SECT. 63 amended, 1952, 154; 1975, 524; first sentence amended, 1980, 572 § 288. (See 1980, 572 § 417.)

SECT. 64 revised, 1961, 310; two sentences inserted after second sentence, 1962, 574 § 2; section revised, 1981, 513.

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; revised, 1980, 572 § 289. (See 1941, 525 § 2; 1972, 684 § 136; 1980, 572 § 417.)

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).

SECT. 71, last paragraph, first sentence revised, 1980, 572 § 290. (See 1980, 572 § 417.)

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; revised, 1980, 572 § 291. (See 1980, 572 § 417.)

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); first sentence revised, 1982, 650 § 19. (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. 4G added, 1980, 463 § 1 (facilitating the investigation and prosecution for motor vehicle thefts and insurance fraud).

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; amended, 1981, 746 § 12; (See 1981, 746 § 13.)

SECT. 10G added, 1965, 565 (authorizing the appointment as special police officers of employees of colleges, universities and other educational institutions); revised, 1977, 918; second paragraph revised, 1980, 572 § 292. (See 1980, 572 § 417.)

SECT. 10H added, 1968, 176 (authorizing the appointment as special police officers of certain employees of the civil defense agency).

SECT. 10I added, 1969, 420 (authorizing the appointment of certain Middlesex County Sanitorium employees as special police officers by the commissioner of public safety).

SECT. 10J added, 1972, 360 (authorizing the appointment of employees of the division of employment security as special police officers).

SECT. 10K added, 1973, 126 (authorizing the appointment of state lottery commission employees as special police officers); revised, 1973, 1002 § 8.

SECT. 10L added, 1980, 399 (authorizing the commissioner of public safety to establish certain rules and regulations).

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; clause 11 added, 1981, 168.

SECT. 25, first paragraph, sentence added, 1968, 738 § 3; second paragraph, sentence inserted after first sentence, 1970, 43.

SECT. 26 amended, 1972, 684 § 68; first sentence revised, 1980, 572 § 293. (See 1972, 684 § 136; 1980, 572 § 417.)

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; third sentence revised, 1980, 572 § 294. (See 1980, 572 § 417.)

SECT. 33 amended, 1935, 262 § 2.

SECT. 35 revised, 1934, 69; 1948, 199; amended, 1973, 1214 § 1; first sentence amended, 1980, 572 § 295. (See 1980, 572 § 417.)

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; 1982, 500 § 1.

SECT. 40A added, 1956, 623 § 3 (establishing a boxers' fund and regulating payments thereto); first paragraph amended, 1964, 367; paragraph added, 1959, 463; section revised, 1982, 500 § 2.

SECT. 46 revised, 1958, 399.

SECT. 50A added, 1956, 357 (authorizing courses of instruction in boxing or sparring matches or exhibitions at certain boys' clubs, schools and recreational agencies).

SECTS. 52-55 added, under caption, 1971, 486 § 3 (licensing the game of Beano).

SECT. 52, first paragraph revised, 1972, 616 § 1; fourth paragraph, first sentence stricken out, 1972, 616 § 2; seventh paragraph revised, 1972, 93.

SECT. 53, first paragraph, second sentence revised, 1972, 102.

SECTS. 52-55 repealed, 1973, 729 § 2.

SECT. 56 added, 1972, 429 § 1 (prohibiting the sale of power lawnmowers without certain safety devises). (See 1972, 429 § 2.)

Chapter 148. — Fire Prevention.

SECT. 1, definition of "Head of the fire department" revised, 1945, 470; definition of "local licensing authority" amended, 1932, 102; revised, 1953, 230 § 1; three paragraphs added, defining "Board", "Building" and "Structure", 1945, 470. (See 1953, 230 § 2.)

SECT. 2 amended, 1948, 504; 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; last sentence revised, 1981, 351 § 89. (See 1981, 351 § 299.)

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; second sentence revised, 1980, 572 § 296; fifth sentence stricken out and four sentences inserted, 1968, 373 § 3; fifth sentence amended, 1972, 684 § 70; revised, 1977, 118 § 2; sixth sentence amended, 1980, 572 § 297. (See 1972, 684 § 136; 1980, 572 § 417.)

SECT. 10E, first sentence amended, 1980, 572 § 298; second sentence stricken out and four sentences inserted, 1968, 373 § 4; second sentence amended, 1980, 572 § 299. (See 1980, 572 § 417.)

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; third sentence revised, 1981, 351 § 90; 622; 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; 1981, 351 § 299.)

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; 1980, 572 § 300; sixth sentence stricken out and four sentences inserted, 1968, 373 § 2; sixth sentence amended, 1972, 684 § 72; 1980, 572 § 301; last sentence amended, 1980, 572 § 302. (See 1967, 532 § 2; 1972, 684 § 136; 1980, 572 § 417.)

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. 26D, definition of "Approved smoke detector" stricken out and definitions of "Approved monitored battery power smoke detector" and "Approved primary power smoke detector" inserted, 1982, 573 § 1.

SECT. 26E revised, 1982, 573 § 2.

SECT. 26G added, 1982, 545 § 1 (further regulating the installation of automatic sprinkler systems).

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; section revised, 1980, 462 § 2; 1982, 520. (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; third paragraph revised, 1980, 121. (See 1978, 446 § 8.)

SECT. 34 revised, 1978, 396.

SECT. 37 paragraph added, 1977, 523; second paragraph, second sentence amended, 1980, 572 § 303. (See 1980, 572 § 417.)

SECT. 38 amended, 1945, 710 § 14.

SECT. 38A added, 1938, 95 (prohibiting the removal of certain gasoline tanks without a permit); sentence added, 1981, 351 § 91. (See 1981, 351 § 299.)

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; sentence added, 1981, 351 § 92. (See 1981, 351 § 299.)

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; revised, 1980, 131 § 1.

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; 1981, 760 § 14. (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. 44A-44L, inclusive, stricken out and sections 44A-44I inserted, 1980, 579 § 55. (See 1980, 579 § 66.)

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; repealed, 1980, 131 § 2.

SECT. 53A added, 1968, 331 § 2 (limiting weight permitted to be lifted by female employees); repealed, 1980, 131 § 2.

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; first paragraph revised, 1980, 131 § 3; paragraph added, 1946, 241 § 1. (See 1941, 610 §§ 2, 3.)

SECT. 57 amended, 1932, 110 § 2.

SECT. 58 revised, 1980, 131 § 4.

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; section revised, 1981, 257.

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. 102 revised, 1980, 131 § 5.

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); section repealed, 1982, 364 § 1.

SECTS. 105A-105C added, under caption, 1945, 584 § 3 (penalizing discriminatory wage rates based on sex).

SECT. 105A revised, 1947, 565; 1951, 180; first sentence revised, 1980, 131 § 6.

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); sentence inserted after first sentence, 1981, 617.

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. 137, first sentence revised, 1980, 131 § 7.

SECT. 139 amended, 1955, 92.

SECT. 140 repealed, 1953, 57.

SECT. 141, third sentence revised, 1980, 131 § 8.

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; 1980, 572 § 304. (See 1955, 764 § 13; 1980, 572 § 417.)

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 gratituities received during the course of employment); sentence added, 1966, 350; section revised, 1980, 301.

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).

SECTS. 158 AND 158A revised, 1980, 131 § 9.

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.

SECTS. 169-172 repealed, 1981, 351 § 250. (See 1981, 351 § 299.)

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; sentence inserted after third sentence, 1981, 112 § 2. -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.

SECTS. 1-2 revised, 1981, 351 § 237. (See 1981, 351 § 299.)

SECT. 3 amended, 1938, 364 § 1; 1939, 111; fifth sentence amended, 1981, 351 § 241. (See 1981, 351 § 299.)

SECT. 5 revised, 1938, 364 § 2.

SECT. 6, sentence inserted after first sentence, 1977, 790; second sentence revised, 1980, 572 § 305; amended, 1981, 351 § 238. (See 1980, 572 § 417; 1981, 351 § 299.)

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; 1981, 484; third sentence revised, 1980, 329 § 124; definition of "Incremental costs items" inserted, 1976, 480 § 20. definition of "Professional employee", sentence added, 1981, 679 § 1. (See 1978, 478 § 343; 1980, 329 § 133.)

SECT. 3, first paragraph, second sentence revised, 1974, 526; second paragraph amended, 1978, 478 § 75; revised, 1979, 393 § 71; second sentence revised, 1978, 478 § 76; paragraph added, 1975, 591; sentence added, 1977, 278 § 3; paragraph added, 1977, 753; 937 § 2. (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 (*b*), first sentence revised, 1980, 329 § 125; paragraph (*c*) revised, 1980, 329 § 126; paragraph (*d*) revised, 1978, 478 § 77; amended, 1980, 354 § 17A. (See 1978, 478 § 343; 1979, 342 § 19; 1980, 329 § 133.)

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, first paragraph, sentence added, 1981, 351 § 243. sentence inserted after first sentence, 1981, 351 § 244; third paragraph, eighth sentence stricken out and three sentences inserted, 1977, 788; fourth paragraph amended, 1974, 589 § 3; third and fourth sentences stricken out and four sentences inserted, 1981, 351 § 245. (See 1981, 351 § 299.)

SECT. 12, second sentence stricken out and two paragraphs inserted, 1977, 903.

SECT. 13, last paragraph amended, 1981, 351 § 246. (See 1981, 351 § 299.)

SECT. 14, last paragraph amended, 1981, 351 § 247. (See 1981, 351 § 299.)

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 "Commissioner" inserted, 1981, 351 § 240; 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; 1981, 351 § 299.)

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 (2) amended, 1982, 489 § 1; 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; 1982, 489 § 22.)

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; first paragraph revised, 1982, 489 § 1A; 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. subsection (*e*) revised, 1982, 489 § 2. (See 1972, 465 § 2; 1978, 478 § 343; 1982, 489 § 22.)

SECT. 16 amended, 1976, 473 § 7. (See 1976, 473 § 20.)

SECT. 17 revised, 1982, 489 § 3. (See 1982, 489 § 22.)

SECT. 18, first paragraph revised, 1966, 560 § 3; second paragraph amended, 1979, 642 § 5; section revised, 1982, 489 § 4. (See 1982, 489 § 22.)

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; clause (4) stricken out, 1980, 131 § 10; 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; paragraph added, 1982, 489 § 5; 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; 1982, 489 § 22.)

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; subsection (*d*) added, 1982, 331. (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; paragraph (6) added, 1980, 518 § 1. (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); section repealed, 1982, 489 § 22.

SECT. 29B added, 1982, 489 § 7 (relative to child support obligations). (see 1982, 489 § 22.)

SECT. 29C added, 1981, 502 § 1. (See 1981, 502 § 2.)

SECT. 30 amended, 1945, 484 § 3; revised, 1949, 559; 1953, 410 § 1; 1956, 719 § 6; 1958, 437 § 2; first paragraph revised, 1959, 588; second paragraph revised, 1976, 473 § 11. (See 1953, 410 § 2; 1956, 719 § 8; 1976, 473 § 20.)

SECT. 30A added, 1970, 866 § 1 (establishing an extended benefits program under the employment security law); subsection (1), paragraph (*a*) revised, 1982, 489 § 8; paragraphs (*b*) and (*c*) revised, 1977, 381 § 1; paragraph (*b*) stricken out, 1982, 489 § 9; paragraph (*c*) stricken out, 1982, 489 § 10; paragraph (*d*), subparagraph(2) revised, 1977, 720 § 31; 1982, 489 § 11; stricken out, 1977, 720 § 32; paragraph (*e*) amended, 1972, 483 § 1; subparagraph (2) revised, 1977, 381 § 3; paragraph (*f*) amended, 1982, 489 § 12; paragraph (*k*) subparagraph (3) revised, 1977, 381 § 4; paragraph added, 1971, 756 § 1; subsection (1), paragraph (*l*), subparagraph (3) revised, 1981 498 § 2; paragraph (*m*) inserted, 1981, 498 § 1; paragraph (*n*) added, 1982, 489 § 13; subsection (3) amended, 1982, 489 § 14; subsection (5), paragraph added, 1982, 489 § 15; subsection (6), second paragraph revised, 1982, 489 § 16; subsection (7) added, 1981, 466 § 1. (See 1970, 866 § 5; 1971, 756 § 3; 1977, 381 § 5; 1981, 466 § 2; 498 § 3; 1982, 489 § 22.)

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. 35, first sentence revised, 1982, 489 § 17; paragraph added, 1982, 489 § 18. (See 1982, 489 § 22.)

SECT. 36, paragraph added, 1981, 428 § 3; section amended, 1982, 489 § 19. (See 1982, 489 § 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. 64 revised, 1982, 489 § 20. (See 1982, 489 § 22.)

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. 68 amended, 1980, 230.

SECT. 69, paragraph added, 1949, 555; section revised, 1951, 763 § 20; paragraph (*a*) amended, 1979, 642 § 7. (See 1951, 763 § 22.)

SECT. 69A added, 1982, 489 § 21 (relative to certain uncollectible amounts). (See 1982, 489 § 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; revised, 1980, 343; 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, 7[illegible]; 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 (*d*), second paragraph, first sentence amended, 1980, 572 § 306; subsection (*f*), first paragraph amended, 1974, 641 § 10; second paragraph, first sentence amended, 1974, 641 § 11; third sentence amended, 1974, 641 § 12. (See 1980, 572 § 417.)

SECT. 3A amended, 1974, 641 §§ 13, 14.

SECT. 5, first sentence revised, 1974, 641 § 15; section revised, 1980, 572 § 307. (See 1980, 572 § 417.)

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 (1A) inserted, 1982, 630 § 47; 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; 1982 630 § 56.)

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; amended, 1980, 283. (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; second sentence revised, 1980, 488; sentence added, 1971, 941 § 1.

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; 1982, 663 § 1. (See 1974, 438 § 3; 1978, 461 § 2; 1982, 663 § 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; section revised, 1981, 572 § 1. (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; 1981, 572 § 5.)

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; section revised, 1981, 572 § 2. (See 1946, 321 § 4; 1963, 460 § 4; 1967, 482 § 7; 1969, 529 § 4; 1971, 879 § 7; 1973, 978 § 7; 1976, 474 § 12; 1981, 572 § 5.)

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; section revised, 1981, 572 § 3. (See 1962, 471 § 2; 1981, 572 § 5.)

SECT. 36A revised, 1950, 445; 1951, 494; paragraph added, 1981, 572 § 4. (See 1981, 572 § 5.)

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; amended, 1981, 428 § 4; sentence added, 1982, 430 § 6.

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; 1980, 322 § 1; amended, 1982, 183 § 1. (See 1981, 183 § 4.)

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. 52C, subsection (*a*), fifth sentence amended, 1980, 572 § 308. (See 1980, 572 § 417.)

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; revised, 1982, 630 § 48. (See 1982, 630 § 56.)

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; 1980, 556 § 21.

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 silocosis 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.

SECT. 86 added, 1982, 630 § 49 (relative to mailing of certain orders or decisions). (See 1982, 630 § 56.)

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; section revised, 1981, 532.

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); second paragraph, first sentence amended, 1980, 572 § 309; last paragraph amended, 1980, 572 § 310. (See 1980, 572 § 417.)

SECT. 10 amended, 1933, 11; third sentence revised, 1943, 549 § 4; fifth sentence revised, 1957, 698 § 2; section revised, 1962, 750 § 10; fifth sentence revised, 1980, 572 § 311. (See 1980, 572 § 417.)

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; revised, 1980, 141 § 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; 1980, 572 § 312. (See 1972, 684 § 136; 1980, 572 § 417.)

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. 40, sentence added, 1981, 456 § 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; fourth paragraph revised, 1980, 572 § 313; sixth paragraph amended, 1959, 180 § 2. (See 1980, 572 § 417.)

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; third and fourth paragraphs stricken out and one paragraph inserted 1980, 572 § 314; fifth paragraph amended, 1959, 180 § 3. (See 1963, 141; 1980, 572 § 417.)

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); amended, 1980, 572 § 315. (See 1980, 572 § 417.)

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; revised, 1980, 572 § 316. (See 1980, 572 § 417.) (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; revised, 1980, 572 § 317. (See 1972, 684 § 136; 1980, 572 § 417.)

SECT. 55 amended, 1952, 314; revised, 1955, 338; amended, 1957, 698 § 4; 1972, 684 § 80; 1980, 572 § 318. (See 1972, 684 § 136; 1980, 572 § 417.)

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; third sentence revised, 1980, 572 § 319. (See 1980, 572 § 417.)

SECT. 15, third sentence amended, 1980, 572 § 320. (See 1980, 572 § 417.)

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; revised, 1980, 572 § 321. (See 1965, 685 § 57; 1980, 572 § 417.)

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. 15 revised, 1980, 141 § 2.

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. 40, sentence added, 1981, 456 § 1.

SECT. 41 amended, 1965, 685 § 18. (See 1965, 685 § 57.)

SECT. 41A added, 1981, 393 §1.

SECT. 42, paragraph added, 1969, 392 § 13.

SECT. 43 amended, 1965, 685 § 19; revised, 1969, 392 § 14. (See 1965, 685 § 57.)

SECT. 45 revised, 1981, 210.

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.

SECTS. 61-66 revised, 1980, 265.

