

# **Recommendations of the Mosquito Control for the Twenty-First Century Task Force**

## **Appendix E: Legislation Related to Mosquito Control**

This appendix includes a compilation of legislation related to mosquito control in the Commonwealth.

### **Chapter 120 of the Acts of 2020**

<https://malegislature.gov/Laws/SessionLaws/Acts/2020/Chapter120>

### **Chapter 252: Improvements of Low Land and Swamps**

<https://malegislature.gov/laws/generallaws/partiii/titleiv/chapter252>

### **Mosquito Control Projects and Districts**

#### **Berkshire County Mosquito Control Project**

- o Created by Chapter 456 of the Acts of 1945, as amended
  - Chapter 734 of the Acts of 150; Chapter 303 of the Acts of 1959;
  - Chapter 598 of the Acts of 1963; Chapter 459 of the Acts of 1970;
  - Chapter 311 of the Acts of 1974; Chapter 119 of the Acts of 1982;
  - Chapter 105 of the Acts of 1990

#### **Bristol County Mosquito Control Project**

- o Created by Chapter 506 of the Acts of 1956, as amended
  - Chapter 432 of the Acts of 1958; Chapter 251 of the Acts of 1967;
  - Chapter 638 of the Acts of 1970; Chapter 310 of the Acts of 1974

#### **Cape Cod Mosquito Control Project**

- o Created by Chapter 379 of the Acts of 1930, as amended
  - Chapter 315 of the Acts of 1931; Chapter 250 of the Acts of 1935;
  - Chapter 309 of the Acts of 1974; Chapter 150 of the Acts of 1990

#### **Central Massachusetts Mosquito Control Project**

- o Created by Chapter 583 of the Acts of 1973, as amended
  - Chapter 489 of the Acts of 1975; Chapter 40 of the Acts of 1977

#### **Dukes County Mosquito Control Project**

- o Chapter 371 of the Acts of 1957

East Middlesex Mosquito Control Project

- o Not created by legislation, created under G.L. c. 252, Section 5A

Northeastern Massachusetts Mosquito & Wetland Management District

- o Created by Chapter 516 of the Acts of 1958, as amended
  - Chapter 638 of the Acts of 1965; Chapter 762 of the Acts of 1965;
  - Chapter 108 of the Acts of 1967; Chapter 553 of the Acts of 1967;
  - Chapter 679 of the Acts of 1970; Chapter 308 of the Acts of 1974;
  - Chapter 410 of the Acts of 1996

Norfolk County Mosquito Control Project

- o Created by Chapter 341 of the Acts of 1956, as amended
  - Chapter 307 of the Acts of 1974

Pioneer Valley Mosquito Control District

- o Not created by legislation, created under G.L. c. 252, Section 5A

Plymouth County Mosquito Control Project

- o Created by Chapter 514 of the Acts of 1957, as amended
  - Chapter 544 of the Acts of 1970; Chapter 306 of the Acts of 1974

Suffolk County Mosquito Control Project

- o Created by Chapter 606 of the Acts of 1973



**Part III** COURTS, JUDICIAL OFFICERS AND PROCEEDINGS IN CIVIL CASES

**Title IV** CERTAIN WRITS AND PROCEEDINGS IN SPECIAL CASES

**Chapter 252** IMPROVEMENT OF LOW LAND AND SWAMPS

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**Section 3** Board; investigations; reports

**Section 4** Board; power to employ engineers, etc.; expenses

**Section 4A** Proceedings under Secs. 1 to 14C; parties; petition; notice

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**Section 5B** Mosquito breeding areas; designation as public nuisance; control programs

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<b>Section 14A</b>	Reclamation districts; further improvements; procedure
<b>Section 14B</b>	Additional water power or supply; prescriptive rights; necessity of vote before development
<b>Section 14C</b>	Injury to improvements; penalty; damages
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<b>Section 19</b>	Benefits; duty of commissioner to assess
<b>Section 20</b>	Repairs
<b>Section 21</b>	Petition to mayor and aldermen or selectmen
<b>Section 22</b>	Fees
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<b>Section 24</b>	Establishment; proceedings

## Acts (2020)

### Chapter 120

#### AN ACT TO MITIGATE ARBOVIRUS IN THE COMMONWEALTH.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to forthwith make a certain change in law to allow the commonwealth to immediately respond to the significant public health risks associated with the transmission of arbovirus from mosquitoes to humans, such change being immediately necessary to carry out to accomplish important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.

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

SECTION 1. Chapter 252 of the General Laws is hereby amended by inserting after section 2 the following section:-

Section 2A. (a) Upon the written determination of the commissioner of public health that an elevated risk of arbovirus exists or may exist for the current or following year, the board, in consultation with the department of public health, may engage in preventive, management and eradication methods as it deems

necessary in any area of the commonwealth. The commissioner shall publish the determination on the department of public health's website and include a summary of the data supporting the determination. Concurrently, the commissioner shall provide notice of the determination to the joint committee on public health and the joint committee on environment, natural resources and agriculture. In carrying out its authority under this section, the board may act through any district or project duly organized under this chapter or another agency of the commonwealth or employ other professionals as the board deems necessary.

(b)(1) The board shall provide notice of the methods employed pursuant to subsection (a), including the locations, the particular product to be sprayed, any health risks associated with the product, and dates and times of aerial spraying or other wide-area emergency operations, not less than 48 hours before the application of such an operation to entities within the affected areas, including: (i) appropriate local and regional boards and commissions, including boards of health; (ii) property owners who have opted out of spraying based on exclusions pursuant to applicable regulations governing pesticide application; (iii) agricultural entities, including beekeepers, cranberry growers, certified organic farms and aquaculture facilities; and (iv) any other person who informs the board through a form made available on the board's website that they wish to be informed of aerial spraying in their region.

The board shall provide notice to all entities within affected areas as provided in the Massachusetts emergency operations response plan for mosquito-borne illnesses, as amended from time to time, including integrated pest management standard written notices to schools, day

care centers and school age child care programs. In addition, the board shall provide notice to such entities within the affected areas and to the general public by: (i) posting the notice to its website not less than 48 hours before the application; and (ii) informing local officials and the legislative representatives of the area being sprayed. Such notice shall also include the procedure for owners of property located within the spraying area, including those with property located outside of a mosquito control district, to opt out of aerial spraying or other wide area emergency operations and shall be consistent with applicable regulations governing pesticide application.

(2) The executive office of energy and environmental affairs shall develop a process for the board to permit municipalities to opt out of spraying conducted pursuant to subsection (a); provided, however, that any such process shall require municipalities to have an alternative mosquito management plan approved by the executive office. The executive office shall also provide guidance to municipalities on the formation of alternative mosquito management plans. Before approving an alternative mosquito management plan, the executive office may consider the plan's impact on regional mosquito control.

(c) Within 30 days after the application of any preventive, management or eradication methods employed pursuant to subsection (a), the board shall provide a report on its website summarizing the specific preventive, management or eradication method used, the areas that were sprayed, the number of applications, the products applied and the results of the actions.

(d) All actions taken under the authority of this section shall be designed to protect public health while minimizing, to the extent feasible, any adverse impact to the environment.

(e) If aerial spraying must be postponed due to weather conditions, notice provided before application shall remain in effect for 48 hours following the improvement of such weather conditions if postponement of aerial spraying would extend beyond the dates indicated in the initial notice; provided, however, that, to the extent reasonably possible, the board shall make a good faith effort to inform the public of any changes to the aerial spraying schedule.

SECTION 2. Section 2A of chapter 252 of the General Laws is hereby repealed.

SECTION 3. (a) There shall be a task force to be known as the mosquito control for the twenty-first century task force. The task force shall study the commonwealth's mosquito control process established under chapter 252 of the General Laws and this act and recommend comprehensive reforms of the commonwealth's mosquito control system. The task force shall consist of the following members or their designee: the secretary of energy and environmental affairs, who shall serve as chair; the commissioner of public health, who shall serve as vice-chair; the commissioner of agricultural resources; the commissioner of conservation and recreation; the commissioner of environmental protection; the director of fisheries and wildlife; and 2 representatives to be appointed by the state reclamation and mosquito control board, 1 of whom shall be a representative of a city or town

that is part of a mosquito control district and 1 of whom shall be a representative of a city or town that is not part of a mosquito control district but had significant mosquito activity in the past year.

The task force shall include 15 additional members appointed by the chair, 1 of whom shall be an academic epidemiologist with expertise in arbovirus spread and control, 1 of whom shall be an academic expert in pesticides and mosquito control, 1 of whom shall be an ecological risk assessor with a background in ecotoxicology, 1 of whom shall be commissioner of a regional mosquito control program in the commonwealth, 1 of whom shall be a superintendent, director or manager of a regional mosquito control program in the commonwealth, 1 of whom shall be an individual with a valid Massachusetts pesticide applicator license or certification, 1 of whom shall be a representative of a statewide land conservation organization, 1 of whom shall be a representative of a regional or statewide river protection organization, 1 of whom shall be a representative of a statewide wildlife protection organization, 1 of whom shall be a representative of a statewide organization representing farms and agriculture, 1 of whom shall be a representative of a statewide organization representing organic farms and agriculture, 1 of whom shall be a representative of a statewide organization representing bee keepers or groups concerned about pollinators, 1 of whom shall be a representative of a Massachusetts public water supplier and 1 of whom shall be a representative of the Massachusetts Water Works Association, Inc. and 1 of whom shall be a microbiologist with expertise in zoonotic diseases whose transmission to humans is facilitated by insects and ticks.



(b) The chairs of the joint committees on public health and the chairs of the joint committee on environment, natural resources and agriculture, or their designees, shall be observers to the task force and be invited to all meetings of the task force.

(c) All meetings of the task force shall be open to the public. The task force shall hold at least 1 public listening session. The task force shall convene its first meeting no later than August 14, 2020.

(d) The task force shall commission a study by an independent research or academic organization with expertise in the environmental and health effects of pesticides, pest management and mosquito control to complete a comprehensive evaluation of the commonwealth's mosquito control process for 2020. The evaluation shall determine the effectiveness of any spraying by examining the impact of the spraying on arbovirus diseases, the cost-effectiveness of the spraying, the impact of spraying on the environment, agriculture and wildlife and other factors.

(e) The task force shall review and make recommendations regarding: (i) facilitating the use of integrated pest management, including surveillance, public education, enhanced habitat for mosquito predators and storm water management; (ii) promoting public participation in mosquito management decisions; (iii) providing for local options regarding the use of pesticides; (iv) protecting organic agriculture from pesticide use; (v) assessing the need to update the composition of the state reclamation and mosquito control board; (vi) developing procedures to protect human and ecological health and minimize non-target impacts of mosquito pesticides, including, but not limited to, effects on persons with respiratory or

immune system illnesses, drinking water supplies, pollinators and aquatic life; (vii) promoting the use of the safest or minimum risk pesticides feasible and employing methods, including product disclosures or implementation of testing protocols and procedures, to avoid the use of pesticides containing per- and polyfluoroalkyl substances; (viii) providing for comprehensive annual evaluations of each season's mosquito control process, including the effectiveness of the process in controlling arbovirus and any effects of spraying on the environment, agriculture and wildlife; (ix) identifying known ingredients in pesticide products used for mosquito control, analyzing the ability, or lack of ability, to identify such ingredients, and making recommendations for determining such ingredients; (x) identifying the challenges, including but not limited to financial barriers, facing municipalities in joining a regional mosquito control project or district; and (xi) any other priority as determined by the task force.

(f) The task force shall file its findings, recommendations and accompanying legislation, if any, with the clerks of the house of representatives and the senate, the joint committee on public health and the joint committee on environment, natural resources and agriculture not later than October 31, 2021.

SECTION 4. Section 2 of this act shall take effect on December 31, 2022.

*Approved, July 20, 2020.*

**Part III** COURTS, JUDICIAL OFFICERS AND PROCEEDINGS IN CIVIL  
CASES

**Title IV** CERTAIN WRITS AND PROCEEDINGS IN SPECIAL CASES

**Chapter 252** IMPROVEMENT OF LOW LAND AND SWAMPS

**Section 1** GENERAL PROVISIONS

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Section 1. If it is necessary or useful (1) to drain or flow a meadow, swamp, marsh, beach or other low land held by two or more proprietors, or (2) to remove obstructions in rivers or streams leading thereto or therefrom, or (3) to eradicate mosquitoes in any area infested thereby, including, in respect to each such purpose, purposes incidental thereto, such improvements may be made as provided in this chapter.

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**Chapter 252** IMPROVEMENT OF LOW LAND AND SWAMPS

**Section 2** STATE RECLAMATION AND MOSQUITO CONTROL BOARD

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Section 2. One employee of the department of environmental protection designated by its commissioner, one employee of the department of food and agriculture designated by its commissioner, and one employee of the department of environmental management designated by its commissioner, shall constitute the state reclamation and mosquito control board, in this chapter called the board. The designation of any member of said board may be revoked at any time, and in such case or in case of the resignation or disability of any member his successor shall be designated in the same manner as in the original designation. The board shall serve in the department of food and agriculture, and the members thereof shall receive no additional compensation for service on said board, but shall be entitled to their reasonable traveling and other expenses incurred in the performance of their duties.

**Part III** COURTS, JUDICIAL OFFICERS AND PROCEEDINGS IN CIVIL CASES

**Title IV** CERTAIN WRITS AND PROCEEDINGS IN SPECIAL CASES

**Chapter 252** IMPROVEMENT OF LOW LAND AND SWAMPS

**Section 2A** PREVENTION, MANAGEMENT AND ERADICATION OF ARBOVIRUS; NOTICE OF METHODS; ALTERNATIVE MOSQUITO MANAGEMENT PLANS; REPORTS; POSTPONEMENT OF AERIAL SPRAYING

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*[ Text of section added by 2020, 120, Sec. 1 effective July 20, 2020 until December 31, 2022. Repealed by 2020, 120, Sec. 2. See 2020, 120, Sec. 4.]*

Section 2A. (a) Upon the written determination of the commissioner of public health that an elevated risk of arbovirus exists or may exist for the current or following year, the board, in consultation with the department of public health, may engage in preventive, management and eradication methods as it deems necessary in any area of the commonwealth. The commissioner shall publish the determination on the department of public health's website and include a summary of the data supporting the determination. Concurrently, the commissioner shall provide notice of the determination to the joint committee on public health and the joint committee on environment, natural resources and agriculture. In carrying out its authority under this section, the board may act through any district

or project duly organized under this chapter or another agency of the commonwealth or employ other professionals as the board deems necessary.

(b)(1) The board shall provide notice of the methods employed pursuant to subsection (a), including the locations, the particular product to be sprayed, any health risks associated with the product, and dates and times of aerial spraying or other wide-area emergency operations, not less than 48 hours before the application of such an operation to entities within the affected areas, including: (i) appropriate local and regional boards and commissions, including boards of health; (ii) property owners who have opted out of spraying based on exclusions pursuant to applicable regulations governing pesticide application; (iii) agricultural entities, including beekeepers, cranberry growers, certified organic farms and aquaculture facilities; and (iv) any other person who informs the board through a form made available on the board's website that they wish to be informed of aerial spraying in their region.

The board shall provide notice to all entities within affected areas as provided in the Massachusetts emergency operations response plan for mosquito-borne illnesses, as amended from time to time, including integrated pest management standard written notices to schools, day care centers and school age child care programs. In addition, the board shall provide notice to such entities within the affected areas and to the general public by: (i) posting the notice to its website not less than 48 hours before the application; and (ii) informing local officials and the legislative representatives of the area being sprayed. Such notice shall also include the procedure for owners of property located within the spraying area, including those with property located outside of a

mosquito control district, to opt out of aerial spraying or other wide area emergency operations and shall be consistent with applicable regulations governing pesticide application.

(2) The executive office of energy and environmental affairs shall develop a process for the board to permit municipalities to opt out of spraying conducted pursuant to subsection (a); provided, however, that any such process shall require municipalities to have an alternative mosquito management plan approved by the executive office. The executive office shall also provide guidance to municipalities on the formation of alternative mosquito management plans. Before approving an alternative mosquito management plan, the executive office may consider the plan's impact on regional mosquito control.

(c) Within 30 days after the application of any preventive, management or eradication methods employed pursuant to subsection (a), the board shall provide a report on its website summarizing the specific preventive, management or eradication method used, the areas that were sprayed, the number of applications, the products applied and the results of the actions.

(d) All actions taken under the authority of this section shall be designed to protect public health while minimizing, to the extent feasible, any adverse impact to the environment.

(e) If aerial spraying must be postponed due to weather conditions, notice provided before application shall remain in effect for 48 hours following the improvement of such weather conditions if postponement of aerial spraying would extend beyond the dates indicated in the initial

notice; provided, however, that, to the extent reasonably possible, the board shall make a good faith effort to inform the public of any changes to the aerial spraying schedule.



**Part III** COURTS, JUDICIAL OFFICERS AND PROCEEDINGS IN CIVIL  
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**Title IV** CERTAIN WRITS AND PROCEEDINGS IN SPECIAL CASES

**Chapter 252** IMPROVEMENT OF LOW LAND AND SWAMPS

**Section 3** BOARD; INVESTIGATIONS; REPORTS

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Section 3. The board may investigate the question of utilizing wet lands, including meadows, swamps, marshes, beaches and other low lands, and may ascertain what lands, if any, may advantageously be drained for agricultural or industrial uses, the protection of the public health, the utilization of deposits therein, or for other purposes. It may publish and disseminate facts of general interest ascertained in the conduct of any such investigation, and may make and publish surveys of tracts of land in need of drainage, showing their situation, areas and outlets, the best methods and the cost of draining them, the uses to which they are best adapted, and such other details as it deems advisable. It shall make an annual report.

**Part III** COURTS, JUDICIAL OFFICERS AND PROCEEDINGS IN CIVIL  
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**Title IV** CERTAIN WRITS AND PROCEEDINGS IN SPECIAL CASES

**Chapter 252** IMPROVEMENT OF LOW LAND AND SWAMPS

**Section 4** BOARD; POWER TO EMPLOY ENGINEERS, ETC.; EXPENSES

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Section 4. In carrying out the provisions of this chapter, the board may employ necessary engineers, assistants, or other agents, who may enter on land which the board desires to survey or examine. The board shall also be allowed other necessary expenses incurred in the performance of its duties.

**Part III** COURTS, JUDICIAL OFFICERS AND PROCEEDINGS IN CIVIL CASES

**Title IV** CERTAIN WRITS AND PROCEEDINGS IN SPECIAL CASES

**Chapter 252** IMPROVEMENT OF LOW LAND AND SWAMPS

**Section 4A** PROCEEDINGS UNDER SECS. 1 TO 14C; PARTIES; PETITION; NOTICE

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Section 4A. The commonwealth, acting through one or more state departments, and any city, town or district, or any combination thereof, to the extent of their ownership of any area described in section one, may be parties, in their proprietary capacity, to proceedings under sections one to fourteen C, inclusive, in respect to any purpose set forth in said section one, to the same extent as individual proprietors. Said bodies politic, or any combination thereof, may also institute proceedings under said sections in their governmental capacity, in any case where it appears that the public health, safety or convenience will be promoted by improvements to effect any of said purposes, but in such proceedings no district shall be organized, and the improvements shall be constructed and maintained as provided in section five A. The petition in such a proceeding need cover only matters pertinent to the project therein set forth, and the provisions of section five requiring that the petitioners constitute a majority ownership of the lands affected shall not apply to such petition. Individuals and corporations qualifying as proprietors may

join in any petition authorized in this section. Action by any such body politic hereunder shall be taken by the administrative head of the state department or commission, or by the mayor, selectmen, or prudential committee or other governing body, as the case may be. Notice of the hearing before said board on such a petition shall be given as provided in the first paragraph of section five to all petitioners and to the administrative heads of such state departments and commissions, mayors of such cities, selectmen of such towns, and the prudential committees or other governing bodies of such districts, as the said board may determine, and to all other known proprietors of lands to be affected by such improvements. Cities, towns and districts are hereby authorized to raise and appropriate money for such purposes.

**Part III** COURTS, JUDICIAL OFFICERS AND PROCEEDINGS IN CIVIL  
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**Title IV** CERTAIN WRITS AND PROCEEDINGS IN SPECIAL CASES

**Chapter 252** IMPROVEMENT OF LOW LAND AND SWAMPS

**Section 5** PETITION TO THE BOARD; INVESTIGATION; APPOINTMENT  
AND COMPENSATION OF DISTRICT COMMISSIONERS

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Section 5. The proprietors of any area described in section one or a majority in interest either in value or area may petition the board setting forth their desire to improve such area, the necessity or desirability of such improvements, the objects to be accomplished, a general description of the lands proposed to be affected and the names of known owners of said lands. Upon receipt of said petition and of a sum sufficient to meet its expenses therefor, the board shall proceed to make such investigations and such surveys of said lands as may be necessary to determine the approximate area and boundaries thereof, the need of the proposed improvements, the probable benefit, if any, to the public health, the agricultural or other uses to which the lands can be put and their probable value for such uses after the improvements are completed, and in general the practicability and advisability of undertaking the proposed improvements. Any unexpended balance of the amount so received shall be reimbursed to the contributors in proportion to their contributions. If such improvements appear to the board to be advisable and practicable,

the board shall give notice of the petition therefor by publication in a newspaper published in the county where the greater part of the land lies and by registered mail to each known proprietor, stating the date of a hearing to be held by the board not less than seven days after the publication of said notice and the date of mailing notices to the proprietors. After the hearing, if the board approves the proposed improvements, it shall determine whether or not the organization of a reclamation district is necessary to construct and maintain said improvements.

If the board decides that a district should be organized, it shall issue a certificate appointing three, five or seven district commissioners, who shall be sworn to the faithful performance of their duties, and shall authorize said commissioners to form a reclamation district under the following section. The board shall fix the compensation of said commissioners, which shall not exceed ten dollars for each day of actual service, and shall allow them necessary traveling expenses incurred in the performance of their duties. Such compensation and expenses shall be paid by the district and the district shall reimburse the contributors to the expenses of the board the amounts of their several contributions less any unexpended balances returned to them as hereinbefore provided, and said expenditures shall be a part of the total expense of the improvements. Any commissioner may be removed by the board for cause and the board may fill vacancies. The certificate of appointment of said commissioners shall be revoked by the board when the objects for which they were appointed have been accomplished. For the purpose of this and the eleven following sections, a mortgagor or mortgagee in possession shall be deemed a proprietor.

<b>Part III</b>	COURTS, JUDICIAL OFFICERS AND PROCEEDINGS IN CIVIL CASES
<b>Title IV</b>	CERTAIN WRITS AND PROCEEDINGS IN SPECIAL CASES
<b>Chapter 252</b>	IMPROVEMENT OF LOW LAND AND SWAMPS
<b>Section 5A</b>	IMPROVEMENTS; UNDERTAKING WITHOUT FORMING DISTRICT; COMMISSIONERS; POWERS; MOSQUITO CONTROL

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Section 5A. If the board determines that the proposed improvements should be undertaken and that their construction and maintenance may be effected without the formation of a district, and in every such case where the board is petitioned by a body politic in its governmental capacity under section four A, it shall notify all persons and bodies politic to be benefited thereby of the estimated expense of constructing the proposed improvements, including land damages, if any, and of the maintenance thereof. Upon receipt of sums of money sufficient to cover such estimated construction expense, or of any money which can be used for such purposes to the advantage of the contributors, the board shall designate an identifying name under which said improvements shall be made and shall deposit the money so received with the state treasurer, who shall hold such money in a special fund or funds for such purpose, and shall disburse the same on warrants drawn by the board. Said fund shall be known as the Mosquito and Greenhead Fly Control Fund. Notwithstanding the provisions of section twenty A of chapter fifty-nine

or any other general or special law to the contrary, the state treasurer shall assess the members of any mosquito control district up to one hundred percent of the amount determined by the board to be necessary during any fiscal year for the expenditures on behalf of said district and for the cost of the board. The board shall thereupon issue a certificate appointing one or more commissioners, who shall be sworn to the faithful performance of their duties, and shall authorize said commissioners to proceed to make the improvements, which may be made at such places, either within or without the commonwealth, as may be necessary or convenient to make the improvements effective; and said commissioners shall thereupon proceed so to do. The board shall fix the compensation of said commissioners and shall allow them their necessary travel and other expenses necessarily incurred in the performance of their duties. Such compensation and expenses shall constitute a part of the expense of making and maintaining such improvements. Any commissioner may be removed by the board for cause and the board may fill vacancies. The board may discharge the commissioners when the improvements are completed and may appoint others to care for maintenance. Any excess funds received under authority of this section shall be returned to the contributors thereof in proportion to the contributions. If the sums so estimated are not sufficient to complete such improvements, the board shall determine the amount of the estimated additional cost thereof and shall notify the original contributors of their shares of such additional cost. The board shall instruct the commissioners not to continue with such improvements until such additional funds are received by the board, and such commissioners, after receipt of such instructions, shall incur no further expense in connection with such improvements until authorized so to do by the board. If one or more, but less than all, of several



petitioners provide their respective proportions of the fund estimated as necessary to make such improvements, the board may appoint commissioners to make such portion of such improvements as, in its opinion, will benefit the contributors. For the purpose of effecting such improvements and providing for their maintenance as provided in this section, the board shall have all the powers conferred by sections two, three, four, five, except the last paragraph thereof, and eight, and the commissioners by it appointed shall have all the powers conferred upon district commissioners under sections twelve and thirteen, including the power to purchase land for the construction of buildings thereon and the purchase of other property for the purpose of storage and maintenance of equipment and other related uses and all construction and erection of buildings on such lands shall be subject to the provisions of section forty of chapter one hundred and thirty-one, where applicable, when taking by eminent domain, land or other property or any interest therein, the commissioners so appointed shall take or acquire the same in the name and on behalf of the city or town wherein the land or other property or interests are situated, but not until such city or town has duly authorized such taking, has assumed all liability for damages therefor and has complied with all provisions of law applicable to land takings by cities or towns. All amounts for which a city or town may be liable hereunder, together with interest and costs, may be contributed by persons or bodies politic benefited by such improvements in proportion to their respective benefits or otherwise. Any city or town included in an area designated by an identifying name, under any general or special law, as a mosquito control project for the purposes of this section, which has withdrawn from membership in such project may, with the approval of the board and upon such conditions as the board may prescribe, vote to become a

member of the existing mosquito control project within its area.

Notwithstanding any general or special law to the contrary, all mosquito control projects constituted hereunder shall be assessed annually by the Mosquito and Greenhead Fly Control Fund relative to their proportional share of expenses for the administration of the state reclamation board.

Notwithstanding the provisions of any general or special law to the contrary, expenditures and other financial uses charged to said fund shall not be subject to appropriation, and shall include salaries and other costs of state employees, operational expenses, acquisition of capital equipment and property, and other expenses deemed necessary to the state reclamation board's successful operation as determined by the director of said board. Revenue and other financial sources credited to said fund shall include funds made available pursuant to this chapter, and interest income from investments made by the treasurer on behalf of the fund. For the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, notwithstanding the provisions of any general or special law to the contrary, the board may incur expenses and the comptroller may certify for payment amounts in anticipation of receipts. The board shall annually certify to the comptroller that expenditures for the fiscal year do not exceed related assessments. The certification shall not give the board the authority to modify the budget approved by a mosquito control project without the mosquito control project's approval.

Notwithstanding the provisions of subsection (f) of section 6B of chapter 29 of the General Laws, the Mosquito and Greenhead Fly Fund, and any expenditure accounts associated with the fund, shall not be subject to indirect cost assessments by the comptroller.

**Part III** COURTS, JUDICIAL OFFICERS AND PROCEEDINGS IN CIVIL CASES

**Title IV** CERTAIN WRITS AND PROCEEDINGS IN SPECIAL CASES

**Chapter 252** IMPROVEMENT OF LOW LAND AND SWAMPS

**Section 5B** MOSQUITO BREEDING AREAS; DESIGNATION AS PUBLIC NUISANCE; CONTROL PROGRAMS

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Section 5B. The board of health of a city or town not included in an area designated by an identifying name for the purpose of section five A, or the commissioners appointed to make improvements on behalf of a mosquito control district under such a name, as provided in said section, may determine any area infested by mosquitoes, or likely to produce mosquitoes within the limits of any such city or town or of such district, to be a public nuisance, and may serve upon the owner, occupant or person in charge of such area, written notice of the presence of such nuisance with a statement that such mosquitoes cause a public nuisance, together with directions to abate the same, giving the methods of treatment for the abatement thereof, and stating a time within which the nuisance shall be abated in accordance with the methods given therein. If the person so notified refuses or neglects to abate such nuisance the board of health or the commissioners, as the case may be, may abate such nuisance in such manner as may be approved by the board, and may maintain such works as may be necessary to prevent its recurrence, and

said boards of health or commission may employ all necessary assistants for this purpose, who may enter upon public or private property, if such entry is necessary for this purpose.