SECT. 67, first paragraph revised, 1969, 392 § 17; first sentence revised, 1971, 929 § 4; two paragraphs added, 1965, 685 § 27; paragraph added, 1969, 392 § 18. (See 1965, 685 § 57.)

SECT. 71 revised, 1965, 685 § 28; 1981, 298 § 1. (See 1965, 685 § 57.)

SECT. 72, first sentence amended, 1967, 198.

SECT. 74, first paragraph amended, 1965, 685 § 29; first two sentences revised, 1981, 298 § 2; sentence inserted after second sentence, 1981, 230. (See 1965, 685 § 57.)

SECT. 75, sentence added, 1965, 685 § 30; revised, 1980, 494; section revised, 1981, 298 § 3. (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; 1981, 298 § 4; subsection (*d*) amended, 1965, 685 § 32A; 1969, 392 § 20; first paragraph amended, 1980, 365 § 1; subsection (*e*) amended, 1965, 685 § 33; revised, 1974, 350 § 3; 1980, 245 § 1. (See 1965, 685 § 57.)

SECT. 79, subsection (*c*) amended, 1965, 685 § 33A; 1969, 392 § 21; 1980, 365 § 2. subsection (*d*) amended, 1965, 685 § 34; revised, 1974, 350 § 4; 1980, 245 § 2. (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; 1980, 365 § 3; subsection (*e*) amended, 1965, 685 § 38. (See 1965, 685 § 57.)

SECT. 83, subsection (*d*) amended, 1965, 685 § 38A; 1980, 365 § 4; 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. 96, paragraph added, 1982, 149.

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; amended, 1982, 141.

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; introductory paragraph revised, 1980, 214 § 1; 1981, 238; 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; section revised, 1980, 572 § 322. (See 1965, 685 § 57; 1972, 684 § 136; 1980, 572 § 417.)

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. 1 revised, 1981, 273 § 1.

SECT. 3, second sentence revised, 1949, 378 § 1; third sentence revised, 1981, 273 § 2.

SECT. 3A added, 1949, 378 § 2 (authorizing the forming of corporations to conduct a housing business on the co-operative plan); last sentence revised, 1981, 273 § 3.

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; revised, 1981, 273 § 4.

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; last sentence amended, 1980, 572 § 323. (See 1972, 684 § 136; 1980, 572 § 417.)

SECT. 8 amended, 1962, 750 § 32; revised, 1982, 104 § 2.

SECT. 9 amended, 1949, 378 § 6; 1957, 698 § 6; 1971, 317 § 3; 1972, 684 § 98; revised, 1980, 572 § 324. (See 1972, 684 § 136; 1980, 572 § 417.)

SECT. 10, second sentence revised, 1981, 273 § 5.

SECT. 12 revised, 1981, 273 § 6.

SECT. 13 amended, 1954, 23; 1981, 273 § 7.

SECT. 15, first sentence revised, 1981, 273 § 8.

SECT. 16, last sentence amended, 1932, 180 § 31.

SECT. 18, last sentence amended, 1980, 572 § 325. (See 1980, 572 § 417.)

Chapter 157A. — EMPLOYEE COOPERATIVE CORPORATIONS.

New chapter inserted, 1982, 104 § 3.

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; paragraph added after first paragraph, 1980, 484; 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; last sentence amended, 1980, 572 § 326. (See 1980, 572 § 417.)

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; revised, 1980, 572 § 327. (See 1972, 684 § 136; 1980, 572 § 417.)

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. 12B, first paragraph, third sentence amended, 1980, 572 § 328. (See 1980, 572 § 417.)

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; first paragraph, third sentence revised, 1980, 572 § 329; paragraph added, 1975, 740. (See 1980, 572 § 417.)

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; 1980, 572 § 330; paragraph added, 1973, 236 § 2. (See 1980, 572 § 417.)

SECT. 9, first sentence revised, 1969, 349; second sentence revised, 1969, 669; 1971, 540; 1972, 197; 1975, 142; third sentence revised, 1968, 325; 1980, 572 § 331. (See 1980, 572 § 417.)

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; second sentence revised, 1980, 370; 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; last paragraph revised, 1980, 68. (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). stricken out, 1980, 261 § 27A.

SECT. 31 added, 1980, 261 § 27A (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 (*a*), last sentence amended, 1980, 572 § 332; 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; 1980, 572 § 417.)

SECT. 4, second paragraph revised, 1945, 400 § 3; 1966, 196 § 1; third paragraph revised, 1941, 592 § 2; last sentence amended, 1980, 572 § 333; fifth paragraph revised, 1966, 196 § 2; paragraph added, 1951, 384 § 1. (See 1951, 384 § 2; 1980, 572 § 417.)

SECT. 5, third paragraph amended, 1959, 543 § 2; revised, 1966, 424; 1980, 572 § 335; subsection (*b*), last sentence amended, 1980, 572 § 334. (See 1980, 572 § 417.)

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; fourth sentence amended, 1980, 572 § 336; fifth sentence amended, 1980, 572 § 337. (See 1972, 684 § 136; 1980, 572 § 417.)

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; first paragraph, second sentence revised, 1980, 572 § 338; second and third paragraphs revised, 1974, 595; second paragraph, first sentence stricken out and two sentences inserted, 1980, 572 § 339; fourth paragraph, second sentence amended, 1980, 572 § 340; seventh paragraph amended, 1974, 594; 1980, 572 § 341. (See 1980, 572 § 417.)

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; first paragraph revised, 1980, 572 § 342; paragraph added, 1967, 43; paragraph added, 1968, 289 § 2. (See 1980, 572 § 417.)

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; last sentence revised, 1980, 572 § 343. (See 1980, 572 § 417.)

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; third paragraph, second sentence amended, 1980, 572 § 344; last paragraph, first sentence stricken out and two sentences inserted, 1967, 42; last sentence amended, 1980, 572 § 345. (See 1980, 572 § 417.)

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); last sentence amended, 1980, 572 § 346. (See 1941, 704 § 4; 1980, 572 § 417.)

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. 16B added, 1981, 260 (regulating advertising by certain motor carriers).

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. 20, sentence added, 1981, 351 § 94. (See 1981, 351 § 299.)

SECT. 24, first paragraph, second sentence amended, 1980, 572 § 347. (See 1980, 572 § 417.)

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. 9, first paragraph, second sentence amended, 1980, 572 § 348. (See 1980, 572 § 417.)

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); first paragraph, sixth sentence amended, 1980, 572 § 349. (See 1980, 572 § 417.)

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); repealed, 1980, 581 § 1.

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; 1980, 581 § 2; 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, 1969, 574 § 1; revised, 1982, 547; 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; subsection (*p*) added, 1981, 176. (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; 1980, 581 § 3. (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. 7A added, 1980, 581 § 4 (relative to advisory board membership of governor or his designee).

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. 11A added, 1980, 581 § 5 (relative to agreements with private bus carriers).

SECT. 12, second paragraph revised, 1965, 650 § 1; third paragraph amended, 1980, 581 § 6; fifth paragraph amended, 1971, 1075 § 2.

SECT. 12A added, 1976, 4 § 15 (relative to the issuance of certain notes); subsection (*a*) amended, 1980, 581 § 7.

SECT. 13, last paragraph stricken out, 1965, 650 § 2.

SECT. 19, second sentence revised, 1978, 405 § 1; third sentence revised, 1977, 970 § 2; section amended, 1980, 581 § 8. (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. 19F, paragraph 8 revised, 1980, 581 § 9.

SECTS. 19H-19I added, 1981, 731 § 4 (relative to deferred compensation).

SECT. 23, first paragraph amended, 1971, 1075 § 3; revised, 1979, 480 § 14; first paragraph stricken out and two paragraphs inserted, 1981, 732 § 2; paragraph inserted, 1981, 732 § 3; second paragraph amended, 1980, 581 § 10; third paragraph revised, 1971, 1075 § 4; stricken out and two sentences inserted, 1973, 1140 § 14; third paragraph revised, 1977, 356 § 16; revised, 1981, 732 § 4; fourth paragraph amended, 1965, 650 § 3; 1980, 581 § 11; 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; 1981, 732 § 38.)

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; clause (A) revised, 1981, 732 § 5; second paragraph revised, 1971, 1075 § 7; paragraph added, 1970, 513 § 5. (See 1981, 732 § 38.)

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; revised, 1981, 49 § 4. (See 1976, 283 § 34; 1977, 363A § 76; 1981, 49 § 5.)

SECT. 29 revised, 1980, 581 § 12.

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; revised, 1982, 515; 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; stricken out, and sections 9 and 9A added, 1980, 492.

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. 1 revised, 1981, 732 § 6. (See 1981, 732 § 38.)

SECT. 4 amended, 1978, 462 § 1; revised, 1981, 732 § 7. (See 1981, 732 § 38.)

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 161D. — THE MASSACHUSETTS INTERCITY BUS CAPITAL ASSISTANCE PROGRAM.

New chapter inserted, 1981, 732 § 8. (See 1981, 732 § 38.)

Chapter 162. — Electric Railroads.

SECT. 9, sentence inserted after first sentence, 1981, 351 § 95. (See 1981, 351 § 299.)

Chapter 163. — Trackless Trolley Companies.

SECT. 6, sentence inserted after first sentence, 1981, 351 § 96. (See 1981, 351 § 299.)

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; definition of "Alternative energy producer" inserted, 1982, 120 § 1; definition of "Cogeneration facility" inserted, 1982, 120 § 2; definition of "Electric company" revised, 1982, 120 § 3; definition of "Gas company revised, 1982, 120 § 4; definitions of "Primary energy source" and "Small power production facility" inserted, 1982, 120 § 4. (See 1973, 860 § 27.)

SECT. 2 amended, 1982, 120 § 5.

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; 1982, 220 § 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; last sentence revised, 1982, 220 § 2.

SECT. 15A added, 1982, 220 § 3 (relative to gas and electric companies evidences of indebtedness).

SECT. 16, first sentence revised, 1981, 214.

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; 1980, 572 § 350. (See 1973, 860 § 27; 1980, 572 § 417.)

SECT. 33A added, 1981, 375 § 5 (prohibiting recovery of certain expenditures by a gas or electric company).

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; amended, 1981, 226 § 1. (See 1981, 226 § 2.)

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.

SECTS. 58B-58F added, 1980, 551 (authorizing a municipal lighting plant to obtain a lien upon real estate for nonpayment of gas, electric, or steam service).

SECT. 58B, first sentence amended, 1981, 145 § 1.

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. definition of "Gas company" amended, 1982, 634 § 11.

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; clauses (4) and (5) stricken out, and clause (4) added, 1980, 572 § 351. (See 1979, 796 § 35; 1980, 572 § 417.)

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.)

tSECT. 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. 75B revised, 1980, 174.

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. 75H added, 1980, 175 (relative to the construction of a natural gas pipeline).

SECT. 76 amended, 1982, 120 § 6.

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. 76D added, 1980, 502 § 3 (relative to a utility underground plant damage prevention system).

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. 94 ½ added, 1980, 464 (providing for the conversion of oil to coal by electric generating facilities).

SECT. 94A amended, 1941, 400 § 1; 1982, 120 § 7.

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); section revised, 1981, 375 § 4.

SECT. 94G ½ added, 1980, 464 (providing for the conversion of oil to coal by electric generating facilities).

SECT. 94H added, 1980, 526 (relative to the furnishing of gas and electricity to a condominium).

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. 102B, first sentence amended, 1980, 572 § 352. (See 1980, 572 § 417.)

SECT. 103 revised, 1981, 685.

SECT. 104 revised, 1957, 696; first sentence revised, 1980, 572 § 353. (See 1980, 572 § 417.)

SECT. 105 repealed, 1956, 28.

SECT. 105A added, 1932, 119 (regulating the storage, transportation and distribution of gas).

SECT. 111 revised, 1980, 554.

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; revised, 1981, 375 § 6. (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. 124G added, 1981, 180 (relative to the restoration of certain 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. 127A added, 1982, 305 § 1 (providing for civil penalties in relation to theft of electricity or gas).

SECT. 128 added, 1973, 860 § 21 (regulating the holding of advance payments by customers of certain utility companies). (See 1973, 860 § 27.)

SECTS. 129-132 added, 1982, 640 (authorizing municipal electric departments to establish self-insurance trust funds).

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. 32A added, 1981, 809 (relative to inspector of wires).

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. first paragraph, first sentence revised, 1981, 699 § 81; second paragraph, second sentence revised, 1981, 699 § 82. (See 1981, 699 § 97.)

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; revised, 1981, 531; second paragraph, second sentence revised, 1969, 791; stricken out and two sentences inserted, 1973, 1149 § 4; first three sentences revised, 1975, 684 § 238; second and third sentences revised, 1980, 572 § 354; 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; 1980, 572 § 417.)

SECT. 2A added, 1933, 310 (improving the method of examination of banks); first sentence revised, 1958, 47; section revised, 1974, 549.

SECT. 2B added, 1982, 155 § 1 (relative to meeting the credit needs of local communities). (See 1982, 155 § 65.)

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. 5 stricken out and sections 5-5A inserted, 1980, 171.

SECT. 6 revised, 1945, 164.

SECT. 6A added, 1960, 27 (relative to the safekeeping of certain securities and passbooks of depositors in banks).

SECT. 6B added, 1981, 581 (requiring banks to make available certain information to customers).

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; amended, 1980, 18 § 1; two paragraphs added, 1978, 23.

SECT. 9A added, 1980, 491 § 3 (requiring the commissioner of banks to prepare certain lists); section revised, 1982, 155 § 2. (See 1982, 155 § 65.)

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. 15D added, 1982, 155 § 3 (relative to certain loans secured by security interests in shares of stock issued by a co-operative housing corporation). (See 1982, 155 § 3.)

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. paragraph inserted after second paragraph, 1980, 184; three paragraphs added, 1982, 474.

SECT. 26A added, 1980, 14 (relative to the liquidation agent of the National Credit Union Administration Board).

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; 1982, 53.

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. 51D added, 1982, 155 § 3.

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); first sentence revised, 1981, 130.

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; third paragraph revised, 1980, 572 § 355. (See 1980, 572 § 417.)

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. 62A added, 1980, 186 (further facilitating educational loans by banks and credit unions).

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. section repealed, 1981, 530 § 1. (See 1981, 530 § 4.)

SECT. 66 added, 1974, 222 (regulating common trust funds of corporate fudiciaries).

SECT. 67 added, 1975, 23 (requiring banks and credit unions to notify certain depositors relative to reduction or payment of certain debts); first sentence revised, 1975, 485; 1979, 160 § 2; section revised, 1982, 332 § 4.

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).

SECT. 70 added, 1980, 314 (relative to certain advertisements in a language other than English); section stricken out, 1981, 795 § 8;

SECTS. 70-71 added, 1980, 335 § 1 (regulating certain mortgage loans made or acquired by banks and credit unions). (See 1980, 335 § 3.)

SECT. 70 amended, 1981, 795 § 7; clause (6) revised, 1982, 332 § 5; paragraph added, 1982, 155 § 4. (See 1982, 155 § 65.)

SECT. 72 added, 1981, 795 § 8; revised, 1982, 332 § 6.

SECT. 73 added, 1982, 327 § 1 (relative to the arbitrary denial of residential mortgage loans).

Chapter stricken out and new chapter inserted, 1982, 155 § 5. (See 1982, 155 § 65.)

For prior changes see Table of Changes contained in Acts and Resolves of 1982.

SECTS. 37-45A stricken out and sections 37-42 inserted, 1982, 626 § 1. (See 1982, 626 § 27.)

SECTS. 38-45A stricken out and sections 38-43 inserted, 1982, 626 § 2. (See 1982, 626 § 27.)

Chapter 167A. — Bank Holding Companies.

New chapter inserted, 1957, 751 § 1. (See 1957, 751 §§ 2-5.)

SECT. 1, paragraph (*a*) revised, 1982, 626 § 3; paragraph (*d*) revised, 1966, 633 § 1; sentence added, 1982, 155 § 6. (See 1982, 155 § 65; 1982, 626 § 27.)

SECT. 2, clause (2) revised, 1966, 633 § 2; clause (5) revised, 1966, 633 § 3; paragraph added, 1982, 626 § 4. (See 1982, 626 § 27.)

SECT. 4 amended, 1972, 684 § 101; first sentence revised, 1980, 572 § 356; last two sentences revised, 1980, 572 § 357. (See 1972, 684 § 136; 1980, 572 § 417.)

SECT. 4A added, 1969, 899 (relative to plans of acquisition in respect of stock of trust companies); paragraph 1 amended, 1973, 1149 § 5; first paragraph, first sentence revised, 1982, 155 § 7; 626 § 5; first paragraph, last two sentences revised, 1980, 572 § 357; paragraph 5 revised, 1971, 1087 § 1; paragraph 6 amended, 1971, 313 § 4; revised, 1982, 155 § 8. (See 1973, 1149 § 33; 1980, 572 § 417; 1982, 155 § 65; 626 § 27.)

SECT. 5, paragraph (*a*) amended, 1966, 633 § 4.

Chapter 167B. — ELECTRONIC BRANCHES AND ELECTRONIC FUND TRANSFERS.

New chapter inserted, 1981,530 § 2. (See 1981, 530 § 4.)

SECT. 1, definition of "Account" revised, 1982, 332 § 7; definition of "Financial institution" revised, 1982, 626 § 6. (See 1982, 626 § 27.)

SECT. 3, third paragraph revised, 1982, 626 § 7; last paragraph revised, 1982, 626 § 8. (See 1982, 626 § 27.)

SECT. 18, subsection (*c*) revised, 1982, 332 § 8.

Chapter 167C. — BANK LOCATIONS.

New chapter inserted, 1982, 155 § 9. (See 1982, 155 § 65.)

SECT. 3, first paragraph revised, 1982, 626 § 9. (See 1982, 626 § 27.)

Chapter 167D. — DEPOSITS AND ACCOUNTS.

New chapter inserted, 1982, 155 § 9. (See 1982, 155 § 65.)

Chapter 167E. — MORTGAGES AND LOANS.

New chapter inserted, 1982, 155 § 9. (See 1982, 155 § 65.)

SECT. 2, subsection A revised, 1982, 626 § 10; subsection B, second paragraph revised, 1982, 626 § 11. (See 1982, 626 § 27.)

Chapter 167F. — INVESTMENTS AND OTHER POWERS.

New chapter inserted, 1982, 155 § 9. (See 1982, 155 § 9.)

Chapter 167G. — TRUST DEPARTMENT.

New chapter inserted, 1982, 155 § 9. (See 1982, 155 § 65.)

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. definition of "Guaranty fund, surplus, unallocated reserves and undivided profits" inserted, 1980, 367 § 1A.

SECT. 4 amended, 1973, 1149 § 6; fourth sentence amended, 1980, 572 § 358. (See 1973, 1149 § 33; 1980, 572 § 417.)

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. second sentence amended, 1980, 572 § 329; first paragraph revised, 1982, 155 § 10; second paragraph revised, 1982, 155 § 11. (See 1957, 1 § 7; 1972, 684 § 136; 1973, 1149 § 33; 1980, 572 § 417; 1982, 155 § 65.)

SECT. 6 revised, 1981, 530 § 3. (See 1981, 530 § 4.)

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. 9, fourth sentence revised, 1982, 62.

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. 19 revised, 1980, 39.

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; paragraphs 1 and 2 revised, 1980, 75 § 1; paragraph 1 amended, 1982, 155 § 12; paragraph 2 revised, 1980, 268 § 2; 1981, 80 § 3; +733 § 2B. (See 1982, 155 § 65.)

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; 1980, 75 § 2; amended, 1982, 155 § 13. (See 1982, 155 § 65.)

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; 1980, 45; subsection (1) revised, 1981, 343 § 1; section revised, 1982, 155 § 14. (See 1982, 155 § 65.)

SECT. 22D added, 1980, 547 § 1 (relative to strengthening the ability of savings banks to compete equally with other financial institutions); section revised, 1981. 378 § 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; first sentence amended, 1980, 34 § 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; 1980, 204 § 1; 1982, 155 § 15; paragraph 6B inserted, 1972, 336; first sentence amended, 1973, 78 § 3; revised, 1976, 364 § 3; fifth sentence revised, 1978, 73 § 2; 1980, 204 § 2; 1982, 155 § 16; paragraph 6C inserted, 1977, 775 § 1; fourth sentence revised, 1982, 155 § 17; paragraph 6D inserted, 1981, 267 § 1; third sentence revised, 1982, 155 § 18; paragraph 7 revised, 1961, 327; first two sentences revised, 1966, 218 § 4; second sentence revised, 1973, 40; 1980, 204 § 3; 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, 1929 § 2; third sentence amended, 1960, 256; revised, 1969, 278 § 4; amended, 1971, 455 § 3; revised, 1975, 64 § 2; paragraph 9 revised, 1969, 278 § 5; paragraph 10, second and third sentences revised, 1963, 269; second sentence amended, 1968, 182; 1970, 303; revised, 1977, 28 § 1; fifth sentence revised, 1969, 322; paragraph revised, 1978, 73 § 3; third sentence revised, 1979, 35; paragraph 10 revised, 1980, 78 § 1; 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. (See 1982, 155 § 65; 626 § 27.)

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; section revised, 1980, 248 § 1; fourth sentence revised, 1982, 155 § 19; 155 § 20. (See 1956, 689 § 9; 1982, 155 § 65.)

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; 1982, 155 § 21. (See 1982, 155 § 65.)

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; 1982, 223 § 1.

SECT. 39, first sentence revised, 1978, 125; 1979, 231 § 1.

SECT. 39A added, 1980, 547 § 2 (relative to strengthening the ability of savings banks to compete equally with other financial institutions); revised, 1982, 155 § 22; 155 § 23. (See 1982, 155 § 65.)

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; 1980, 248 § 2; 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. 43, last sentence stricken out, 1981, 782 § 15. (See 1981, 782 § 16.)

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; clauses (*a*) and (*b*) revised, 1980, 367 § 2. paragraph 4 added, 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. paragraphs 3-5 stricken out and two paragraphs inserted, 1982, 155 § 24. (See 1982, 155 § 65.)

SECT. 47A added, 1982, 155 § 25 (relative to the purchase of stock). (See 1982, 155 § 65.)

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; paragraph 7 revised, 1980, 367 § 3.

SECT. 49, first sentence revised, 1981, 344 § 1; 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 1 and 1A revised, 1980, 367 § 4; 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; last sentence revised, 1980, 149; paragraph 7 revised, 1967, 433 § 1; 1968, 430 § 3; amended, 1973, 735 § 1; revised, 1974, 202 § 1; 1981, 115 § 1; paragraph 8 added, 1969, 338 § 2; paragraph 9 added, 1978, 16; paragraph 10 added, 1981, 344 § 2.

SECT. 50, paragraph 1 revised, 1969, 218 § 5; amended, 1974, 136; paragraph 2 amended, 1969, 218 § 6; paragraph 3 amended, 1969, 218 § 7; paragraph 7 revised, 1969, 218 § 8; 1977, 109.

SECT. 51 amended, 1961, 493 § 17; first paragraph amended, 1966, 288 § 3; first sentence revised, 1969, 130; second sentence revised, 1980, 65; paragraph added, 1975, 52 § 1.

SECT. 51A added, 1970, 363 (relative to savings banks investments not otherwise authorized).

SECT. 53, paragraph 1 revised, 1980, 367 § 5; paragraph 2, first sentence revised, 1972, 94; 1973, 59; sentence added, 1962, 80 § 1; paragraph revised, 1979, 19 § 2; 1981, 405 § 1.

SECT. 56A added, 1969, 99 (authorizing savings banks to execute and deliver guaranties incidental to investment securities transfers).

SECT. 57 revised, 1980, 367 § 6.

SECT. 58, paragraph 1, amended, 1965, 74; section repealed, 1980, 367 § 7.

SECT. 59 revised, 1968, 224 § 1; revised, 1980, 367 § 8.

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; section revised, 1980, 367 § 9.

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; section revised, 1980, 367 § 10.

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; section repealed, 1980, 367 § 11.

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; second sentence amended, 1981, 297.

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. 66D added, 1980, 268 § 3 (relative to industrial development, health care and educational development).

SECT. 66E added, 1981, 733 § 2C (relative to consumer credit). (See 1981, 733 § 25.)

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; first paragraph, second sentence amended, 1980, 572 § 360; fourth sentence revised, 1982, 155 § 26; last paragraph revised, 1980, 367 § 12. (See 1973, 1149 § 33; 1980, 572 § 417; 1982, 155 § 65.)

SECT. 72A added, 1980, 454 § 1 (relative to the merger of banks); stricken out and sections 72A-72D inserted, 1982, 155 § 27. (See 1982

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 sentence amended, 1980, 572 § 361; second paragraph amended, 1961, 493 § 18B; section revised, 1982, 155 § 28. (See 1973, 1149 § 33; 1980, 572 § 417; 1982, 155 § 65.)

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. seventh paragraph revised, 1980, 372 § 1; section revised, 1982, 111 § 1.

SECT. 75 revised, 1982, 111 § 2.

SECT. 76, paragraph added, 1981, 428 § 5.

SECT. 78 amended, 1973, 1149 § 11; first paragraph, second sentence amended, 1980, 572 § 362. (See 1973, 1149 § 33; 1980, 572 § 362; 1980, 572 § 417.)

SECT. 80 amended, 1957, 698 § 8; 1972, 684 § 103; revised, 1976, 252 § 5; second paragraph, second sentence amended, 1980, 572 § 363. (See 1972, 684 § 136; 1980, 572 § 4187)

SECT. 81 added, 1980, 547 § 3 (relative to strengthening the ability of savings banks to compete equally with other financial institutions).

SECT. 93, first paragraph, second sentence amended, 1980, 572 § 361. (See 1980, 572 § 417.)

Chapter stricken out and new chapter inserted, 1982, 155 § 29. (See 1982, 155 § 65.)

For prior changes see Table of Changes contained in Acts and Resolves of 1982.

SECT. 34B revised, 1982, 626 § 12. (See 1982, 626 § 27.)

SECT. 34D revised, 1982, 626 § 13. (See 1982, 626 § 27.)

SECT. 35, fourth, fifth and sixth paragraphs revised, 1982, 626 § 14. (See 1982, 626 § 27.)

SECT. 51A revised, 1982, 213 § 1.

Chapter 169. — Deposits with Others than Banks.

SECT. 1 amended, 1949, 64 § 1; 1950, 95.

SECT. 3 amended, 1961, 493 § 19; 1980, 572 § 364; last sentence revised, 1949, 64 § 2; (See 1980, 572 § 417.)

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; amended, 1980, 507 § 1.

SECT. 2A added, 1974, 50 (establishing a procedure for the change of name of co-operative banks).

SECT. 3 amended, 1973, 1149 § 12; first paragraph, second sentence amended, 1980, 572 § 365; second paragraph amended, 1980, 507 § 2. (See 1973, 1149 § 33; 1980, 572 § 417.)

SECT. 5 amended, 1957, 698 § 9; 1962, 750 § 46; 1972, 684 § 104; 1978, 514 § 213. second paragraph, third sentence amended, 1980, 572 366. (See 1972, 684 § 136; 1978, 514 § 287; 1980, 572 § 417.)

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; third sentence amended, 1980, 572 § 367; first paragraph revised, 1982, 155 § 30; second paragraph revised, 1982, 155 § 31; paragraph added, 1967, 157 § 2; revised, 1976, 168 § 1; first sentence revised, 1979, 293 § 3. (See 1972, 684 § 136; 1973, 1149 § 33; 1980, 572 § 417; 1982, 155 § 65.)

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; 1980, 295; provision 1 revised, 1981, 343 § 2; provision 1A inserted, 1976, 120; revised, 1977, 202; provision 1A stricken out, 1981, 343 § 2; subsection 3B revised, 1982, 155 § 32; subsection 4, paragraph (*a*) amended, 1965, 373 § 3; paragraph (*c*) revised, 1979, 28 § 4. (See 1952, 257 § 3.) See 1950, 480 § 2.

SECT. 13A added, 1981, 289 § 1 (authorizing co-operative banks to receive certain demand deposits); section revised, 1981, 378 § 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. first paragraph revised, 1980, 375; sentence added, 1981, 116; first paragraph revised, 1982, 155 § 33; second paragraph amended, 1980, 500 § 3. (See 1982, 155 § 65.)

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; first sentence amended, 1980, 34 § 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; 1981, 117 § 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; 1980, 204 § 4; 1982, 155 § 34; 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; 1980, 204 § 5; 1982, 155 § 35; 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; 1980, 67; subsection 3D inserted, 1977, 775 § 2; stricken out and subsections 3D and 3E inserted, 1981, 267 § 2; subsection 3D amended, 1981, 795 § 9; fourth sentence revised, 1982, 155 § 36; 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; 1981, 117 § 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; (See 1982, 155 § 65.)

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; 1982, 155 § 37. (See 1982, 155 § 65.)

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; amended, 1980, 507 § 3; subsection revised, 1982, 155 § 38; 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; paragraphs (*a*) and (*b*) revised, 1980, 507 § 4; 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; amended, 1981, 171; paragraph (*f*) amended, 1973, 735 § 2; revised, 1974, 202 § 2; 1981, 115 § 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; 1980, 78 § 2; subsection 6A inserted, 1974, 110 § 2; clause (*b*) revised, 1975, 33 § 2; clause (*d*) revised, 1980, 74; subsection revised, 1981, 212; 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 revised, 1971, 400; amended, 1973, 332 § 2; fourth sentence revised, 1977, 34; stricken out and two sentences inserted, 1979, 287; fourth and fifth sentences revised, 1980, 248 § 3; fourth sentence revised, 1982, 155 § 39; 155 § 39A; subsection 9 and 10 added, 1969, 220; subsection 11 added, 1971, 404; subsection 12 added, 1971, 436; clauses (*c*) and (*d*) revised, 1982, 223 § 2; subsection 13 added, 1973, 96 § 4; subsection 14 added, 1975, 635 § 4; subsection 15 added, 1980, 500 § 4. (See 1955, 432 § 4; 1982, 155 § 65.)

SECT. 26A added, 1975, 52 § 2 (relative to investments of co-operative banks).

SECT. 26B added, 1981, 289 § 2(relative to certain demand deposits); revised, 1982, 155 § 40; 155 § 41. (See 1982, 155 § 65.)

SECT. 27 amended, 1980, 294; revised, 1981. 290.

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. 28, first sentence revised, 1982, 536 § 1. (See 1982, 536 § 4.)

SECT. 30, first paragraph amended, 1957, 197 § 1; 1964, 209; second sentence amended, 1980, 507 § 5; 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; last sentence revised, 1981, 405 § 2.

SECT. 31, first paragraph amended, 1956, 38; 1962, 110; revised, 1964, 211; first sentence revised, 1980, 109; 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. 32E added, 1980, 500 § 5 (relative to the powers of cooperative banks regarding industrial development authorities).

SECT. 32F added, 1981, 289 § 3 (relative to trust departments in co-operative banks).

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; section revised, 1980, 507 § 6.

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; section revised, 1980, 507 § 7. (See 1952, 149; 1953, 72; 1954, 463; 1955, 257 § 1.)

SECT. 39 repealed, 1980, 507 § 8.

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. 46 amended, 1980, 507 § 9.

SECT. 47 amended, 1973, 1149 § 15. revised, 1982, 71 § 1; 155 § 42. (See 1973, 1149 § 33.)

SECT. 48, introductory paragraph revised, 1982, 71 § 2; second sentence revised, 1982, 155 § 43. first paragraph amended, 1973, 1149 § 16; sentence inserted after first sentence, 1976, 168 § 2; third sentence amended, 1980, 572 § 368; last paragraph revised, 1958, 105; amended, 1980, 507 § 10. (See 1973, 1149 § 33; 1980, 572 § 417; 1982, 155 § 65.)

SECT. 48A added, 1980, 454 § 2 (relative to the merger of banks); revised, 1981, 72 § 1.

SECTS. 48B-48E added, 1982, 155 § 44 (relative to merger, consoli dation and conversion). (See 1982, 155 § 65.)

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;

section revised, 1982, 155 § 45; first sentence revised, 1982, 536 § 2. (See 1965, 430 § 5; 1982, 155 § 65; 536 § 4.)

SECT. 50, third paragraph amended, 1980, 507 § 11; fourth and fifth paragraphs revised, 1962, 750 § 47; fifth paragraph, second sentence amended, 1980, 572 § 369. (See 1980, 572 § 417.)

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; seventh paragraph revised, 1980, 372 § 2; 1981, 213.

SECT. 53, paragraph added, 1981, 428 § 6.

SECT. 54 added, 1980, 507 § 11A (relative to surplus of co-operative banks).

Chapter stricken out and new chapter inserted, 1982, 155 § 46. (See 1982, 155 § 65.)

For prior changes see Table of Changes contained in Acts and Resolves of 1982.

SECT. 24 revised, 1982, 626 § 15. (See 1982, 626 § 27.)

SECT. 26B revised, 1982, 626 § 16. (See 1982, 626 § 27.)

SECT. 26D revised, 1982, 626 § 17. (See 1982, 626 § 27.)

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; 1980, 572 § 370; 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; 1980, 572 § 417.)

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; fourth, fifth and sixth sentences revised, 1980, 66; section revised 1981, 279; fourth, fifth and sixth sentences revised, 1982, 181. (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; 1981, 60.

SECT. 13, first paragraph, third sentence revised, 1978, 47; second paragraph revised, 1981, 129; 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; first sentence stricken out and two sentences inserted, 1980, 201 § 1; first sentence revised, 1981, 64; 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; two sentences inserted after fourth sentence, 1980, 219 § 1; 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; section repealed, 1981, 178 § 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; 1981, 178 § 2.

SECT. 20 amended, 1969, 319; 1974, 47; revised, 1976, 134 § 2; paragraph (1) revised, 1978, 200; first sentence revised, 1979, 39; section revised, 1980, 202.