The board of health may delegate its authority to another agency; provided, however, that said board shall notify the state reclamation board of such delegation; and, provided further, that said agency shall annually file a detailed report of its mosquito control program with said reclamation board.

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**Chapter 252** IMPROVEMENT OF LOW LAND AND SWAMPS

**Section 6** RECLAMATION DISTRICT; FORMATION

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Section 6. The district commissioners, in this and the ten following sections called the commissioners, after being sworn, shall call a meeting of the proprietors of the lands to be improved, by giving in such manner as the board may order, a notice to each known proprietor, signed by the commissioners and setting forth the time and place of a meeting for the purpose of organizing a reclamation district to carry out the proposed improvements and maintain the same after they are completed. The notice shall be in the form of a warrant specifying the matters upon which action is to be taken at the meeting. The chairman of the commissioners or another commissioner designated by him shall call the meeting to order and shall determine whether or not proprietors constituting a majority in interest, in either value or area, are present or represented by proxies duly executed and placed in the hands of other proprietors prior to said meeting. Lacking such a majority, the meeting shall have no power to act, but the commissioners may, in the manner above provided, call additional meetings for the same purpose. The meeting shall elect a temporary clerk, who shall be sworn, and a moderator. The moderator

shall submit to the proprietors present the question of accepting sections one to fourteen B, inclusive, and of organizing a reclamation district, and if a majority of those present in person or by proxy and voting on the question, vote to accept and to organize such district the provisions of said sections shall take full effect. The vote shall be recorded and a copy thereof shall be filed with the board. The meeting may then proceed to act upon the other articles, if any, contained in the warrant. Such district shall at the same meeting elect by ballot a district clerk and a district treasurer, who may be the same person, to hold office until one year from the next succeeding annual meeting and at each annual meeting after the first a clerk and treasurer shall be elected by ballot for one year. There shall also be elected by ballot a prudential committee of three members who shall hold office, one for three years, one for two years, and one for one year, from the next succeeding annual meeting. At each annual meeting after the first a member of said committee shall be elected by ballot for three years. The aforesaid officers of the district shall hold office until their successors are elected and qualified. The district may also, at the first or any subsequent meeting, borrow for preliminary or current expenses such sums as may be necessary and may issue therefor notes payable in not more than two years from their dates. Notes issued under this provision shall be subject to the provisions of chapter forty-four and to the other requirements for district notes imposed by section ten. The proceeds of such notes shall be held by the treasurer of the district, and payments therefrom shall be made only on vouchers duly approved by a majority of the prudential committee.

Subsequent meetings of the district shall be called by the clerk at the request of the commissioners or any two or more proprietors, or, in case the clerk neglects or refuses to call a meeting when so requested such

meeting may upon application by said commissioners or two or more proprietors be called upon a warrant from a justice of the peace directed to one of the applicants and requiring him to give notice of said meeting as hereinafter provided. Notices of meetings shall be given by posting copies of the warrant in two or more public places within the district or by mailing copies of said warrant to each known proprietor at least seven days before the time set for the meeting. At each meeting a moderator shall be chosen who shall have the powers of the moderator of a town meeting so far as may be necessary. The clerk shall preside at each meeting after the first until a moderator is chosen.

The officers of the district shall be sworn to the faithful performance of their duties. Any vacancy occurring in the office of clerk, treasurer, or member of the prudential committee may be filled by the district for the remainder of the unexpired term at any legal meeting called for the purpose, or in case of a vacancy in the office of clerk or treasurer or disability affecting either of said officers the prudential committee may appoint a person to fill said vacancy until an election can be held or the disability is removed. Such temporary appointee shall be sworn and shall perform the duties of the office to which he is appointed during his tenure thereof.

The prudential committee shall have charge of expenditures on account of the district for maintenance of the improvements made under sections one to fourteen B, inclusive, and shall exercise the authority conferred upon the district by law except as otherwise expressly provided, and subject to the by-laws of the district and such instructions, rules and regulations as the district may impose by its vote.

The treasurer shall give bond for the faithful performance of his official duties in a sum and with sureties approved by the prudential committee. He shall receive all money belonging to the district except as otherwise specified in this and the ten following sections and shall make payments and account for the same in accordance with the requirements of sections one to fourteen B, inclusive, and of chapter forty-four so far as applicable, under direction of the district or of the prudential committee. A temporary treasurer appointed to fill a vacancy, as above provided, shall give bond in the same manner as the treasurer.

A district organized under the provisions of this section may adopt by-laws consistent with the laws applicable to such district and subject to the approval of the board. Such by-laws may provide for proxy voting by the members at any or all meetings of the district. The district shall have such rights and powers as may be necessary and proper for operating and maintaining the improvements made by the commissioners, and for making, operating and maintaining such further improvements as may be authorized under section fourteen A. The members of the district shall be the proprietors from time to time of lands lying within its limits. No such district shall dissolve without specific authorization by the general court, which shall not be given until provision has been made for payment of the obligations of said district.



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**Chapter 252** IMPROVEMENT OF LOW LAND AND SWAMPS

**Section 6A** RECLAMATION DISTRICT; LIABILITY INSURANCE

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Section 6A. Any district established under this chapter may pay a proper charge for effecting insurance providing an indemnity or protection of such district or of any officer or employee of such district, whose services as such is approved by the commissioners thereof, against loss by reason of liability to pay damages to others for bodily injuries, including death at any time resulting therefrom, or for damage to property caused by any act which is within the scope of his official duties or employment including the operation of any motor or other vehicle equipment or vessel owned or leased by such district, and to pay the proper charge for effecting insurance to cover the district's liability to pay workers' compensation and to pay the proper charge to prevent loss by reason of destruction or damage to buildings or personal property by fire or other causes normally covered by fire insurance policies, and to pay the proper charge for effecting insurance to prevent loss by reason of damage to motor vehicles owned by such district.

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**Section 7** SURVEYS AND INVESTIGATIONS; EXPENSE OF IMPROVEMENTS; HEARINGS; RECORDING OF IMPROVEMENTS

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Section 7. As soon as the district shall have been organized under the provisions of section six the commissioners shall, under the direction of the board, cause the necessary surveys and investigations to be made and shall prepare a plan showing in detail the boundaries of the district and the improvements to be effected. On the basis of such surveys and investigations the commissioners shall prepare an estimate of the total expense of the proposed improvements and shall determine the percentage of such expense to be paid by each proprietor, based on the estimated special benefit to his land in excess of the damage thereto by the use thereof for the proposed improvements. If such damage to the land of any proprietor exceeds the special benefit thereto they shall award him damages for such excess. They shall report their plan, estimate and determination to the board, which shall approve, disapprove or modify such plan and estimate. The commissioners shall also notify each proprietor of such determination by delivering a copy thereof at his

residence or by sending the same by registered mail to his last known address and shall certify to the board the date on which such notice is given. If any proprietor is aggrieved by the determination of the commissioners he may, within fifteen days after notice thereof, file with the board his objections thereto and if no such objections are filed by any proprietor within the fifteen days above specified then the determination of the commissioners shall be final. The board shall, within thirty days after receiving notice of objections by any proprietor against the determination, notify all the proprietors that such objections have been received and shall hold a hearing thereon, but such hearing shall not be held within seven days after notice is given to all the proprietors that objections have been filed. If objections are made by more than one proprietor all such objections shall be considered in one hearing. After such hearing the board may confirm or modify the determination and shall notify the proprietors of its decision. If any proprietor is dissatisfied with the action of the board he may petition the superior court in the county in which the greater part of the land included within the district is situated, making all the proprietors who have not joined in his petition parties respondent and praying for a revision of such decision, provided that such petition shall be entered not later than thirty days after notice of the decision. The court sitting without jury shall hear the petition and shall confirm or alter the percentages previously determined to be payable by any or all said proprietors, as justice may require. Such petition shall not operate to suspend or delay other proceedings by the board or commissioners on the land to be improved. The expenses incurred under this section shall constitute a part of the total expense of the improvements and shall be paid by the district in the same manner as the remainder of such expense.

As soon as the percentages payable as aforesaid by said proprietors in the case of original and of further improvements have been finally determined in accordance with this section the board shall on behalf of the reclamation district cause to be recorded in the registry of deeds of every county or district in which the benefited area is situated a description sufficiently accurate for identification of such area, a copy of a plan to which reference shall be made and also an estimate of the total amount to be assessed on each parcel of land within such area, all as set forth in section two of chapter eighty. No original or further improvements shall be approved by the board until after such recording.

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**Section 8** EXPENSES; CONTRIBUTION BY STATE

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Section 8. Should the board be of the opinion that a part of the expense of the improvements made under sections one to fourteen B, inclusive, should be paid by the commonwealth for the benefit of the public health of said commonwealth as a whole it shall estimate the amount which in its opinion should be so paid and shall include the same in its estimates under section four of chapter twenty-nine.

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**Chapter 252** IMPROVEMENT OF LOW LAND AND SWAMPS

**Section 9** MEETING; CHOOSING METHOD OF FINANCING; BONDS

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Section 9. As soon as possible after the recording of the description, plan and estimate as provided in section seven, the commissioners shall request the clerk to call a meeting of the district for the purpose of deciding upon a method of financing such improvements in accordance with this or the following section; provided, that the commissioners may in their discretion insert an article covering this question in the warrant for the meeting called to organize the district and the district at said meeting or any adjournment thereof may decide upon a method of financing. Any action under this chapter which involves expenditure by the district shall require a vote of proprietors representing a majority in interest both in acreage and value of the area included in the district. The commissioners shall, if the district so votes, petition the county commissioners of the county where the greater part of the land lies, annexing a certified copy of the petition under section five and of the determination of the board thereon, and a statement of the estimated expense of the proposed improvements and shall request the county commissioners to vote to pay in the first instance the total expense

involved in making the improvements approved by the board, and the said county commissioners may so vote. To defray any expense incurred by said county commissioners under such vote, the county treasurer, with the approval of the county commissioners, may issue bonds or notes of the county to an amount not exceeding such expense, payable in such period, not exceeding twenty-five years from their dates of issue, as the county commissioners may determine. Such bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. The county may sell the said securities at public or private sale upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. The first payment on account of the principal may, if the county commissioners so decide, be deferred for not more than five years after the date of issue of the bonds or notes, but such bonds or notes shall be subject to the provisions of chapter thirty-five except as otherwise provided herein. Payments on account of principal and interest shall be made by the county and repaid to the county by the district.

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<b>Section 10</b>	FINANCING; POWER OF DISTRICT TO ADOPT ALTERNATIVE METHODS

---

Section 10. The district may vote to adopt any of the three methods of financing hereinafter specified. (1) If all the members of the district agree, the district may raise by assessments upon the proprietors or by voluntary contributions and deposit with the state treasurer the total sum required to meet the estimated expense of the improvements. Such deposits shall be held by the state treasurer to the credit of the district, and payments shall be made therefrom as provided in section fourteen. (2) The district may pay the whole expense of the improvements from time to time as the work is performed and for this purpose may incur debt by a temporary loan in anticipation of the collection of assessments from the members of the district during the calendar year in which said debt is incurred or during the next succeeding calendar year. (3) The district may incur debt to the amount necessary to pay the estimated expense of the proposed improvements and may issue therefor notes or bonds, and may, if the board approves, issue notes or bonds on the condition that the first payment on account of the principal shall be deferred for a period of not



more than five years from the date of issue of such notes or bonds and that the whole amount of such debt shall be payable within a period of not more than twenty-five years after such notes or bonds are issued.

Indebtedness incurred by the district under the provisions of this section or of section fourteen A shall be subject to chapter forty-four and to other provisions of the General Laws applicable to notes and bonds of districts except as otherwise provided in sections one to fourteen B, inclusive.

Money received from the sale of notes or bonds issued under this section shall be deposited with the state treasurer and held by him to the credit of the district. If the district issues notes or bonds and thereafter the general court makes an appropriation to cover such part, if any, of the expenses of the improvements as it shall deem to be for the benefit of the public health of the commonwealth as a whole, the state treasurer may, in his discretion, make all or any part of such appropriation available to redeem notes or bonds of the district and shall hold the balance, if any, to the credit of the district to be used for payment of the expense of the improvements. If, after payment of the total expense of the improvements, money remains in the hands of the state treasurer to the credit of the district the same shall be paid to the treasurer of the district and shall be used to redeem outstanding notes or bonds which shall be cancelled by said district treasurer and not reissued. Bonds or notes issued under this section shall be the general obligations of the district by which they are issued.

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**Section 11** ASSESSMENTS; COLLECTIONS

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Section 11. The clerk of the district shall certify to the assessors of the town or towns in which the land of the district lies all sums of money voted to be raised and all sums payable annually on account of the principal and interest due on bonds or notes issued under the provisions of section nine or ten, together with the amount to be paid by each proprietor according to the determination made under section seven, and said clerk shall also file an attested copy of such certification with the board. The amounts so certified shall be assessed upon the lands of the several proprietors within the area, and be committed to the collector of taxes of the town wherein the land assessed is situated, who shall have and exercise the same powers and duties in relation to the collection of such assessments as he has and exercises relative to the collection of town taxes. The collector shall remit weekly to the district treasurer all sums collected by him on account of such assessments. An assessment made hereunder shall be a lien upon the land assessed therefor, and such

lien shall take effect upon the recording of the description, plan and estimate under section seven, and shall continue for a period of two years from July first of the year of assessment.

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**Section 12** COMMISSIONERS; POWERS AND DUTIES

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Section 12. If sections one to seven, inclusive, have been complied with, and payment of the expense of the improvements has been arranged under section nine or ten, the commissioners shall carry out said improvements in such manner as the board may approve. The commissioners may employ suitable persons to perform the work under their direction. So far as may be necessary to effect the improvements as approved by the board, the commissioners may take on behalf of the district, in the manner provided by chapter seventy-nine, lands, easements and rights in lands, if the improvements are for a public use, and may purchase and convey real and personal property both within and beyond the limits of the commonwealth. Any person damaged in his property by any action under this or the following section may recover his damages from the district in the manner provided by said chapter seventy-nine and such damages shall constitute a part of the total expense of the improvements.

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**Section 13** ERECTION OF TEMPORARY DAMS; AGGRIEVED PARTIES;  
NOTICE; APPEAL

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Section 13. If the commissioners find it necessary or expedient to lower or raise the water to obtain a view of the land or for the more convenient or expeditious removal of obstructions, they may open the flood gates of any mill or make other needful passages through or around the dam thereof, or erect a temporary dam on the land of a person not a party to the proceedings, and may maintain such dam or passages as long as necessary for such purposes; but before so doing, they shall give to such person reasonable written notice of their intention. If such person appeals from their decision and gives reasonable written notice thereof to any commissioner, the commissioners shall suspend all proceedings upon his land until such appeal is determined; provided, that the petition therefor is entered in the superior court for the county where the greater part of the land improved lies not later than thirty days after the time of giving such notice.

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**Section 14** EXPENSES; SUBMISSION TO THE BOARD; APPROVAL;  
PAYMENT

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Section 14. The commissioners shall at least once a month at such time as the board may require submit to it the accounts and vouchers for expenses incurred in meeting the cost of required improvements under sections one to fourteen B, inclusive. Such accounts and vouchers shall be inspected by the board and if it approves the same it shall forward them to the county treasurer or to the state treasurer, as the case may be, for payment from any funds which may be available for the purpose. Expenses for maintenance or for further improvements incurred under the direction of the prudential committee of the district as provided in section fourteen A shall be paid by the district treasurer on presentation by the prudential committee of accounts and vouchers for such expenses; provided, that accounts and vouchers for expenses incurred in connection with further improvements shall be subject to the approval of the board before payment. The commissioners appointed under section fourteen A

to make further improvements shall present their accounts and vouchers to the board for approval in the same manner as the commissioners appointed under section five to make the original improvements.

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**Chapter 252** IMPROVEMENT OF LOW LAND AND SWAMPS

**Section 14A** RECLAMATION DISTRICTS; FURTHER IMPROVEMENTS;  
PROCEDURE

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Section 14A. A reclamation district organized under this chapter may from time to time at a legal meeting called for the purpose, vote to undertake further improvements within the district, to raise money by assessment to meet the expense thereof and to incur debt therefor in the manner provided by section ten. Such vote shall not be passed until after completion of the original improvements. The district may also vote to request the board to appoint commissioners to carry out the proposed further improvements. Such commissioners shall be appointed by certificate of the board as provided in section five. The district may, however, authorize its prudential committee to carry out such further improvements. The commissioners or prudential committee acting under this section shall have and exercise, so far as necessary, the powers of commissioners appointed under section five to make original improvements. The clerk of the district shall notify the board of the vote taken and the commissioners or prudential committee shall submit to the board within a reasonable time the plan or plans for such improvements,



which shall not be undertaken until the board approves the same. The district may assess upon its members such sums as may be necessary to pay for improvements so voted and for the maintenance of all improvements made under sections one to fourteen B, inclusive, in the manner provided in section eleven for assessment of the expense of the original improvements. Such assessment shall be subject to the same provisions as the assessment authorized in said section eleven, shall be collected in the same manner and shall be paid to the treasurer of the district.

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**Section 14B** ADDITIONAL WATER POWER OR SUPPLY; PRESCRIPTIVE  
RIGHTS; NECESSITY OF VOTE BEFORE DEVELOPMENT

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Section 14B. No person obtaining an additional water power or water supply by the doing of any work contemplated by sections one to fourteen B, inclusive, shall gain a prescriptive right to the use thereof, nor be entitled to any compensation for the taking thereof under said sections by the removal of any dam or flashboards or by the changing of the height or dimensions of any dam. No water power may be developed in a reclamation district organized under this chapter except by vote of the district and approval by the board.

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**Section 14C** INJURY TO IMPROVEMENTS; PENALTY; DAMAGES

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Section 14C. Whoever obstructs or injures any ditch, tide gate, dike or other structure constructed or used for any purpose authorized by any provision of sections one to fourteen B, inclusive, shall be punished by a fine of not less than ten dollars. The state reclamation board may also recover, in the name of the commonwealth, for any such obstruction or injury, in an action of contract, the amount of the damages sustained by reason thereof, and the provisions of section five A, relative to the disposition of money therein referred to, shall govern the disposition of money recovered in such action.

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<b>Section 14D</b>	PERSONNEL DECISIONS BY MOSQUITO CONTROL PROJECTS AND MOSQUITO CONTROL DISTRICTS

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Section 14D. Mosquito control projects and mosquito control districts shall have sole authority in all personnel decisions including, but not limited to, the following: the hiring and firing of personnel; the establishment of rates of compensation for personnel representative of the regional economy; and the hiring of appropriate outside professionals deemed necessary to carry out and fulfill statutory obligations.

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**Chapter 252** IMPROVEMENT OF LOW LAND AND SWAMPS

**Section 15** GENERAL PROVISIONS

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Section 15. A town or person owning low land, ponds, swamps, quarries, mines or mineral deposits, which, on account of adjacent lands belonging to other persons or occupied as a highway, cannot be approached, worked, cultivated, drained or used to advantage in the ordinary manner without crossing such land or highway, may construct roads, drains, ditches, tunnels and railways thereto and, when the construction of such improvements is required by public convenience and necessity, may take the land of such other persons for the location of such improvements as hereinafter provided.

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**Section 16** PETITION; SECURITY

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Section 16. A party desiring to make such improvements shall file a petition therefor with the county commissioners for the county where the greater part of the land lies, setting forth the names of the persons interested, if known to the petitioner, and also in detail the nature of the proposed improvement and the situation of the adjoining land. The petitioner shall give such county security satisfactory to the commissioners that he will indemnify such county from all damages and charges which it is obliged to pay by reason thereof.

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**Section 17** NOTICE

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Section 17. The commissioners at their first meeting after the filing of the petition shall order notice of the time and place of meeting, to consider the petition, to be published once in each of three successive weeks in a newspaper, if any, published in the county; otherwise, in a newspaper published in an adjacent county. They shall also give notice thereof to the clerk of each town where the land lies.

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**Section 18** LAYING OUT; TAKING; DAMAGES

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Section 18. If, after examination, inspection and a hearing, they find that the improvements prayed for are required by the public convenience and necessity they shall so lay out and establish the same as to do as little injury as practicable, and if it is necessary to take private property for such improvements may take it on behalf of such county under chapter seventy-nine. Any person sustaining damage in his property by the laying out or establishment of such improvements shall be entitled to recover the same under said chapter.



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**Section 19** BENEFITS; DUTY OF COMMISSIONER TO ASSESS

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Section 19. The commissioners shall assess the amount awarded as damages upon the persons for whose use the improvements are to be made, in proportion to the benefit to be received by each; but no person shall be assessed an amount greater than the benefit to be received by him. The provisions of chapter eighty relative to the abatement and collection of betterments shall apply to assessments made under this section.

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**Section 20** REPAIRS

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Section 20. If it is necessary to repair an improvement so made, a majority of the persons benefited by it may cause such repairs to be made, and may by bill in equity compel contribution on the basis of the award from the owner of each parcel of land for the use of which the improvement was made.

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**Section 21** PETITION TO MAYOR AND ALDERMEN OR SELECTMEN

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Section 21. If the land mentioned in section fifteen lies entirely in one town, the petition may be made to the mayor and aldermen or selectmen thereof, who shall proceed thereon in all respects as above provided for county commissioners, except that they need not give notice to their town. Such petition shall be filed in the office of the town clerk before proceedings are had thereon; and the petition with the order thereon shall be recorded in said office within two months after the order has been made.

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**Section 22** FEES

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Section 22. The mayor and aldermen or selectmen shall each receive two dollars for each day's service upon such petition, and the city or town clerk shall receive for recording a petition or order thereon the fee provided by clause (68) of section thirty-four of chapter two hundred and sixty-two.

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**Section 23** APPEAL

---

Section 23. A party aggrieved by the refusal of the mayor and aldermen or selectmen to make such order, may, within one year thereafter, petition the county commissioners, who shall thereupon proceed in all respects as though the petition had been originally filed with them.

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**Chapter 252** IMPROVEMENT OF LOW LAND AND SWAMPS

**Section 24** ESTABLISHMENT; PROCEEDINGS

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Section 24. With the approval of the state reclamation board, hereinafter called the board, any city or town along the seacoast of the commonwealth may, in a city by vote of the city council and in a town by vote of the selectmen, establish a greenhead fly control project within its area, and any two or more adjoining such cities or towns may, by like votes, form a district within their combined areas.

In those areas where district greenhead fly control projects have been formed, the board shall appoint three district commissioners, who shall be sworn to the faithful performance of their duties. The board shall fix the compensation of said commissioners at a sum not to exceed five dollars per day of actual service, and shall allow them actual traveling and other expenses incurred in the performance of their duties. Such compensation and expenses shall be charged to and paid by the district. Any commissioner may be removed by the board for cause and the board may fill vacancies. The certificate of appointment of said commissioners

shall be revoked by the board when the objects for which they have been appointed have been accomplished. The duties of the commissioners shall be established by the board.

The votes of said cities and towns to form a district shall be binding for a period of not longer than five years, and any city or town having voted to form a district may withdraw from the district, on any anniversary date of its original vote in paragraph one, by like vote not more than sixty days nor less than ten days prior thereto and notification to the board.

Any city or town may, with the approval of the board, vote as in paragraph one to become a member of an existing district greenhead fly control project.

The city, town or district shall determine the maximum annual amount to be expended in carrying out its individual project, and shall forthwith notify the board of such determination.

In the case of a district greenhead fly control project the maximum annual cost shall be determined by the commissioners, and the board shall determine the proportionate share of such annual cost, which shall be borne by each of the constituent municipalities, apportioned as hereinafter set forth, and shall forthwith notify the treasurer of each member city or town of such determination.

One third of such cost shall be borne by the several municipalities within a district in proportion to the entire salt marsh area contained within their respective boundaries, a similar one third based on the foregoing provision shall be borne by the commonwealth, subject to appropriation, and further subject to the direction and control of the board, and the remaining one third of such cost shall be borne by the several municipalities within the district in proportion to their respective taxable

valuations as last established by the general court as a basis of apportionment for state and county taxes. A city or town establishing such a project within its area shall bear the entire cost thereof.

Each of the municipalities comprising such a district shall pay its share of such cost, as so determined, and each city or town establishing such a project shall pay its entire cost, into the state treasury. Any city, town or district may in any year anticipate its liability for such cost, and may raise, appropriate and deposit the amount thereof with the state treasurer, and any sums so deposited shall be credited against its said liability.

Subject to appropriation, there shall annually be expended from the state treasury, under the direction and control of the board, and, where necessary or advisable, in advance of the payment by any city or town of the amount of its liability under the foregoing paragraph, sums not in the excess of the maxima respectively established for said projects, for the elimination or control of the greenhead fly nuisance within the area of each, in accordance with such plans and by means of such methods of control as may be prepared and devised by the board to effect the greatest measure of relief. There may also be disbursed for the furtherance of such a project any other sums voluntarily deposited with the state treasurer by any persons, groups or associations for said project purposes.



## **Mosquito Control Projects and Districts**

- Berkshire County Mosquito Control Project
  - Created by Chapter 456 of the Acts of 1945, as amended
    - Chapter 734 of the Acts of 150; Chapter 303 of the Acts of 1959; Chapter 598 of the Acts of 1963; Chapter 459 of the Acts of 1970; Chapter 311 of the Acts of 1974; Chapter 119 of the Acts of 1982; Chapter 105 of the Acts of 1990
- Bristol County Mosquito Control Project
  - Created by Chapter 506 of the Acts of 1956, as amended
    - Chapter 432 of the Acts of 1958; Chapter 251 of the Acts of 1967; Chapter 638 of the Acts of 1970; Chapter 310 of the Acts of 1974
- Cape Cod Mosquito Control Project
  - Created by Chapter 379 of the Acts of 1930, as amended
    - Chapter 315 of the Acts of 1931; Chapter 250 of the Acts of 1935; Chapter 309 of the Acts of 1974; Chapter 150 of the Acts of 1990
- Central Massachusetts Mosquito Control Project
  - Created by Chapter 583 of the Acts of 1973, as amended
    - Chapter 489 of the Acts of 1975; Chapter 40 of the Acts of 1977
- Dukes County Mosquito Control Project
  - Chapter 371 of the Acts of 1957
- East Middlesex Mosquito Control Project
  - Not created by legislation, created under G.L. c. 252, Section 5A
- Northeastern Massachusetts Mosquito & Wetland Management District
  - Created by Chapter 516 of the Acts of 1958, as amended
    - Chapter 638 of the Acts of 1965; Chapter 762 of the Acts of 1965; Chapter 108 of the Acts of 1967; Chapter 553 of the Acts of 1967; Chapter 679 of the Acts of 1970; Chapter 308 of the Acts of 1974; Chapter 410 of the Acts of 1996
- Norfolk County Mosquito Control Project
  - Created by Chapter 341 of the Acts of 1956, as amended
    - Chapter 307 of the Acts of 1974
- Pioneer Valley Mosquito Control District
  - Not created by legislation, created under G.L. c. 252, Section 5A
- Plymouth County Mosquito Control Project
  - Created by Chapter 514 of the Acts of 1957, as amended
    - Chapter 544 of the Acts of 1970; Chapter 306 of the Acts of 1974
- Suffolk County Mosquito Control Project
  - Created by Chapter 606 of the Acts of 1973

8.

***BERKSHIRE  
COUNTY***

wealth for at least twelve months preceding the date of such application and that preference shall be given to citizens of the commonwealth. *Approved June 25, 1945.*

**Chap. 454 AN ACT FURTHER REGULATING THE ADMISSION OF PATIENTS TO THE MONSON STATE HOSPITAL.**

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

G. L. (Ter. Ed.), 123, § 87, etc., amended.

Monson state hospital, admission to, etc., regulated.