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, introductory sentence revised, 1980, 201 § 2; second paragraph, paragraph (*p*) revised, 1979, 38; paragraph (*q*) revised, 1981, 178 § 3; sentence added, 1981, 406; paragraphs (*s*) and (*t*) added, 1980, 431 § 1; third paragraph, paragraph (*l*) revised, 1978, 65 § 1; 1979, 309; paragraph (*n*) added, 1978, 65 § 2; paragraph (*o*) added, 1980, 431 § 2; paragraph (*q*), sentence added, 1981, 406; second paragraph revised, 1981, 178 § 3. (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. 21C added, 1980, 79 (authorizing a credit union to sell, transfer, and assign any and all loans, investments or other assets).

SECT. 22, paragraph added, 1952, 88; section revised, 1962, 344; third paragraph revised, 1968, 144; amended, 1971, 420 § 5; revised, 1974, 58.

SECT. 23 revised, 1980, 96.

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 (A) revised, 1980, 302; second paragraph, subparagraph 3 revised, 1981, 408; subdivision (B), subsection (*a*), paragraphs 1 and 2 revised, 1981, 178 § 4; paragraph 7 revised, 1981, 409; 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; fifth sentence revised, 1981, 178 § 5; paragraph 4A inserted, 1981, 267 § 3; paragraph 6, third sentence revised, 1978, 49; 1981, 178 § 6; paragraph 7 added, 1977, 23; first two sentences revised, 1980, 250; subsection (*b*), paragraph 7 revised, 1981, 178 § 7; paragraph 8 amended, 1972, 356; 1974, 54; revised, 1979, 27; third paragraph revised, 1977, 22; paragraph 8 revised, 1981, 443; 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; 1980, 78 § 3; second and third sentences revised, 1982, 186.;fifth sentence revised, 1981, 410; subdivision (E), clauses (*c*) and (*d*) revised, 1979, 26; 1982, 223 § 3; subdivision (F) added, 1974, 56 § 2; revised, 1978, 58; 1981, 407; subdivision (G) added, 1974, 339 § 2; second paragraph, second sentence revised, 1981, 178 § 8; third sentence stricken out, 1977, 24.

SECT. 24A added, 1981, 178 § 9 (relative to certain liabilities of credit union members).

SECT. 25, first paragraph revised, 1949, 286 § 2; 1962, 268 § 3; section revised, 1965, 331; 1970, 200 § 3; first paragraph revised, 1981, 178 § 10; third paragraph revised, 1981, 178 § 11; fifth paragraph amended, 1971, 420 § 7.

SECT. 26 repealed, 1982, 155 § 47. (See 1982, 155 § 65.)

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; 1980, 18 § 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; second sentence revised, 1981, 390; second paragraph revised, 1981, 178 § 12; last paragraph amended, 1964, 258 § 3.

SECT.30A added, 1980, 454 § 3 (relative to the merger of banks); paragraph added, 1981, 80 § 4. (See 1981, 80 § 12.)

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; 1981, 442 § 1; fourth paragraph, sentence added, 1981, 442 § 2; sixth paragraph revised, 1972, 327 § 2; amended, 1975, 620 § 3; revised, 1981, 442 § 3; paragraph added, 1970, 293 § 2; section revised, 1982, 111 § 3.

SECT. 32, third sentence revised, 1973, 334; section revised, 1982, 111 § 4.

SECT. 33, paragraph added, 1981, 428 § 7.

SECTS. 34-35 added, 1971, 420 § 9 (further regulating credit unions).

SECT. 36 added, 1980, 431 § 3 (allowing credit unions to be members of certain corporate credit unions).

SECT. 37 added, 1982, 155 § 48 (relative to laws applicable to credit unions). (See 1982, 155 § 65.)

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; 1980, 572 § 371. (See 1973, 1149 § 33; 1980, 572 § 417.)

SECT. 9 amended, 1962, 750 § 48; 1972, 684 § 107; second paragraph, third sentence amended, 1980, 572 § 372. (See 1972, 684 § 136; 1980, 572 § 417.)

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; third sentence amended, 1980, 572 § 373; paragrapph (*a*) revised, 1982, 155 § 49; paragraph (*b*) revised, 1979, 293 § 7; sentence added, 1980, 454 § 4; third sentence revised, 1981, 80 § 5; paragraph (*b*) revised, 1982, 155 § 50; paragraph (*e*) added, 1978, 11. (See 1972, 684 § 136; 1973, 1149 § 33; 1980, 572 § 417; 1981, 80 § 12.)

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; first sentence revised, 1981, 113. 1982, 536 § 3.

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. 32 revised, 1982, 155 § 51. (See 1982, 155 § 65.)

SECT. 36 revised, 1977, 49; subsection A, clause (4), last paragraph revised, 1982, 418 § 1. clause (4) revised, 1982, 626 § 18. (See 1982, 626 § 27.)

SECT. 38, subsection A, clause (1) amended, 1968, 610 § 1; revised, 1973, 1149 § 19; last sentence amended, 1980, 572 § 374; clause (2) amended, 1968, 610 § 2; revised, 1973, 1149 § 20; last sentence amended, 1980, 572 § 375; clause (4) added, 1982, 155 § 52; last paragraph revised, 1982, 418 § 2; subsection C revised, 1968, 610 § 3; subsection D revised, 1979, 293 § 8; 1982, 155 § 53; subsection F added, 1968, 610 § 4; (See 1973, 1149 § 33; 1980, 572 § 417; 1982, 155 § 65; .)

SECT. 44 amended, 1979, 238.

SECT. 48 clause 7 revised, 1982, 155 § 54; 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; revised, 1981, 627; 1982, 213 § 2.

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; 1982, 155 § 55. (See 1982, 155 § 65.)

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); revised, 1980, 167.

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; section revised, 1980, 203.

SECT. 52 revised, 1979, 96.

SECT. 54 revised, 1970, 648 § 5; subsection B, paragraph 7 added, 1981, 777 § 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; paragraph 6B amended, 1981, 80 § 6; revised, 1981, 267 § 4; subsection C revised, 1966, 220 § 2; 1969, 100; amended, 1970, 648 § 6; subsection D added, 1977, 28 § 4. (See 1970, 648 § 8; 1981, 80 § 12.)

SECT. 56 revised, 1974, 99; amended, 1981, 80 § 7. (See 1981, 80 § 12.)

SECTS. 55-57 stricken out and sections 55, 56, 56A and 57 inserted, 1980, 407.

SECT. 55, subsection B, paragraph 5, fifth sentence revised, 1982 155 § 56; paragraph 6, fifth sentence revised, 1982, 155 § 57; paragraph 6A, fourth sentence revised, 1982, 155 § 58; paragraph 6B, first paragraph, fourth sentence revised, 1982, 155 § 59. (See 1982, 155 § 65.)

SECT. 56A, first paragraph, second sentence revised, 1981, 80 § 8. (See 1981, 80 § 12.)

SECT. 57, paragraph 3A revised, 1981, 80 § 9; paragraph 6, clause (*b*) revised, 1981, 80 § 10. (See 1981, 80 § 12.)

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; first sentence revised, 1980, 218.

SECT. 76 revised, 1966, 168; 1968, 441.

Chapter stricken out and new chapter inserted, 1982, 155 § 60. (See 1982, 155 § 65.)

For prior changes see Table of Changes contained in Acts and Resolves of 1982.

SECT. 38 revised, 1982, 626 § 19. (See 1982, 626 § 27.)

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; second sentence amended, 1980, 572 § 376; section repealed, 1981, 509 § 1. (See 1973, 1149 § 33; 1980, 572 § 417; 1981, 509 § 3.)

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; first paragraph, fourth sentence revised, 1981, 275 § 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; 1981, 275 § 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; clause Fifth revised, 1981, 275 § 3.

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; second sentence amended, 1980, 572 § 377. (See 1973, 1149 § 33; 1980, 572 § 417.)

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; second sentence amended, 1980, 572 § 378. (See 1973, 1149 § 33; 1980, 572 § 417.)

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.

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. 8, subsection (*a*), fifth sentence amended, 1980, 572 § 379. (See 1980, 572 § 417.)

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; last sentence revised, 1980, 572 § 380. (See 1980, 572 § 417.)

SECT. 6 revised, 1974, 850 § 2.

SECTS. 7-11 added, 1974, 850 § 3.

SECT. 7 amended, 1977, 353.

SECT. 10, last sentence amended, 1980, 572 § 381. (See 1980, 572 § 417.)

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; subdivisions 1-7, inclusive, revised, 1982, 334 § 1. (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; 1980, 572 § 382. (See 1945, 593 § 2; 1971, 968 § 8; 1975, 684 § 97; 1980, 572 § 417.)

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); paragraph(*a*) revised, 1981, 654 § 1; paragraph (*c*), clause (4) revised, 1981, 335; paragraph (*c*) revised, 1981, 737 § 1. (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; revised, 1980, 572 § 383. (See 1970, 876 § 28; 1972, 684 § 136; 1980, 572 § 417.)

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; 1980, 386 § 1.

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 commerical property in a fire insurance policy).

SECT. 54G added, 1973, 600 § 1 (further regulating reinsurances by life companies).

SECT. 56, first paragraph, penultimate sentence revised, 1980, 572 § 384. (See 1980, 572 § 417.)

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 8A added, 1981, 438 § 1; 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 revised, 1982, 425 § 1; 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; 1982, 425 § 2; 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; section revised, 1976, 547 § 4; paragraph 7, second sentence stricken out and three sentences inserted, 1981, 283; last sentence revised, 1977, 268; paragraph 14A revised, 1982, 425 § 1; paragraph 14C revised, 1982, 425 § 2; paragraph (14F) revised, 1982,425 § 3; paragraph 16 added, 1982, 249.

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; last sentence revised, 1981, 438 § 2. (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; fourth sentence revised, 1981, 438 § 3; 1982, 472; 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; third sentence revised, 1981, 274.

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. (See 1939, 488 § 9.)

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; second paragraph revised, 1981, 393 § 2; 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; paragraph added, 1980, 59; section revised, 1980, 255. first paragraph, sentence inserted after third sentence, 1981, 308.

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; second paragraph revised, 1980, 104; tenth paragraph, clause (*b*) revised, 1978, 446 § 3; fourteenth paragraph revised, 1979, 471 § 1; 1981, 718 § 1; seventeenth paragraph revised, 1981, 718 § 2; clause Twelfth A inserted, 1982, 280; 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; paragraph added, 1981, 63; clause Sixteenth added, 1981, 771 § 1. (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. 108C added, 1981, 734 § 2 (relative to diethylstilbestrol).

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; paragraph (*a*) revised, 1982, 373 § 16; subdivision (I) added, 1975, 302; subdivision (J) added, 1976, 454 § 3. (See 1954, 275 §§ 4, 5; 1973, 1221 § 7; 1982, 373 § 20.)

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; 1981, 169.

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. 110I added, 1981, 735 (providing for continuing health insurance coverage for divorced or separated spouses).

SECT. 111A, first paragraph revised, 1973, 828 § 1; second paragraph amended, 1973, 828 § 2; paragraph inserted after provision (4), 1957, 453 § 4; paragraph added, 1981, 771 § 2.

SECT. 111B, paragraph added, 1981, 771 § 3.

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; paragraph added, 1981, 173; 771 § 4; (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; first paragraph, two sentences inserted after third sentence, 1982, 129; fourth sentence revised, 1982, 180; 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; revised, 1980, 532 § 1; paragraph (2) revised, 1980, 532 § 2. (See 1980, 532 § 3.)

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; first paragraph, last sentence revised, 1980, 572 § 385; section repealed, 1981, 775 § 3. (See 1971, 1078 § 3; 1976, 266 § 23; 1980, 572 § 417; 1981, 775 § 4.)

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; fifth sentence revised, 1980, 463 § 2; four paragraphs added, 1980, 451. (See 1973, 630 § 2; 1975, 707 § 9; 1976, 1 § 5; 266 § 23.)

SECT. 113P added, 1976, 266 § 18 (establishing a merit rating plan); first paragraph, clause (*c*) revised, 1981, 680 § 3; 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; 1981, 680 § 4.)

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. 120C added, 1981, 734 § 3 (relative to diethylstilbestrol).

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; second paragraph, sentence added, 1982, 618 § 1; 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. 132C, paragraph added, 1981, 428 § 8.

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; 1982,

318 § 1; 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; fourth paragraph amended, 1982, 318 § 2; paragraph inserted after seventh paragraph, 1970, 642 § 9; paragraph inserted after eighth paragraph, 1970, 642 § 10; revised, 1982, 439 § 1.

SECT. 132H, first paragraph, sentence added, 1981, 422.

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; revised, 1982, 526; 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. 135, paragraph added, 1981, 428 § 9.

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; section revised, 1981, 287 § 1. (See 1943, 227 §§ 13, 14; 1950, 345 § 2; 1981, 287 § 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; section revised, 1982, 334§ 2; subdivision 6A, paragraph (*k*) revised, 1982, 618 § 2; subdivision 6B amended, 1982, 634 § 12; subdivision 7, clause (*iv*) revised, 1982, 618 § 3. (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; first and second sentences revised, 1980, 130 § 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. 149E added, 1980, 130 § 2 (relative to certain abandoned property).

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; 1982, 439 § 2; (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; paragraph inserted after second paragraph, 1982, 576.

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); first sentence revised, 1980, 398.

SECT. 162E added, 1982, 371 (relative to commissions paid to independent agents and brokers).

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; section revised, 1980, 125.

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; section amended, 1980, 386 § 2.

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. 177E added, 1982, 665 § 1 (further regulating the licensing of insurance agents and brokers).

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. 182, sentence added, 1982, 275.

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. 193T added, 1981, 329 (prohibiting insurance companies from discriminating against blind and disabled persons).

SECT. 195 added, 1973, 966 (requiring contributions from the fire insurance companies to certain fire protection costs); amended, 1980, 392; section amended, 1981, 795 § 10.

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. paragraph added, 1982, 174. (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. 6, third sentence amended, 1980, 572 § 386. (See 1980, 572 § 417.)

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. 29, second sentence amended, 1980, 572 § 387. (See 1980, 572 § 417.)

SECT. 31, sentence added, 1974, 374 § 3. (See 1974, 374 § 5.)

SECT. 35, subsection (1) amended, 1971, 538; subsection (4), clause (*a*) amended, 1980, 572 § 388. (See 1980, 572 § 417.)

SECT. 40, first sentence amended, 1960, 238; 1961, 493 § 26; 1968, 328 § 1; 1970, 466 § 1; two sentences added, 1966, 229.

SECT. 41, subsection (l, first sentence amended, 1980, 572 § 389; subsection (6), paragraph (*a*) revised, 1960, 321 § 4; third paragraph revised, 1979, 399 § 3. (See 1980, 572 § 417.)

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, 1969, 874 § 1; fourth paragraph amended, 1974, 812 § 2; paragraph inserted after fifth paragraph, 1982, 372 § 8 sixth paragraph amended, 1974, 812 § 3. (See 1953, 636 § 9; 1982, 372 § 10.)

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; paragraph (*a*) revised, 1981, 654 § 2; clause (*c*) amended, 1981, 737 § 2. (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. 8E added, 1981, 734 § 4 (relative to diethylstilbestrol).

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; third paragraph, paragraph (*a*) revised, 1982, 373 § 17. (See 1973, 1221 § 7; 1982, 373 § 20.)

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. 25, first sentence amended, 1980, 572 § 390. (See 1980, 572 § 417.)

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).

SECT. 32 added, 1980, 212 § 1 (further regulating payment by health service corporations of claims due to estates of deceased subscribers).

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; last sentence amended, 1980, 572 § 391; third paragraph amended, 1978, 514 § 216. (See 1978, 514 § 287; 1980, 572 § 417.)

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); paragraph (*a*) revised, 1981, 654 § 3; clause (*c*) amended, 1981, 737 § 3. (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 4A½inserted, 1979, 526.

SECT. 4A½, paragraph (*a*) revised, 1982, 373 § 18. (See 1982, 373 § 20.)

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. 4E added, 1981 734 § 5 (relative to diethylstilbestrol).

SECT. 5 amended, 1981, 623 § 1.

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; sixth sentence amended, 1981, 623 § 2.

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; amended, 1981, 623 § 3.

SECT. 13, second sentence stricken out and two paragraphs inserted, 1971, 434 § 2; second paragraph revised, 1978, 574 § 5.

SECT. 14, second sentence revised, 1981, 623 § 4.

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).

SECT. 19 added, 1980, 212 § 2 (further regulating payment by health service corporations of claims due to estates of deceased subscribers).

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; second paragraph, last sentence amended, 1980, 572 § 392. (See 1978, 514 § 287; 1980, 572 § 417.)

SECT. 3, first paragraph, first sentence revised, 1981, 347.

SECT. 4, first paragraph revised, 1968, 241; second paragraph stricken out and two paragraphs inserted, 1981, 272.

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).

SECT. 15A added, 1980, 212 § 3 (further regulating payment by health service corporations of claims due to estates of deceased subscribers).

Chapter 176F. — Optometric Service Corporations.

New chapter inserted, 1962, 774.

SECT. 2 amended, 1978, 514 § 219; second paragraph, last sentence amended, 1980, 572 § 393. (See 1978, 514 § 287; 1980, 572 § 417.)

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. 1, definition of "Health services" revised, 1980, 196.

SECT. 17, paragraph added, 1979, 171.

Chapter 176H. — Legal Service Plans.

New chapter inserted, 1977, 774 § 5.