Chapter one hundred and twenty-three of the General Laws is hereby amended by striking out section eighty-seven, as amended by section eleven of chapter five hundred of the acts of nineteen hundred and thirty-nine, and inserting in place thereof the following section: — *Section 87.* The superintendent of the Monson state hospital may receive and detain therein as a patient any person who is certified to be subject to epilepsy by a physician qualified as provided in section fifty-three, and who desires to submit himself to treatment and makes written application therefor, and whose age and mental condition are such as to render him competent to make such application, or for whom application is made by a parent or guardian. No such patient shall be detained more than ten days after having given written notice of his intention or desire to leave the hospital. Upon the patient's reception at the hospital, the superintendent shall report the particulars of the case to the department, which may investigate the same. Such papers shall be void if said person shall not be received at the hospital within sixty days from the date of the signing of the medical certificate. *Approved June 25, 1945.*

**Chap. 455 AN ACT PROVIDING THAT CERTAIN PERSONS SERVING A PROBATIONARY PERIOD OR SERVING AS MILITARY SUBSTITUTES IN THE PUBLIC SERVICE SHALL, IN CASE OF INJURY, BE ENTITLED TO CERTAIN BENEFITS.**

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

Notwithstanding the provisions of any general or special law to the contrary, if a person who is serving a probationary period or serving as a military substitute suffers an injury while in the public service he shall be entitled to the benefits of the retirement system applicable to his position to the same extent as though he were a member thereof.

*Approved June 25, 1945.*

**Chap. 456 AN ACT CREATING A MOSQUITO CONTROL PROJECT IN BERKSHIRE COUNTY.**

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

SECTION 1. The area included in the cities and towns comprising the county of Berkshire is hereby constituted a mosquito control project under section five A of chapter two hundred and fifty-two of the General Laws, to the same ex-

tent as if so constituted by the state reclamation board acting under said section five A, and the improvements herein authorized shall be undertaken under the identifying name of the Berkshire County Mosquito Control Project. Beginning with the fiscal year commencing on July first, nineteen hundred and forty-five, to meet the expenses incurred under this act there shall annually be expended from the state treasury, subject to appropriation, sums equal, in the aggregate, to thirty-five cents on each one thousand dollars of the taxable valuations of all such cities and towns, and the sums so expended shall be assessed by the state treasurer on said cities and towns in proportion to their said valuations as additions to their respective quotas of the state tax next to be assessed; provided, that any such city or town may in any year anticipate in whole or in part its assessment, and appropriate, raise and deposit the amount thereof with the state treasurer, and any sum so deposited shall be credited against such assessment. There may also be expended for the purposes of this act voluntary contributions for such purposes deposited in the state treasury.

SECTION 2. The funds appropriated and deposited as aforesaid shall be expended for the investigation of mosquito control works, and the construction and maintenance thereof, in said county, under the direction and supervision of the state reclamation board in accordance with such known methods as in its opinion will effect the greatest measure of relief. *Approved June 25, 1945.*

**AN ACT PROVIDING FOR CONSIDERATION AND REPORT BY THE COMMISSION ON ADMINISTRATION AND FINANCE RELATIVE TO THE FIXING OF HOURS OF EMPLOYMENT OF STATE EMPLOYEES.**

**Chap. 457**

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

Section seven of chapter seven of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "fixing" in the tenth line the words: — hours of employment and, — so as to read as follows: — *Section 7.* The commission shall inquire into the business affairs of the commonwealth and the laws governing them, and shall consider the possibility of promoting economy and efficiency and avoiding useless labor and expense therein. It shall recommend to the governor and council and to the general court, if in session, such measures as in its judgment will tend to accomplish this result. It shall consider and report upon the following questions among others: changes in the laws relating to matters of finance, reorganization, consolidation or co-ordination of departments and institutions, changes in methods of administration, classification of employees, fixing hours of employment and maximum and minimum salaries and standardizing vacations. *Approved June 25, 1945.*

G. L. (Ter. Ed.), 7, § 7, amended.

Duties of commission relative to promoting economy, efficiency, etc.

Discharge of  
certain per-  
sons from  
certain  
institutions.

mate of a department for defective delinquents," — so as to read as follows: — *Section 89B.* If, at said hearing, the contention of the petitioner is sustained, the probate court may order the immediate discharge of such person and file a copy of such order with the commissioner of mental health or the commissioner of correction, as the case may be, and such person shall thereupon be discharged accordingly. If such contention is not sustained, such person shall be remanded to the custody or supervision of the department of mental health or to the department for defective delinquents; provided, that the probate court may, in lieu of such immediate discharge or remand, permit such person to remain in the custody of a relative or friend who shall give security, to be approved by the court, for his safe care and custody and for his appearance in court whenever required, until discharged or remanded as herein provided.

*Approved August 7, 1950.*

**Chap.734 AN ACT RELATIVE TO THE MOSQUITO CONTROL PROJECT IN BERKSHIRE COUNTY.**

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

Section 1 of chapter 456 of the acts of 1945 is hereby amended by striking out, in line 10, the word "forty-five" and inserting in place thereof the word: — fifty-one, — and by striking out, in line 13, the word "thirty-five" and inserting in place thereof the word: — twenty-five, — so as to read as follows: — *Section 1.* The area included in the cities and towns comprising the county of Berkshire is hereby constituted a mosquito control project under section five A of chapter two hundred and fifty-two of the General Laws, to the same extent as if so constituted by the state reclamation board acting under said section five A, and the improvements herein authorized shall be undertaken under the identifying name of the Berkshire County Mosquito Control Project. Beginning with the fiscal year commencing on July first, nineteen hundred and fifty-one, to meet the expenses incurred under this act there shall annually be expended from the state treasury, subject to appropriation, sums equal, in the aggregate, to twenty-five cents on each one thousand dollars of the taxable valuations of all such cities and towns, and the sums so expended shall be assessed by the state treasurer on said cities and towns in proportion to their said valuations as additions to their respective quotas of the state tax next to be assessed; provided, that any such city or town may in any year anticipate in whole or in part its assessment, and appropriate, raise and deposit the amount thereof with the state treasurer, and any sum so deposited shall be credited against such assessment. There may also be expended for the purposes of this act voluntary tributions for such purposes deposited in the state treasury.

*Approved August 7, 1950.*

**AN ACT CREATING A DETECTIVE BUREAU IN THE POLICE DEPARTMENT OF THE CITY OF BOSTON, AND ESTABLISHING THE COMPENSATION OF THE MEMBERS OF SUCH BUREAU.**

*Chap.735*

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

**SECTION 1.** A detective bureau is hereby established in the police department of the city of Boston, with the following grades: — lieutenant detective, sergeant detective, first grade detective, second grade detective and third grade detective. As soon as may be after this act becomes fully effective, the police officers, including superior officers, serving in the bureau of criminal investigation in the police department of said city, and the officers assigned to and carrying on criminal investigation work in the divisions of said department, shall be classified as detectives and become members of said bureau. The police commissioner for the city of Boston shall have the right to assign any of said detectives to any division or department of said police department and they shall come under the supervision of the superior officers of the division or department to which they have been assigned. Police officers so classified with the grade of lieutenant shall thereby qualify for the grade of lieutenant detective, those with the grade of sergeant shall thereby qualify for the grade of sergeant detective. Patrolmen special officers, so called, so classified who have performed criminal investigation work for ten years or more shall thereby qualify for rating as first grade detective. Patrolmen who have performed such work for five years or more, but less than ten years, shall thereby qualify for second grade detective, and patrolmen who have performed such work for less than five years shall thereby qualify for third grade detective. The police commissioner may transfer to the grade of third grade detective the regular patrolmen who have performed extraordinary and outstanding service in line of duty if he is of the opinion that such promotion is desirable and in the best interests of the service; provided, that in making such transfers, the requirements of chapter thirty-one of the General Laws need not be complied with; and provided, further, that such transfers shall be reported to the division of civil service as provided in section eighteen of said chapter thirty-one. For the purpose of promotions under section twenty of said chapter thirty-one, to the grades of captain, lieutenant and sergeant respectively, the grades of lieutenant and detective lieutenant shall be deemed to be in the next lower grade to that of captain; the grades of sergeant and sergeant detective shall be deemed to be in the next lower grade to that of lieutenant; and the first grade detective, second grade detective, third grade detective and patrolman shall be deemed to be in the next lower grade to that of sergeant.

**SECTION 2.** The members of the detective bureau shall receive the following compensation: —

**Chap. 303. AN ACT INCREASING THE APPROPRIATION RELATIVE TO THE MOSQUITO CONTROL PROJECT IN BERKSHIRE COUNTY.**

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

Chapter 456 of the acts of 1945 is hereby amended by striking out section 1, as amended by section 1 of chapter 734 of the acts of 1950, and inserting in place thereof the following section:—*Section 1.* The area included in the cities and towns comprising the county of Berkshire is hereby constituted a mosquito control project under section five A of chapter two hundred and fifty-two of the General Laws, to the same extent as if so constituted by the state reclamation board acting under said section five A, and the improvements herein authorized shall be undertaken under the identifying name of the Berkshire County Mosquito Control Project. Beginning with the fiscal year commencing on July first, nineteen hundred and fifty-nine, to meet the expenses incurred under this act there shall annually be expended from the state treasury, subject to appropriation, sums equal, in the aggregate, to forty cents on each one thousand dollars of the taxable valuations of all such cities and towns, and the state treasurer shall issue his warrant requiring the assessors of such cities and towns to assess a tax to the amount of the sums so expended in proportion to their said valuations, and such amounts shall be collected and paid to the state treasurer as provided by section twenty of chapter fifty-nine of the General Laws; provided, that any such city or town may in any year anticipate in whole or in part its assessment, and appropriate, raise and deposit the amount thereof with the state treasurer, and any sum so deposited shall be credited against such assessment. There may also be expended for the purposes of this act voluntary contributions for such purposes deposited in the state treasury.

*Approved May 12, 1959.*

**Chap. 304. AN ACT IMPOSING A PENALTY FOR PROSTITUTION.**

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

**SECTION 1.** Chapter 272 of the General Laws is hereby amended by striking out section 53, as most recently amended by section 21 of chapter 715 of the acts of 1956, and inserting in place thereof the following section:—*Section 53.* Stubborn children, runaways, common night walkers, both male and female, common railers and brawlers, persons who with offensive and disorderly act or language accost or annoy persons of the opposite sex, lewd, wanton and lascivious persons in speech or behavior, idle and disorderly persons, prostitutes, disturbers of the peace, keepers of noisy and disorderly houses and persons guilty of indecent exposure may be punished by imprisonment in a jail or house of correction for not more than six months, or by a fine of not more than two hundred dollars, or by both such fine and imprisonment.

**SECTION 2.** The schedule of forms and pleadings at the end of chapter 277 of the General Laws is hereby amended by inserting after the form of complaint or indictment for "Open and gross lewdness" the following form:—

*Prostitute.* (Under Chap. 272, §53.)—That A. B. a female, was a prostitute offering her body to indiscriminate intercourse with men for hire.

*Approved May 12, 1959.*

**Chap. 305. AN ACT PROVIDING FOR PAYMENT OF DEATH BENEFITS TO MEMBERS OF THE FITCHBURG POLICE RELIEF ASSOCIATION UPON THEIR RETIREMENT FROM THE POLICE DEPARTMENT OF THE CITY OF FITCHBURG.**

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

Any member of the Fitchburg Police Relief Association who ceases to be a member of the Fitchburg police department shall thereupon cease to be a member of said association, and shall no longer be entitled to any benefits therefrom; provided, however, that any member of said association who ceases to be a member of said department by reason of being retired shall, within thirty days after such retirement, be paid from the funds of said association a sum of money equal to the death benefit provided by its by-laws.

*Approved May 12, 1959.*

**Chap. 306. AN ACT PROVIDING THAT CIRCUIT DRIVE IN THE CITY OF BOSTON BE KNOWN AND DESIGNATED AS JEWISH WAR VETERANS DRIVE.**

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

The road in Franklin Park in the city of Boston now known as Circuit drive shall hereafter be known and designated as Jewish War Veterans drive. Suitable markers bearing said designation shall be erected along said road by the city of Boston.

*Approved May 12, 1959.*

**Chap. 307. AN ACT INCREASING BAIL FEES IN CERTAIN CASES.**

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

Chapter 262 of the General Laws is hereby amended by striking out section 24, as most recently amended by chapter 244 of the acts of 1955, and inserting in place thereof the following section:—*Section 24.* The maximum fee to be charged by any person authorized to take bail in the case of a person arrested for any misdemeanor shall be three dollars, except that when an arrest is made and bail taken between the hours of twelve midnight and six o'clock in the morning the maximum fee shall be seven dollars for the first charge and five dollars for each additional charge.

*Approved May 12, 1959.*



## NORFOLK COUNTY.

Item	
1. For personal services .....	\$683,418.87
2. For contractual services .....	36,000.00
3. For supplies and materials .....	230,000.00
4. For current charges and obligations .....	45,000.00
5. For equipment .....	27,675.00
8. For debt and interest .....	12,000.00
10. For unpaid bills of previous years .....	1,700.00
11. For reserve fund .....	10,000.00
12. For group insurance .....	12,000.00
For total expenditures .....	\$1,057,793.87

## PLYMOUTH COUNTY.

Item	
1. For personal services .....	\$537,408.45
2. For contractual services .....	40,396.00
3. For supplies and materials .....	151,075.00
4. For current charges and obligations .....	51,926.00
5. For equipment .....	18,225.35
7. For land and nonstructural .....	266.00
8. For debt and interest .....	10,000.00
11. For reserve fund .....	10,000.00
12. For group insurance .....	10,091.34
For total expenditures .....	\$829,388.14

## WORCESTER COUNTY.

Item	
1. For personal services .....	\$693,676.98
2. For contractual services .....	50,000.00
3. For supplies and materials .....	176,966.00
4. For current charges and obligations .....	71,484.50
5. For equipment .....	12,471.50
8. For debt and interest .....	16,650.00
10. For unpaid bills of previous years .....	378.82
11. For reserve fund .....	10,000.00
12. For group insurance .....	14,900.00
For total expenditures .....	\$1,046,527.80

SECTION 2. This act shall take effect upon its passage.  
*Approved August 5, 1963.*

**Chap. 598. AN ACT RELATIVE TO THE BASIS FOR ASSESSMENT FOR THE MOSQUITO CONTROL PROJECT FOR BERKSHIRE COUNTY.**

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

SECTION 1. Chapter 456 of the acts of 1945 is hereby amended by striking out section 1, as most recently amended by chapter 303 of the acts of 1959, and inserting in place thereof the following section: —  
*Section 1.* The area included in the cities and towns comprising the county of Berkshire is hereby constituted a mosquito control project under section five A of chapter two hundred and fifty-two of the General Laws, to the same extent as if so constituted by the state reclamation board acting under said section five A, and the improvements herein authorized shall be undertaken under the identifying name of the Berkshire County Mosquito Control Project. Beginning with the fiscal year commencing on July first, nineteen hundred and sixty-three, to meet the expenses incurred under this act there shall annually be expended from the state treasury, subject to appropriation, sums equal, in the aggregate, to forty cents on each one thousand dollars of the taxable valuations of all such cities and towns, computed as of January first, nineteen hundred and sixty, and the state treasurer shall issue his warrant requiring the assessors of such cities and towns to assess a tax to the amount of the sums so expended in proportion to their said valuations, and such amounts shall be collected and paid to the state treasurer as provided by section twenty of chapter fifty-nine of the General Laws; provided, that any such city or town may in any year anticipate in whole or in part its assessment, and appropriate, raise and deposit the amount thereof with the state treasurer, and any sum so deposited shall be credited against such assessment. There may also be expended for the purposes of this act voluntary contributions for such purposes deposited in the state treasury.

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

*Approved August 5, 1963.*

**Chap. 599. AN ACT AUTHORIZING THE TOWN OF DENNIS TO CONSTRUCT, OPERATE AND MAINTAIN A MUNICIPAL GOLF COURSE IN SAID TOWN.**

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

SECTION 1. The town of Dennis is hereby authorized to construct, equip, operate and maintain a municipal golf course in said town. Said town may install and construct on the land so used such equipment and buildings for shelters, the sale of refreshments and other purposes conducive to its beneficial use as a public golf course as may be necessary, and may charge fees for admission to and use of said course.

SECTION 2. For the purpose of paying the necessary expenses and liabilities incurred for the construction and original equipment incurred under this act, the town may, from time to time, within five years after the passage of this act, borrow such sums as may be necessary, not exceeding, in the aggregate, three hundred and fifty thousand dollars, and may issue bonds and notes therefor, which shall bear on their face the words Town of Dennis, Golf Course Loan, Act of 1963. Each authorized issue shall constitute a separate loan and such loans shall be payable

OFFICE OF THE SECRETARY, BOSTON, June 24, 1970.

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Acting Governor of the Commonwealth of Massachusetts at three o'clock and thirteen minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter four hundred and fifty-eight of the acts of nineteen hundred and seventy.

JOHN F. X. DAVOREN,  
*Secretary of the Commonwealth.*

**Chap. 459. AN ACT RELATIVE TO THE BASIS FOR THE ANNUAL ASSESSMENT FOR THE MOSQUITO CONTROL PROJECT FOR BERKSHIRE COUNTY.**

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

Chapter 456 of the acts of 1945 is hereby amended by striking out section 1, as most recently amended by section 1 of chapter 598 of the acts of 1963, and inserting in place thereof the following section:—

*Section 1.* The area included in the cities and towns comprising the county of Berkshire is hereby constituted a mosquito control project under section five A of chapter two hundred and fifty-two of the General Laws, to the same extent as if so constituted by the state reclamation board acting under said section five A, and the improvements herein authorized shall be undertaken under the identifying name of the Berkshire County Mosquito Control Project. Beginning with the fiscal year commencing on July the first, nineteen hundred and seventy, to meet the expenses incurred under this act there shall annually be expended from the state treasury, subject to appropriation, sums equal, in the aggregate, to twenty cents on each one thousand dollars of the equalized valuations of all such cities and towns, as most recently reported by the state tax commission to the general court under the provisions of section ten C of chapter fifty-eight of the General Laws, and the state treasurer shall issue his warrant requiring the assessors of such cities and towns to assess a tax to the amount of the sums so expended in proportion to their said valuations, and such amounts shall be collected and paid to the state treasurer as provided by section twenty of chapter fifty-nine of the General Laws; provided, that any such city or town may in any year anticipate in whole or in part its assessment and appropriate, raise and deposit the amount thereof with the state treasurer, and any sum so deposited shall be credited against such assessment. There may also be expended for the purposes of this act voluntary contributions for such purposes deposited in the state treasury.

*Approved June 24, 1970.*

THE COMMONWEALTH OF MASSACHUSETTS,  
EXECUTIVE DEPARTMENT, STATE HOUSE,  
BOSTON, June 24, 1970.

The Honorable JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY:—I, Francis W. Sargent, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution,

the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 459 of the Acts of 1970, entitled "AN ACT RELATIVE TO THE BASIS FOR THE ANNUAL ASSESSMENT FOR THE MOSQUITO CONTROL PROJECT FOR BERKSHIRE COUNTY," and the enactment of which received my approval on June 24, 1970, should take effect forthwith.

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

To provide forthwith that assessments may be made for the Mosquito Control Project For Berkshire County under a new formula based upon the most recent equalized valuation.

Sincerely,

FRANCIS W. SARGENT,  
*Acting Governor of the Commonwealth.*

OFFICE OF THE SECRETARY, BOSTON, June 21, 1970.

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Acting Governor of the Commonwealth of Massachusetts at three o'clock and fifteen minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter four hundred and fifty-nine of the acts of nineteen hundred and seventy.

JOHN F. X. DAVOREN,  
*Secretary of the Commonwealth.*

**Chap. 460. AN ACT PROVIDING FOR ATTENDANCE AT FUNERALS, AND VISITS TO CERTAIN RELATIVES AND OTHER PERSONS, BY INMATES OF PENAL INSTITUTIONS.**

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

Chapter 127 of the General Laws is hereby amended by striking out section 90A, as most recently amended by chapter 299 of the acts of 1952, and inserting in place thereof the following section:—

*Section 90A.* The warden, superintendent or officer in charge of any prisoner may permit such prisoner to attend, in the custody of an officer of the institution, the funeral within the commonwealth of his father, mother, child, brother, sister, husband or wife and, if his grandparent, uncle, aunt or foster parent acted as his parent in rearing such inmate, of such grandparent, uncle, aunt or foster parent, or to view the remains of such person or to visit such person during his illness upon certification by a physician that death be imminent under such conditions and rules as the warden, superintendent or officer in charge may prescribe. Any expenses incurred under the provisions of this section shall be paid by the institution wherein the prisoner is imprisoned.

*Approved June 24, 1970.*

**Chap. 311. AN ACT RELATIVE TO THE APPOINTMENT OF BERKSHIRE COUNTY MOSQUITO CONTROL COMMISSIONERS.**

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

SECTION 1. Chapter 456 of the acts of 1945 is hereby amended by adding after section 2 the following section:—

Section 3. There shall be a commission as provided under section five A of chapter two hundred and fifty-two of the General Laws which shall consist of three members. Of the members first appointed hereunder, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and until the qualification of their respective successors. Upon the expiration of the term of any member, his successor shall be appointed in like manner for a term of three years. The commission shall elect its own chairman and clerk and shall keep accurate records of its meetings.

SECTION 2. Notwithstanding the provisions of section five A of chapter two hundred and fifty-two of the General Laws to the contrary, the terms of all members of the Berkshire county mosquito control commission shall terminate upon the effective date of this act.

SECTION 3. This act shall take effect on December first, nineteen hundred and seventy-four.

*Approved June 5, 1974.*

**Chap. 312. AN ACT PROVIDING THAT LICENSES TO POSSESS AND CARRY MACHINE GUNS MAY BE ISSUED FOR FIVE YEARS.**

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

The first paragraph of section 131 of chapter 140 of the General Laws, as appearing in section 1 of chapter 415 of the acts of 1972, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:— A license issued to carry a firearm or to possess and carry a machine gun shall be for a period of five years, expiring on the anniversary of the applicant's date of birth occurring not less than four years but not more than five years from the date of issue.

*Approved June 5, 1974.*

**Chap. 313. AN ACT RELATIVE TO RESTRAINTS ON PERSONAL LIBERTY OF PARTIES TO A PENDING LIBEL FOR DIVORCE.**

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

Section 18 of chapter 208 of the General Laws is hereby amended by striking out the first sentence, as appearing in the Tercentenary Edition, and inserting in place thereof the following sentence:— The superior court sitting in any county or the probate court in which the

libel is pending may, upon petition of the wife, prohibit the husband, or upon petition of the husband, prohibit the wife from imposing any restraint upon her or his personal liberty during the pendency of the libel.

*Approved June 5, 1974.*

**Chap. 314. AN ACT DESIGNATING THE METROPOLITAN DISTRICT COMMISSION PLAY AREA ON FACTORY HILL IN THE HYDE PARK DISTRICT OF THE CITY OF BOSTON AS THE HARRY W. LAWLER PLAYGROUND.**

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

The children's play area on Factory Hill in the Hyde Park district of the city of Boston being redesigned by the metropolitan district commission shall, upon its completion, be designated and known as the Harry W. Lawler Playground, in memory of Harry W. Lawler, a beloved citizen, and a civic and fraternal leader of the Hyde Park community. A suitable marker bearing such designation shall be erected thereat by said commission.

*Approved June 5, 1974.*

**Chap. 315. AN ACT AUTHORIZING THE CITY OF LYNN TO PAY A CERTAIN SUM OF MONEY TO JOSEF BENEDEK.**

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

For the purpose of discharging a moral obligation, the city of Lynn is hereby authorized to appropriate and after such appropriation the treasurer of said city is hereby authorized to pay to Josef Benedek the sum of one thousand one hundred and twenty-eight dollars and sixty-eight cents for medical expenses incurred by him as a result of injuries sustained by his wife at Classical high school in said city.

*Approved June 5, 1974.*

**Chap. 316. AN ACT FURTHER REGULATING THE TAXATION OF ALCOHOLIC BEVERAGES.**

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

The first sentence of the first paragraph of section 21 of chapter 138 of the General Laws, as most recently amended by section 1 of chapter 698 of the acts of 1966, is hereby further amended by striking out, in lines 27 and 31, the word "twenty-four" and inserting in place thereof, in each instance, the word:— fifteen.

*Approved June 7, 1974.*



ACTS, 1982. - Chaps. 118, 119.

**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.**

ACTS, 1982. - Chap. 120.

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.

Said cities and towns may raise the sums assessed under the provisions of this section by separate charges upon the users of the aforesaid facilities or by any other lawful means notwithstanding any limitation in section twenty-one C of chapter fifty-nine of the General Laws. Any such city or town may establish and maintain a separate enterprise fund in accordance with section thirty-nine K of chapter forty of the General Laws, or any other applicable provision of law, into which shall be deposited the receipts, revenues and funds derived from charges made to pay the sums assessed by the district hereunder for costs of construction, maintenance and operation of treatment facilities and related works required to provide so-called secondary treatment, including facilities planning, a secondary treatment facility and a residuals disposal facility; and also including, but not limited to, work and measures necessary to mitigate environmental, social and economic impacts of the facilities to be constructed, in the host community; provided, however, that the aforesaid maintenance and operation costs shall become subject to section twenty B of chapter fifty-nine of the General Laws after such facilities have been operated for a period of three years.

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

Approved July 10, 1990.

**Chapter 105. AN ACT RELATIVE TO MEMBERSHIP IN THE BERKSHIRE COUNTY MOSQUITO CONTROL DISTRICT.**

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

Section 4 of chapter 456 of the acts of 1945, added by section 1 of chapter 119 of the acts of 1982, is hereby amended by adding the following sentence:- Any city or town which votes to withdraw from said district in accordance with the provisions of this act and subsequently votes to rejoin said district in accordance with the provisions of this act shall remain a member of said district for a period of not less than five years.

Approved July 10, 1990.

**Chapter 106. AN ACT DESIGNATING THE PAXTON SOIL SERIES AS THE OFFICIAL SOIL OF THE COMMONWEALTH.**

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

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

**Section 33.** The Paxton Soil Series shall be the official soil of the common-

wealth.

Approved July 10, 1990.

**Chapter 107. AN ACT PROTECTING ELDERLY PERSONS FROM FINANCIAL EXPLOITATION.**

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

**SECTION 1.** Section 14 of chapter 19A of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "person", in line 5, the words:- or financial exploitation of an elderly person.

**SECTION 2.** Said section 14 of said chapter 19A, as so appearing, is hereby further amended by inserting after the definition of "Emergency" the following definition:-

"Financial exploitation", an act or omission by another person, which causes a substantial monetary or property loss to an elderly person, or causes a substantial monetary or property gain to the other person, which gain would otherwise benefit the elderly person but for the act or omission of such other person; provided, however, that such an act or omission shall not be construed as financial exploitation if the elderly person has knowingly consented to such act or omission unless such consent is a consequence of misrepresentation, undue influence, coercion or threat of force by such other person; and, provided further, that financial exploitation shall not be construed to interfere with or prohibit a bona fide gift by an elderly person or to apply to any act or practice in the conduct of any trade or commerce declared unlawful by section two of chapter ninety-three A.

Approved July 10, 1990.

**Chapter 108. AN ACT AUTHORIZING THE STATE SECRETARY TO AUTHORIZE THE SOLEMNIZATION OF A CERTAIN MARRIAGE.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the solemnization of a certain marriage, therefore 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 thirty-nine of chapter two hundred and seven of the General Laws, the state secretary may authorize in the manner

9.

*BRISTOL  
COUNTY*



**Chap.504** AN ACT AUTHORIZING THE TRUSTEES OF THE SOLDIERS' HOME IN MASSACHUSETTS TO PURCHASE CERTAIN LAND IN THE CITY OF CHELSEA FOR PARKING PURPOSES.

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

SECTION 1. The trustees of the Soldiers' Home in Massachusetts are hereby authorized to purchase for the purpose of constructing a parking lot for the nurses' residence known as Keville House, at said Home, the land containing approximately twelve thousand square feet, with the building thereon, situate at number 70 Hillside avenue in the city of Chelsea. For said purpose and for the purpose of grading said land, said trustees may expend, after appropriation therefor, an amount not in excess of ten thousand dollars.