SECT. 1, definition of "insurance certificate" revised, 1982, 595 § 1.

SECT. 4 revised, 1982, 595 § 2.

SECT. 5 revised, 1982, 595 § 3.

SECT. 6 revised, 1982, 595 § 4.

SECT. 13, first sentence revised, 1982, 595 § 5.

SECT. 14, first sentence revised, 1982, 595 § 6.

SECT. 16 amended, 1982, 595 § 7.
SECT. 17, second pAragraph stricken out, 1982, 595 § 8.

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; 1982, 276. (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; last sentence amended, 1980, 572 § 394. (See 1943, 130 § 2; 1980, 572 § 417.)
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; section revised, 1980, 572 § 395. (See 1972, 684 § 136; 1980, 572 § 417.)

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. 17I added, 1977, 852 (relative to payroll deductions for public school teachers).

SECT. 17J added, 1981, 637 (relative to certain employee wage deductions).

SECT. 17J added, 1981, 723 (relative to certain employee wage deductions).

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; third paragraph amended, 1980, 572 § 396. (See 1933, 236 § 2; 1971, 819 § 12; 1972, 684 § 136;) 1980, 572 § 417.)

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; amended, 1981, 455. (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; 1980, 214 § 2; 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. 5, last sentence amended, 1980, 572 § 397. (See 1980, 572 § 417.)

SECT. 7 revised, 1980, 572 § 398. (See 1980, 572 § 417.)

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; 1980, 572 § 399. (See 1972, 684 § 136; 1980, 572 § 417.)

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; 1980, 572 § 400. (See 1972, 684 § 136; 1980, 572 § 417.)

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; first paragraph revised, 1980, 78 § 4.

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); revised, 1980, 335 § 2; clause (7) revised, 1982, 332 § 9; paragraph added, 1982, 155 § 60; paragraph added, 1982, 608. (See 1980, 335 § 3.)

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.)

SECT. 63 added, 1980, 385 § 1 (regulating the charging of points in certain mortgage transactions).

SECT. 64 added, 1982, 327 § 2 (prohibiting discrimination relative to residential mortgage loans).

SECT. 80, paragraph added, 1982, 155 § 61. (See 1982, 155 § 65.)

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; section revised, 1982, 332 § 10. (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 184B. —SHORT FORM TERMS FOR WILLS AND TRUSTS.

+

(tNew chapter inserted, 1981, 688 § 1.) (See 1981, 688 § 9.)

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 paragraph, second sentence revised, 1978, 478 § 82; paragraph in lines 51-55 revised, 1947, 449 § 3; section revised, 1981, 658 § 1. (See 1934, 67 § 2; 1935, 318 § 8; 1937, 183 § 2; 1947, 449 § 7; 1973, 1114 § 351; 1978, 478 § 343; 1981, 658 § 41.)

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; amended, 1981, 658 § 2. (See 1978, 478 § 343; 1981, 658 § 41.)

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; 1981, 632 § 1; 632 § 2; first paragraph revised, 1982, 485. (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; 1981, 632 §YSM 24, 25.)

SECT. 15 revised, 1973, 1114 § 25; third sentence revised, 1981, 658 § 3; ninth sentence revised, 1981, 658 § 4; paragraph added, 1975, 417. (See 1973, 1114 § 351; 1981, 658 § 41.)

SECT. 15A added, 1963, 74 § 1 (relative to equity practice in the land court); repealed, 1973, 1114 § 26. (See 1973, 1114 § 351.)

SECT. 16 revised, 1981, 658 § 5. (See 1981, 658 § 41.)

SECTS. 18-19 repealed, 1973, 1114 § 27. (See 1973, 1114 § 351.)

SECT. 21 revised, 1973, 1114 § 28. (See 1973, 1114 § 351.)

SECT. 22 amended, 1981, 658 § 6. (See 1981, 658 § 41.)

SECT. 23 revised, 1973, 1114 § 29; 1981, 658 § 7. (See 1973, 1114 § 351; 1981, 658 § 41.)

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. revised, 1981, 658 § 8. (See 1981, 658 § 41.)

SECT. 26A revised, 1981, 658 § 9. (See 1981, 658 § 41.0

SECT. 28, second sentence revised, 1971, 423 § 3; section revised, 1981, 658 § 10. (See 1981, 658 § 41.)

SECT. 29 revised, 1981, 658 § 11. (See 1981, 658 § 41.)
SECT. 30 revised, 1981, 658 § 12. (See 1981, 658 § 41.)
SECT. 31 revised, 1981, 658 § 13. (See 1981, 658 § 41.)
SECT. 32 revised, 1981, 658 § 14. (See 1981, 658 § 41.)
SECT. 33 revised, 1981, 658 § 15. (See 1981, 658 § 41.)
SECT. 34 revised, 1981, 658 § 16. (See 1981, 658 § 41.)
SECT. 35 revised, 1981, 658 § 17. (See 1981, 658 § 41.)
SECT. 36 revised, 1981, 658 § 18. (See 1981, 658 § 41.)
SECT. 37, third and fourth sentences stricken out, 1977, 151 § 1; section revised, 1981, 658 § 19. (See 1981, 658 § 41.)
SECT. 38, first sentence revised, 1977, 151 § 2; section revised, 1981, 658 § 20. (See 1981, 658 § 41.)
SECT. 39 revised, 1981, 658 § 21. (See 1981, 658 § 41.)
SECT. 40 amended, 1937, 118.
SECT. 41 revised, 1981, 658 § 22. (See 1981, 658 § 41.)
SECT. 42 revised, 1981, 658 § 23. (See 1981, 658 § 41.)
SECT. 43, last sentence revised, 1978, 478 § 90. (See 1978, 478 § 343.)
SECT. 44 revised, 1981, 658 § 24. (See 1981, 658 § 41.)
SECT. 45 revised, 1981, 658 § 25. (See 1981, 658 § 41.)
SECT. 46, introductory paragraph revised, 1981, 658 § 26; clause Sixth added, 1963, 242 § 2. (See 1981, 658 § 41.)
SECT. 47, second and third sentences stricken out and sentence inserted, 1971, 423 § 4; section revised, 1981, 658 § 27. (See 1981, 658 § 41.)
SECT. 48, first paragraph revised, 1981, 658 § 28. paragraph added, 1949, 48. (See 1981, 658 § 41.)
SECT. 49 revised, 1981, 658 § 29. (See 1981, 658 § 41.)
SECT. 52, sentence added, 1978, 445 § 1;. section revised, 1981, 658 § 30. (See 1978, 445 § 2; 1981, 658 § 41.)
SECT. 56 revised, 1981, 658 § 31. (See 1981, 658 § 41.)
SECT. 56A revised, 1981, 658 § 32. (See 1981, 658 § 41.)
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. 62, fourth sentence revised, 1981, 658 § 33. (See 1981, 658 § 41.)
SECT. 70 revised, 1981, 658 § 34. (See 1981, 658 § 41.)
SECT. 71 revised, 1965, 37.
SECT. 76 revised, 1981, 658 § 35. (See 1981, 658 § 41.)
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; first sentence revised, 1981, 658 § 36. (See 1973, 1114 § 351; 1981, 658 § 41.)
SECT. 89 revised, 1973, 1114 § 33. (See 1973, 1114 § 351.)
SECT. 92 revised, 1981, 658 § 37. (See 1981, 658 § 41.)
SECT. 97 revised, 1973, 1114 § 34. (See 1973, 1114 § 351.)
SECT. 99 amended, 1973, 137.

SECT. 112 revised, 1981, 65* § 38. (See 1981, 658 § 41.)
SECT. 113 revised, 1981, 658 § 39. (See 1981, 658 § 41.)
SECT. 114 revised, 1981, 658 § 40. (See 1981, 658 § 41.)

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.)
SECT. 19 revised, 1980, 539 § 1. (See 1980, 539 § 14.)

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; subsection (9) added, 1981, 82. (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); revised, 1980, 87.

Chapter 187. — Easements.

SECT. 5 added, 1973, 918 (providing for public utility services in certain easements); revised, 1975, 610; 1980, 251.

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.)
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.
SECTS. 14-15 repealed, 1979, 402 § 1.

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.
SECTS. 5-7 revised, 1980, 396.

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); clause 6 added, 1981, 688 § 2. (See 1976, 515 § 35; 1981, 688 § 9.)
SECT. 1B added, 1981, 420 (relative to certain powers of appointment).
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 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. 1B added, 1981, 420 (relative to certain powers of appointment).
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); revised, 1981, 688 § 3. (See 1981, 688 § 9.)
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. 1C revised, 1981, 688 § 4. (See 1981, 688 § 9.)
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; amended, 1980, 126 § 1; 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); first paragraph amended, 1980, 126 § 2.

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.)

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.

SECTS. 1-9 revised, 1980, 178 § 1.

SECT. 10 revised, 1978, 380 § 4.

SECT. 11 repealed, 1980, 178 § 2.

SECT. 12 revised, 1941, 399 § 1.

SECTS. 13-14 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; 1980, 130 § 3; 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. 1A added, 1980, 130 § 4 (relative to certain abandoned property).

SECT. 2 revised, 1975, 608 § 1; paragraph (*a*) amended, 1980, 130 § 5; 1981, 351 § 100; paragraph (*b*) amended, 1980, 130 § 6; 1981, 351 § 101. (See 1981, 351 § 299.)

SECT. 3 amended, 1975, 608 § 2; 1980, 130 § 7; 1981, 351 § 102. (See 1981, 351 § 299.)

SECT. 4 amended, 1975, 608 § 3; 1981, 351 § 103. (See 1981, 351 § 299.)

SECT. 5 revised, 1958, 283; 1959, 470 § 3; amended, 1962, 248 § 1; 1975, 608 § 4; 1981, 351 § 104. (See 1981, 351 § 299.)

SECT. 5A amended, 1981, 351 § 105. (See 1981, 351 § 299.)

SECT. 5B amended, 1981, 351 § 106. (See 1981, 351 § 299.)

SECT. 5C amended, 1981, 351 § 107. (See 1981, 351 § 299.)

SECT. 6 amended, 1975, 608 § 5; 1981, 351 § 108. (See 1981, 351 § 299.)

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); amended, 1981, 351 § 109. (See 1981, 351 § 299.)

SECT. 6C amended, 1981, 351 § 110. (See 1981, 351 § 299.)

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. 7B amended, 1981, 351 § 111. (See 1981, 351 § 299.)

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.)

SECTS. 4-8A stricken out and sections 4,5,5A,5B,5C,6,6A,6B,6C, 7,7A,7B,8,8A and 8B added, 1980, 130 § 8.

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; paragraphs (*d*) and (*e*) revised, 1980, 130 § 9; 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; paragraph (*e*) revised, 1980, 130 § 10; paragraph (*g*) added, 1980, 130 § 11. (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.)

SECTS. 11-14 stricken out and sections 11, 12, 13, 13A, 13B and 14 added, 1980, 130 § 12.

SECT. 15 amended, 1969, 377 § 17. (See 1969, 377 § 19.)

SECTS. 15A-15C added, 1980, 130 § 13 (relative to certain abandoned property).

Chapter 201. — Guardians and Conservators.

SECT. 1 amended, 1945, 728 § 1; revised, 1956, 314 § 1; amended, 1974, 845 § 2; sentence inserted after first sentence, 1982, 281. (See 1945, 728 § 4.)

SECT. 2 revised, 1958, 120 § 1; sentence inserted after first sentence, 1982, 281. (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. 9 revised, 1982, 228.

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. 50 repealed, 1981, 276 § 1.

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. 2A added, 1981, 688 § 5 (relative to certain distri butions to minors). (See 1981, 688 § 9.)

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 (*b*) amended, 1981, 688 § 6; subsection (*c*) revised, 1981, 688 § 7. subsection (*d*) amended, 1973, 925 § 71. (See 1973, 925 § 84; 1981, 688 § 9.)

SECT. 8, subsection (*a*) revised, 1973, 925 § 72. (See 1973, 925 § 84.)

Chapter 201B. — UNIFORM DURABLE POWER OF ATTORNEY ACT.

New chapter inserted, 1981, 276 § 2.

Chapter 201C. — STATUTORY CUSTODIANSHIP TRUSTS.

(tNew chapter inserted, 1981, 688 § 8.) (See 1981, 688 § 9.)

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; 1981, 301. (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. 26 revised, 1980, 178 § 3.

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, 1971, 255 § 1; revised, 1981, 684 § 13.

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); section repealed, 1981, 684 § 14.

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. 32 repealed, 1981, 684 § 15.

SECT. 33 amended, 1941, 270 § 2; 1971, 255 § 2; section repealed, 1981, 684 § 16.

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; section revised, 1981, 521 § 1; amended, 1982, 379; revised, 1982, 486.

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. paragraph inserted after second paragraph, 1981, 447.

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; 1981, 684 § 17. (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; section amended, 1981, 684 § 17.

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; revised, 1981, 299. first paragraph, sentence added, 1982, 252.

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; first sentence revised, 1982, 642 § 1. (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; sentence inserted after first sentence, 1980, 197 § 1; second paragraph revised, 1982, 54 § 1. (See 1975, 400 § 79.)

SECT. 36A added, 1982, 481 § 1 (relative to the enforcement of certain support orders in the probate court).

SECT. 37 revised, 1975, 400 § 38; 1977, 495; two paragraphs added, 1982, 642 § 2. (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; 1981, 684 § 18. (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; sentence inserted after first sentence, 1980, 197 § 2; section revised, 1982, 54 § 2.
SECT. 32F added, 1977, 984 § 2 (further regulating support orders). (See 1977, 984 § 3.)
SECT. 33 revised, 1933, 360; 1975, 400 § 47; sentence added, 1982, 481 § 2. (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 inserted after first paragraph, 1982, 540 § 3. 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; 1981, 632 §§ 3, 4; 1982, 455 § 8.(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; 1981, 632 §§ 25, 26; 1982, 455 § 12.)

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; 1981, 632 §§ 5, 6; 1982, 455 § 9. (See 1973, 428 § 19, 856 § 17; 1974, 558 § 20; 1977, 234 § 198; 872 § 204; 1978, 478 § 343; 1981, 632 §§ 24, 25; 1982, 455 § 12.)

SECT. 5, sentence added, 1981, 351 § 248. (See 1981, 351 § 299.)

SECT. 6 revised, 1974, 784; second paragraph, third sentence revised, 1977, 234 §§ 142-144, 872 §§ 139-141; section revised, 1978, 478 § 107; first paragraph revised, 1981, 632 §§ 7, 8. (See 1977, 234 § 198, 872 § 204; 1978, 478 § 343; 1981, 632 §§ 24, 25.)

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 § 11. (See 1978, 478 § 343.)

SECT. 1 revised, 1978, 478 § 111; amended, 1980, 575 § 1; 1982, 405 § 1. (See 1978, 478 § 343.)

SECT. 2 revised, 1978, 478 § 112; amended, 1980, 575 § 2; first sentence revised, 1982, 405 § 2. (See 1978, 478 § 343.)

SECT. 4 revised, 1978, 478 § 113; first three paragraphs revised, 1981, 632 §§ 9, 10; 1982, 455 § 10. (See 1978, 478 § 343; 1981, 632 §§ 24, 25; 1982, 455 § 12.)

SECT. 10, second paragraph, first sentence revised, 1980, 105.

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 revised, 1978, 478 § 116; first sentence revised, 1982, 405 § 3; 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; second paragraph, second sentence revised, 1982, 621 § 1. (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 Jurisdition and Procedure in the Supreme Judicial and Superior Courts).

Chapter stricken out, and new chapter 214 (with new title) inserted, 1973, 1114 § 62. (See 1973, 1114 § 351.)

For prior changes see Table of Changes contained in Acts and Resolves of 1972 and in 1973, 591 §§ 3, 4, 941.

The following references are to Chapter 214, as so inserted:

SECT. 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. 7A, eighth paragraph revised, 1981, 643.

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. first paragraph revised, 1981, 616. (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; 1982, 328. (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; two paragraphs added, 1982, 282. (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); section amended, 1982, 178.

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; 1980, 70. (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; first sentence revised, 1980, 575 § 3. (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; 1980, 575 § 4; 1982, 405 § 4.

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); revised, 1980, 238 § 1. (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; amended, 1981, 632 § 11. (See 1978, 478 § 343; 1981, 632 §§ 24, 25.)

SECT. 29, first sentence revised, 1978, 393 § 40; sentence added, 1958, 539; 1978, 478 § 152; last sentence revised, 1981, 632 § 12; (See 1978, 393 § 45, 478 § 343; 1981, 632 §§ 24, 25.)

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; 1980, 237 § 1. (See 1978, 478 § 343; 1980, 237 § 2.)

SECT. 31A added,* 1935, 313 § 2 (providing for the appointment of a messenger for the probate court of Essex county). (See 1935, 313 § 3.)

SECT. 32A revised, 1952, 229 § 1; 1964, 630.

SECT. 32B added, 1971, 511 (providing for the appointment of two messengers for the probate court of Norfolk county); amended, 1974, 446.

SECT. 32C added, 1973, 904 (authorizing the appointment of a messenger in the probate court of Bristol county); revised, 1976, 449.