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

*Approved July 6, 1956.*

**Chap.505** AN ACT PROVIDING FOR THE PAYMENT OF ALLOWANCES TO CERTAIN BENEFICIARIES PENDING THE DETERMINATION OF CLAIMS FOR ACCIDENTAL DEATH BENEFITS UNDER THE RETIREMENT LAW.

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

G. L. (Ter. Ed.), 32, now § 12A, added.

Payment of allowances to certain beneficiaries pending determination of claims for accidental death benefits.

Chapter 32 of the General Laws is hereby amended by inserting after section 12 the following section:—*Section 12A.* Any person, or the legal guardian of any person, who may be entitled to accidental death benefits under the provisions of section nine may, during and within the period of one year next succeeding the death of the member in service, avail himself of the allowance provided under option (d) of section twelve in so far as it may be applicable, and said person is eligible therefor, effective from the date of the death of the member and pending the determination of the application of said person for such accidental death benefits.

The filing of an application for accidental death benefits shall not arrest or suspend the payment of an allowance under option (d) of section twelve; provided, however, that upon the first payment of any benefits provided under section nine payments under said option (d) shall cease and the amount of the first payment under said section nine shall be reduced by a sum equal to the aggregate allowance paid to said person under said option (d).

*Approved July 6, 1956.*

**Chap.506** AN ACT CREATING A MOSQUITO CONTROL PROJECT IN BRISTOL COUNTY.

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

SECTION 1. The area included in the cities and towns comprising the county of Bristol is hereby constituted a mosquito

control project under section five A of chapter two hundred and fifty-two of the General Laws, to the same extent as if so constituted by the state reclamation board acting under said section five A, and the improvements herein authorized shall be undertaken under the identifying name of the Bristol County Mosquito Control Project. Beginning with the fiscal year commencing on July first, nineteen hundred and fifty-six, to meet the expenses incurred under this act there shall annually be expended from the state treasury, subject to appropriation, sums equal, in the aggregate, to fifteen cents on each one thousand dollars of the taxable valuations of such cities and towns of said county as accept the provisions of this act, and the state treasurer shall issue his warrant requiring the assessors of said cities and towns concerned to assess a tax to the amount of the sums so expended in proportion to their said valuations and such amounts shall be collected and paid to the state treasurer as provided by section twenty of chapter fifty-nine of the General Laws; provided, that any such city or town may in any year anticipate in whole or in part its assessment, and appropriate, raise and deposit the amount thereof with the state treasurer, and any sum so deposited shall be credited against such assessment. There may also be expended for the purposes of this act voluntary contributions for such purposes deposited in the state treasury.

SECTION 2. The funds appropriated and deposited as aforesaid shall be expended for the investigation of mosquito control works, and the construction and maintenance thereof, in said county, under the direction and supervision of the state reclamation board in accordance with such known methods as in its opinion will effect the greatest measure of relief.

*Approved July 6, 1956.*

AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO PAY AN ANNUITY TO TERESA FILIOS. **Chap.507**

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

SECTION 1. For the purpose of promoting the public good, and in recognition of thirty years of faithful service rendered by Salvatore Filios in the water department of the city of Springfield, and notwithstanding the provisions of any general or special law, the city of Springfield may grant an annuity in the amount of seven hundred and fifty dollars to Teresa Filios, widow of the said Salvatore Filios.

SECTION 2. This act shall take full effect upon its acceptance by the city council of the city of Springfield, subject to the provisions of its charter, but not otherwise.

*Approved July 6, 1956.*

nt, devise, bequest, purchase or otherwise any real or personal  
ite or interest therein within or without this commonwealth to an  
ount not exceeding seven million five hundred thousand dollars.

*Approved June 28, 1958.*

AP. 432. **AN ACT MAKING THE BRISTOL COUNTY MOSQUITO CONTROL  
PROJECT APPLICABLE TO ALL CITIES AND TOWNS IN SAID  
COUNTY, AND RELATING TO THE ASSESSMENTS TO BE LEVIED  
UPON THEM.**

*it enacted, etc., as follows:*

SECTION 1. Chapter 506 of the acts of 1956 is hereby amended by  
liking out section 1 and inserting in place thereof the following sec-  
n: — *Section 1.* The area included in the cities and towns comprising  
county of Bristol is hereby constituted a mosquito control project  
der section five A of chapter two hundred and fifty-two of the General  
ws, to the same extent as if so constituted by the state reclamation  
ard acting under said section five A, and the improvements herein  
thorized shall be undertaken under the identifying name of the  
istol County Mosquito Control Project.

Beginning with the fiscal year commencing on July first, nineteen  
ndred and fifty-eight, to meet the expenses incurred under this act  
re shall annually be expended from the state treasury, subject to  
ropriation, sums equal, in the aggregate, to fifteen cents on each one  
ousand dollars of the taxable valuations of the cities and towns of  
d county, and the state treasurer shall issue his warrant requiring the  
essors of said cities and towns to assess a tax to the amount of the  
ms so expended, one half of which shall be in proportion to their said  
luations and one half of which shall be in proportion to their respec-  
e areas, and such amounts shall be collected and paid to the state  
asurer as provided by section twenty of chapter fifty-nine of the  
eneral Laws; provided, that any such city or town may in any year  
ticipate in whole or in part its assessment, and appropriate, raise and  
osit the amount thereof with the state treasurer, and any sum so  
posited shall be credited against such assessment. There may also  
xpended for the purposes of this act voluntary contributions for  
ch purposes deposited in the state treasury.

SECTION 2. Any city or town which becomes a part of the mosquito  
ntrol project established under section one of chapter five hundred and  
t of the acts of nineteen hundred and fifty-six, as amended by section  
e of this act, may withdraw from membership in said project after  
e expiration of one year; provided, that in a city having a Plan D or  
an E charter the city council so votes prior to the expiration of one  
ear from the effective date of this act, and that in other cities the city  
uncil so votes with the approval of the mayor within such time; and  
rovided, further, that in a town said town so votes at a regular or  
pecial town meeting held prior to the expiration of one year from the  
fective date of this act; otherwise, said city or town shall continue  
a member of said project.

SECTION 3. Any city having a Plan D or Plan E charter by vote of  
s city council, and any other city by vote of its city council with the  
pproval of its mayor, and any town by majority vote of the voters at

an annual town meeting, may, after this act has been in effect therein  
for a period of three years, withdraw from membership in the mosquito  
control project established under section one of chapter five hundred and  
six of the acts of nineteen hundred and fifty-six, as amended by section  
one of this act, and thereupon the provisions of this act shall no longer  
apply to such city or town.

SECTION 4. This act shall take effect on July first, nineteen hundred  
and fifty-eight.

*Approved June 28, 1958.*

CHAP. 433. **AN ACT AUTHORIZING THE CITY OF LYNN TO REIMBURSE  
TASI KURETA FOR CERTAIN EXPENSES INCURRED BY HIM  
ON ACCOUNT OF INJURIES SUSTAINED BY HIS MINOR DAUGH-  
TER AT CLASSICAL HIGH SCHOOL GYMNASIUM.**

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

SECTION 1. For the purpose of discharging a moral obligation, the  
city of Lynn, by its school committee, may include in and pay out of  
school funds to Tasi Kureta, a sum not to exceed one thousand dollars to  
reimburse him for expenses for medical care and hospital expenses in-  
curred by him on account of injuries sustained on October twenty-fifth,  
nineteen hundred and fifty-seven, by his minor daughter, Helen Kureta,  
in the gymnasium of Classical High School.

SECTION 2. This act shall take effect upon its acceptance during the  
current year by vote of the city council of said city, in accordance with  
the provisions of its charter, but not otherwise.

*Approved June 28, 1958.*

CHAP. 434. **AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR  
NINETEEN HUNDRED AND FIFTY-NINE, FOR THE MAIN-  
TENANCE OF DEPARTMENTS, BOARDS, COMMISSIONS, INSTI-  
TUTIONS AND CERTAIN ACTIVITIES OF THE COMMONWEALTH,  
FOR INTEREST, SINKING FUND AND SERIAL BOND REQUIRE-  
MENTS, AND FOR CERTAIN PERMANENT IMPROVEMENTS.**

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

SECTION 1. To provide for the maintenance of the several depart-  
ments, boards, commissions and institutions, of sundry other services,  
and for certain permanent improvements, and to meet certain require-  
ments 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 funds designated in said section, 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 fifty-nine, in this act referred to as the year nineteen hun-  
dred and fifty-nine, or for such period as may be specified.

**Chap. 247.** AN ACT PROHIBITING THE CLOSING OF POLLS PRIOR TO EIGHT O'CLOCK IN THE EVENING AT STATE ELECTIONS.*Be it enacted, etc., as follows:*

SECTION 1. The second paragraph of section 64 of chapter 54 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding the following sentence:— At state elections the polls shall not be closed before eight o'clock in the evening.

SECTION 2. Said section 64 of said chapter 54 is hereby amended by striking out the last paragraph, as amended by section 5 of chapter 39 of the acts of 1934, and inserting in place thereof the following two paragraphs:—

In towns, at the election of town officers, the polls may be opened as early as fifteen minutes before six o'clock in the forenoon, and shall be opened as early as twelve o'clock, noon, and shall be kept open at least four hours, and until the time specified in the warrant when they may or will be closed; and in towns not voting by precincts they may be kept open for such longer time as the meeting shall direct. After an announcement has been made by the presiding officer of a time so fixed for closing the polls they shall not be closed at an earlier hour.

In towns, at the election of state officers, the polls may be opened as early as fifteen minutes before six o'clock in the forenoon, and shall be opened as early as ten o'clock in the forenoon and shall not be closed before eight o'clock in the evening.

*Approved May 5, 1967.***Chap. 248.** AN ACT CLARIFYING THE PROCEDURE TO BE FOLLOWED IN MODIFYING, AMENDING OR RESCINDING APPROVAL OF DEFINITIVE PLANS UNDER THE SUBDIVISION CONTROL LAW.*Be it enacted, etc., as follows:*

Section 81X of chapter 41 of the General Laws, as most recently amended by chapter 380 of the acts of 1966, is hereby further amended by adding the following paragraph:—

No register of deeds or recorder of the land court shall accept for record a notice of modification, amendment or rescission of approval of a plan of a subdivision unless such notice contains a statement by the planning board that such modification, amendment or rescission does not affect any lot or rights appurtenant thereto in such subdivision which lot was conveyed or mortgaged in good faith and for valuable consideration subsequent to the approval of the subdivision plan.

*Approved May 5, 1967.***Chap. 249.** AN ACT PROVIDING FOR THE APPROVAL OF TOWN WARRANTS DURING A PERIOD WHEN A VACANCY EXISTS ON THE BOARD OF SELECTMEN.*Be it enacted, etc., as follows:*

Section 56 of chapter 41 of the General Laws is hereby amended by inserting after the third sentence the following sentence:— If there is a failure to elect or a vacancy occurs in the office of selectman, the remaining selectman or selectmen, together with the town clerk, may approve such warrant.

*Approved May 5, 1967.***Chap. 250.** AN ACT RELATIVE TO THE GRANTING OF LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES BY CERTAIN CLUBS AND VETERANS' ORGANIZATIONS IN THE TOWN OF WAKEFIELD.*Be it enacted, etc., as follows:*

SECTION 1. The state secretary shall cause to be placed on the official ballot used in the town of Wakefield at each biennial state election the following subdivision to the question which he is required under the provisions of section eleven of chapter one hundred and thirty-eight of the General Laws to place on the official ballot in all cities and towns at such elections, to wit:—

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

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

If a majority of the votes cast in answer to subdivision E is in the affirmative, said town shall, irrespective of the results of the votes in answer to subdivisions A, B, C and D, be taken to authorize, for the two calendar years next succeeding, the sale in said town of all alcoholic beverages to be drunk on the premises of clubs and veterans' organizations as defined and limited in section twelve of chapter one hundred and thirty-eight, notwithstanding any provisions of said section twelve to the contrary. Said licenses shall be subject, however, to all other provisions of said chapter one hundred and thirty-eight.

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

*Approved May 8, 1967.***Chap. 251.** AN ACT RELATIVE TO THE BASIS FOR THE ANNUAL ASSESSMENT FOR THE BRISTOL COUNTY MOSQUITO CONTROL PROJECT.*Be it enacted, etc., as follows:*

SECTION 1. Section 1 of chapter 506 of the acts of 1956, as amended by section 1 of chapter 432 of the acts of 1958, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

Beginning with the fiscal year commencing on July first, nineteen hundred and sixty-seven, to meet the expenses incurred under this act there shall be annually expended from the state treasury, subject to appropriation, sums equal, in the aggregate, to fifteen cents on each one thousand dollars of the taxable valuations of the cities and towns of said county, according to the valuations established by chapter six hundred and sixty of the acts of nineteen hundred and sixty-three, and the state treasurer shall issue his warrant requiring the assessors of said cities and towns to assess a tax to the amount of the sums so expended, one half of which shall be in proportion to their said valuations and one half of which shall be in proportion to their respective areas, and such amounts shall be collected and paid to the state treasurer as provided by section twenty of chapter fifty-nine of the General Laws; provided, that any such city or town may in any year anticipate in whole or in part its assessment, and appropriate, raise and deposit the amount thereof with the state treasurer, and any sum so deposited shall be



credited against such assessment. There may also be expended for the purposes of this act voluntary contributions for such purposes deposited in the state treasury.

SECTION 2. This act shall take effect on July first, nineteen hundred and sixty-seven.  
*Approved May 8, 1967.*

**Chap. 252.** AN ACT PROHIBITING THE MASSACHUSETTS HOSPITAL SCHOOL FROM PROHIBITING THE ADMISSION OF CERTAIN CHILDREN.

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

The first sentence of section 62M of chapter 111 of the General Laws, as appearing in section 1 of chapter 508 of the acts of 1954, is hereby amended by inserting after the word "school", in line 8, the words: — ; provided, that no such rule or regulation shall prohibit the admission of a child for the reason that he commutes to said school or that he is able to pay the charges for his support at said school.

*Approved May 8, 1967.*

**Chap. 253.** AN ACT RELATIVE TO THE GRANTING OF SPECIAL LICENSES TO CERTAIN INCORPORATED EDUCATIONAL INSTITUTIONS FOR THE DISPENSING OF WINES AND MALT BEVERAGES.

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

The first paragraph of section 14 of chapter 138 of the General Laws is hereby amended by striking out the second sentence, as appearing in section 3 of chapter 370 of the acts of 1934, and inserting in place thereof the following sentence: — Special licenses for the dispensing of wines and malt beverages in dining halls maintained by incorporated educational institutions authorized to grant degrees may be granted by the local licensing authorities in such a city or town to such institutions; provided, that such beverages shall be served only to persons over twenty-one years of age.

*Approved May 9, 1967.*

**Chap. 254.** AN ACT RELATIVE TO THE INVESTMENT OF DOMESTIC INSURANCE COMPANIES IN URBAN REDEVELOPMENT PROJECTS.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to encourage forthwith the investment of insurance companies in urban redevelopment projects under chapter one hundred and twenty-one A of the General Laws by removing any inconsistency between the provisions of said chapter and the provisions of chapter one hundred and seventy-five of the General Laws, to the end that the purposes of said chapter one hundred and twenty-one A may be effectuated as rapidly as possible 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 65 of chapter 175 of the General Laws, as most recently amended by chapter 208 of the acts of 1955, is hereby further amended by inserting after the word "sixty-three", in line 16, the

words: — ; provided, further, that any such company may acquire and hold bonds and other securities pursuant to section seven of chapter one hundred and twenty-one A whether or not the same are secured by mortgage and without regard to the ratio of loan to fair market value set forth in said paragraph seven of said section sixty-three.

SECTION 2. The first paragraph of section 66 of said chapter 175, as most recently amended by chapter 451 of the acts of 1966, is hereby further amended by adding the following sentence: — Nothing in this section shall prohibit or limit the investment of the funds of a domestic life company in the stocks of corporations organized under chapter one hundred and twenty-one A.

SECTION 3. The fourth sentence of section 66B of said chapter 175, as amended by chapter 94 of the acts of 1953, is hereby further amended by inserting after the word "company", in line 11, the words: — , exclusive of real estate held pursuant to chapter one hundred and twenty-one A.

*Approved May 10, 1967.*

**Chap. 255.** AN ACT AUTHORIZING CITY AND TOWN TREASURERS TO PAY BILLS BY THE USE OF BANK TREASURER'S OR CASHIER'S CHECKS.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to facilitate the payment of obligations of cities and towns, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

Section 35 of chapter 41 of the General Laws is hereby amended by striking out the third sentence and inserting in place thereof the following sentence: — No other person shall pay any bill of any department; provided, however, this provision shall not prohibit the treasurer from paying such bill by the use of bank treasurer's or cashier's check.

*Approved May 10, 1967.*

**Chap. 256.** AN ACT RELATIVE TO THE CHARGES OF INSURANCE FINANCE AGENCIES LICENSED BY THE COMMISSIONER OF BANKS.

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

Chapter 255C of the General Laws, inserted by section 1 of chapter 727 of the acts of 1964, is hereby amended by striking out section 14 and inserting in place thereof the following section: —

Section 14. A premium finance agency shall not, except as otherwise provided by law, take or receive from an insured greater charges than are provided by section one hundred and sixty-two B of chapter one hundred and seventy-five, and the regulations issued thereunder, which charges shall commence as of the date from which the insurance company requires payment of the premium and payment was made to the insurance company for the financed policy, or the effective date of the policy, whichever is earlier.

*Approved May 11, 1967.*



of this act, not exceeding the sums appropriated by the general court for the purpose.

**SECTION 10.** Any person aggrieved by a decision of the state treasurer in the matter of payments provided for by this act may appeal to a board, to consist of a member of the department of the state treasurer to be designated by him, an assistant attorney general to be designated by the attorney general, and the adjutant general or his designee, and shall be entitled to a hearing, after due notice, upon such appeal. The decision of the said board shall be final.

**SECTION 11.** In anticipation of the issue of bonds authorized in section twelve, 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 and may issue and renew, as hereinafter provided, 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 maturity of such notes, whether original or renewal, shall be not later than June thirtieth, nineteen hundred and seventy-three.

**SECTION 12.** To meet the expenditures necessary in carrying out the provisions of sections one, three, four and five of this act, or to refinance notes issued as provided in section eleven of this act, the state treasurer shall, upon request of the governor, issue and sell at public or private sale bonds of the commonwealth, registered or with interest coupons attached, as he may deem best, to an amount to be specified by the governor from time to time, but not exceeding, in the aggregate, the sum of six million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Vietnam Conflict Loan, Act of 1968, and shall be on the serial payment plan for such maximum term of years, not exceeding ten years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, the maturities thereof to be so arranged that the amounts payable in the several years of the period of amortization, other than the final year, shall be as nearly equal as in the opinion of the state treasurer it is practicable to make them. Said bonds shall bear interest semiannually at such rate as the state treasurer, with the approval of the governor, shall fix. The initial maturities of such bonds shall be payable not later than June thirtieth, nineteen hundred and eighty-five.

*Approved July 17, 1968.*

**Chap. 647. AN ACT RELATIVE TO THE BASIS FOR, AND INCREASING, THE ANNUAL ASSESSMENT OF THE COSTS OF THE BRISTOL COUNTY MOSQUITO CONTROL PROJECT.**

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

Section 1 of chapter 506 of the acts of 1956, as most recently amended by section 1 of chapter 251 of the acts of 1967, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph: —

Beginning with the fiscal year commencing on July first, nineteen hundred and sixty-eight, to meet the expenses incurred under this act, there shall be annually expended from the state treasury, subject to appropriation, sums equal, in the aggregate, to seventeen cents on each one thousand dollars of the taxable valuations of the cities and towns of said county, according to the valuations determined as of January first, nineteen hundred and sixty-four, and the state treasurer shall issue his warrant requiring the assessors of said cities and towns to assess a tax to the amount of the sums so expended, one half of which shall be in proportion to their said valuations and one half of which shall be in proportion to their respective areas, and such amounts shall be collected and paid to the state treasurer as provided by section twenty of chapter fifty-nine of the General Laws; provided, that any such city or town may in any year anticipate in whole or in part its assessment, and appropriate, raise and deposit the amount thereof with the state treasurer, and any sum so deposited shall be credited against such assessment. There may also be expended for the purposes of this act voluntary contributions for such purposes deposited in the state treasury.

*Approved July 17, 1968.*

**Chap. 648. AN ACT TO CURB THE OIL POLLUTION OF MASSACHUSETTS WATERS.**

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

**SECTION 1.** Section 26 of chapter 21 of the General Laws, as appearing in section 1 of chapter 685 of the acts of 1966, is hereby amended by striking out, in line 3, the word "fifty" and inserting in place thereof the word: — fifty-three.

**SECTION 2.** Section 27 of said chapter 21, as amended by section 2 of chapter 873 of the acts of 1967, is hereby further amended by adding the following clause: —

(10) Undertake immediately, whenever there is spillage, seepage or filtration of oil into any of the waters of the commonwealth or into any off-shore waters which may result in damage to the beaches or coastal areas, to cause said spillage, seepage or filtration to be contained and removed by whatever method it considers best and most expedient under the circumstances to safeguard the quality of the water.

In this clause the word "oil" shall mean floating oil of any kind or in any form including, but not limited to, fuel oil, sludge, oil refuse and oil mixed with other matter, in such quantities as to constitute or threaten to constitute a public nuisance or to interfere with the beneficial use of the navigable waters or adjoining shorelines of the commonwealth. The word "matter" shall mean any substance of any description or origin, other than oil, in such quantities as to present an imminent and substantial hazard to public health or welfare or interfere with beneficial use of the navigable waters or adjoining shorelines of the commonwealth. The division shall also determine the person responsible for causing such spillage, seepage, or filtration. If said person wilfully or negligently caused such spillage, seepage or filtration, he shall be liable for all costs and expenses incurred by the division in containing and removing the same. Upon request of the director, the attorney general

(3) Any library system providing service under an approved plan shall be entitled to receive annually in state aid an amount per capita of its served population per square mile of the area served in accordance with the following schedule: —

Over	1,000 population	40 cents per capita
	750-999 population	40 cents per capita
	500-749 population	50 cents per capita
Under	500 population	50 cents per capita

(4) In addition to the sums provided in clause (3), the Boston public library, as the library of last recourse for reference and research services for the commonwealth, shall be entitled to receive in state aid the sum of two and one half cents per annum for each resident in the commonwealth.

SECTION 4. Section 19D of said chapter 78, as so appearing, is hereby amended by inserting after the word "librarian", in line 2, the words: — or one trustee to be so designated by the board of trustees.

SECTION 5. Notwithstanding any contrary provisions of section nineteen A of chapter seventy-eight of the General Laws, as amended by sections one and two of this act, the amount which the state treasurer shall pay to cities and towns on or before July the first, nineteen hundred and seventy-one under the provisions of said section nineteen A shall not exceed one million, nine hundred and five thousand dollars.

SECTION 6. Notwithstanding any contrary provision of section nineteen C of chapter seventy-eight of the General Laws, as amended by section three of this act, there shall be appropriated a sum not to exceed two million one hundred and ninety-seven thousand dollars to regional library systems and an additional sum not to exceed one hundred thousand dollars to the Boston public library, as the library of last recourse for reference and research services for the commonwealth, for the fiscal year ending June the thirtieth, nineteen hundred and seventy-one, under the provisions of said section nineteen C, and the sums appropriated shall be subject to the provisions of law regulating the disbursement of public funds and the approval thereof.

*Approved August 7, 1970.*

**Chap. 637.** AN ACT INCREASING THE DISTRIBUTIVE SHARE OF THE ESTATE OF A DECEASED PERSON TO WHICH THE SURVIVING SPOUSE IS ENTITLED WHERE THERE IS KINDRED AND NO ISSUE.

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

SECTION 1. Paragraph (1) of section 1 of chapter 190 of the General Laws, as appearing in section 1 of chapter 316 of the acts of 1956, is hereby amended by striking out, in lines 3 and 4, 6, 8 and 9, and 25, the words "twenty-five thousand" and inserting in place thereof, in each instance, the words:—fifty thousand.

SECTION 2. This act shall apply only in cases of estates of persons dying on or after January the first, nineteen hundred and seventy-one.

*Approved August 7, 1970.*

**Chap. 638.** AN ACT RELATIVE TO THE BASIS FOR THE ANNUAL ASSESSMENT FOR THE BRISTOL COUNTY MOSQUITO CONTROL PROJECT.

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

SECTION 1. Section 1 of chapter 506 of the acts of 1956, as most recently amended by chapter 647 of the acts of 1968, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

Beginning with the fiscal year commencing on July the first, nineteen hundred and seventy, to meet the expenses incurred under this act, there shall be annually expended from the state treasury, subject to appropriation, sums equal, in the aggregate, to eight cents on each one thousand dollars of the equalized valuations of all the cities and towns of said county, as most recently reported by the state tax commission to the general court under the provisions of section ten C of chapter fifty-eight of the General Laws; and the state treasurer shall issue his warrant requiring the assessors of said cities and towns to assess a tax to the amount of the sums so expended, one half of which shall be in proportion to their said valuations and one half of which shall be in proportion to their respective areas, and such amounts shall be collected and paid to the state treasurer as provided by section twenty of chapter fifty-nine of the General Laws; provided, that any such city or town may in any year anticipate in whole or in part its assessment, and appropriate, raise and deposit the amount thereof with the state treasurer, and any sum so deposited shall be credited against such assessment. There may also be expended for the purposes of this act voluntary contributions for such purposes deposited in the state treasury.

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

*Approved August 7, 1970.*

**Chap. 639.** AN ACT PROVIDING FOR THE SPEEDY TRIAL OF A MISDEMEANOR BY A JURY OF SIX IN THE DISTRICT COURT OF EAST NORFOLK OR THE DISTRICT COURT OF NORTHERN NORFOLK.

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

Any defendant, in any district court of Norfolk county, found guilty of a violation of a by-law, order, ordinance, rule or regulation made by a city or town or public officer or of any other misdemeanor, except libel, may appeal and claim a jury of six in the district court of East Norfolk or the district court of northern Norfolk. Such claim of appeal shall be in writing and shall constitute a waiver of any claim of appeal to a trial by a jury in the superior court or other disposition in said superior court.

Any defendant found guilty in any district court of Norfolk county of a violation of any of the offenses set forth in the first paragraph of this act who has appealed to the superior court may, at any time before trial on such appeal, claim a trial by a jury of six in the district court of East Norfolk or the district court of northern Norfolk. Such claim shall be in writing and shall constitute a waiver of any right to a trial by a

*Section 3B.* There shall be a commission as provided under section five A of chapter two hundred and fifty-two of the General Laws which shall consist of five members. Of the members first appointed hereunder, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years, and until the qualification of their respective successors. Upon the expiration of the term of any member, his successor shall be appointed in like manner for a term of five years. The commission shall elect its own chairman and clerk and shall keep accurate records of its meetings.

**SECTION 2.** Notwithstanding the provisions of section five A of chapter two hundred and fifty-two of the General Laws to the contrary, the terms of all members of the Norfolk county mosquito control commission shall terminate upon the effective date of this act.

**SECTION 3.** This act shall take effect on December first, nineteen hundred and seventy-four.

*Approved June 5, 1974.*

**Chap. 308. AN ACT RELATIVE TO THE APPOINTMENT OF ESSEX COUNTY MOSQUITO CONTROL COMMISSIONERS.**

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

**SECTION 1.** Chapter 516 of the acts of 1958 is hereby amended by inserting after section 4A, inserted by section 2 of chapter 615 of the acts of 1964, the following section:—

*Section 4B.* There shall be a commission as provided under section five A of chapter two hundred and fifty-two of the General Laws which shall consist of five members. Of the members first appointed hereunder, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years, and until the qualification of their respective successors. Upon the expiration of the term of any member, his successor shall be appointed in like manner for a term of five years. The commission shall elect its own chairman and clerk and shall keep accurate records of its meetings.

**SECTION 2.** Notwithstanding the provisions of section five A of chapter two hundred and fifty-two of the General Laws to the contrary, the terms of all members of the Essex county mosquito control commission shall terminate upon the effective date of this act.

**SECTION 3.** This act shall take effect on December first, nineteen hundred and seventy-four.

*Approved June 5, 1974.*

**Chap. 309. AN ACT RELATIVE TO THE APPOINTMENT OF CAPE COD MOSQUITO CONTROL COMMISSIONERS.**

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

**SECTION 1.** Chapter 379 of the acts of 1930 is hereby amended by adding after section 2 the following section:—

*Section 3.* There shall be a commission as provided under section five A of said chapter two hundred and fifty-two which shall consist of three members. Of the members first appointed hereunder, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and until the qualification of their respective successors. Upon the expiration of the term of any member, his successor shall be appointed in like manner for a term of three years. The commission shall elect its own chairman and clerk and shall keep accurate records of its meetings.

**SECTION 2.** Notwithstanding the provisions of section five A of chapter two hundred and fifty-two of the General Laws to the contrary, the terms of all members of the Cape Cod mosquito control commission shall terminate upon the effective date of this act.

**SECTION 3.** This act shall take effect on December first, nineteen hundred and seventy-four.

*Approved June 5, 1974.*

**Chap. 310. AN ACT RELATIVE TO THE APPOINTMENT OF BRISTOL COUNTY MOSQUITO CONTROL COMMISSIONERS.**

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

**SECTION 1.** Chapter 432 of the acts of 1958 is hereby amended by inserting after section 3 the following section:—

*Section 3A.* There shall be a commission as provided under section five A of chapter two hundred and fifty-two of the General Laws which shall consist of five members. Of the members first appointed hereunder, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years, and until the qualification of their respective successors. Upon the expiration of the term of any member, his successor shall be appointed in like manner for a term of five years. The commission shall elect its own chairman and clerk and shall keep accurate records of its meetings.

**SECTION 2.** Notwithstanding the provisions of section five A of chapter two hundred and fifty-two of the General Laws to the contrary, the terms of all members of the Bristol county mosquito control commission shall terminate upon the effective date of this act.

**SECTION 3.** This act shall take effect on December first, nineteen hundred and seventy-four.

*Approved June 5, 1974.*



*10.*

*CAPE COD*



stated as a member of the police department of the town of Marblehead.

Submission to voters, etc.

2nd, as a member of the police department of said town, with the same rating held by him immediately prior to the termination of his service on March twentieth, nineteen hundred and twenty-nine.

SECTION 2. This act shall be submitted for acceptance to the voters of said town at the next annual town election in the form of the following question which shall be placed upon the official ballot to be used at said election: — "Shall an act passed by the general court in the year nineteen hundred and thirty, entitled 'An Act authorizing the reinstatement of Benjamin F. Doliber, 2nd, as a member of the police department of the town of Marblehead', be accepted?" If a majority of the votes in answer to said question are in the affirmative, then this act shall thereupon take effect, but not otherwise.

*Approved May 28, 1930.*

**Chap. 379 AN ACT ESTABLISHING A MOSQUITO CONTROL PROJECT COMPRISING THE TOWNS OF BARNSTABLE COUNTY.**

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

Cape Cod Mosquito Control Project established in towns of Barnstable county.

SECTION 1. The area included in the towns comprising the county of Barnstable is hereby constituted a mosquito control project under section five A of chapter two hundred and fifty-two of the General Laws, inserted therein by section three of chapter two hundred and eighty-eight of the acts of nineteen hundred and twenty-nine, to the same extent as if so constituted by the state reclamation board acting under said section five A, and the improvements herein authorized shall be undertaken under the identifying name of the Cape Cod Mosquito Control Project. The sums of money necessary to meet the construction and other expenses for the year nineteen hundred and thirty, if not already appropriated, shall be raised and appropriated by the said towns, to an amount not less than twenty-five cents for each one thousand dollars of their respective valuations, and the sums necessary to meet the said estimates for the year nineteen hundred and thirty-one shall be raised and appropriated by the said towns to an amount not less than twenty-five cents for each one thousand dollars of their respective valuations. Contributions to any amount from any other source may also be received by the said board for the use of the said project. All of said sums appropriated or contributed shall be deposited with the state treasurer and held and disbursed by him as provided in said section five A.

Money necessary to meet construction expenses to be appropriated by towns, etc.

To be deposited with state treasurer, etc.

To be expended under direction of state reclamation board.

Report of results of work to be filed with

SECTION 2. The funds deposited as aforesaid shall be expended under the direction and supervision of the state reclamation board under such known methods as in its opinion will effect the greatest measure of relief and serve as a demonstration in respect to the expediency of undertaking similar control work in other parts of the commonwealth. The board shall report the results of the work hereunder with recommendations for the continued financing of this and

similar projects and for such changes in or additions to the existing laws relating to mosquito control and reclamation work as may be suggested by experience hereunder or otherwise, by filing the same with the clerk of the senate on or before December first of the current year, and shall at the same time file a copy thereof with the budget commissioner.

clerk of senate, etc.

*Approved May 28, 1930.*

**AN ACT ESTABLISHING THE DIVISION OF SMOKE INSPECTION IN THE DEPARTMENT OF PUBLIC UTILITIES.**

**Chap. 380**

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

SECTION 1. Chapter twenty-five of the General Laws is hereby amended by adding, under the heading DIVISION OF SMOKE INSPECTION, after section twelve B, inserted by section one of chapter two hundred and eighty-seven of the acts of nineteen hundred and twenty-nine, the following four new sections: — *Section 12C.* There shall be in the department, and under its supervision and control, a division of smoke inspection consisting of a director, who shall have charge of said division, and an advisory council hereinafter provided for. The commission, with the approval of the governor and council, shall appoint said director for a term of five years, and fix his compensation. The commission, with like approval, or the governor, may remove said director at any time for cause. Said director shall not engage in any other business, and he shall be an experienced engineer.

G. L. 25, new sections after § 12B.

Division of Smoke Inspection established.

Director, appointment, term, compensation, etc.

*Section 12D.* Said division shall perform such of the functions in relation to the administration and enforcement of chapter six hundred and fifty-one of the acts of nineteen hundred and ten, and acts in amendment thereof or in addition thereto, as have been vested in the commission by said chapter and acts as the commission may from time to time determine by order duly recorded in the office of the commission and open to public inspection. The commission may employ such inspectors, assistants and other employees to serve in said division as may be necessary.

Functions of division.

Inspectors, assistants, etc.

*Section 12E.* The salaries of the director and all employees of the division and the expenses incurred in the performance of its functions shall be apportioned annually by the state treasurer among the cities and towns comprising the district defined by said chapter six hundred and fifty-one, and acts in amendment thereof and in addition thereto, in proportion to their last annual taxable valuation, and the amount so apportioned shall be added to their proportion of the state tax.

Salaries and expenses to be apportioned among cities and towns comprising district defined by 1910, 651, etc.

*Section 12F.* Said advisory council shall consist of five members appointed by the governor, with the advice and consent of the council, who shall be designated in their initial appointments to serve as follows: — two for three years, two for two years and one for one year. Upon the

Advisory council, membership, terms.

Calling of  
special meeting.

which the vacancy or vacancies exist, and he shall call a special meeting of such members for the purpose of filling such vacancy or vacancies. He shall cause to be mailed to every such member, not less than five days before the time set for the meeting, a notice specifying the object, time and place of the meeting. At the said meeting a majority of the members from such precinct shall constitute a quorum, and they shall elect from their own number a chairman and a clerk. The choice to fill any vacancy shall be by ballot, and a majority of the votes cast shall be required for a choice. The chairman and clerk shall count the ballots and shall make a certificate of the choice and forthwith file the same with the town clerk, together with a written acceptance by the member or members so chosen, who shall thereupon be deemed elected and qualified as a town meeting member or members, subject to the right of all the town meeting members to judge of the election and qualifications of the members as set forth in section five.

Choice  
by ballot.

Certificate of  
choice, etc.

Votes, when  
operative, etc.

*Section 10.* A vote passed at any representative town meeting authorizing the expenditure of twenty thousand dollars or more as a special appropriation, or establishing a new board or office or abolishing an old board or office or merging two or more boards or offices, or fixing the term of office of town officers, where such term is optional, or increasing or reducing the number of members of a board, or adopting a new by-law, or amending an existing by-law, shall not be operative until after the expiration of five days, exclusive of Sundays and holidays, from the dissolution of the meeting. If, within said five days, a petition, signed by not less than three per cent of the registered voters of the town, containing their names and addresses as they appear on the list of registered voters, is filed with the selectmen asking that the question or questions involved in such a vote be submitted to the registered voters of the town at large, then the selectmen, after the expiration of five days, shall forthwith call a special meeting for the sole purpose of presenting to the registered voters at large the question or questions so involved. The polls shall be opened at two o'clock in the afternoon and shall be closed not earlier than eight o'clock in the evening, and all votes upon any questions so submitted shall be taken by ballot, and the check list shall be used in the several precinct meetings in the same manner as in the election of town officers. The questions so submitted shall be determined by a majority vote of the registered voters of the town voting thereon; but no action of the representative town meeting shall be reversed unless at least twenty per cent of the registered voters shall so vote. Each question so submitted shall be in the form of the following question, which shall be placed upon the official ballot: — "Shall the town vote to approve the action of the representative town meeting whereby it was voted (brief description of the substance of the vote)?" If such petition is not filed within said period of five days, the vote of the representative town

Referendum.

Questions, how  
determined, etc.

Question, how  
stated upon  
ballot, etc.

Votes operative  
if no petition,  
etc.

meeting shall become operative and effective upon the expiration of said period.

*Section 11.* The town, after the acceptance of this chapter, shall continue to have the capacity to act through and to be bound by its town meeting members, who shall, when convened from time to time as herein provided, constitute representative town meetings; and the representative town meetings shall exercise exclusively, so far as will conform to the provisions of this chapter, all powers vested in the municipal corporation. Action in conformity with all provisions of law now or hereafter applicable to the transaction of town affairs in town meeting, shall, when taken by any representative town meeting in accordance with the provisions of this chapter, have the same force and effect as if such action had been taken in a town meeting open to all the voters of the town as organized and conducted before the establishment in said town of representative town meeting government.

Powers of town  
and its town  
meeting members,  
etc.

*Section 12.* This chapter shall not abridge the right of the inhabitants of the town to hold general meetings, as secured to them by the constitution of this commonwealth; nor shall this chapter confer upon any representative town meeting in any town the power finally to commit the town to any measure affecting its municipal existence or substantially changing its form of government without action thereon by the voters of the town at large, using the ballot and the check list therefor.

Certain rights  
not abridged,  
etc.

*Approved May 13, 1931.*

# AN ACT PROVIDING FOR THE CONTINUANCE OF THE WORK OF THE CAPE COD MOSQUITO CONTROL PROJECT. Chap. 315

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

*SECTION 1.* Chapter three hundred and seventy-nine of the acts of nineteen hundred and thirty is hereby amended by striking out section one and inserting in place thereof the following: — *Section 1.* The area included in the towns comprising the county of Barnstable is hereby constituted a mosquito control project under section five A of chapter two hundred and fifty-two of the General Laws, inserted therein by section three of chapter two hundred and eighty-eight of the acts of nineteen hundred and twenty-nine, to the same extent as if so constituted by the state reclamation board acting under said section five A, and the improvements herein authorized shall be undertaken under the identifying name of the Cape Cod Mosquito Control Project. Beginning with the year nineteen hundred and thirty-one, to meet the expenses incurred under this act, there shall annually be expended from the state treasury, subject to appropriation, sums equal, in the aggregate, to twenty-five cents on each one thousand dollars of the taxable valuations of all such towns, and the sums so expended shall be assessed by the state treasurer on said towns in proportion to their said valuations as additions to their respective quotas of the

1930, 379, § 1,  
amended.

Cape Cod  
Mosquito Control  
Project  
established in  
towns of Barn-  
stable county.

Expenditures  
from state  
treasury.

ment  
own.



Proviso.

state tax next to be assessed; provided, that any such town may in any year anticipate in whole or in part its assessment, and appropriate, raise and deposit the amount thereof with the state treasurer, and any sum so deposited shall be credited against such assessment. There may also be expended for the purposes of this act voluntary contributions for such purposes deposited in the state treasury.

1930, 379, § 2, amended.

To be expended under direction of state reclamation board.

SECTION 2. Said chapter three hundred and seventy-nine is hereby further amended by striking out section two and inserting in place thereof the following:— *Section 2.* The funds appropriated and deposited as aforesaid shall be expended for the construction of mosquito control works, and for the maintenance thereof, under the direction and supervision of the state reclamation board in accordance with such known methods as in its opinion will effect the greatest measure of relief.

Approved May 13, 1931.

**Chap.316** AN ACT CONTINUING AND EXTENDING THE EXISTING PREFERENCE IN THE CLASSIFIED LABOR SERVICE TO PERSONS WITH DEPENDENTS.

Emergency preamble.

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

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

Existing preference in classified labor service to persons with dependents continued and extended.

Until May fifteenth in the year nineteen hundred and thirty-two, the commissioner of civil service, on receipt of a requisition from the head of any department, board or commission of the commonwealth or of a city or town for temporary laborers in the classified labor service, shall, in certifying eligible applicants for positions in said service, give preference to persons so eligible who have one or more persons dependent upon them for support; provided, that in giving such preference veterans having such dependents shall be preferred over other persons so eligible for employment and having such dependents. Employment under this act shall not be continued beyond the period named in the requisition, which period shall not exceed three months. No re-employment or further employment shall be allowed at the end of such period, except by consent of the commissioner.

Approved May 14, 1931.

**Chap.317** AN ACT RELATIVE TO THE USE AND DISPOSITION BY THE TOWN OF MILTON OF CERTAIN TRUST FUNDS.

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

Use and disposition by town of Milton of certain trust funds.

SECTION 1. The town of Milton may dispose of and use the funds and property received by said town under the will of Edwin D. Wadsworth, heretofore administered under the provisions of chapter three hundred and five of the

Special Acts of nineteen hundred and seventeen for the purposes named therein, for such other purposes, in such manner and upon such terms and conditions as may be authorized by the decree of a court of competent jurisdiction upon a bill in equity for instructions or other appropriate proceeding brought by said town. The provisions of said chapter three hundred and five shall continue in full force and effect except as modified by the provisions of this act or by proceedings authorized hereunder.

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

Approved May 14, 1931.

AN ACT AUTHORIZING THE TOWN OF SAUGUS TO PAY A SUM OF MONEY TO THE CHAHPAHWEЕ CAMP FIRE GIRLS. **Chap.318**

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

SECTION 1. For the purpose of discharging a moral obligation, the town of Saugus may pay to the organization known as the Chahpahwee Camp Fire Girls a sum not exceeding fifteen hundred dollars, to reimburse said organization for the amount expended by it for the purchase of a heating plant and the installation thereof in the old town hall during the time said hall was occupied by said organization under a lease from said town.

Town of Saugus may pay a sum of money to Chahpahwee Camp Fire Girls.

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

Approved May 14, 1931.

AN ACT GIVING PREFERENCE TO CERTAIN FORMER EMPLOYEES IN THE LABOR SERVICE OF THE CITY OF CAMBRIDGE FOR RE-EMPLOYMENT THEREIN. **Chap.319**

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

Jeremiah Dailey, Alfred Bates, Reuben T. V. Westcott, Joseph O'Keefe, Jeremiah Collins, Patrick Canney, Daniel J. O'Flaherty, John White, Eugene McCarthy, James J. Barry, Dennis Doyle, John T. Bradley, Walter Selfridge, Michael J. Sweet, Daniel J. Clifford, James O'Brien, Timothy O'Connor, Thomas Fahey, Thomas Corcoran, James Fitzgerald, Thomas Scully, John White, John O'Rourke and Frank Dowling, former employees in the labor service of the city of Cambridge, who were removed therefrom in the year nineteen hundred and twenty-eight by order of the division of civil service, by reason of the fact that certain classification requirements under the civil service law were not complied with, shall, if duly registered as applicants for employment in the labor service of said city, be given preference for re-employment therein.

Preference for re-employment to be given certain former employees in the labor service of the city of Cambridge.

Approved May 14, 1931.

therefor by section one and this section the sums so expressed as increased as aforesaid, and he shall forthwith notify each officer having charge of any office, department or undertaking which receives such an appropriation for personal services of the amount thereof as so set up. The division of personnel and standardization shall furnish, upon the request of the state comptroller, all necessary assistance in carrying out the provisions of this act.

General and Highway Funds	\$59,541,337 90
Metropolitan District Commission	3,506,523 21

Expenditures  
in excess of  
appropriations,  
regulated.

SECTION 4. No expenditures in excess of appropriations provided for under this act shall be incurred by any department or institution, except in cases of emergency, and then only upon the prior written approval of the governor and council.

Appropriations  
for maintenance  
of certain  
institutions.

SECTION 5. The sums appropriated for maintenance of certain institutions include allowances for the purchase of coal to April first, nineteen hundred and thirty-six, and balance representing these sums may be carried forward at the end of the fiscal year.

Expenditures  
for public  
buildings  
regulated.

SECTION 6. No payment shall be made or obligation incurred under authority of any special appropriation made by this act for construction of public buildings or other improvements at state institutions until plans and specifications have been approved by the governor, unless otherwise provided by such rules and regulations as the governor may make.

Allowance for  
board, etc.,  
regulated.

SECTION 7. No expenses incurred for mid-day meals by state employees, other than those who receive as part of their compensation a non-cash allowance in the form of full or complete boarding and housing, and those employees who are stationed beyond commuting distance from their homes for a period of more than twenty-four hours, shall be allowed by the commonwealth.

Copies of act  
to be sent to  
department  
heads.

SECTION 8. The budget commissioner is hereby directed to send a copy of sections four, six and seven of this act to each departmental, divisional and institutional head immediately following the passage of this act.

SECTION 9. This act shall take effect upon its passage.

*Approved May 8, 1935.*

# Chap. 250 AN ACT RELATIVE TO THE AMOUNT OF EXPENDITURE FOR THE WORK OF THE CAPE COD MOSQUITO CONTROL PROJECT.

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

SECTION 1. Section one of chapter three hundred and seventy-nine of the acts of nineteen hundred and thirty, as amended by section one of chapter three hundred and en of the acts of nineteen hundred and thirty-one, is by further amended by striking out, in the eleventh

line, the words "year nineteen hundred and thirty-one" and inserting in place thereof the words: — fiscal year commencing on December first, nineteen hundred and thirty-five, — and by striking out, in the fourteenth line, the word "twenty-five" and inserting in place thereof the word: — thirty-five, — so as to read as follows: — *Section 1.* The area included in the towns comprising the county of Barnstable is hereby constituted a mosquito control project under section five A of chapter two hundred and fifty-two of the General Laws, inserted therein by section three of chapter two hundred and eighty-eight of the acts of nineteen hundred and twenty-nine, to the same extent as if so constituted by the state reclamation board acting under said section five A, and the improvements herein authorized shall be undertaken under the identifying name of the Cape Cod Mosquito Control Project. Beginning with the fiscal year commencing on December first, nineteen hundred and thirty-five, to meet the expenses incurred under this act, there shall annually be expended from the state treasury, subject to appropriation, sums equal, in the aggregate, to thirty-five cents on each one thousand dollars of the taxable valuations of all such towns, and the sums so expended shall be assessed by the state treasurer on said towns in proportion to their said valuations as additions to their respective quotas of the state tax next to be assessed; provided, that any such town may in any year anticipate in whole or in part its assessment, and appropriate, raise and deposit the amount thereof with the state treasurer, and any sum so deposited shall be credited against such assessment. There may also be expended for the purposes of this act voluntary contributions for such purposes deposited in the state treasury.

SECTION 2. This act shall take effect on December first of the current year.

*Approved May 8, 1935.*

AN ACT PROVIDING THAT THE WATCHMEN APPOINTED BY THE STATE SUPERINTENDENT OF BUILDINGS FOR SERVICE AT THE STATE HOUSE OR ON THE GROUNDS THEREOF SHALL HEREAFTER BE KNOWN AS CAPITOL POLICE.

*Chap. 251*

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

Section four of chapter eight of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "duties" in the fourth line the following: — Watchmen appointed hereunder for service at the state house or on the grounds thereof shall be designated as capitol police and shall, when on duty, wear and display a metallic badge bearing the seal of the commonwealth and the words "Capitol Police", — so as to read as follows: — *Section 4.* He may appoint such clerks, engineers, electricians, firemen, oilers, mechanics, watchmen, elevator operators, porters, cleaners and other persons as may be necessary to enable him to perform his duties

G. L. (Ter.  
Ed.), § 4,  
amended.

Appointment of  
employees by  
superintendent  
of buildings.

*Section 3B.* There shall be a commission as provided under section five A of chapter two hundred and fifty-two of the General Laws which shall consist of five members. Of the members first appointed hereunder, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years, and until the qualification of their respective successors. Upon the expiration of the term of any member, his successor shall be appointed in like manner for a term of five years. The commission shall elect its own chairman and clerk and shall keep accurate records of its meetings.

**SECTION 2.** Notwithstanding the provisions of section five A of chapter two hundred and fifty-two of the General Laws to the contrary, the terms of all members of the Norfolk county mosquito control commission shall terminate upon the effective date of this act.

**SECTION 3.** This act shall take effect on December first, nineteen hundred and seventy-four.

*Approved June 5, 1974.*

**Chap. 308. AN ACT RELATIVE TO THE APPOINTMENT OF ESSEX COUNTY MOSQUITO CONTROL COMMISSIONERS.**

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

**SECTION 1.** Chapter 516 of the acts of 1958 is hereby amended by inserting after section 4A, inserted by section 2 of chapter 615 of the acts of 1964, the following section:—

*Section 4B.* There shall be a commission as provided under section five A of chapter two hundred and fifty-two of the General Laws which shall consist of five members. Of the members first appointed hereunder, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years, and until the qualification of their respective successors. Upon the expiration of the term of any member, his successor shall be appointed in like manner for a term of five years. The commission shall elect its own chairman and clerk and shall keep accurate records of its meetings.

**SECTION 2.** Notwithstanding the provisions of section five A of chapter two hundred and fifty-two of the General Laws to the contrary, the terms of all members of the Essex county mosquito control commission shall terminate upon the effective date of this act.

**SECTION 3.** This act shall take effect on December first, nineteen hundred and seventy-four.

*Approved June 5, 1974.*

**Chap. 309. AN ACT RELATIVE TO THE APPOINTMENT OF CAPE COD MOSQUITO CONTROL COMMISSIONERS.**

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

**SECTION 1.** Chapter 379 of the acts of 1930 is hereby amended by adding after section 2 the following section:—

*Section 3.* There shall be a commission as provided under section five A of said chapter two hundred and fifty-two which shall consist of three members. Of the members first appointed hereunder, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and until the qualification of their respective successors. Upon the expiration of the term of any member, his successor shall be appointed in like manner for a term of three years. The commission shall elect its own chairman and clerk and shall keep accurate records of its meetings.

**SECTION 2.** Notwithstanding the provisions of section five A of chapter two hundred and fifty-two of the General Laws to the contrary, the terms of all members of the Cape Cod mosquito control commission shall terminate upon the effective date of this act.

**SECTION 3.** This act shall take effect on December first, nineteen hundred and seventy-four.

*Approved June 5, 1974.*

**Chap. 310. AN ACT RELATIVE TO THE APPOINTMENT OF BRISTOL COUNTY MOSQUITO CONTROL COMMISSIONERS.**

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

**SECTION 1.** Chapter 432 of the acts of 1958 is hereby amended by inserting after section 3 the following section:—

*Section 3A.* There shall be a commission as provided under section five A of chapter two hundred and fifty-two of the General Laws which shall consist of five members. Of the members first appointed hereunder, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years, and until the qualification of their respective successors. Upon the expiration of the term of any member, his successor shall be appointed in like manner for a term of five years. The commission shall elect its own chairman and clerk and shall keep accurate records of its meetings.

**SECTION 2.** Notwithstanding the provisions of section five A of chapter two hundred and fifty-two of the General Laws to the contrary, the terms of all members of the Bristol county mosquito control commission shall terminate upon the effective date of this act.

**SECTION 3.** This act shall take effect on December first, nineteen hundred and seventy-four.

*Approved June 5, 1974.*



# ACTS AND RESOLVES

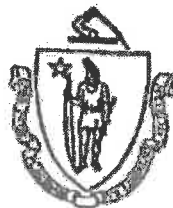
PASSED BY THE  
GENERAL COURT OF MASSACHUSETTS  
IN THE YEAR

1990

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

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Chapter 150. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND NINETY-ONE FOR THE MAINTENANCE OF THE DEPARTMENTS, BOARDS, COMMISSIONS, INSTITUTIONS AND CERTAIN ACTIVITIES OF THE COMMONWEALTH, FOR INTEREST, SKINKING 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 sections two, two A, and two B, for the several purposes and subject to the conditions specified in said sections two, two A, two B and three, are hereby appropriated from the General Fund unless specifically designated otherwise, 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 ninety-one, in this act referred to as the year nineteen hundred and ninety-one, or for such period as may be designated.

SECTION 1A. (a) Notwithstanding any other provision of this act or any other general or special law to the contrary, the sums set forth for appropriation and spending authorizations from retained revenue in line-items in section two of this act shall be reduced by four percent and, notwithstanding the amounts appropriated or authorized to be expended in said section two, the comptroller shall not make available for expenditure amounts in excess of the amount indicated in said section two reduced by four percent; provided, however, that said sums as reduced shall be expended for the several purposes and subject to the conditions specified in such line-item, unless such conditions specify that a certain amount or not less than a certain amount be expended for a particular purpose, in which case the amount available for expenditure for such particular purpose shall be reduced by four percent; provided, further, that the provisions of this section shall not apply to the following line-items:

0320-0001	0612-1010	0612-7000	0699-2900
0321-1500	0612-1011	0612-8000	0699-3800
0321-1501	0612-1506	0612-9000	0699-3801
0322-0001	0612-1507	0640-0000	0699-3900
0330-0100	0612-1900	0640-0001	0699-4800
0330-2200	0612-2000	0640-0096	0699-4801
0340-2000	0612-2001	0699-1800	0699-4900
0340-2050	0612-3000	0699-1801	0699-5800
0521-0000	0612-5000	0699-1900	0699-5801
0524-0000	0612-6000	0699-2800	0699-5900





(B) Fee for a 1 year registration period, reduced by 50% six months into period.  
 (C) Transferable to any aircraft for demonstration flights only. Any other use requires standard registration.

Outdoor Advertising Board	
Licenses (based upon number of permits)	
(a) 0 - 200 permits	
(b) In excess of 200 permits	\$1,000
Permits (based upon square footage only)	
(a) 100 sq. ft. or smaller	\$1,500
(b) larger than 100 sq. ft. up to 672 sq. ft.	\$60 per face annual
(c) larger than 672 sq. ft.	\$100 per face annual
	\$160 per face annual

#### Executive Office of Public Safety.

#### Armory Rental

Category A	
Category B	\$12.00 per hour
Category C	\$20.00 per hour
Category D	\$6.00 per hour
Category E	\$30.00 per hour
	\$25.00 per hour

#### Armory personnel

\$10.00 per hour

SECTION 47. Notwithstanding the provisions of section twenty A of chapter fifty-nine of the General Laws or any other general or special law to the contrary, the state treasurer shall assess the members of any mosquito control district up to one hundred percent of the amount appropriated during fiscal year nineteen hundred and ninety-one for expenditures on behalf of said district and for the cost of the state reclamation board.

SECTION 48. Notwithstanding the provisions of section five of chapter two hundred and fifty-two of the General Laws or any other general or special law to the contrary, there shall be five commissioners for the Cape Cod Mosquito Control Project. One shall be a member of the Barnstable County Selectmens' Association and one shall be the town manager or executive secretary of a town in Barnstable county.

SECTION 49. Notwithstanding the provisions of section one hundred and thirteen of chapter ninety-two of the General Laws, or any other general or special law to the contrary, the obligations due to the commonwealth for the operation and maintenance of the watershed division of the metropolitan district commission for fiscal year nineteen hundred and ninety expenses shall be paid by the Massachusetts Water



*11.*

*CENTRAL  
MASS.*



**SECTION 1.** The second paragraph of section 1 of chapter 234 of the General Laws, as appearing in chapter 148 of the acts of 1969, is hereby amended by striking out, in lines 22 to 24, inclusive, the words "mothers of children under sixteen years of age or women having custody of such children and women".

**SECTION 2.** Said section 1 of said chapter 234 is hereby further amended by adding the following paragraph: —

A parent or person having custody of and being responsible for the daily supervision of a child under fifteen years of age may elect not to have his name placed on the list of jurors and in such event he shall be treated as a person exempt from jury duty under this section.