SECT. 34 revised, 1937, 408 § 1; 1946, 544 § 4; 1951, 745 § 1; 1955, 733 § 7; 1960, 736 § 1; 1963, 756 § 1; 1966, 699 § 4; amended, 1967, 841 § 2; revised, 1969, 845 § 4; 1971, 680 § 2; 1973, 428 § 7, 856 § 6; 1974, 558 § 6; 1975, 862 § 3; 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; 1981, 632 § 13; 632 § 14. (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; 1981, 632 §§ 24, 25.)

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; 1981, 632 § 14A. (See 1951, 713 § 3; 1955, 638 § 3; 1956, 671 § 3; 1977, 234 § 198, 872 § 204; 1978, 478 § 343; 1981, 632 §§ 24, 25.)

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; fourth paragraph under caption "*Norfolk*" revised, 1980, 550 § 1; first paragraph under caption "*Plymouth*" revised, 1963, 198; third paragraph under caption "*Suffolk*" revised, 1981, 727; 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; 1982, 30 § 1; 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; tenth paragraph under caption "*Worcester)*" revised, 1982, 30 § 2; 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; seventh paragraph under caption "*Worcester*" revised, 1980, 550 § 2. paragraph added, 1980, 83. (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; third paragraph, last sentence 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; third paragraph revised, 1982, 552 § 1. (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 1982, 552 § 3.)

SECT. 6A added, 1975, 862 § 6 (providing for temporary service by certain retired justices of the superior court); revised, 1978, 478 § 174; paragraph (b), clause (5) revised, 1980, 527 § 1. (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; first paragraph amended, 1980, 354 § 16A; second paragraph amended, 1980, 354 § 16B; second and third paragraphs revised, 1980, 559; fourth paragraph amended, 1982, 321 § 3; fifth paragraph amended, 1982, 321 § 4. thirteenth paragraph amended, 1981, 632 § 14B; (See 1978, 478 § 343; 1980, 354 § 23; 1981, 632 § 25; 1982, 321 § 7.)

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; amended, 1982, 27. (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; 1980, 539 § 2; fifth sentence amended, 1975, 377 § 10; paragraph added, 1978, 478 § 186. (See 1954, 328 § 4; 1975, 377 § 164; 1978, 478 § 343; 1980, 539 § 14.)

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; 1980, 122; section revised, 1981, 470; 1982, 175; amended, 1982, 229 § 1; 373 § 19. (See 1937, 301 § 2; 1938, 365 § 2; 1978, 478 § 343; 1982, 373 § 20; 1982, 634 § 15.)

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; first sentence revised, 1982, 405 § 5. (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; second paragraph amended, 1981, 715 § 2. (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; first sentence revised, 1982, 405 § 6. (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 (2), line added, 1982, 321 § 6; 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; 1982, 321 § 5; 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 (2) amended, 1982, 321 § 6; clause (6) amended, 1982, 321 § 5; 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; 1982, 321 § 7.)

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; paragraph (1) revised, 1981, 632 § 14C. paragraph (2) revised, 1981, 632 §§ 15, 16; first paragraph revised, 1982, 587. (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; 1981, 632 §§ 24, 25.)

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; 1980, 330. (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; 1982, 321 § 1. (See 1943, 336 § 3; 1958, 327 § 2; 1963, 502 § 2, 746 § 2, 1966, 532 § 2; 1970, 511 § 2; 1978, 478 § 343; 1982, 321 § 7.)

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; section revised, 1982, 577. (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 indignant mentally ill).

SECT. 35 amended, 1949, 574 § 1; paragraph added, 1980, 256 § 1.

SECT. 36 amended, 1945, 157; last sentence revised, 1957, 748 § 1; paragraph added, 1980, 256 § 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; section revised, 1980, 539 § 3. (See 1972, 684 § 136; 1973, 925 § 84; 1980, 539 § 14.)

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. 62C, first paragraph, clause (*e*) revised, 1982, 586 § 3. (See 1982, 586 § 4.)

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; first paragraph revised, 1981, 632 §§ 16A, 16B, 18, 19. paragraph inserted after second paragraph under caption "*SUPERIOR COURT DEPARTMENT FOR CIVIL BUSINESS IN THE COUNTY OF SUFFOLK*", 1979, 701; fourth paragraph revised, 1981, 632 § 17; fifth paragraph revised, 1981, 632 § 19A; sixth and seventh paragraphs revised, 1981, 632 §§ 20, 21; seventh paragraph amended,1982, 321 § 2. (See 1946, 262 §§ 4, 5; 1949, 774 § 5; 1962, 781 § 3; 1963, 790 §§ 3, 4; 1968, 209 § 2; 1969, 888 § 3; 1970, 394 § 2; 1972, 503 § 2; 1973, 988 § 3; 1974, 726 § 2; 1977, 423 § 2, 234 § 198, 872 § 204; 1978, 478 § 343; 1981, 632 §§ 24, 25; 1982, 321 § 7.)

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 221A.—THE MASSACHUSETTS LEGAL ASSISTANCE CORPORATION ACT.

New chapter inserted, 1982, 609 § 1.

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.

SECTS. 12-14 repealed, 1979, 344 § 6. (See 1979, 344 § 51; 1980, 261 § 41.)

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; second sentence revised, 1981, 305. (See 1943, 292 § 2.)

SECT. 18, first paragraph amended, 1974, 414 § 4; paragraph inserted after first paragraph, 1946, 177.

SECTS. 19-22 revised, 1974, 414 § 5.
SECT. 27 repealed, 1970, 888 § 26. (See 1970, 888 § 31.)
SECT. 29 amended, 1975, 377 § 52. (See 1975, 377 § 164.)

Chapter 226. — Bail.

SECT. 18 repealed, 1973, 1114 § 123. (See 1973, 1114 § 351.)
SECT. 23 amended, 1945, 101 § 2.

Chapter repealed, 1975, 377 § 53. (See 1975, 377 § 164.)

Chapter 227. — Proceedings against Absent Defendants and upon Insufficient Service.

SECT. 1 amended, 1949, 612 § 1; revised, 1973, 1114 § 124; amended, 1975, 377 § 54. (See 1973, 1114 § 351; 1975, 377 § 164.)
SECT. 2 revised, 1975, 377 § 55. (See 1975, 377 § 164.)
SECT. 3 revised, 1973, 1114 § 125. (See 1973, 1114 § 351.)
SECTS. 3-4 repealed, 1975, 377 § 56. (See 1975, 377 § 164.)
SECT. 5, last sentence stricken out and two sentences inserted, 1955, 360; same sentences revised, 1958, 444.
SECT. 5A added, 1949, 612 § 2 (relative to the service of process on certain non-residents doing business in the commonwealth); revised, 1964, 413; amended, 1973, 1114 § 126; fourth sentence revised, 1975, 377 § 57. (See 1973, 1114 § 351; 1975, 377 § 164.)
SECT. 6 amended, 1973, 1114 § 127. (See 1973, 1114 § 351.)
SECT. 7 amended, 1971, 843 § 7; 1973, 591 § 6, 1114 § 128; first sentence amended, 1975, 377 § 58. (See 1971, 843 § 27; 1973, 591 § 22, 1114 § 351; 1975, 377 § 164.)
SECT. 8 amended, 1971, 843 § 8; 1973, 591 § 7; revised, 1971, 1114 § 129. (See 1971, 843 § 27; 1973, 591 § 22, 1114 § 351.)
SECT. 9 amended, 1973, 1114 § 130; 1975, 377 § 59. (See 1973, 1114 § 351; 1975, 377 § 164.)
SECT. 10 repealed, 1975, 377 § 60. (See 1975, 377 § 164.)
SECTS. 11-13 revised, 1973, 1114 § 131. (See 1973, 1114 § 351.)
SECT. 11 revised, 1975, 377 § 61. (See 1975, 377 § 164.)
SECTS. 16-17 revised, 1973, 1114 § 132. (See 1973, 1114 § 351.)

Chapter 228. — Survival of Actions and Death and Disabilities of Parties.

SECT. 1 revised, 1934, 300 § 1; amended, 1975, 377 § 62. (See 1934, 300 § 2; 1975, 377 § 164.)
SECT. 4 amended, 1973, 1114 § 133. (See 1973, 1114 § 351.)
SECT. 4A added, 1973, 1114 § 134 (regulating the substitution of executors and administrators by certain courts); revised, 1975, 377 § 63. (See 1973, 1114 § 351; 1975, 377 § 164.)
SECT. 5 amended, 1933, 221 § 7; revised, 1937, 406 § 1; amended, 1950, 391; revised, 1973, 1114 § 135; amended, 1975, 377 § 64. Affected, 1938, 16. (See 1933, 221 § 8; 1973, 1114 § 351; 1975, 377 § 164.)

SECTS. 5A-5C added, 1973, 1114 § 136 (further regulating civil actions against executors and administrators of estates). (See 1973, 1114 § 351.)

SECT. 5A amended, 1975, 337 § 65. (See 1975, 377 § 164.)

SECT. 5C amended, 1975, 377 § 66. (See 1975, 377 § 164.)

SECT. 8 amended, 1973, 1114 § 137. (See 1973, 1114 § 351.)

SECT. 9 amended, 1973, 1114 § 138. (See 1973, 1114 § 351.)

SECT. 10 amended, 1973, 1114 § 139. (See 1973, 1114 § 351.)

SECTS. 11-12 revised, 1973, 1114 § 140. (See 1973, 1114 § 351.)

SECT. 12 repealed, 1975, 377 § 67. (See 1975, 377 § 164.)

Chapter 229. — Actions for Death and Injuries Resulting in Death.

SECT. 1 revised, 1943, 444 § 1.

SECT. 2 amended, 1941, 460 § 1; 504 § 1; 1946, 614 § 1; 1947, 506 § 1A; 1949, 427 § 2; 1958, 238 § 1; 1965, 683 § 1; 1967, 666 § 1; 1971, 801 § 1; 1972, 440 § 1; 1973, 699 § 1; fourth sentence stricken out, 1981, 493 § 1. (See 1971, 801 § 2; 1972, 440 § 2; 1981, 493 § 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; 1979, 164 § 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; 1979, 164 § 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 occured 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; revised, 1980, 322 § 2; amended, 1982, 183 § 2. (See 1946, 212 § 3; 1973, 1114 § 351; 1982, 183 § 4.)

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; revised, 1980, 322 § 2; 1982, 183 § 3. (See 1973, 1114 § 351; 1982, 183 § 4.)

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, 118 § 2; 1114 § 351.)

SECT. 59D added, 1952, 139 (providing speedy trials of certain actions under election laws); amended, 1973, 1114 § 177. (See 1973, 1114 § 351.)

SECT. 59E added, 1961, 96 (providing for the speedy trial of proceedings contesting the validity of action taken by a housing or redevelopment authority).

SECT. 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).

SECT. 85R added, 1980, 317 (relative to the liability of persons who conduct certain races and regattas); section revised, 1981, 481.

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; 1981, 618 § 1; last sentence stricken out, 1981, 618 § 2.

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; sentence added, 1982, 304 § 1. (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; 1980, 539 § 4. (See 1975, 123 § 2; 377 § 164; 1978, 478 § 343; 1980, 539 § 14.)

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; 1981, 84; second paragraph amended, 1981, 795 § 10A; section revised, 1982, 65. (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; paragrapph added, 1982, 87.

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; 1982, 118.

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. 79J added, 1982, 101 (relative to compliance with subpoena for business records).

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); first paragraph amended, 1981, 518. 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 second sentence, 1980, 177; sentence inserted after third sentence, 1969, 283; amended, 1975, 713; sentence inserted after third sentence, 1981, 326. eighth sentence revised, sentence added, 1955, 38 § 1; revised, 1973, 1059. (See 1949, 347 § 5.)

SECT. 5 amended, 1955, 38 § 2.

SECT. 11 amended, 1934, 150.

SECT. 15 repealed, 1936, 161 § 1. (See 1936, 161 § 3.)

SECT. 24 amended, 1941, 90; sentence added at end, 1956, 278.

SECTS. 24A-24B added, 1972, 367 (authorizing the use of certified mail as an alternative method of summonsing jurors).

SECT. 24A amended, 1973, 397 § 1.

SECTS. 25 AND 26 stricken out, and sections 25, 26, 26A, 26B inserted, 1945, 428 § 1 (providing for emergency jurors and for the waiver of a full jury). (See 1945, 428 § 3.)

SECT. 25, first sentence amended, 1955, 38 § 3; 1973, 397 § 2; 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 stricken out and new chapter inserted, 1982, 298 § 1.

For prior changes see Table of Changes contained in the Acts and Resolves of 1981.

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. 4, second sentence revised, 1980, 152.

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; section revised, 1980, 261 § 27B. (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.

Chapter repealed, 1979, 402 § 2.

For prior changes see Table of Changes contained in Acts and Resolves of 1978.

SECT. 1 amended, 1973, 1114 § 238. (See 1973, 1114 § 351.)
SECT. 8 revised, 1973, 1114 § 239. (See 1973, 1114 § 351.)
SECT. 10 revised, 1973, 1114 § 240. (See 1973, 1114 § 351.)

Chapter 239. — Summary Process for Possession of Land.

SECT. 1 amended, 1941, 242 § 1; first sentence amended, 1952, 151 § 1; 1953, 106.

SECT. 1A added, 1973, 778 § 3 (regulating evictions by lessors of residential land or tenements).

SECT. 2 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; second paragraph revised, 1982, 304 § 2. (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; 1982, 304 § 3. (See 1946, 175 § 2.)

SECT. 6, two sentences added, 1952, 151 § 2.

SECT. 6A added, 1941, 242 § 2 (relative to conditions of bonds in actions of summary process for recovery of possession of land after tax title foreclosures).

SECT. 8A added, 1965, 888 (providing that violations of standards of fitness for human habitation shall constitute a defense in actions of summary process to recover possession of rented or leased premises); revised, 1967, 420 § 1; first paragraph amended, 1969, 355; 1973, 1007 § 3; 1974, 269 §§ 1, 2; paragraph inserted after second paragraph, 1973, 471; revised, paragraph added, 1975, 467 § 3; section revised, 1977, 963; second sentence revised, 1979, 198 § 1; fifth paragraph, last sentence revised, 1979, 198 § 2; fifth paragraph revised, 1981, 133.

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; first paragraph revised, 1980, 318 § 2; 1981, 242; 795 § 11. (See 1981, 795 § 20.)

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; sentence added, 1982, 481 § 3. (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. 4B added, 1982, 481 § 4 (relative to the enforcement of certain support orders).

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; paragraph added, 1981, 428 § 10; amended, 1982, 481 § 5. (See 1935, 410 §§ 2, 3; 1941, 338 § 2; 1947, 264 § 2; 1959, 187 § 3; 1969, 276 § 2; 1971, 475 § 2; 1972, 174 § 2.)

SECT. 28A added, 1972, 801 (exempting certain monies in certain bank accounts from trustee process); amended, 1975, 377 § 133. (See 1975, 377 § 164.)

SECT. 29 revised, 1973, 1114 § 270; 1975, 377 § 134. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 32, paragraph First revised, 1959, 187 § 2; 1973, 1114 § 271; amended, 1975, 377 § 135; paragraph Fourth amended, 1975, 377 § 136; 1982, 481 § 6; 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; sentence added, 1982, 481 § 7. (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; section repealed, 1981, 733 § 3. (See 1968, 394 § 2; 1981, 733 § 25.)

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); second sentence stricken out and two sentences inserted, 1981, 284 § 2. (See 1981, 284 § 8.)

SECT. 12H added, 1981, 384 § 2 (relative to certain finance charges).

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; revised, 1982, 159.

SECT. 13L added, 1981, 284 § 3 (relative to the computation of rebate in certain consumer credit transactions). (See 1981, 284 § 8.)

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; section revised, 1981, 795 § 12. (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 lienee).

SECT. 40 amended, 1946, 514 § 1; revised, 1947, 273 § 1.

SECT. 41, first paragraph amended, 1946, 514 § 2; section revised, 1947, 273 § 2.

SECT. 42 revised, 1947, 273 § 3; last sentence revised, 1950, 454 § 1; 1957, 698 § 19.

SECT. 43 revised, 1947, 273 § 4.

SECT. 44 revised, 1947, 273 § 5; amended, 1950, 454 § 2; third sentence revised, 1957, 698 § 20.

SECT. 45 amended, 1947, 273 § 6.

SECTS. 40-47 repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

Chapter 255A. — Trust Receipts and Pledges without Possession in the Pledgee.

New chapter inserted, 1936, 264.

SECT. 13, subsection 3 amended, 1951, 445; 1957, 698 § 21.

Chapter repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

Chapter 255B. — Retail Instalment Sales of Motor Vehicles.

New chapter inserted, 1958, 674 § 1.

SECT. 1, definition of "Annual finance charge formula" inserted, 1966, 284 § 1A; revised, 1968, 354 § 2; stricken out and definitions of "Amount financed" and "annual percentage rate" inserted, 1969, 517 § 3; definition of "Cash sale price" stricken out and definition of "Cash price" inserted, 1969, 517 § 4; definition of "Finance charge" revised, 1969, 517 § 5; definition of "Official fees" inserted, 1969, 517 § 7; definition of "Principal balance" inserted, 1966, 284 § 1B; stricken out, 1969, 517 § 6; definition of "motor vehicles" amended, 1967, 464 § 1; definition of "Recording Charges" stricken out, 1969, 517 § 7; definition of "Retail buyer" or "buyer" revised, 1970, 187; definition of "Retail instalment contract" or "Contract" amended, 1971, 340; definition of "Retail instalment sale" or "sale" revised, 1970, 96; section revised, 1981, 733 § 3A. (See 1966, 284 § 5; 1968, 354 § 5; 1981, 733 § 25.)