*Approved August 3, 1973.*

**Chap. 583. AN ACT ESTABLISHING THE CENTRAL MASSACHUSETTS MOSQUITO CONTROL PROJECT.**

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

**SECTION 1.** The area in Middlesex and Worcester Counties including the city of Marlborough, hereinafter called the city, and the towns of Acton, Ashland, Ayer, Berlin, Billerica, Bolton, Boxborough, Boylston, Carlisle, Chelmsford, Clinton, Grafton, Groton, Harvard, Holliston, Hopedale, Hopkinton, Hudson, Lancaster, Littleton, Milford, Northborough, Sherborn, Shirley, Shrewsbury, Southborough, Stow, Tewksbury, Upton, Westborough and Westford, is hereby constituted a mosquito control project under section five A of chapter two hundred and fifty-two of the General Laws to the same extent as if so constituted by the state reclamation board acting under said section five A and the improvements herein authorized shall be undertaken under the identifying name of the Central Massachusetts Mosquito Control Project, hereinafter called the project.

There shall be a commission as provided under said section five A of chapter two hundred and fifty-two which shall consist of five members. Of the members first appointed hereunder, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years, and each shall serve until the qualification of their respective successors. Upon the expiration of the term of any member, his successor shall be appointed in like manner for a term of five years. The commission shall elect its own chairman and clerk and shall keep accurate records of its meetings.

**SECTION 2.** Beginning with the fiscal year commencing July first, nineteen hundred and seventy-three, to meet the expenses incurred under this act, there shall be annually expended from the state treasury, subject to appropriation, sums equal in the aggregate, to eight cents on each one thousand dollars of equalized valuations of the city and the aforementioned towns, as most recently reported by the tax commission to the general court under the provisions of section ten C of chapter fifty-eight of the General

Laws; and the state treasurer shall issue his warrant requiring the assessors of the city and said towns to assess a tax to the amount of the sums so expended, one quarter of which shall be in proportion to their said valuations and three quarters shall be in proportion to their respective areas, and such amounts shall be collected and paid to the state treasurer as provided in section twenty of chapter fifty-nine of the General Laws; provided, that the city and any such town may in any year anticipate in whole or in part its assessment, and appropriate, raise and deposit the amount thereof with the state treasurer, and any sum so deposited shall be credited against such assessment. There may also be expended for the purposes of this act voluntary contributions for such purposes deposited in the state treasury.

**SECTION 3.** The funds appropriated and deposited as aforesaid shall be expended by the project for the investigation, construction and maintenance of mosquito control works in the project, under the direction and supervision of the state reclamation board in accordance with such known methods as in its opinion will effect the greatest measure of relief.

**SECTION 4.** The city, by vote of the city council, with the approval of the mayor, or any town by a majority vote of the voters at an annual town meeting, may, after this act has been in effect therein for a period of one year, withdraw from membership in the project hereinbefore established and thereupon the provisions of this act shall no longer apply to such city or town.

*Approved August 3, 1973.*

**Chap. 584. AN ACT TO ASCERTAIN THE WILL OF THE VOTERS OF THE CITY OF PITTSFIELD RELATIVE TO THE MERGER OF THE BERKSHIRE MEDICAL CENTER AND HILLCREST HOSPITAL.**

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

In order to ascertain the will of the voters of the city of Pittsfield, there shall be placed upon the ballot to be used at the regular election in the current year in said city the following question: "Shall Berkshire Medical Center and Hillcrest Hospital merge as one hospital?"

If the majority of the votes in answer to said question is in the affirmative, it shall be deemed and taken to be the will of the voters of said city that such merger be carried out, and, if a majority of said votes is in the negative, it shall be deemed and taken to be the will of said voters that such merger not be carried out.

*Approved August 3, 1973.*

**Chap. 585. AN ACT INCREASING THE CRIMINAL JURISDICTION OF THE DISTRICT COURTS.**

Paragraph (b) of subdivision (1) of section 23 of chapter 32 of the General Laws is hereby amended by inserting after the second sentence the following two sentences: — The state treasurer may cause any stock, bond, or security of each such system to be held for its account and not in a fiduciary capacity to be registered and held in the name of a partnership or a cooperative nominee named by him. The members of the partnership or the cooperative nominee shall be restricted to the state treasurer and the first, second and third deputy treasurer, as the state treasurer may so designate.

*Approved July 14, 1975.*

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE DEPARTMENT, STATE HOUSE  
BOSTON, July 22, 1975

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

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 487 of the Acts of 1975, entitled, AN ACT ALLOWING THE STATE TREASURER TO SET UP COOPERATIVE NOMINEE PARTNERSHIPS FOR MASSACHUSETTS STATE EMPLOYEES RETIREMENT FUND AND MASSACHUSETTS TEACHERS RETIREMENT FUND., and the enactment of which received my approval on July 14, 1975, should take effect forthwith.

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

In order to immediately allow the investment of certain funds.

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

OFFICE OF THE SECRETARY, BOSTON, July 22, 1975.

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

PAUL F. PIMENTEL,  
*Deputy Secretary of the Commonwealth*

**Chap. 488. AN ACT FACILITATING THE IMPLEMENTATION OF CERTAIN PROVISIONS OF THE FEDERAL HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974.**

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

Notwithstanding the provisions of section fifty-six of chapter forty-one of the General Laws or any other general or special law to the contrary, cities and towns may pay over in lump sum payments to local housing authorities, redevelopment authorities, or municipal development agencies, funds received under the federal Housing and Community Development Act of 1974, in order to carry out the purposes for which such funds were received. Housing authorities, redevelopment authorities, and municipal development agencies receiving such funds, shall be subject to all applicable requirements of chapter one hundred and twenty-one B of the General Laws and rules and regulations thereunder. The department of community affairs shall promulgate such further rules and regulations as may be required to carry out the purposes of this act.

*Approved July 14, 1975.*

**Chap. 489. AN ACT PROVIDING FOR THE MEMBERSHIP OF THE TOWN OF NORTHBRIDGE IN THE CENTRAL MASSACHUSETTS MOSQUITO CONTROL PROJECT.**

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

SECTION 1. The first paragraph of section 1 of chapter 583 of the acts of 1973 is hereby amended by inserting after the word "Northborough", in line 6, the word: — Northbridge.

SECTION 2. The town of Northbridge at any time prior to the effective date of this act may by a majority vote of the voters at a town meeting vote not to become a member of the Central Massachusetts Mosquito Control Project.

SECTION 3. This act shall take effect ninety days after its passage.

*Approved July 14, 1975.*

**Chap. 490. AN ACT AUTHORIZING CERTAIN PERSONS TO ATTEND AN INQUEST.**

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

SECTION 1. Section 8 of chapter 38 of the General Laws, as most recently amended by section 1 of chapter 30 of the acts of 1939, is hereby amended by striking out the fourth sentence and inserting in place thereof the following two sentences: — Any person or his attorney having an interest in the inquest may be present during the holding of such inquest and shall at the completion of the magistrate's report of such inquest.

foreshores of Cape Cod Bay where the Eastham, Orleans town boundary intersects the mean low water line; thence in a southwesterly, westerly, northwesterly, northerly, northeasterly, easterly and southeasterly direction along the mean low water line of Cape Cod Bay traversing all inlets, streams, rivers at their entrance to Cape Cod Bay to the point of beginning, meaning and intending to include all islands along the foreshores of Cape Cod Bay to a distance of three nautical miles from the shores thereof, and every bank, flat, marsh, meadow, swamp and island within the Great Marshes so called, lying within the town of Barnstable.

SECTION 2. Section 3 of said chapter 470 is hereby amended by striking out the definition of "Town", as amended by section 2 of said chapter 273, and inserting in place thereof the following definition:-

"Town" - the individual regional town of Bourne, Sandwich, Barnstable, Yarmouth, Dennis, Brewster or Orleans.

SECTION 3. Section 4 of said chapter 470 is hereby amended by striking out the first paragraph, as amended by section 3 of said chapter 273, and inserting in place thereof the following paragraph:-

*Establishment and Organization of the Old King's Highway Regional Historic District Commission.* - There is hereby established the Old King's Highway Regional Historic District Commission, hereinafter called the commission, consisting of seven members, each of whom shall be a chairman of a member town historic district committee of the following towns: Bourne, Sandwich, Barnstable, Yarmouth, Dennis, Brewster and Orleans.

SECTION 3A. Said section 4 of said chapter 470 is hereby amended by striking out the third paragraph, as amended by section 3A of said chapter 273, and inserting in place thereof the following paragraph:-

Four members of the commission shall constitute a quorum.

SECTION 4. The town of Harwich shall be responsible for all expenses of the district up to the date of acceptance of this act by said town that may be determined by the commission established under authority of chapter four hundred and seventy of the acts of nineteen hundred and seventy-five and in accordance with the amount apportioned as the share of the town of Harwich.

SECTION 5. This act shall be submitted for acceptance to the voters of the town of Harwich 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 upon the official ballot

at such election: "Shall an act passed by the General Court in the year nineteen hundred and seventy-seven, entitled 'An Act authorizing the town of Harwich to withdraw from the Old King's Highway Regional Historic District', be accepted?" If a majority of the votes cast in answer to said question is in the affirmative this act shall take full effect, but not otherwise.

*Approved March 11, 1977.*

**Chap. 39. AN ACT PROVIDING THAT THE OFFICE OF CHIEF OF POLICE OF THE TOWN OF DARTMOUTH SHALL BE EXEMPT FROM CIVIL SERVICE LAW AND RULES.**

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

SECTION 1. Chapter 545 of the acts of 1976 is hereby amended by striking out section 3 and inserting in place thereof the following section:-

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

SECTION 2. Said chapter 545 is hereby further amended by adding the following section:-

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

*Approved March 11, 1977.*

**Chap. 40. AN ACT PROVIDING FOR THE MEMBERSHIP OF THE TOWN OF STERLING IN THE CENTRAL MASSACHUSETTS MOSQUITO CONTROL PROJECT.**

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

Section 1 of chapter 583 of the acts of 1973 is hereby amended by striking out the first paragraph, as amended by section 1 of chapter 489 of the acts of 1975, and inserting in place thereof the following paragraph:-

The area in Middlesex and Worcester Counties including the city of Marlborough, hereinafter called the city, and the towns of Acton, Ashland, Ayer, Berlin, Billerica, Bolton, Boxborough, Boylston, Carlisle, Chelmsford, Clinton, Grafton, Groton, Harvard, Holliston, Hopedale, Hopkinton, Hudson, Lancaster, Littleton, Milford, Northborough, Northbridge, Sherborn, Shirley, Shrewsbury, Southborough, Sterling, Stow, Tewksbury, Upton, Westborough and Westford, is hereby constituted a mosquito control project under section five A of chapter two hundred and fifty-two of the General Laws to the same extent as if so constituted by the state reclamation board acting under said section five A and the improvements herein authorized shall be undertaken under the identifying name of the Central Massachusetts Mosquito Control Project, hereinafter called the project.

*Approved March 11, 1977.*

**Chap. 41. AN ACT AUTHORIZING THE TOWN OF MARION TO BORROW MONEY FOR THE CONSTRUCTION OF HOUSING FOR ELDERLY PERSONS OF LOW INCOME.**

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

SECTION 1. The town of Marion, hereinafter called the town, is authorized to make appropriations for the construction, operation, acquisition, and maintenance of a building and related facilities to provide housing for elderly persons of low income.

SECTION 2. The town may raise any appropriation for the construction or acquisition of such a building, including site acquisition and the original equipping and furnishing thereof by borrowing from time to time such sums as may be necessary, not exceeding in the aggregate, three hundred thousand dollars and may issue bonds and notes therefor, which shall bear on their face the words, Town of Marion Elderly Housing Loan, Act of 1977. Each authorized issue shall constitute a separate loan and such loans shall be payable in not more than twenty-five years from their dates. Such borrowing shall not be included in the limit of indebtedness prescribed by section ten of chapter forty-four of the General Laws.

SECTION 3. The construction or acquisition, operation and maintenance of the building authorized by this act shall be undertaken by the town, acting by and through a housing committee of five members. Members of the housing committee shall be appointed by a board consisting of the chairman of the board of selectmen and the moderator. Of the initial appointments, one

shall be designated for a one year term and two for a two year term and two for a three year term; thereafter all appointments shall be for three years and until a successor is appointed and qualified. The housing committee may, with the approval of the board of selectmen, establish rents, which need not be uniform, and make such rules and regulations concerning use, occupancy, maintenance and other necessary matters relating to the building as it shall deem proper. All revenues of the building shall be town funds and the housing committee shall, except as otherwise provided by law, expend only such funds as are appropriated for it by the town.

SECTION 4. Without limiting the power of the town, as granted by section one of this act, all action taken by the town of Marion to appropriate three hundred thousand dollars for the housing purposes encompassed by this act and to authorize the issuance of bonds and notes of the town to raise such appropriation is hereby ratified and confirmed as if this act had been in effect at the time such action was taken.

SECTION 5. This act shall take effect upon passage.

*Approved March 15, 1977.*

**Chap. 42. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF NORFOLK COUNTY TO PAY CERTAIN UNPAID BILLS.**

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

SECTION 1. Notwithstanding any general or special law to the contrary, the county commissioners of Norfolk county are hereby authorized to approve for payment and to pay, subject to appropriation, and after such appropriation, the county treasurer of said county is hereby authorized to pay, such unpaid bills incurred by said county during the nineteen hundred and seventy-two - nineteen hundred and seventy-three and the nineteen hundred and seventy-three - nineteen hundred and seventy-four fiscal years totaling fifty-one thousand five hundred and thirty-three dollars and sixty-five cents as appearing on a list on file in the division of accounts in the department of corporations and taxation and which bills are legally unenforceable against said county.

SECTION 2. No bill shall be approved by the county commissioners of said county or paid by said county treasurer under the authority of this act unless and until a certificate has been signed and filed with the treasurer of said county stating under the penalties of perjury, that the goods and services for which



register of deeds upon payment of the fee required by law shall record any such affidavit and any such acknowledgment contained in a separate instrument, and enter upon the margin of the record of the mortgage a note of reference to the record of the affidavit or acknowledgment and index it in the grantor index under the names of the owner or owners named in the affidavit or executing the acknowledgment.

*Section 35.* For the purposes of this section and sections thirty-three and thirty-four, the term "mortgage" includes any deed of trust or other conveyance made for the purpose of securing performance of a debt or obligation, and no proceeding at law or in equity shall be considered begun until a memorandum as required by section fifteen of chapter one hundred and eighty-four has been recorded in the registry of deeds for the county or recording district in which the real estate is situated. When any mortgage includes parcels in different ownerships at the time of recording of an extension, acknowledgment or affidavit the recording shall be sufficient only for the parcels which the owner or owners executing the extension or acknowledgment or named in the affidavit then appear of record to own. When the real estate is situated in more than one county or district, recording in any county or district shall be sufficient only for the real estate there situated. The provisions of this section and sections thirty-three and thirty-four shall not apply in case of real estate registered by the land court, nor revive, preserve or extend any mortgage otherwise ineffective, nor affect enforcement of the debt or obligation otherwise than against the real estate mortgaged.

*Approved May 14, 1957.*

**Chap. 371 AN ACT CREATING A MOSQUITO CONTROL PROJECT IN THE COUNTY OF DUKES COUNTY.**

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

**SECTION 1.** The area included in the towns comprising the county of Dukes county is hereby constituted a mosquito control project under section five A of chapter two hundred and fifty-two of the General Laws, to the same extent as if so constituted by the state reclamation board acting under said section five A, and the improvements herein authorized shall be undertaken under the identifying name of the Dukes County Mosquito Control Project. Beginning with the fiscal year commencing on July first, nineteen hundred and fifty-seven, to meet the expenses incurred under this act there shall annually be expended from the state treasury, subject to appropriation, sums equal, in the aggregate, to twenty-five cents on each one thousand dollars based upon the nineteen hundred and fifty-seven assessors' valuations of such towns, and the state treasurer shall issue his warrant requiring the assessors of said towns concerned to assess a tax to the amount of the sums so expended in proportion to their said valuations and such amounts shall be





12.

*EAST  
MIDDLESEX*



**§ 20. Repairs.**

If it is necessary to repair an improvement so made, a majority of the persons benefited by it may cause such repairs to be made, and may by bill in equity compel contribution on the basis of the award from the owner of each parcel of land for the use of which the improvement was made.

**History—**

1855, 104, § 5; GS 148, § 24; PS 189, § 24; RL 195, § 22; 1918, 257, § 201; 1919, 5; 1920, 2.

**Total Client-Service Library® References—**

25 Am Jur 2d, Drains and Drainage Districts §§ 38 et seq.

**§ 21. Petition to Mayor and Aldermen or Selectmen.**

If the land mentioned in section fifteen lies entirely in one town, the petition may be made to the mayor and aldermen or selectmen thereof, who shall proceed thereon in all respects as above provided for county commissioners, except that they need not give notice to their town. Such petition shall be filed in the office of the town clerk before proceedings are had thereon; and the petition with the order thereon shall be recorded in said office within two months after the order has been made.

**History—**

1857, 292, §§ 1, 3; GS 148, §§ 25, 26; PS 189, §§ 25, 26; RL 195, § 23.

**Total Client-Service Library® References—**

22 Am Jur Pl & Pr Forms (Rev), Special or Local Assessments, Form 1 (petition for application by property owners for undertaking of local improvement and formation of special assessment district).

**CASE NOTES**

This section is permissive. *Eldridge v Norfolk County Com'rs* (1904) 185 Mass 186, 70 NE 36.

**§ 22. Fees.**

The mayor and aldermen or selectmen shall each receive two dollars for each day's service upon such petition, and the city or town clerk shall receive for recording a petition or order thereon the fee provided by clause (68) of section thirty-four of chapter two hundred and sixty-two.

**History—**

1857, 292, §§ 3, 4; GS 148, § 27; PS 189, § 27; RL 195, § 24; 1948, 550, § 44.

**Editorial Note—**

The 1948 amendment rewrote this section.

**§ 23. Appeal to County Commissioners.**

A party aggrieved by the refusal of the mayor and aldermen or selectmen to make such order, may, within one year thereafter, petition the county commissioners, who shall thereupon proceed in all respects as though the petition had been originally filed with them.

**History—**

1857, 292, § 2; GS 148, § 28; PS 189, § 28; RL 195, § 25; 1918, 257, § 202; 1919, 5; 1920, 2.

**Total Client-Service Library® References—**

22 Am Jur Pl & Pr Forms (Rev), Special or Local Assessments, Form 11 (notice of hearing before legislative body on petition to form special assessment district).

22 Am Jur Pl & Pr Forms (Rev), Special or Local Assessments, Form 21 (protest to proposed special assessments).

**GREENHEAD FLY CONTROL PROJECTS****§ 24. Greenhead Fly Control Projects; Establishment; Proceedings.**

With the approval of the state reclamation board, hereinafter called the board, any city or town along the seacoast of the commonwealth may, in a city by vote of the city council and in a town by vote of the selectmen, establish a greenhead fly control project within its area, and any two or more adjoining such cities or towns may, by like votes, form a district within their combined areas.

In those areas where district greenhead fly control projects have been formed, the board shall appoint three district commissioners, who shall be sworn to the faithful performance of their duties. The board shall fix the compensation of said commissioners at a sum not to exceed five dollars per day of actual service, and shall allow them actual traveling and other expenses incurred in the performance of their duties. Such compensation and expenses shall be charged to and paid by the district. Any commissioner may be removed by the board for cause and the board may fill vacancies. The certificate of appointment of said commissioners shall be revoked by the board when the objects

for which they have been appointed have been accomplished. The duties of the commissioners shall be established by the board.

The votes of said cities and towns to form a district shall be binding for a period of not longer than five years, and any city or town having voted to form a district may withdraw from the district, on any anniversary date of its original vote in paragraph one, by like vote not more than sixty days nor less than ten days prior thereto and notification to the board.

Any city or town may, with the approval of the board, vote as in paragraph one to become a member of an existing district greenhead fly control project.

The city, town or district shall determine the maximum annual amount to be expended in carrying out its individual project, and shall forthwith notify the board of such determination.

In the case of a district greenhead fly control project the maximum annual cost shall be determined by the commissioners, and the board shall determine the proportionate share of such annual cost, which shall be borne by each of the constituent municipalities, apportioned as hereinafter set forth, and shall forthwith notify the treasurer of each member city or town of such determination.

One third of such cost shall be borne by the several municipalities within a district in proportion to the entire salt marsh area contained within their respective boundaries, a similar one third based on the foregoing provision shall be borne by the commonwealth, subject to appropriation, and further subject to the direction and control of the board, and the remaining one third of such cost shall be borne by the several municipalities within the district in proportion to their respective taxable valuations as last established by the general court as a basis of apportionment for state and county taxes. A city or town establishing such a project within its area shall bear the entire cost thereof.

Each of the municipalities comprising such a district shall pay its share of such costs, as so determined, and each city or town establishing such a project shall pay its entire cost, into the state treasury. Any city, town or district may in any year anticipate its liability for such cost, and may raise, appropriate and deposit the amount thereof with the state treasurer, and any sums so deposited shall be credited against its said liability.

Subject to appropriation, there shall annually be expended from the state treasury, under the direction and control of the board, and, where necessary or advisable, in advance of the payment by any city or town of the amount of its liability under the foregoing paragraph, sums not

in the excess of the maxima respectively established for said projects, for the elimination or control of the greenhead fly nuisance within the area of each, in accordance with such plans and by means of such methods of control as may be prepared and devised by the board to effect the greatest measure of relief. There may also be disbursed for the furtherance of such a project any other sums voluntarily deposited with the state treasurer by any persons, groups or associations for said project purposes.

**History—**

1948, 391, § 1; 1954, 388, § 1; 1955, 433.

**Editorial Note—**

The 1954 amendment rewrote this section.

The 1955 amendment largely rewrote this section.

**14.**

**NORFOLK  
COUNTY**



**Chap.338** AN ACT AUTHORIZING THE COMMISSIONER OF PUBLIC SAFETY TO GRANT A LEASE OF CERTAIN STATE PROPERTY.*Be it enacted, etc., as follows:*

The commissioner of public safety, in behalf of the commonwealth, is hereby authorized to grant a lease for that portion of the property of the commonwealth located at 1006 Commonwealth Avenue, Brookline, Massachusetts, now used as an automobile service station. Said lease, subject to approval by the commissioner of administration and the governor and council, may be for a term, not exceeding five years, with an option of renewal for a similar period.

*Approved May 11, 1956.***Chap.339** AN ACT AUTHORIZING THE REGISTRAR OF MOTOR VEHICLES TO REDUCE THE SIZE OF CERTAIN NUMBER PLATES.*Be it enacted, etc., as follows:*

The number plates furnished by the registrar of motor vehicles under section six of chapter ninety of the General Laws to every person whose motor vehicle is registered in the year nineteen hundred and fifty-six may, at the direction of the registrar, be reduced in size to not less than twelve inches long and six inches high; provided that no part of the inscription thereon is removed or covered.

This authorization may be used only in the case of a nineteen hundred and fifty-seven model motor vehicle produced in the year nineteen hundred and fifty-six on which provision has been made for the mounting of plates no larger than twelve inches long and six inches high.

*Approved May 11, 1956.***Chap.340** AN ACT AUTHORIZING THE BOSTON LICENSING BOARD TO GRANT AN ALL ALCOHOLIC BEVERAGES CLUB LICENSE TO THE MATTAPAN DORCHESTER ROXBURY DISTRICT COUNCIL INC. JEWISH WAR VETERANS.*Be it enacted, etc., as follows:*

Notwithstanding any other provision of law, the licensing board of the city of Boston is hereby authorized to issue to the Mattapan Dorchester Roxbury District Council Inc. Jewish War Veterans a license to sell all alcoholic beverages to be drunk on its premises to members and bona fide guests only. Said license shall not be transferable to any other licensee.

*Approved May 11, 1956.***AN ACT ESTABLISHING THE NORFOLK COUNTY MOSQUITO CONTROL PROJECT.** *Chap.341**Be it enacted, etc., as follows:*

SECTION 1. The area in Norfolk county not including any city or town already a member of an organized mosquito control project is hereby constituted a mosquito control project under section five A of chapter two hundred and fifty-two of the General Laws, to the same extent as if so constituted by the state reclamation board acting under said section five A and the improvements herein authorized shall be undertaken under the identifying name of the Norfolk County Mosquito Control Project.

Beginning with the fiscal year commencing July first, nineteen hundred and fifty-six, to meet the expenses incurred under this act, there shall be expended annually from the state treasury, subject to appropriation, sums equal in the aggregate to twenty cents on each one thousand dollars of taxable valuations of all such towns, and the sums so expended shall be assessed beginning in the calendar year nineteen hundred and fifty-six by the state treasurer on said towns one half in proportion to their said valuations and one half in proportion to their respective areas as additions to their respective quotas of the state tax to be assessed; provided, that any such town may in any year anticipate in whole or in part its assessment, and appropriate, raise and deposit the amount thereof with the state treasurer, and any sum so deposited shall be credited against such assessment.

For the purpose of initiating work promptly towns participating in this project are directed to pay to the state treasurer an amount equal to one third of the sum to be paid annually under the aforementioned formula, upon action by the town meeting. Such sums, together with any voluntary contributions that may be made from time to time, may be expended by the project without further appropriation.

SECTION 2. The funds appropriated and deposited as aforesaid shall be expended by the Norfolk County Mosquito Control Project for the investigation of mosquito control works, and the construction and maintenance thereof, in said county, under the direction and supervision of the state reclamation board in accordance with such known methods as in its opinion will effect the greatest measure of relief.

SECTION 3. Any town which becomes a part of the mosquito control project established under section one may withdraw from membership in said project after the expiration of one year; provided said town so votes at a regular or special town meeting held prior to the expiration of one year from the effective date of this act; otherwise, said town shall continue as a member of said project.

SECTION 3A. Any town in which this act has been in effect for a period of three years may by a majority vote of the voters at an annual town meeting withdraw from membership in the mosquito control project established by this act, and thereupon the provisions of this act shall no longer apply to such town.

SECTION 4. Any action taken by any town meeting in Norfolk county in the current year pursuant to authority contained in section one shall be valid and effective as though this act were in effect at the time of the posting of the warrant for said town meeting.

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

*Approved May 14, 1956.*

**Chap.342 AN ACT RELATIVE TO THE FURNISHING BY MUNICIPALITIES OF COPIES OF AMENDED RECORDS OF CERTAIN BIRTHS AND DEATHS.**

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

G. L. (Ter. Ed.), 46, § 13, etc., amended.

Section 13 of chapter 46 of the General Laws is hereby amended by striking out the paragraph most recently amended by section 4 of chapter 107 of the acts of 1955 and inserting in place thereof the following paragraph: —

City and town clerks to furnish copies of amended records of certain births and deaths.

He shall file any affidavit, certificate of adoption, certified copy of such decree or copy of record submitted under this section, and record it in a separate book kept therefor, with the name and residence of the deponent or the facts of such decree and the date of the original record, and shall thereupon draw a line through any statement, or statements, sought to be corrected or amended in the original record, without erasing them, shall enter upon the original record the facts required to correct, amend or supplement the same in accordance with such affidavit, certificate or decree, including, in case of a certificate or decree of adoption and in cases of persons adopted who have had their names legally changed later, the same facts relative to the adopting parents as are required in a record of birth by the provisions of section one relative to natural parents, and forthwith, if a copy of the record has been sent to the state secretary and to the city or town clerk of the residence of the parents at the time of birth or where the deceased lived at the time of death, shall forward to the state secretary and such city or town clerk a certified copy of the corrected, amended or supplemented record upon blanks to be provided by the state secretary, and the state secretary and the city or town clerk shall thereupon correct, amend or supplement the record in his office. Reference to the record of the affidavit or such decree shall be made by the clerk on the margin of the original record. If the clerk furnishes a copy of such a record, he shall certify to the facts contained therein as corrected, amended or supplemented; except that the clerk shall, upon proper judicial order, or when requested by a person seeking his own birth record, or by a person

whose official duties, in the opinion of the clerk, entitle him to the information contained in the original record, furnish a copy of such original record. If the corrected, amended or supplemented record is that of a person who has acquired the status of a legitimate child, the clerk shall not indicate on such copy that the record has been corrected, amended or supplemented. Such affidavit, or a certified copy of the record of any other town or of a written statement made at the time by any person since deceased required by law to furnish evidence thereof, may, in the discretion of the clerk, be made the basis for the record of a birth, marriage or death not previously recorded, and such copy of record may also be made the basis for completing the record of a birth, marriage or death not containing all the required facts.

*Approved May 14, 1956.*

**AN ACT ESTABLISHING A LICENSING COMMISSION IN THE CITY OF GLOUCESTER. Chap.343**

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

SECTION 1. There is hereby established in the city of Gloucester a licensing commission to consist of the chief of the fire department, the captain in charge of the police department and the city clerk, all of whom shall serve without extra compensation. The city clerk shall act as clerk of said commission.

SECTION 2. All authority to grant licenses and permits and, except as hereinafter provided, to suspend and revoke the same, now or hereafter vested by law in cities and towns, or in the city of Gloucester or any board or official thereof, is hereby vested in said licensing commission, except the authority to grant licenses to innholders and common victuallers, licenses for keeping and operating automatic amusement devices, as defined in section one hundred and seventy-seven A of chapter one hundred and forty of the General Laws, and the licensing of musical entertainment provided by mechanical or electrical means, and licenses for the sale and transportation of alcoholic beverages, which authority shall be exercised exclusively by the board of license commissioners of said city. The authority to grant licenses for the storage of gasoline and explosives, the licensing of outdoor parking areas, the licensing of public service corporations for locations of poles and wires in public ways, and the granting of use permits under the zoning ordinance of said city, shall be exercised by the city council of said city, excepting such licenses as are required by law to be granted by a particular official or board for the purpose of uniformity. The licensing commission shall not establish any rules or regulations pertaining to licenses or permits which are inconsistent with the rules and regulations established by the board of fire prevention regulations in the department of public safety or with any ordinance of the city of Gloucester.

13.

~~ESSEX~~  
COUNTY

Northeast

Chapter 410 of the  
Acts of 1996  
(name change)



license to another location, and in the event that a suitable location is not available which is approved by the licensing authorities, said license shall be reserved for the licensee until such time as a suitable location is approved, but in no event shall such license be reserved for a period longer than four years from the date of the taking. Licensees in this classification shall be entitled to a rebate of the fee which has been prepaid for that period during which they are prevented from exercising said license, and the rebate shall be pro-rated in accordance with the local licensing fees, and such licensees who have not been able to obtain an approved location at the end of a license year shall have the right to renewal of said license upon the filing of a renewal application and upon the payment of one tenth of the local license fee. When such licensee shall have obtained an approved location, the license fee shall be paid for the balance of the year on a pro-rata basis.

*Approved August 11, 1958.*

CHAP. 515. AN ACT RELATIVE TO THE ISSUANCE OF PERMITS RELATING TO RESIDENTIAL BUILDINGS.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to prevent delay and inaction on applications for permits for the building of certain dwellings, therefore 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 143 of the General Laws, is hereby amended by inserting after the second paragraph the following paragraph: —

The officer or board charged with the duty of issuing permits for the construction, alteration, repair, height, area, location or use of buildings or other structures within the limits of a city, town or district shall, within thirty days of the receipt of an application for a permit for the original construction of a residential building with accommodations for not more than four families, issue or refuse to issue such permit and notify the applicant in writing of such decision. If such officer or board refuses to issue such permit, written notification of such decision shall be delivered to the applicant in person or sent by registered or certified mail to him at the address given in the application and shall set forth clearly and in detail all the reasons for such refusal, including all particulars wherein the application and proposed work fail to comply with existing law. If such officer or board fails within said thirty days to act on such application, such permit shall be deemed to have been issued; and any person, municipal officer or board aggrieved thereby shall have the same rights of appeal as though such permit had been issued by such officer or board; provided, that the applicant shall file with the city or town clerk, within thirty-five days of the date on which the application was filed, a notice of failure of such officer or board to act on such application. No construction shall be commenced in case of failure to act until twenty days shall have elapsed after the notice of failure has been filed with such clerk and there has been no appeal entered. The period of any right of appeal by any person, municipal officer or board, aggrieved thereby, shall commence to run upon the filing of said notice with said clerk.

*Approved August 11, 1958.*

CHAP. 516. AN ACT ESTABLISHING THE ESSEX COUNTY MOSQUITO CONTROL PROJECT.

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

SECTION 1. The area in Essex county not including any city or town already a member of an organized mosquito control project is hereby constituted a mosquito control project under section five A of chapter two hundred and fifty-two of the General Laws, to the same extent as if so constituted by the state reclamation board acting under said section five A and the improvements herein authorized shall be undertaken under the identifying name of the Essex County Mosquito Control Project.

Beginning with the fiscal year commencing July first, nineteen hundred and fifty-eight, to meet the expenses incurred under this act, there shall be expended annually from the state treasury, subject to appropriation, sums equal in the aggregate to fifteen cents on each one thousand dollars of taxable valuations of all such cities and towns and the state treasurer shall issue his warrant requiring the assessors of said cities and towns to assess a tax to the amount of the sums so expended, one half of which shall be in proportion to their said valuations and one half of which shall be in proportion to their respective areas, and such amounts shall be collected and paid to the state treasurer as provided by section twenty of chapter fifty-nine of the General Laws; provided, that any such city or town may in any year anticipate in whole or in part its assessment, and appropriate, raise and deposit the amount thereof with the state treasurer, and any sum so deposited shall be credited against such assessment.

SECTION 2. The funds appropriated and deposited as aforesaid shall be expended by the Essex County Mosquito Control Project for the investigation of mosquito control works, and the construction and maintenance thereof, in said county, under the direction and supervision of the state reclamation board in accordance with such known methods as in its opinion will effect the greatest measure of relief.

SECTION 3. Any city or town which becomes a part of the mosquito control project established under section one may withdraw from membership in said project after the expiration of one year, provided, that in a city having a Plan D or Plan E charter the city council so votes prior to the expiration of one year from the effective date of this act, and that in other cities the city council so votes with the approval of the mayor within such time; and provided, further, that in a town said town so votes at a regular or special town meeting held prior to the expiration of one year from the effective date of this act; otherwise, said city or town shall continue as a member of said project.

SECTION 4. Any city having a Plan D or Plan E charter by vote of its city council, and any other city by vote of its city council with the approval of its mayor, and any town by majority vote of the voters at an annual town meeting, may, after this act has been in effect therein for a period of three years, withdraw from membership in the mosquito control project hereinbefore established and thereupon the provisions of this act shall no longer apply to such city or town.

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

*Approved August 11, 1958.*

**Chap. 615.** AN ACT REDUCING THE AMOUNT OF MONEY TO BE EXPENDED BY THE ESSEX COUNTY MOSQUITO CONTROL PROJECT.

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

SECTION 1. The second paragraph of section 1 of chapter 516 of the acts of 1958 is hereby amended by striking out, in line 4, the word "fifteen" and inserting in place thereof the word: — ten.

SECTION 2. Said chapter 516 is hereby further amended by inserting after section 4 the following section: —

SECTION 4A. There shall be no aerial spraying under the provisions of this act in any city whose city council so votes, or in any town whose selectmen so vote.

*Approved June 26, 1964.*

**Chap. 616.** AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO APPROPRIATE MONEY FOR THE PAYMENT OF, AND TO PAY, CERTAIN UNPAID BILLS.

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

SECTION 1. The city of Springfield is hereby authorized to appropriate money for the payment of, and after such appropriation, the treasurer of said city is hereby authorized to pay, such of the unpaid bills incurred by said city and totaling fifty-two hundred and ninety-eight dollars and eighteen cents, as set forth in the list on file in the office of the director of accounts in the department of corporations and taxation, as are legally unenforceable against said city, by reason of their being incurred in excess of available appropriations; provided that the money so appropriated to pay such bills shall be raised by taxation or made available from unappropriated surplus funds of the city. Said treasurer is authorized to pay such of said unpaid bills as are certified for payment by, and were contracted for, the following: Assessors, twenty-eight dollars and thirty-two cents; city planning, thirteen dollars and sixty cents; fire department, two hundred and fifteen dollars and ninety-six cents; health department, seventeen dollars and fifteen cents; law department, nineteen dollars and sixty cents; license commission, forty dollars and forty cents; municipal hospital, fourteen hundred and seventy-nine dollars and seventeen cents; non-contributory pensions, three hundred and forty dollars and fifty-five cents; park department, thirteen hundred and fifty-one dollars and thirty-eight cents; personnel department, fourteen hundred and seventy-nine dollars and eighty-two cents; police department, four dollars and thirty cents; public buildings, four hundred and thirty-three dollars and one cent; public works, twenty-four dollars and forty cents; traffic engineering, thirty-one dollars and forty-six cents.

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

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

SECTION 4. This act shall take effect upon its acceptance during the current year by the city of Springfield.

*Approved June 26, 1964.*

**Chap. 617.** AN ACT AUTHORIZING AND DIRECTING THE ALDERMEN OF THE CITY OF CHICOPEE TO MAKE CERTAIN APPROPRIATIONS AND PAYMENTS FROM THE INCOME RECEIVED BY THE WATER DEPARTMENT OF SAID CITY.

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

SECTION 1. Chapter 384 of the acts of 1892 is hereby amended by inserting after section 11 the following section: —

Section 11A. The income of the water department shall be reserved for appropriation by the board of aldermen for the purpose of defraying all operating expenses, interest charges and payments on the principal as they accrue upon any bonds or notes issued for the purpose of the city water supply. If in any year there is a net surplus remaining after providing for the aforesaid charges for that year, such surplus, or so much thereof as may be necessary to reimburse said city for moneys theretofore paid on account of said department, may be paid into the city treasury. If in any year there should be a net surplus remaining after providing for the aforesaid charges and for the payment of such reimbursement, if any, such surplus may be appropriated for such new construction, replacement of water mains, new equipment and other capital expenditures which said board deems necessary to the operation and maintenance of said department. Nothing in this section or in any other section of this act shall be construed to prohibit said city from appropriating money from the tax rate or other available funds of said city for the purposes of said department.

SECTION 2. This act shall take effect upon its acceptance by the city of Chicopee.

*Approved June 26, 1964.*

**Chap. 618.** AN ACT AUTHORIZING PUBLIC OFF-STREET PARKING FACILITIES IN THE CITY OF BROCKTON.

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

SECTION 1. The city of Brockton, hereinafter called the city, acting by its city council, hereinafter called the council, shall forthwith proceed with the establishment of such public off-street parking facilities in the city as the council may deem necessary to insure in the public interest the free circulation of traffic in and through the city. The council shall have and exercise, in the name and on behalf of the city, all powers necessary and convenient to the accomplishment of the purpose of this act, except the power to operate any parking facility established or acquired under this act. Such powers shall include: —

(a) The power to acquire by eminent domain under chapter seventy-nine or chapter eighty A of the General Laws or by purchase, gift, devise or otherwise, but not by lease, and to hold, property, real personal, or any interest therein except a leasehold estate, in such lots



section twelve K of said chapter twenty-five, shall, without examination, be granted such license, and shall be issued a certificate thereof by the board.

Any license issued under this section shall be effective January first, nineteen hundred and sixty-six, and shall expire on the anniversary of the licensee's date of birth next occurring more than twelve months after the date of issuance.

All statements made on application forms filed under this section shall be subscribed by the applicant and shall be verified by a written declaration that they are made under the penalties of perjury.

*Approved August 16, 1965.*

THE COMMONWEALTH OF MASSACHUSETTS,  
EXECUTIVE DEPARTMENT, STATE HOUSE,  
BOSTON, August 16, 1965.

The Honorable KEVIN H. WHITE, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY:—I, John A. Volpe, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 635 of the Acts of 1965 entitled "An Act Providing for the Licensing by the Gas Fitting Regulatory Board of Limited Undiluted Petroleum Gas Installers." and the enactment of which received my approval on August 16, 1965, should take effect forthwith.

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

The early approach of the heating season, when activity in the liquefied petroleum field is greatest, makes it imperative that this bill take effect at once. This is in the interest of public safety as well as in the interest of orderly administration.

Sincerely,

JOHN A. VOLPE,  
*Governor of the Commonwealth.*

OFFICE OF THE SECRETARY, BOSTON, August 17, 1965.

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

KEVIN H. WHITE,  
*Secretary of the Commonwealth.*

**Chap. 636.** AN ACT PROVIDING FOR THE PAYMENT OF CONTINUED UNEMPLOYMENT BENEFITS FOR A PERIOD OF ONE WEEK TO CERTAIN INDIVIDUALS WHO ARE ILL OR DISABLED AND TO WHOM NO SUITABLE WORK IS OFFERED.

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

Section 24 of chapter 151A of the General Laws is hereby amended by adding the following paragraph:—

No individual shall be considered ineligible for benefits because of failure to comply with the provisions of said clause (b) if such failure is due to an illness or disability which occurs during a period of unemployment after he has filed a claim and registered for work, and has been determined to be otherwise eligible; provided, that no work which would have been considered suitable but for such illness or disability was offered to him after he became ill or disabled; provided further, that the exception granted under this paragraph shall apply to one week only within a benefit year.

*Approved August 16, 1965.*

**Chap. 637.** AN ACT PROVIDING THAT CONTRIBUTORY GROUP GENERAL OR BLANKET INSURANCE FOR PERSONS IN THE SERVICE OF THE COMMONWEALTH AND THEIR DEPENDENTS BE EXTENDED TO EMPLOYEES OF THE MASSACHUSETTS PARKING AUTHORITY.

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

SECTION 1. Paragraph (b) of section 2 of chapter 32A of the General Laws, as most recently amended by chapter 534 of the acts of 1960, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:—"Employee", any person in the service of the commonwealth, which shall include a person employed by the National Guard as a technician, and a person who is an employee of a mosquito control project, the Massachusetts Parking Authority, 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 authorities 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. Paragraph (c) of section 8 of said chapter 32A is hereby amended by striking out the sentence inserted by section 2 of chapter 558 of the acts of 1958, and inserting in place thereof the following sentence:—The Massachusetts Parking Authority, local housing authorities and redevelopment authorities shall reimburse the commonwealth for all contributions made on behalf of their employees.

*Approved August 16, 1965.*

**Chap. 638.** AN ACT ESTABLISHING THE ESSEX COUNTY, CITY OF REVERE AND TOWN OF WINTHROP MOSQUITO CONTROL PROJECT.

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

SECTION 1. Section 1 of chapter 516 of the acts of 1958 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:—The area in Essex county not including any city or town already a member of an organized mosquito control project, and the city of Revere and the town of Winthrop are hereby constituted a mosquito control project under section five A of chapter two hundred and fifty-two of the General Laws, to the same

extent as if so constituted by the state reclamation board acting under said section five A and the improvements herein authorized shall be undertaken under the identifying name of the Essex County, City of Revere and Town of Winthrop Mosquito Control Project.

SECTION 2. Said chapter 516 of the acts of 1958 is hereby amended by striking out section 2 and inserting in place thereof the following section: — *Section 2.* The funds appropriated and deposited as aforesaid shall be expended by the Essex County, City of Revere and Town of Winthrop Mosquito Control Project for the investigation of mosquito control works, and the construction and maintenance thereof, in said county, city and town, under the direction and supervision of the state reclamation board in accordance with such known methods as in its opinion will effect the greatest measure of relief.

*Approved August 16, 1965.*

THE COMMONWEALTH OF MASSACHUSETTS,  
EXECUTIVE DEPARTMENT, STATE HOUSE,  
BOSTON, September 7, 1965.

The Honorable KEVIN H. WHITE, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, John A. Volpe, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion, the immediate preservation of the public convenience requires that the law being Chapter 638 of the Acts of 1965 entitled "An Act Establishing the Essex County, City of Revere and Town of Winthrop Mosquito Control Project." and the enactment of which received my approval on August 16, 1965, should take effect forthwith.

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

The need to take preventive steps decreases as the summer passes and consequently action provided for under this bill must be taken if relief from the mosquito scourge is to be effective.

Sincerely,

JOHN A. VOLPE,  
*Governor of the Commonwealth.*

OFFICE OF THE SECRETARY, BOSTON, September 7, 1965.

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

KEVIN H. WHITE,  
*Secretary of the Commonwealth.*

**Chap. 639.** AN ACT AUTHORIZING THE COMMONWEALTH TO REIMBURSE CERTAIN POLITICAL SUBDIVISIONS THEREOF FOR EXPENSES INCURRED IN FIGHTING CERTAIN FOREST FIRES IN THE YEAR NINETEEN HUNDRED AND SIXTY-FOUR.

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

For the purpose of discharging a moral obligation of the commonwealth there shall be allowed and paid out of the state treasury, subject to appropriation, to the following county, towns and fire districts the following sums as reimbursement for expenses incurred by said political subdivisions in fighting certain forest fires in the year nineteen hundred and sixty-four: —

Wareham Fire District . . . . .	\$564.97
Wareham . . . . .	5,843.96
Hanover . . . . .	258.38
Carver . . . . .	5,997.91
Dartmouth Fire District . . . . .	253.55
Halifax . . . . .	561.60
Hull . . . . .	308.82
Yarmouth . . . . .	589.34
Bourne . . . . .	1,045.25
Middleboro . . . . .	1,061.81
Rockland . . . . .	128.40
Marshfield . . . . .	302.50
Norwell . . . . .	606.00
Barnstable county . . . . .	1,976.59
Lakeville . . . . .	352.50
Duxbury . . . . .	410.00
Barnstable . . . . .	980.00
Kingston . . . . .	837.50
Hingham . . . . .	786.37
Bridgewater . . . . .	323.40
Barnstable Fire District . . . . .	319.50
Sandwich . . . . .	737.50
Falmouth . . . . .	723.48
Plymouth . . . . .	9,944.39
Plympton . . . . .	578.77
Wendell . . . . .	182.25
New Salem . . . . .	147.00
Athol . . . . .	1,164.22
Orange . . . . .	652.50
Winchendon . . . . .	442.50
Phillipston . . . . .	297.00
Royalston . . . . .	4,729.76
Warwick . . . . .	60.00
Total . . . . .	\$43,167.72

*Approved August 16, 1965.*



turning and running North 15° 47' 00" East, in part by land, now or formerly, Marion A. Fitch and in part by land now or formerly, Mary F. McHugh, 570.00 feet to a point; thence turning and running North 01° 38' 00" East, by land, now or formerly, Mary F. McHugh, 555 feet, more or less, to the Southerly line of said parcel hereinbefore referred to as being acquired by the Commonwealth of Massachusetts; thence turning and running Northeasterly by the Southerly line of said parcel by a curve to the left, approximately 135 feet to the point of beginning. Containing 40.65 acres, more or less.

SECTION 2. Jurisdiction over the above described land is hereby granted and ceded to the United States of America, but upon the express condition that the commonwealth shall retain concurrent jurisdiction with the United States of America in and over said lands, to the extent that all civil processes and such criminal processes as may issue under the authority of the commonwealth against any person or persons charged with crimes committed without said land and all processes for collection of taxes levied under authority of the laws of the commonwealth, including the service of warrants, may be executed thereon in the same manner as though jurisdiction had not been ceded; provided, that the exclusive jurisdiction in and over the above described land shall revert to and revest in the commonwealth whenever such land shall cease to be used for the purposes set forth in section one.

SECTION 3. This act shall take full effect upon the depositing in the office of the state secretary within one year after its effective date of a suitable plan of the parcel of land described in section one, but not otherwise.

*Approved November 17, 1965.*

**Chap. 762. AN ACT RELATIVE TO THE BASIS FOR THE ANNUAL ASSESSMENT FOR THE ESSEX COUNTY, CITY OF REVERE AND TOWN OF WINTHROP MOSQUITO CONTROL PROJECT.**

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

Notwithstanding the provisions of chapter five hundred and sixteen of the acts of nineteen hundred and fifty-eight, as most recently amended by chapter six hundred and thirty-eight of the acts of nineteen hundred and sixty-five, to meet the expenses incurred under said chapter five hundred and sixteen, as amended, beginning with the fiscal year commencing July first, nineteen hundred and sixty-five, there shall be expended annually from the state treasury, subject to appropriation, sums equal in the aggregate to ten cents on each thousand dollars of taxable valuation of all the cities and towns within the Essex County, City of Revere and Town of Winthrop Mosquito Control Project, according to the valuations established by chapter six hundred and sixty of the acts of nineteen hundred and sixty-three, and the state treasurer shall issue his warrant requiring the assessors of said cities and towns to assess a tax to the amount of the sums so expended one half in proportion to said valuations, and one half in proportion to their respective areas, and such amounts shall be collected and paid to the state treasurer as provided by section twenty of chapter fifty-nine of the General Laws; provided, that any such city or town may in any year anticipate in whole or in part its assessment, and appropriate, raise and deposit the amount

thereof with the state treasurer, and any sums so deposited shall be credited against such assessment. There may also be expended for the purposes of this act voluntary contributions for such purposes deposited in the state treasury.

*Approved November 17, 1965.*

**Chap. 763. AN ACT PROVIDING FOR THE ELECTION OF REPRESENTATIVE BARGAINING AGENTS WITH POLITICAL SUBDIVISIONS OF THE COMMONWEALTH.**

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

SECTION 1. Section four C of chapter forty of the General Laws is hereby repealed.

SECTION 2. Chapter 149 of the General Laws is hereby amended by inserting after section 178F the following eight sections: —

*Section 178G.* When used in this section and in sections one hundred and seventy-eight H to one hundred and seventy-eight N, inclusive, the following words shall, unless the context requires otherwise, have the following meanings: —

"Municipal employer", any county, city, town, or district, and any person designated by the municipal employer to act in its interest in dealing with municipal employees.

"Employee", any employee of a municipal employer, whether or not in the classified service of the municipal employer, except elected officials, board and commission members, police, and the executive officers of any municipal employer.

"Employee organization", any lawful association, organization, federation or council having as a primary purpose the improvement of wages, hours and other conditions of employment.

"Professional employee", any employee engaged in work which is predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical or physical work, which involves the consistent exercise of discretion and judgment in its performance, of such a character that the output produced or the result accomplished cannot be standardized in relation to a given time period, and which requires knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual or physical processes.

*Section 178H.* (1) Employees shall have, and be protected in the exercise of, the right to self-organization, to form, join or assist any employee organization, to bargain collectively through representatives of their own choosing on questions of wages, hours and other conditions of employment and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, free from actual interference, restraint or coercion; provided, however, that an employee organization recognized by a municipal employer or designated as the representative of the majority of the employees in an appropriate unit, shall be the exclusive bargaining agent for all employees of such unit, and shall act, negotiate agreements and bargain collec-

Item  
2970-07 Item 2970-07 of section two of chapter seven hundred and nine of the acts of nineteen hundred and sixty-six is hereby amended by striking out the wording and inserting in place thereof the following: —  
For the construction of a registry of motor vehicles branch office building, including the cost of furnishings and equipment, Marlborough.

Department of Public Safety.

Division of State Police.

2972-01 For the service of the division, including not more than seven hundred and fourteen permanent positions \$20,000

LOCAL AID FUND.

*The following appropriations are for reimbursements and grants to local governments and for certain other purposes, and are to be in addition to any unexpended balance of appropriations heretofore made for the purpose:*

Department of Education.

Board of Education.

3013-08 For expenses of regional public libraries with the approval of the board of library commissioners \$400,000

Department of Public Welfare.

3019-11 Item 3019-11 of section two of chapter seven hundred and nine of the acts of nineteen hundred and sixty-six is hereby amended by striking out the wording after the word "Laws" in line seventeen.

METROPOLITAN DISTRICT COMMISSION FUNDS.

STATE PURPOSES APPROPRIATION.

*The following appropriation is to be assessed upon the several districts in accordance with the methods fixed by law, unless otherwise provided, and to be expended under the direction of the Metropolitan District Commission:*

Metropolitan Parks, General.

8602-60 For the purposes of carrying out certain flood control work authorized by chapter five hundred and twenty-one of the acts of nineteen hundred and sixty-one, to be in addition to amounts made available by chapter seven hundred and forty-three of the acts of nineteen hundred and fifty-five and said chapter five hundred and twenty-one \$200,000

DEFICIENCIES.

*For deficiencies in certain appropriations of previous years, in certain funds as follows:*

2449-00	General Fund	\$107,352
2949-00	Highway Fund	12,975
3649-00	Marine Fisheries Fund	103
3949-00	Mosquito Control Fund	2,996
4049-00	State Recreation Areas Fund	4,083

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

Approved April 4, 1967.

Chap. 108. AN ACT ESTABLISHING THE ESSEX COUNTY, CITY OF REVERE AND TOWNS OF WINTHROP AND NORTH READING MOSQUITO CONTROL PROJECT.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 516 of the acts of 1958 is hereby amended by striking out the first paragraph, as amended by section 1 of chapter 638 of the acts of 1965, and inserting in place thereof the following paragraph: —

The area in Essex county not including any city or town already a member of an organized mosquito control project, the city of Revere and the towns of Winthrop and North Reading are hereby constituted a mosquito control project under section five A of chapter two hundred and fifty-two of the General Laws, to the same extent as if so constituted by the state reclamation board acting under said section five A and the improvements herein authorized shall be undertaken under the identifying name of the Essex County, City of Revere and Towns of Winthrop and North Reading Mosquito Control Project.

SECTION 2. Said chapter 516 of the acts of 1958 is hereby further amended by striking out section 2, as amended by section 2 of said chapter 638, and inserting in place thereof the following section: —

Section 2. The funds appropriated and deposited as aforesaid shall be expended by the Essex County, City of Revere and Towns of Winthrop and North Reading Mosquito Control Project for the investigation of mosquito control works, and the construction and maintenance thereof, in said county, city and towns under the direction and supervision of the state reclamation board in accordance with such known methods as in its opinion will effect the greatest measure of relief.

Approved April 4, 1967.

Chap. 109. AN ACT AUTHORIZING ASSISTANT CLERKS TO RELEASE CERTAIN DEFENDANTS ON THEIR WRITTEN PERSONAL RECOGNIZANCE INSTEAD OF BAIL IN THE DISTRICT COURTS.

Be it enacted, etc., as follows:

Chapter 681 of the acts of 1966 is hereby amended by striking out section 1 and inserting in place thereof the following section: —

Section 1. Any person charged with an offense under the jurisdiction of the district courts as described in section twenty-six of chapter two hundred and eighteen of the General Laws shall, at his appearance before a justice or a clerk or assistant clerk of the district court, a bail commissioner or master in chancery, be ordered released pending trial on his personal recognizance which shall be in writing signed by said person on forms approved by the chief justice of the district courts, unless said justice, clerk or assistant clerk, bail commissioner or master in chancery determines in the exercise of his discretion that such a release will not reasonably assure the appearance of the person as required. In his determination, said justice, clerk or assistant clerk, bail commissioner or master in chancery shall, on the basis of available information, take into account the nature and circumstances of the offense charged, the accused's family ties, financial resources, character and mental condition, the length of residence in the community, his record of convictions and appearances at court proceedings, or of any previous

have seven days within which to refuse to agree to such trial, and in case of such written refusal filed with the clerk, the party claiming such trial by jury of six may within six days thereafter remove the case for trial before the superior court with or without jury. If any party refuses to agree to a trial by a jury of six and the case is not removed to the superior court under the provisions of this section or section one hundred and four or one hundred and seven, inclusive, of chapter two hundred and thirty-one, the trial shall be in the district court without jury. At any time prior to trial the parties by agreement may have a trial by a jury of six.

SECTION 2. This act shall take effect upon its passage and shall apply to actions entered in the central district court of Worcester on or after its effective date.

*Approved August 16, 1967.*

**Chap. 550.** AN ACT PROVIDING FOR THE SELF-ASSESSMENT OF INHERITANCE TAXES.

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

SECTION 1. Section 27 of chapter 65 of the General Laws is hereby amended by striking out the first sentence, as appearing in the Tercentenary Edition, and inserting in place thereof the following three sentences: — The tax due upon any estate or part thereof or upon any interest taxable under this chapter shall be deemed to be assessed at the time when the forms required under this chapter are filed or at the time that the tax is required to be paid, whichever date occurs later. It shall be deemed to be assessed in the amount shown as the tax due on the computation sheet which shall be filed on the said later date by the taxpayer on a form approved by the commissioner and completed in accordance with his instructions. If the commissioner determines that the amount shown by the taxpayer as due is incorrect, he shall certify the additional amount so due and payable to the persons by whom the tax is payable.