SECT. 2, second sentence revised, 1973, 1149 § 24; amended, 1980, 572 § 401; sixth sentence revised, 1969, 792 § 1; 1980, 572 § 402; two sentences added, 1975, 187 § 3; last sentence amended, 1980, 572 § 403. (See 1973, 1149 § 33; 1980, 572 § 417.)

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; first paragraph, fourth sentence revised, 1980, 572 § 404; first paragraph revised, 1981,

733 § 4; paragraph added, 1975, 170 § 3; last sentence revised, 1978, 346 § 3. (See 1973, 1149 § 33; 1980, 572 § 417; 1981, 733 § 25.)

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; third, fourth and fifth paragraphs stricken out, 1981, 733 § 5. (See 1966, 284 § 5; 1981, 733 § 25.)

SECT. 10 revised, 1967, 823; eighth sentence stricken out and two sentences inserted, 1968, 216; sentence added, 1979, 47; revised, 1980, 25.

SECT. 14,first paragraph revised, 1980, 136 § 1; second paragraph revised, 1969, 517 § 11; 1981, 733 § 6; fifth paragraph revised, 1981, 733 § 7. (See 1980, 136 § 2; 1981, 733 § 25.)

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; section repealed, 1981, 733 § 8. (See 1966, 284 § 5, 587 § 7; 1981, 733 § 25.)

SECT. 16 amended, 284 § 2; revised, 1981, 284 § 4. (See 1966, 284 § 5; 1981, 284 § 8.)

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); section revised, 1981, 733 § 9. (See 1981, 733 § 25.)

Chapter 255C. — Insurance Premium Finance Agencies.

New chapter inserted, 1964, 727 § 1. (See 1964, 727 §§ 2, 3.)

SECT. 1, definition of "Annual percentage rate" sticken out, 1981, 733 § 10; 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; 1981, 733 § 25.)

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; 1980, 572 § 405; fifth paragraph revised, 1969, 793 § 2; first sentence amended, 1980, 572 § 406. (See 1973, 1149 § 33; 1980, 572 § 417.)

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 sentence revised, 1980, 572 § 407; second paragraph, sentence added, 1975, 88 § 2. (See 1972, 684 § 136; 1973, 1149 § 33; 1980, 572 § 417.)

SECT. 7 revised, 1969, 517 § 18; 1981, 733 § 11. (See 1981, 733 § 25.)

SECT. 10, paragraph added, 1975, 170 § 4.

SECT. 11 amended, 1967, 612; revised, 1969, 793 § 4; first paragraph revised, 1980, 572 § 408; second paragraph amended, 1980, 572 § 409. (See 1980, 572 § 417.)

SECT. 13, paragraph added, 1966, 587 § 3; section revised, 1969, 517 § 19; 1981, 733 § 12. (See 1966, 587 § 7; 1981, 733 § 25.)

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. 19 revised, 1981, 284 § 5. (See 1981, 284 § 8.)

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); section revised, 1981, 733 § 13. (See 1981, 733 § 25.)

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; section revised, 1981, 733 § 14. (See 1938, 354 § 5; 1981, 733 § 25.)

SECT. 2, sixth sentence stricken out and two sentences inserted, 1969, 794 § 1; sixth sentence revised, 1973, 1149 § 29; stricken out and two sentences inserted, 1980, 572 § 410; two sentences added, 1975, 187 § 5; last sentence amended, 1980, 572 § 411. (See 1973, 1149 § 33; 1980, 572 § 417.)

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; 1980, 572 § 412; paragraph added, 1975, 170 § 5; section revised, 1981, 733 § 15; two paragraphs added, 1982, 332 § 10A. (See 1973, 1149 § 33; 1980, 572 § 417; 1981, 733 § 25.)

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, second paragraph, clause (1) revised, 1981, 88; subsection C, clause (11) revised, 1967, 775 § 2; paragraph added, 1968, 543 § 1; revised, 1969, 517 § 31; subsection C stricken out, 1981, 733 § 16; subsection D, first paragraph amended, 1969, 517 § 32; clause (6) revised, 1969, 517 § 32; stricken out, 1975, 90 § 4; last paragraph revised, 1967, 775 § 3; 1975, 90 § 5; subsection D ½ inserted, 1975, 90 § 6; revised, 1979, 252 § 3; paragraph inserted after third paragraph, 1981, 235 § 2; paragraph inserted after sixth paragraph, 1981, 235 § 3; last paragraph amended, 1981, 733 § 17; subsection E amended, 1969, 517 § 33; subsection F amended, 1967, 775 § 4. (See 1981, 733 § 25.)

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; revised, 1980, 470 § 1; subsection C revised, 1968, 543 § 3; amended, 1969, 517 § 37; paragraph added, 1981, 733 § 18; subsection D added, 1974, 127. (See 1981, 733 § 25.)

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; first two sentences stricken out and three sentences inserted, 1981, 284 § 6; subsection C revised, 1967, 775 § 5; 1981, 284 § 7; subsection D added, 1969, 378. (See 1981, 284 § 8.)

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; clause (4) revised, 1981, 733 § 19. (See 1981, 733 § 25.)

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); subsection (1) revised, 1981, 733 § 20; subsections (3) and (4) added, 1977, 96. (See 1981, 733 § 25.)

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; section repeaLed, 1981, 733 § 21. (See 1966, 587 § 7; 1981, 733 § 25.)

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 (1) revised, 1981, 384 § 3; 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; section revised, 1981, 733 § 22. (See 1966, 587 § 7; 1970, 822 § 6; 1981, 733 § 25.)

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; 1981, 733 § 23. (See 1981, 733 § 25.)

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; definition of "Public employer" amended, 1981, 179; sentence added, 1981, 403. (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. 1, definition of "Public employer", sentence added, 1980, 151; definition of "Public employer" revised, 1980, 315 § 1.

SECT. 9, paragraph added, 1980, 315 § 2.

SECT. 9A added, 1982, 345 (relative to the indemnification of certain police).

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); first paragraph amended, 1982, 176 § 1. (See 1979, 396 § 3; 1982, 176 § 2.)

Chapter 258A. — Compensation of Victims of Violent Crimes.

New chapter inserted, 1967, 852 § 1. (See 1967, 852 § 4.)

SECT. 3, second paragraph revised, 1980, 459 § 1.

SECT. 5, first paragraph, sentence inserted after second sentence, 1980, 459 § 2; second paragraph amended, 1980, 459 § 3.

SECT. 6, first paragraph amended, 1978, 478 § 267. (See 1978, 478 § 343.)

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; section revised, 1981, 765. (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); section amended, 1982, 305 § 2; revised, 1982, 332 § 11.

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. 27A revised, 1980, 539 § 5; definition of "Normal fees and costs: revised, 1982, 609 § 2.

SECT. 27B, first paragraph amended, 1977, 142; section revised, 1978, 478 § 268; 1979, 344 § 15; 1980, 539 § 6. (See 1978, 478 § 343; 1979, 344 § 51; 1980, 539 § 14.)

SECTS. 27C-27G revised, 1978, 478 § 269. (See 1978, 478 § 343.)

SECT. 27C revised, 1980, 539 § 7.

SECT. 27D revised, 1980, 539 § 8.

SECT. 27G, first sentence revised, 1980, 539 § 9. amended, 1981, 351 § 154; second paragraph amended, 1981, 351 § 155; third paragraph amended, 1981, 351 § 156. (See 1981, 351 § 299.)

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; 1980, 539 § 10. (See 1939, 345 § 3; 1954, 328 § 4, 556 §§ 8, 10;

SECT. 3 revised, 1961, 343 § 2; 1978, 478 § 270. (See 1978, 478 § 343.)

SECT. 3A added, 1982, 471 § 1 (relative to the collection of a fee for child support enforcement services).

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; section stricken out and sections 4, 4A and 4B added, 1980, 539 § 11. (See 1939, 345 § 3; 1954, 328 § 4; 1974, 694 § 6; 1975, 377 § 164.)

SECT. 4C added, 1982, 609 § 3 (relative to certain surcharges).

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; subdivision A revised, 1980, 321; clause (2) amended, 1982, 513 § 1; clause (12) amended, 1982, 513 § 2; clause (16) amended, 1982, 513 § 3; clause (23) amended, 1982, 513 § 4; clause (24) amended, 1982, 513 § 5; clause (26) amended, 1982, 513 § 6.

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; 1981, 395.

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. 1981, 395. (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; amended, 1980, 329 § 73; 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 (64) revised, 1981, 351 § 97; 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; 1980, 329 § 134; 1981, 351 § 299.)

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; section repealed, 1981, 684 § 19.

SECT. 35 revised, 1975, 464 § 3; 1981, 521 § 2.

SECT. 36 revised, 1952, 301; amended, 1959, 357; revised, 1967, 297; amended, 1972, 684 § 131; third sentence revised, 1975, 497 § 2; 1976, 486 § 26; section revised, 1980, 572 § 413. (See 1972, 684 § 136; 1976, 486 § 31; 1980, 572 § 417.)

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. first paragraph revised, 1981, 351 § 284; fourth paragraph revised, 1981, 351 § 285. (See 1971, 880 § 4; 1981, 351 § 299.)

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; revised, 1980, 539 § 12. (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; 1980, 539 § 13; paragraph added, 1982, 532. (See 1934, 324 § 2; 1954, 556 § 10; 1955, 418 § 3, 744 § 2; 1971, 880 § 4; 1972, 684 § 136.)

SECT. 40A added, 1982, 471 § 2 (relative to certain fees for child support enforcement services).

SECT. 43, sentence added, 1969, 294.

SECT. 44 revised, 1953, 308; amended, 1976, 438 § 3; first sentence amended, 1980, 572 § 414. Ssee 1980, 572 § 417.)

SECT. 44A added, 1976, 486 § 27 (relative to fees for certified copies of certain records). amended, 1980, 572 § 415. (See 1976, 486 § 31; 1980, 572 § 417.)

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; section revised 1982, 554 § 3. (See 1955, 770 §§ 117, 123 1982, 554 § 8.)
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; revised, 1980, 459 § 4.
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. 13H added, 1980, 459 § 5 (providing for graduated sentencing and victim compensation for the crime of rape and related offenses).
SECT. 15A revised, 1981, 678 § 1.
SECT. 15B added, 1955, 112 (providing a penalty for assault by means of a dangerous weapon); revised, 1981, 678 § 2.
SECT. 17 revised, 1943, 250 § 1; 1952, 406 § 1. (See 1943, 250 § 2; 1952, 406 § 2.)
SECT. 18 revised, 1981, 678 § 3.
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. 19 revised, 1981, 678 § 4.

SECT. 21 revised, 1974, 462 § 1.

SECT. 22 revised, 1974, 474 § 1; 1980, 459 § 6.

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; 1980, 459 § 7. (See 1980, 459 § 11.)

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).

SECT. 38 added, 1980, 479 § 2 (relative to abuse of patients or residents of long-term care facilities).

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. revised, 1981, 71. (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; revised, 1981, 678 § 5. (See 1943, 518 § 2.)

SECT. 26 repealed, 1945, 282 § 1. (See 1945, 282 § 5.)

SECT. 27A revised, 1959, 160 § 1; seven paragraphs added, 1980, 463 § 3.

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.

SECTS. 28-29A stricken out and sections 28 and 29 inserted, 1980, 463 § 4.

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. 30A added, 1981, 618 § 3 (relative to the crime of shoplifting).

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. 67A added, 1980, 531 § 2 (establishing civil and criminal remedies for certain fraudulent acts affecting the commonwealth and commercial bribery); section amended, 1982, 184.

SECT. 67B added, 1980, 531 § 2

SECT. 67C added, 1980, 579 § 67 (improving the system of public construction). (See 1980, 579 § 66.)

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; 1982, 259.

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); first paragraph revised, 1982, 66.

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. 111A amended, 1982, 150.

SECT. 111B added, 1980, 463 § 5 (facilitating the investigation and prosecution for motor vehicle theft or fraudulent insurance claims).

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); third paragraph revised, 1982, 333 § 2.

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; 1982, 229 § 2.

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; paragraph (*a*), sentence added, 1981, 264 § 1; paragraph (*c*), second paragraph revised, 1981, 264 § 2; paragraph added, 1981, 264 § 3.

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. 142A added, 1980, 400 (relative to the purchase orsale of gold, silver and platinum).

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.)

SECT. 37 added, 1980, 463 § 6 (facilitating the investigation and prosecution for motor vehicle theft and fraudulent insurance claims); stricken out, 1981, 795 § 13.

SECT. 39 added, 1981, 795 § 13.

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 "Particular matter" revised, 1982, 612 § 1; definition of "Special county employee" revised, 1982, 612 § 2; definition of "Special municipal employee" revised, 1965, 351; 1981, 430; 1982, 612 § 3; definition of "Special state employee" revised, 1982, 612 § 4; 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; paragraph added, 1980, 10 § 1; 1982, 143. (See 1978, 210 § 22; 1980, 10 § 3.)

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; clause (*b*) revised, 1982, 612 § 5; paragraph added, 1968, 446; fourth paragraph amended, 1982, 612 § 6; paragraph inserted after fourth paragraph, 1980, 303. paragraph added, 1982, 612 § 7. (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; paragraph added, 1980, 10 § 2; section revised, 1982, 612 § 8. (See 1978, 210 § 22; 1980, 10 § 3.)

SECT. 12, third paragraph amended, 1978, 210 § 15; section revised, 1982, 612 § 9. (See 1978, 210 § 22.)

SECT. 13, second paragraph revised,1978, 210 § 16. (See 1978, 210 § 22.)

SECT. 14, third paragraph amended, 1978, 210 § 17; section revised, 1982, 612 § 10. (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. clause (3) revised, 1982, 612 § 11.

SECT. 20, third paragraph amended, 1979, 135; clause (*b*) revised, 1982, 612 § 12; paragraph added, 1982, 107.

SECT. 21, paragraph (*b*) revised, 1982, 612 § 13.

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; section revised, 1982, 612 § 14.

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.)

SECT. 1, clause(*o*) amended, 1980, 256 § 2.

SECT. 4, paragraph (*a*) amended, 1982, 612 § 15. paragraph (*d*), clause (3) revised, 1982, 612 § 16.

SECT. 5, clause (*a*) sentence added, 1981, 386 § 14.

SECT. 8 added, 1982, 612 § 17 (prohibiting certain acts against certain employees).

Chapter 269. — Crimes Against Public Peace.

SECT. 1 revised, 1965, 647 § 1; amended, 1966, 158.

SECT. 2 revised, 1965, 647 § 1A; section revised, 1982, 476.

SECT. 6 amended, 1965, 647 § 2.

SECT. 8 amended, 1965, 647 § 3; section revised, 1982, 476.

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; amended, 1982, 254; subsection (*c*) amended, 1978, 175 § 2; subsection (*l*) added, 1975, 113 § 3. (See 1936, 227 § 2; 1937, 250 § 2; 1968, 737 § 18; 1974, 649 § 3; 1975, 113 § 5.)

SECT. 10A amended, 1957, 688 § 24.

SECT. 10B added, 1934, 359 § 2 (further regulating the sale, rental and leasing of rifles and shotguns); repealed, 1957, 688 § 25.

SECT. 10C added, 1969, 342 (providing criminal penalty for use of chemical mace or similar device or instrument in the commission of a crime); revised, 1973, 892 § 9; 1974, 789.

SECT. 11 revised, 1957, 688 § 26.

SECTS. 11A-11D added, under caption, 1937, 199 (relative to certain firearms, the serial or identification numbers of which have been removed, defaced, altered, obliterated or mutilated).

SECT. 11B, sentence added, 1957, 688 § 27.

SECT. 11C, amended and sentence added, 1957, 688 § 28.

SECT. 11D repealed, 1957, 688 § 29.

SECT. 11E added, 1968, 737 § 15 (further regulating the sale of firearms); revised, 1969, 799 § 17. (See 1969, 799 § 18.)

SECT. 12 revised, 1951, 219; 1952, 286; amended, 1956, 280; 1957, 688 § 30; revised, 1975, 585 § 2.

SECTS. 12A AND 12B added, 1951, 263 (regulating the sale and use of air rifles or so-called BB guns).

SECT. 12A revised, 1959, 296 § 9.

SECT. 12B revised, 1957, 688 § 31; third sentence revised, 1968, 737 § 16.

SECT. 12C added, 1951, 296 (prohibiting the sale or possession of certain knives having a spring release); repealed, 1957, 688 § 32.)

SECT. 12D added, 1957, 688 § 33 (imposing a penalty upon persons carrying a rifle or shotgun in a public way without a valid license to do so); second sentence revised, 1968, 737 § 17.

SECT. 12E added, 1971, 223 (prohibiting the discharge of a firearm within a certain distance of a building); revised, 1972, 261.

SECT. 13 revised, 1968, 122; amended, 1970, 391; revised, 1971, 408.

SECT. 13A added, 1982, 219 (prohibiting the intentional making of false reports of crimes to police officers).

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; 1982, 130 § 1; last paragraph, first sentence stricken out and two sentences inserted, 1979, 103; last sentence amended, 1982, 130 § 2.

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; fourth paragraph, seventh sentence revised, 1981, 351 § 98. eighth and ninth paragraphs revised, 1976, 415 § 96; 1977, 219 § 6. (See 1976, 415 § 116; 1981, 351 § 299.)

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. 39 revised, 1980, 531 § 3.

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; section revised, 1982, 581 § 4. (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); section repealed, 1982, 21 § 2.

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; paragraph added, 1980, 409.

SECT. 7 revised, 1977, 589. 1980, 409.

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; 1982, 603 § 2. (See 1982, 603 § 9.)

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. 28H stricken out and sections 28H and 28I inserted, 1974, 430 § 8.

SECT. 29 revised, 1974, 430 § 9; 1982, 603 § 3. (See 1982, 603 § 9.)

SECT. 29A added, 1977, 917 § 2 (providing for the protection and welfare of certain children); stricken out and sections 29A and 29B inserted, 1982, 364 § 2.

SECT. 29A, second paragraph amended, 1982, 603 § 4. (See 1982, 603 § 9.)

SECT. 29B, second paragraph amended, 1982, 603 § 5. (See 1982, 603 § 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 "Harmful to minors:, clause (2) revised, 1982, 603 § 6; definition of "Nudity", sentence added, 1977, 217 § 4; definition of "Obscene", clause (1) revised, 1982, 603 § 7; definition of "Visual material" added, 1977, 917 § 6; section amended, 1982, 364 § 3. (See 1972, 802 § 77; 1982, 603 § 9.)

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. 59 revised, 1981, 629.

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. 71 revised, 1982, 169 § 1.

SECT. 72 amended, 1974, 170.

SECT. 73 revised, 1958, 352; 1966, 312; amended, 1972, 552 § 2; revised, 1979, 220; 1982, 169 § 2.

SECT. 73A added, 1973, 448 (authorizing the removal of gravestones and memorials for repair or reproduction).

SECT. 75 amended, 1971, 407; revised, 1982, 169 § 3.

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; third paragraph revised, 1981, 286.

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). stricken out and section 80H inserted, 1980, 261 § 28.

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. 89 revised, 1982, 230.

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; amended, 1980, 71; revised, 1981, 445.

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. paragraph revised, 1982, 54 § 3.

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; third sentence revised, 1981, 92; section revised, 1981, 325.

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; paragraph added, 1982, 54 § 4.

SECT. 12 revised, 1958, 239 § 3; 1982, 42.

SECTS. 12-14 repealed, 1979, 344 § 6. (See 1979, 344 § 51; 1980, 261 § 41.)

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; first paragraph, clause Fifth inserted, 1982, 260.

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; first paragraph revised, 1981, 802 § 1; third paragraph, first sentence stricken out and seven sentences inserted, 1981, 802 § 2; fourth paragraph amended, 1981, 802 § 3; stricken out and two paragraphs inserted, 1982, 179; fifth paragraph sentence added, 1981, 802 § 4; 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; first paragraph, first sentence revised, 1982, 594; second paragraph revised, 1979, 393 § 71A; paragraph inserted after penultimate paragraph, 1981, 779. (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. 92A added, 1980, 463 § 7 (facilitating the investigation and prosecution for motor vehicle theft and fraudulent insurance claims).

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; fourth paragraph, second sentence revised, 1981, 632 § 21A. (See 1956, 731 §§ 29-33; 1969, 766 § 48; 1970, 875 § 8; 1978, 478 § 343; 1981, 632 §§ 24, 25.)

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 (1), Groups 10 and 11 stricken out, 1981, 632 § 21B; 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; Job groups 10 and 11 stricken out, 1981, 632 § 21C; 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; 1981, 632 §§ 24, 25.)

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). revised, 1981, 632 §§ 22, 23. (See 1979, 393 § 72; 1981, 632 §§ 24, 25.)

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.

SECT. 4, paragraph added, 1981, 678 § 6.

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; 1980, 261 § 29. (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. 12-13 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 "Aggravated Rape added, 1980, 459 § 8; definition of "fornication" revised, 1978, 379 § 9; definition of "Rape" revised, 1974, 474 § 7. (See 1980, 459 § 11.)

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; paragraph entitled "Aggravated rape" added, 1980, 459 § 9; paragraphs entitled "Assault to rape" revised, 1978, 379 § 12; paragraph entitled "Escape" revised, 1955, 770 § 90; paragraph entitled "Fornication" revised, 1978, 379 § 13; paragraph entitled "Illegitimacy" stricken out, 1978, 379 § 14; paragraph entitled "Manslaughter by negligence" revised, 1978, 379 § 15; paragraph entitled "Neglect of wife or minor child" revised, 1978, 379 § 16; paragraphs entitled "Polygamy" revised, 1978, 379 § 18; paragraph entitled "Prostitute", inserted, 1959, 304 § 2; revised, 1978, 379 § 17; paragraphs entitled "Rape" revised, 1978, 379 § 19; 1980, 459 § 10. (See 1943, 488 § 3; 1955, 770 §§ 117, 123; 1980, 459 § 11.)

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. 6A added, 1980, 463 § 8 (relative to certain testimony at the arraignment of a defendant).

SECT. 8A added, 1981, 696 (permitting the killing or injuring of a person unlawfully in a dwelling).

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.)

SECTS. 28A-28D added, 1943, 558 § 1 (establishing in the superior court an appellate division for the review of certain sentences in criminal cases). (See 1943, 558 § 2.)

SECT. 28A revised, 1945, 255 § 1; 1968, 666 § 1; third and fourth paragraphs revised, 1978, 478 § 306. (See 1945, 255 § 4; 1978, 478 § 343.)

SECT. 28B, first paragraph amended, 1945, 255 § 2; section revised, 1968, 666 § 2. (See 1945, 255 § 4.)

SECT. 28C amended, 1945, 255 § 3; 1955, 770 § 91; revised, 1957, 777 § 36; 1968, 666 § 3. (See 1945, 255 § 4; 1955, 770 §§ 117, 123.)

SECT. 28D revised, 1968, 666 § 4; 1978, 478 § 307. (See 1978, 478 § 343.)

SECT. 28E added, 1967, 898 § 1 (allowing the appeal by either commonwealth or defendant on questions of law in felony cases prior to trial); amended, 1972, 740 § 16; revised, 1979, 344 § 45. (See 1979, 344 § 51.)

SECT. 29 revised, 1939, 271 § 1; first sentence amended, 1957, 302; revised, 1962, 310 § 1; section revised, 1964, 82; 1966, 301. (See 1939, 271 § 2.)

SECT. 29A added, 1959, 167 § 1 (permitting any district court to revise or revoke a sentence imposed without trial after a plea of guilty or nolo contendere). (See 1959, 167 § 2.)

SECTS. 29-29A repealed, 1979, 344 § 46. (See 1979, 344 § 51.)

SECT. 29B added, 1962, 262 § 1 (authorizing a defendant in a districtcourt to withdraw a plea of guilty before sentence is imposed if he was not represented by counsel when such plea was entered); revised, 1979, 344 § 47. (See1979, 344 § 51.)

SECT. 29C added, 1962, 310 § 2 (extending the power of the superior court to revoke or revise sentences).

SECT. 29D added, 1978, 383 (relative to conviction upon plea of guilty or nolo contendere).

SECT. 30A added, 1954, 528 (providing for interlocutory reports to the supreme judicial court in criminal cases).

SECT. 31, second sentence revised, 1953, 384; section amended, 1973, 1114 § 348; first sentence revised, 1974, 540 § 1. (See 1973, 1114 § 351.)

SECTS. 31A-31C added, 1973, 1114 § 349 (relative to the signing and returning of certain exceptions). (See 1973, 1114 § 351.)

SECTS. 29C-31C, inclusive, repealed, 1979, 344 § 48. (See 1979, 344 § 51.)

SECT. 32A added, 1964, 634 § 1 (allowing for the late entry of certain appeals).

SECT. 33 amended, 1933, 265; revised, 1973, 1114 § 350; 1978, 478 § 308. (See 1973, 1114 § 351; 1978, 478 § 343.)

SECTS. 33A AND 33B revised, 1954, 187 § 1; 1955, 352 § 1. (See 1954, 187 § 2; 1955, 352 § 2.)

SECT. 33A, second paragraph amended, 1974, 540 § 2.

SECT. 33C third sentence revised, 1974, 458 § 1.

SECT. 33D amended, 1974, 458 § 2.

SECTS. 32-33D, inclusive, repealed, 1979, 346 § 1. (See 1979, 346 § 4.)

SECT. 33E amended, 1939, 341; first paragraph amended, 1974, 457; second paragraph amended, 1962, 453; first and second paragraphs stricken out and paragraph inserted, 1979, 346 § 2. (See 1979, 346 § 4.)

SECT. 33H added, 1964, 634 § 2 (providing for the late entry of certain appeals in criminal cases in the supreme judicial court).

SECTS. 33F-33H, repealed, 1979, 346 § 3. (See 1979, 346 § 4.)

Chapter 279. — Judgment and Execution.

SECT. 1 amended, 1934, 205 § 1; 1935, 358 § 1; first paragraph amended, 1938, 354; first two sentences revised, 1975, 347; second paragraph amended, 1936, 434 § 2; 1939, 299 § 5; revised, 1966, 292; 1967, 333. (See 1934, 205 § 3; 1935, 358 § 2.)

SECT. 1A amended, 1934, 205 § 2; first sentence revised, sentence inserted after first sentence, 1975, 459 § 1; paragraph added, 1975, 459 § 2; amended, 1978, 428 § 309. (See 1934, 205 § 3; 1978, 478 § 343.)

SECT. 2 amended, 1949, 584; revised, 1969, 838 § 64. (See 1969, 838 § 74.)

SECT. 3, first sentence revised, 1972, 251; section revised, 1974, 300; paragraph added, 1978, 478 § 310. (See 1978, 478 § 343.)

SECT. 3A amended, 1935, 50 § 2, 437 § 2. (See 1935, 50 § 6, 437 § 8.)

SECT. 4 revised, 1935, 50 § 3; 437 § 3; first paragraph amended, 1966, 678; 1972, 740 § 17; revised, 1979, 344 § 49; second paragraph amended, 1955, 770 § 92; revised, 1957, 777 § 37; section revised, 1982, 554 § 4. (See 1935, 50 § 6, 437 § 8; 1955, 770 §§ 117, 123; 1979, 344 § 51; 1982, 554 § 8.)

SECT. 4A, sentence added, 1950, 145 § 2; 1968, 333 § 1; repealed, 1979, 344 § 50. (See 1979, 344 § 51.)

SECT. 6 amended, 1955, 770 § 93. (See 1955, 770 §§ 117, 123.)

SECT. 6A added, 1977, 537 (providing for special sentence of imprisonment in the case of certain offenders).

SECT. 8B added, 1981, 802 § 5 (relative to sentenceing).

SECT. 9 amended, 1932, 221 § 2; 1955, 770 § 94. (See 1955, 770 §§ 117, 123.)

SECT. 11 amended, 1934, 328 § 28.

SECT. 16 amended, 1972, 293 § 1. (See 1972, 293 § 6.)

SECT. 17 revised, 1972, 293 § 2. (See 1972, 293 § 6.)

SECT. 18 revised, 1947, 516; 1951, 134; amended, 1956, 715 § 24; 1971, 1076 § 12; revised, 1972, 293 § 3. (See 1971, 1076 § 22; 1972, 293 § 6.)

SECT. 19 amended, 1955, 770 § 95. (See 1955, 770 §§ 117, 123.)

SECT. 20 amended, 1955, 770 § 96. (See 1955, 770 §§ 117, 123.)

SECT. 22 repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 26 revised, 1946, 276.

SECT. 27 amended, 1955, 770 § 97. (See 1955, 770 §§ 117, 123.)

SECT. 28 amended, 1946, 275; 1955, 770 § 98. (See 1955, 770 §§ 117, 123.)

SECT. 29 repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 30 revised, 1951, 642.

SECT. 31 amended, 1953, 319 § 35; revised, 1955, 770 § 99. (See 1953, 319 §§ 39, 40; 1955, 770 §§ 117, 123.)

SECT. 32 revised, 1955, 770 § 100; 1972, 293 § 4. (See 1955, 770 §§ 117, 123; 1972, 293 § 6.)

SECT. 33 amended, 1952, 90; 1956, 715 § 25; revised, 1964, 308 § 12; 1972, 293 § 5. (See 1972, 293 § 6.)

SECT. 33A added, 1955, 770 § 101 (providing that a prisoner may be deemed to have served a portion of the sentence imposed in certain cases); revised, 1958, 173; 1961, 75. (See 1955, 770 §§ 117, 123.)

SECT. 34, sentence added, 1955, 770 § 102. (See 1955, 770 §§ 117, 123.)

SECT. 35 amended, 1955, 770 § 103; revised, 1962, 48. (See 1955, 770 §§ 117, 123.)

SECT. 36 amended, 1955, 770 § 104; revised, 1956, 715 § 26; first sentence revised, 1970, 888 § 30. (See 1955, 770 §§ 117, 123; 1970, 888 § 31.)

SECT. 37 amended, 1953, 319 § 36. (See 1953, 319 §§ 39, 40.)

SECT. 39 amended, 1955, 770 § 105; revised, 1957, 777 § 38. (See 1955, 770 §§ 117, 123.)

SECT. 40 amended, 1955, 770 § 106; revised, 1957, 777 § 39; amended, 1979, 485 § 46. (See 1955, 770 §§ 117, 123.)

SECT. 43 revised, 1935, 50 § 4, 437 § 4; amended, 1955, 770 § 107; revised, 1957, 777 § 40. (See 1935, 50 § 6, 437 § 8; 1955, 770 §§ 117, 123.)

SECT. 44 revised, 1935, 50 § 5, 437 § 5; amended, 1955, 770 § 108; revised, 1957, 777 § 41; 1971, 1055 § 1. (See 1935, 50 § 6, 437 § 8; 1955, 770 §§ 117, 123.)

SECT. 45 revised, 1935, 437 § 6; amended, 1955, 770 § 109; revised, 1957, 777 § 42. (See 1935, 437 § 8; 1955, 770 §§ 117, 123.)

SECT. 46 amended, 1955, 770 § 110; revised, 1957, 777 § 43. (See 1955, 770 § 117, 123.)

SECT. 48 revised, 1951, 515; amended, 1955, 770 § 111; revised, 1957, 777 § 44. (See 1955, 770 §§ 117, 123.)

SECT. 50 amended, 1955, 770 § 112; revised, 1956, 731 § 27; 1957, 777 § 45. (See 1955, 770 §§ 117, 123; 1956, 731 §§ 29-33.)

SECT. 51 revised, 1956, 731 § 28. (See 1956, 731 §§ 29-33.)

SECT. 52 amended, 1955, 770 § 113; revised, 1957, 777 § 46. (See 1955, 770 §§ 117, 123.)

SECTS. 53-56 added, 1979, 488 § 3 (relative to the imposition of the death penalty).

SECTS. 43-56 repealed, 1982, 554 § 5. (See 1982, 554 § 8.)

SECTS. 57-71 added, 1982, 554 § 6 (relative to the procedures to be followed in carrying out an execution of a person.) (See 1982, 554 § 8.)

Chapter 280. — Fines and Forfeitures.

SECT. 2, last sentence stricken out, 1934, 364 § 2; sentence added, 1935, 303 § 1; section amended, 1953, 319 § 37; fourth sentence revised, 1975, 843 § 2; section revised, 1978, 478 § 311. last sentence stricken out and two sentences inserted, 1980, 329 § 93; section revised, 1981, 351 § 118. (See 1934, 364 § 3; 1935, 303 § 2; 1953, 319 §§ 39, 40; 1978, 478 § 343; 1980, 329 § 134; 1981, 351 § 298.)

SECT. 4, paragraph added, 1974, 694 § 5; section revised, 1978, 478 § 312. (See 1974, 694 § 6; 1978, 478 § 343.)

SECT. 6 revised, 1937, 251 § 1. (See 1937, 251 § 2.)

SECT. 6A added, 1973, 1228 § 2 (creating the law enforcement and criminal justice training fund); revised, 1974, 241 § 2; third paragraph amended, 1974, 581 § 4; revised, 1977, 363A § 67. (See 1977, 363A § 76.)

SECTS. 7-11 revised, 1978, 478 § 313. (See 1978, 478 § 343.)

SECT. 8 revised, 1979, 485 § 47.

SECT. 13 revised, 1978, 478 § 314. (See 1978, 478 § 343.

SECT. 14 amended, 1979, 485 § 48.

SECT. 15 revised, 1978, 478 § 315; 1979, 485 § 49. (See 1978, 478 § 343.)

SECT. 16 amended, 1953, 319 § 38; revised, 1978, 478 § 316. (See 1953, 319 §§ 39, 40; 1978, 478 § 343.)

SECT. 26, eighth paragraph revised, 1979, 416 § 1.