SECTION 2. This act shall apply with respect to property or interests therein passing or accruing upon the deaths of persons who die after December thirty-first, nineteen hundred and sixty-seven.

*Approved August 16, 1967.*

**Chap. 551.** AN ACT PROVIDING PENALTIES FOR FAILURE TO PAY OVER SALES OR USE TAXES.

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

SECTION 1. Subsection 19 of section 1 of chapter 14 of the acts of 1966 is hereby amended by adding the following two paragraphs: —

(d) If any vendor fails to pay any tax within the time prescribed by this section, there shall be imposed on such vendor a penalty of one per cent of the amount of the underpayment for each month, or fraction thereof, during which such failure continues, not exceeding six per cent in the aggregate. Such penalty shall be added to and become a part of the tax assessed. For purposes of this paragraph, the word "underpayment" shall mean the excess of the amount of the tax required to be paid over the amount thereof actually paid on or before the date prescribed therefor.

(e) Any penalty or additional tax imposed under the provisions of this subsection may be waived or abated, in whole or in part, by the commissioner if good and sufficient cause existed for the delinquency resulting in such penalty or additional tax.

SECTION 2. This act shall apply to returns required to be filed on or after the effective date of this act.

*Approved August 16, 1967.*

**Chap. 552.** AN ACT DIRECTING THE DEPARTMENT OF PUBLIC WORKS TO INSTALL LIGHTS ON THE BRAGA BRIDGE SPANNING THE TAUNTON RIVER ON INTERSTATE ROUTE I-195 BETWEEN THE CITY OF FALL RIVER AND THE TOWN OF SOMERSET.

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

The department of public works is hereby authorized and directed, subject to appropriation, to install lights on the Braga bridge spanning the Taunton river on interstate Route I-195 between the city of Fall River and the town of Somerset.

*Approved August 16, 1967.*

**Chap. 553.** AN ACT RELATIVE TO THE BASIS FOR THE ANNUAL ASSESSMENT FOR THE ESSEX COUNTY, CITY OF REVERE AND TOWNS OF WINTHROP AND NORTH READING MOSQUITO CONTROL PROJECT.

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

Notwithstanding the provisions of chapter five hundred and sixteen of the acts of nineteen hundred and fifty-eight, as most recently amended by chapter seven hundred and sixty-two of the acts of nineteen hundred and sixty-five, to meet the expenses incurred under said chapter five hundred and sixteen, as amended, beginning with the fiscal year commencing July first, nineteen hundred and sixty-seven, there shall be expended annually from the state treasury, subject to appropriation, sums equal in the aggregate to four cents on each thousand dollars of taxable valuation of all the cities and towns within the Essex County, City of Revere and Towns of Winthrop and North Reading Mosquito Control Project, according to the valuations established by chapter six hundred and sixty of the acts of nineteen hundred and sixty-three, and in addition sums equal to two hundred and fifty dollars for each square mile of area in each such city and town shall be expended annually from the state treasury, and the state treasurer shall issue his warrant requiring the assessors of said cities and towns to assess a tax to the amount of the sums so expended, and such amounts shall be collected and paid to the state treasurer as provided by section twenty of chapter fifty-nine of the General Laws; provided, that any such city or town may in any year anticipate in whole or in part its assessment, and appropriate, raise and deposit the amount thereof with the state treasurer, and any sums so deposited shall be credited against such assessment. There may also be expended for the purposes of this act voluntary contributions for such purposes deposited in the state treasury.

*Approved August 16, 1967.*

THE COMMONWEALTH OF MASSACHUSETTS,  
EXECUTIVE DEPARTMENT, STATE HOUSE,  
BOSTON, August 16, 1967.

The Honorable KEVIN H. WHITE, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY:— I, John A. Volpe, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 553 of the Acts of 1967, entitled "An Act relative to the Basis for the Annual Assessment for the Essex County, city of Revere and Towns of Winthrop and North Reading Mosquito Control Project." and the enactment of which received my approval on August 16, 1967, should take effect forthwith.

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

It would permit the state treasurer to assess the various cities and towns at an early date.

Sincerely,

JOHN A. VOLPE,  
*Governor of the Commonwealth.*

OFFICE OF THE SECRETARY, BOSTON, August 17, 1967.

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

KEVIN H. WHITE,  
*Secretary of the Commonwealth.*

**Chap. 554.** AN ACT AUTHORIZING THE COMMISSIONER OF ADMINISTRATION TO DISPOSE OF CERTAIN PROPERTY IN THE CITY OF BOSTON.

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

Upon certification of the board of education that land and buildings at 200 Newbury street in the city of Boston is surplus to the requirements of said board, the commissioner of administration is hereby authorized and directed to sell the aforesaid land and buildings by competitive bids publicly opened and read. *Approved August 16, 1967.*

THE COMMONWEALTH OF MASSACHUSETTS,  
EXECUTIVE DEPARTMENT, STATE HOUSE,  
BOSTON, August 16, 1967.

The Honorable KEVIN H. WHITE, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY:— I, John A. Volpe, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion

the immediate preservation of the public convenience requires that the law being Chapter 554 of the Acts of 1967, entitled "An Act Authorizing the Commissioner of Administration to Dispose of certain Property in the City of Boston." and the enactment of which received my approval on August 16, 1967, should take effect forthwith.

In order that the Board of Education may not be delayed in disposing of the property mentioned in the bill, I declare said law is an emergency.

Sincerely,

JOHN A. VOLPE,  
*Governor of the Commonwealth.*

OFFICE OF THE SECRETARY, BOSTON, August 17, 1967.

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

KEVIN H. WHITE,  
*Secretary of the Commonwealth.*

**Chap. 555.** AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF HAMPDEN COUNTY TO PAY A CERTAIN SUM OF MONEY TO TRUCK LEASING SERVICE, INC.

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

For the purpose of discharging a moral obligation, the county commissioners of Hampden county are hereby authorized to pay out of any available funds to Truck Leasing Service, Inc. the sum of eleven hundred and twelve dollars and forty cents for the rental of a truck by the Hampden county training school in July, nineteen hundred and sixty-three.

*Approved August 16, 1967.*

**Chap. 556.** AN ACT PROHIBITING THE MAKING, SELLING OR DISTRIBUTING OF A FALSE LIQUOR PURCHASE IDENTIFICATION CARD AND IMPOSING A PENALTY THEREFOR.

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

Section 34B of chapter 138 of the General Laws, added by chapter 735 of the acts of 1964, is hereby amended by striking out the third paragraph and inserting in place thereof the following two paragraphs:—

Any person who transfers, alters or defaces any such card, or who makes, uses, carries, sells or distributes a false identification card, or uses the identification card of another, or furnishes false information in obtaining such card, shall be guilty of a misdemeanor and shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than three months.

Any person who is discovered by a police officer or special police officer in the act of violating the provisions of this section may be arrested without a warrant by such police officer or special police officer.

beginning; be all dimensions more or less. Said parcel is comprised of approximately 53.93 acres within the city of Quincy, being a part of lands acquired by the commission for its Blue Hills Reservation by its order of taking number five, and approximately 53.50 acres within the town of Braintree acquired by said commission for said Reservation as part of its order of taking number twenty-seven.

SECTION 5. The commission shall also cause to be rebuilt two culverts, one being the culvert at West street where the Blue Hill river empties into the Farm river, said culvert to have a control device to govern the height of the holding basin, the other culvert being at West street where the overflow from the reservoir empties into Blue Hill river.

*Approved August 14, 1970.*

**Chap. 678. AN ACT LIMITING THE PERIOD WITHIN WHICH ACTIONS MAY BE COMMENCED TO ENFORCE ZONING ORDINANCES OR BY-LAWS.**

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

SECTION 1. The first paragraph of section 22 of chapter 40A of the General Laws, as appearing in section 2 of chapter 368 of the acts of 1954, is hereby amended by inserting after the word "thereof", in line 4, the words:—; provided, however, if real property has been improved and used in accordance with the terms of the original building permit issued by a person duly authorized to issue such permits, no action, criminal or civil, the effect or purpose of which is to compel the abandonment, limitation or modification of the use contemplated by said permit or the removal, alteration or relocation of any structure erected in reliance upon said permit by reason of any alleged violation of the provisions of this chapter, or of any ordinance or by-law adopted thereunder, shall be maintained, unless such action, suit or proceeding is commenced within six years next after the issuance of such permit.

SECTION 2. The provisions of the second paragraph of section twenty-two of chapter forty A of the General Laws, inserted by section one of this act, relative to the time within which an action, suit or proceeding may be brought under said section, shall also be applicable to any such cause of action which arose prior to the effective date of this act.

*Approved August 14, 1970.*

**Chap. 679. AN ACT RELATIVE TO THE BASIS FOR THE ANNUAL ASSESSMENT FOR THE ESSEX COUNTY, CITY OF REVERE AND TOWNS OF WINTHROP AND NORTH READING MOSQUITO CONTROL PROJECT.**

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

Notwithstanding the provisions of chapter five hundred and sixteen of the acts of nineteen hundred and fifty-eight, establishing the Essex County mosquito control project, to meet the expenses incurred under said chapter five hundred and sixteen, beginning with the fiscal year commencing July the first, nineteen hundred and seventy, there shall be expended annually from the state treasury, subject to appropriation,

sums equal in the aggregate to eight cents on each thousand dollars of equalized valuation of all the cities and towns within the Essex County, city of Revere and towns of Winthrop and North Reading Mosquito Control Project, as most recently reported by the state tax commissioner to the general court under the provisions of section ten C of chapter fifty-eight of the General Laws, and the state treasurer shall issue his warrant requiring said assessors of said cities and towns to assess a tax to the amount of the sums so expended one quarter in proportion to their said valuations and three quarters in proportion to their respective areas, and such amounts shall be collected and paid to the state treasurer as provided by section twenty of chapter fifty-nine of the General Laws; provided, that any such city or town may in any year anticipate in whole or in part its assessment and appropriate, raise and deposit the amount thereof with the state treasurer, and any sums so deposited shall be credited against such assessment. There may also be expended for the purposes of this act voluntary contributions for such purposes deposited in the state treasury.

*Approved August 14, 1970.*

THE COMMONWEALTH OF MASSACHUSETTS,  
EXECUTIVE DEPARTMENT, STATE HOUSE,  
BOSTON, August 14, 1970.

The Honorable JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Francis W. Sargent, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 679 of the Acts of 1970, entitled "AN ACT RELATIVE TO THE BASIS FOR THE ANNUAL ASSESSMENT FOR THE ESSEX COUNTY, CITY OF REVERE AND TOWNS OF WINTHROP AND NORTH READING MOSQUITO CONTROL PROJECT." and the enactment of which received my approval on August 14, 1970, should take effect forthwith.

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

To provide forthwith that assessments may be made for the Mosquito Control Project for Essex County under a new formula based upon the most recent equalized valuation.

Sincerely,

FRANCIS W. SARGENT,  
*Acting Governor of the Commonwealth.*

OFFICE OF THE SECRETARY, BOSTON, August 14, 1970.

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

JOHN F. X. DAVOREN,  
*Secretary of the Commonwealth.*



*Section 3B.* There shall be a commission as provided under section five A of chapter two hundred and fifty-two of the General Laws which shall consist of five members. Of the members first appointed hereunder, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years, and until the qualification of their respective successors. Upon the expiration of the term of any member, his successor shall be appointed in like manner for a term of five years. The commission shall elect its own chairman and clerk and shall keep accurate records of its meetings.

**SECTION 2.** Notwithstanding the provisions of section five A of chapter two hundred and fifty-two of the General Laws to the contrary, the terms of all members of the Norfolk county mosquito control commission shall terminate upon the effective date of this act.

**SECTION 3.** This act shall take effect on December first, nineteen hundred and seventy-four.

*Approved June 5, 1974.*

**Chap. 308. AN ACT RELATIVE TO THE APPOINTMENT OF ESSEX COUNTY MOSQUITO CONTROL COMMISSIONERS.**

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

**SECTION 1.** Chapter 516 of the acts of 1958 is hereby amended by inserting after section 4A, inserted by section 2 of chapter 615 of the acts of 1964, the following section:—

*Section 4B.* There shall be a commission as provided under section five A of chapter two hundred and fifty-two of the General Laws which shall consist of five members. Of the members first appointed hereunder, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years, and until the qualification of their respective successors. Upon the expiration of the term of any member, his successor shall be appointed in like manner for a term of five years. The commission shall elect its own chairman and clerk and shall keep accurate records of its meetings.

**SECTION 2.** Notwithstanding the provisions of section five A of chapter two hundred and fifty-two of the General Laws to the contrary, the terms of all members of the Essex county mosquito control commission shall terminate upon the effective date of this act.

**SECTION 3.** This act shall take effect on December first, nineteen hundred and seventy-four.

*Approved June 5, 1974.*

**Chap. 309. AN ACT RELATIVE TO THE APPOINTMENT OF CAPE COD MOSQUITO CONTROL COMMISSIONERS.**

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

**SECTION 1.** Chapter 379 of the acts of 1930 is hereby amended by adding after section 2 the following section:—

*Section 3.* There shall be a commission as provided under section five A of said chapter two hundred and fifty-two which shall consist of three members. Of the members first appointed hereunder, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and until the qualification of their respective successors. Upon the expiration of the term of any member, his successor shall be appointed in like manner for a term of three years. The commission shall elect its own chairman and clerk and shall keep accurate records of its meetings.

**SECTION 2.** Notwithstanding the provisions of section five A of chapter two hundred and fifty-two of the General Laws to the contrary, the terms of all members of the Cape Cod mosquito control commission shall terminate upon the effective date of this act.

**SECTION 3.** This act shall take effect on December first, nineteen hundred and seventy-four.

*Approved June 5, 1974.*

**Chap. 310. AN ACT RELATIVE TO THE APPOINTMENT OF BRISTOL COUNTY MOSQUITO CONTROL COMMISSIONERS.**

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

**SECTION 1.** Chapter 432 of the acts of 1958 is hereby amended by inserting after section 3 the following section:—

*Section 3A.* There shall be a commission as provided under section five A of chapter two hundred and fifty-two of the General Laws which shall consist of five members. Of the members first appointed hereunder, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years, and until the qualification of their respective successors. Upon the expiration of the term of any member, his successor shall be appointed in like manner for a term of five years. The commission shall elect its own chairman and clerk and shall keep accurate records of its meetings.

**SECTION 2.** Notwithstanding the provisions of section five A of chapter two hundred and fifty-two of the General Laws to the contrary, the terms of all members of the Bristol county mosquito control commission shall terminate upon the effective date of this act.

**SECTION 3.** This act shall take effect on December first, nineteen hundred and seventy-four.

*Approved June 5, 1974.*

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**Chap. 409**

financial institution so designated, and the name of the candidate or political committee, and shall authorize the financial institution so designated to submit the reports required by subsection (c).

Approved October 31, 1996.

**Chapter 410. AN ACT RELATIVE TO A CERTAIN MOSQUITO CONTROL DISTRICT.**

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

**SECTION 1.** The first paragraph of section 1 of chapter 516 of the acts of 1958, as most recently amended by section 1 of chapter 108 of the acts of 1967, is hereby further amended by striking out, in line 4, the word "project" and inserting in place thereof the following word:- district.

**SECTION 2.** Said first paragraph of said section 1 of said chapter 516, as most recently amended by said section 1 of said chapter 108, is hereby further amended by striking out, in lines 8 and 9, the words "Essex County, City of Revere and Towns of Winthrop and North Reading Mosquito Control Project" and inserting in place thereof the following words:- North East Massachusetts Mosquito Control and Wetlands Management District.

**SECTION 3.** Section 2 of said chapter 516, as most recently amended by section 2 of said chapter 108, is hereby further amended by striking out, in line 2, the words "Essex County, City of Revere and Towns of Winthrop and North Reading Mosquito Control Project" and inserting in place thereof the following words:- North East Massachusetts Mosquito Control and Wetlands Management District.

**SECTION 4.** Section 3 of said chapter 516 is hereby amended by striking out, in lines 1 and 2, the words "mosquito control project" and inserting in place thereof the following words:- North East Massachusetts Mosquito Control and Wetlands Management District.

**SECTION 5.** Said section 3 of said chapter 516 is hereby further amended by striking out, in lines 3 and 10, the word "project" and inserting in place thereof, in each instance, the following word:- district.

**SECTION 6.** Section 4 of said chapter 516 is hereby amended by striking out, in lines 5 and 6, the words "mosquito control project" and inserting in place thereof the following words:- North East Massachusetts Mosquito Control and Wetlands Management District.

Approved October 31, 1996.





***15.***

***PLYMOUTH  
COUNTY***

in the town of Shrewsbury. For said purposes said department may expend such sums as may be appropriated therefor in accordance with the provisions of chapter ninety-one of the General Laws.  
*Approved July 8, 1957.*

**Chap.511** AN ACT RELATIVE TO THE APPOINTMENT OF ASSISTANT REGISTRARS OF PROBATE FOR THE COUNTY OF MIDDLESEX.

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

Chapter 217 of the General Laws is hereby amended by striking out section 25, as amended by chapter 347 of the acts of 1947, and inserting in place thereof the following section: — *Section 25.* The majority of the judges of probate for Middlesex county may appoint a third, a fourth and a fifth assistant register for said county, who shall hold office for three years unless sooner removed by the judges. They shall be subject to the laws relative to assistant registers, except that the bond shall be approved by a majority of the judges.  
*Approved July 8, 1957.*

**Chap.512** AN ACT RELATIVE TO THE EXPENDITURE OF CERTAIN MONEYS CREDITED TO THE COMMONWEALTH UNDER THE PROVISIONS OF THE FEDERAL SOCIAL SECURITY ACT.

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

Chapter 151A of the General Laws is hereby amended by inserting after section 53, as appearing in section 1 of chapter 685 of the acts of 1941, the following section: — *Section 53A.* Money credited to the commonwealth's account in the unemployment trust fund by the secretary of the treasury of the United States, pursuant to section nine hundred and three of the federal social security act, as amended, may be (1) withdrawn for the payment of benefits under this chapter and (2) requisitioned and used for the payment of expenses incurred for the administration of this chapter and for public employment offices pursuant to a specific legislative appropriation, provided that the expenses are incurred and the money is requisitioned after the enactment of an appropriation law which: — (a) specifies the purposes for which such money is appropriated and the amounts appropriated therefor; (b) limits the period within which such money may be expended to a period ending not more than two years after the date of the enactment of the appropriation law; and (c) limits the amount which may be used during a twelve-month period beginning on July first and ending on the next June thirtieth to an amount which does not exceed the amount by which the aggregate of the amounts credited to the commonwealth's account pursuant to section nine hundred and three of the federal social security act, as amended, during the same twelve-month period and the four preceding twelve-month periods, exceeds the aggregate of the amounts used pursuant to this subsection and charged against the

amounts credited to the commonwealth's account during any of such five twelve-month periods. For the purposes of this subsection, amounts used during any such twelve-month period shall be charged against equivalent amounts which were first credited and which are not already so charged; except that no amount used during any such twelve-month period may be charged against any amount credited during such a twelve-month period earlier than the fourth preceding such period.

Moneys requisitioned for the payment of expenses of administration pursuant to this section shall be deposited in a separate account to be established by the director but, until encumbered or expended, shall remain a part of the unemployment compensation fund. The director shall maintain a separate record of the deposit, obligation, expenditure, and return of funds so deposited. If any money so deposited is, for any reason, not to be expended for the purpose for which it was appropriated, or if it remains unexpended at the end of the period specified by the law appropriating such moneys, it shall be withdrawn and returned to the secretary of the treasury of the United States for credit to the commonwealth's account in the unemployment trust fund.  
*Approved July 10, 1957.*

**AN ACT EXTENDING THE TIME DURING WHICH THE LANCASTER SEWER DISTRICT MAY BORROW FUNDS.**

**Chap.513**

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

Section 8 of chapter 43 of the acts of 1952 is hereby amended by striking out, in line 3, the word "five" and inserting in place thereof the word: — ten, — so as to read as follows: — *Section 8.* For the purpose of paying the necessary expenses and liabilities incurred under this act, the district may from time to time, within ten years after the passage of this act, borrow such sums as may be necessary; not exceeding, in the aggregate, three hundred thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Lancaster Sewer District Sewerage Loan, Act of 1952. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than thirty years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as provided herein, be subject to chapter forty-four of the General Laws.  
*Approved July 10, 1957.*

**AN ACT ESTABLISHING THE PLYMOUTH COUNTY MOSQUITO CONTROL PROJECT.**

**Chap.514**

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

**SECTION 1.** The area in Plymouth county, not including any city or town already a member of an organized mosquito

control project, is hereby constituted a mosquito control project under section five A, chapter two hundred and fifty-two, of the General Laws, to the same extent as if so constituted by the state reclamation board acting under said section five A, and the improvements herein authorized shall be undertaken under the identifying name of the Plymouth County Mosquito Control Project. Beginning with the fiscal year commencing July first, nineteen hundred and fifty-seven, to meet the expenses incurred under this act, there shall be expended annually from the state treasury, subject to appropriation, sums equal in the aggregate to twenty-five cents on each one thousand dollars of taxable valuations of all such cities and towns, and the sums so expended shall be assessed, beginning in the calendar year nineteen hundred and fifty-seven, by the state treasurer on said cities and towns one half in proportion to their said valuations and one half in proportion to their respective areas, and the state treasurer shall issue his warrant requiring the assessors of said towns concerned to assess a tax to the amount of the sums so expended in proportion to their said valuations and such amounts shall be collected and paid to the state treasurer as provided by section twenty of chapter fifty-nine of the General Laws; provided, that any such city or town may in any year anticipate in whole or in part its assessment, and appropriate, raise and deposit the amount thereof with the state treasurer, and any sum so deposited shall be credited against such assessment.

SECTION 2. The funds appropriated and deposited as aforesaid shall be expended by the Plymouth County Mosquito Control Project for the investigation of mosquito control works, and the construction and maintenance thereof, in said county, under the direction and supervision of the state reclamation board in accordance with such known methods as in its opinion will effect the greatest measure of relief.

SECTION 3. Any city or town in which this act has been in effect for a period of three years may, if a city, by vote of the city council subject to the provisions of the city charter, or if a town, by majority vote of the voters at an annual town meeting, withdraw from membership in the mosquito control project established by this act, and thereupon the provisions of this act shall no longer apply to such city or town.

SECTION 4. This act shall take effect upon its passage.  
*Approved July 15, 1957.*

**Chap. 515** AN ACT AUTHORIZING THE TOWN OF WESTBOROUGH TO FUND AN APPROPRIATION VOTED FOR EMERGENCY RECONSTRUCTION OF THE WATER SUPPLY SYSTEM.

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

SECTION 1. The town of Westborough, for the purpose of financing in part an appropriation of seventy-three thousand

dollars voted at the annual town meeting in the current year for emergency reconstruction of the water supply system, may borrow from time to time, within three years from the passage of this act, such sums as may be necessary not exceeding, in the aggregate, seventy thousand dollars and may issue bonds or notes of the town therefor which shall bear on their face the words, Westborough Water Supply Damage Loan, Act of 1957. Each authorized issue shall constitute a separate loan and such loans shall be paid in not more than five years from their dates. Indebtedness incurred under this act shall be within the limit of the amount prescribed by the last paragraph of section eight of chapter forty-four of the General Laws and, except as otherwise provided herein, shall be subject to the provisions of said chapter.

SECTION 2. This act shall take effect upon its passage.  
*Approved July 15, 1957.*

AN ACT AMENDING THE DEFINITION OF "TEACHER" FOR PURPOSES OF MEMBERSHIP IN THE TEACHERS' RETIREMENT SYSTEM. **Chap. 516**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to make eligible forthwith for membership in the teachers' retirement system certain persons holding positions in the division of special classes and the youth service division, therefore 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 32 of the General Laws is hereby amended by striking out the paragraph defining "Teacher", as most recently amended by section 1 of chapter 434 of the acts of 1952, and inserting in place thereof the following paragraph: —

"Teacher", any person who is employed by one or more school committees or boards of trustees or by any combination of such committees and boards on a basis of not less than half-time service as a teacher, school psychologist, school psychiatrist, school adjustment counsellor appointed under section forty-six G of chapter seventy-one, director of occupational guidance and placement appointed under section thirty-eight A or thirty-eight D of chapter seventy-one, principal, supervisor or superintendent in any public school as defined in this section, or as a supervisor or teacher of adult civic education, but excluding any person serving as an exchange teacher in any such public school unless he is a member of the teachers' retirement system at the time of entry into such service; provided, that "teacher" shall not be deemed to include, nor shall sections one to twenty-eight inclusive apply, to any person who is a teacher in the public schools of the city of Boston, except to such a teacher who on September first, nineteen hundred and twenty-three

*Section 3B.* There shall be a commission as provided under section five A of chapter two hundred and fifty-two of the General Laws which shall consist of five members. Of the members first appointed hereunder, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years, and until the qualification of their respective successors. Upon the expiration of the term of any member, his successor shall be appointed in like manner for a term of five years. The commission shall elect its own chairman and clerk and shall keep accurate records of its meetings.

**SECTION 2.** Notwithstanding the provisions of section five A of chapter two hundred and fifty-two of the General Laws to the contrary, the terms of all members of the Norfolk county mosquito control commission shall terminate upon the effective date of this act.

**SECTION 3.** This act shall take effect on December first, nineteen hundred and seventy-four.

*Approved June 5, 1974.*

**Chap. 308. AN ACT RELATIVE TO THE APPOINTMENT OF ESSEX COUNTY MOSQUITO CONTROL COMMISSIONERS.**

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

**SECTION 1.** Chapter 516 of the acts of 1958 is hereby amended by inserting after section 4A, inserted by section 2 of chapter 615 of the acts of 1964, the following section:—

*Section 4B.* There shall be a commission as provided under section five A of chapter two hundred and fifty-two of the General Laws which shall consist of five members. Of the members first appointed hereunder, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years, and until the qualification of their respective successors. Upon the expiration of the term of any member, his successor shall be appointed in like manner for a term of five years. The commission shall elect its own chairman and clerk and shall keep accurate records of its meetings.

**SECTION 2.** Notwithstanding the provisions of section five A of chapter two hundred and fifty-two of the General Laws to the contrary, the terms of all members of the Essex county mosquito control commission shall terminate upon the effective date of this act.

**SECTION 3.** This act shall take effect on December first, nineteen hundred and seventy-four.

*Approved June 5, 1974.*

**Chap. 309. AN ACT RELATIVE TO THE APPOINTMENT OF CAPE COD MOSQUITO CONTROL COMMISSIONERS.**

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

**SECTION 1.** Chapter 379 of the acts of 1930 is hereby amended by adding after section 2 the following section:—

*Section 3.* There shall be a commission as provided under section five A of said chapter two hundred and fifty-two which shall consist of three members. Of the members first appointed hereunder, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and until the qualification of their respective successors. Upon the expiration of the term of any member, his successor shall be appointed in like manner for a term of three years. The commission shall elect its own chairman and clerk and shall keep accurate records of its meetings.

**SECTION 2.** Notwithstanding the provisions of section five A of chapter two hundred and fifty-two of the General Laws to the contrary, the terms of all members of the Cape Cod mosquito control commission shall terminate upon the effective date of this act.

**SECTION 3.** This act shall take effect on December first, nineteen hundred and seventy-four.

*Approved June 5, 1974.*

**Chap. 310. AN ACT RELATIVE TO THE APPOINTMENT OF BRISTOL COUNTY MOSQUITO CONTROL COMMISSIONERS.**

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

**SECTION 1.** Chapter 432 of the acts of 1958 is hereby amended by inserting after section 3 the following section:—

*Section 3A.* There shall be a commission as provided under section five A of chapter two hundred and fifty-two of the General Laws which shall consist of five members. Of the members first appointed hereunder, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years, and until the qualification of their respective successors. Upon the expiration of the term of any member, his successor shall be appointed in like manner for a term of five years. The commission shall elect its own chairman and clerk and shall keep accurate records of its meetings.

**SECTION 2.** Notwithstanding the provisions of section five A of chapter two hundred and fifty-two of the General Laws to the contrary, the terms of all members of the Bristol county mosquito control commission shall terminate upon the effective date of this act.

**SECTION 3.** This act shall take effect on December first, nineteen hundred and seventy-four.

*Approved June 5, 1974.*



its purpose, which is to extend the period of eligibility for persons whose names appear on eligible lists which have been affected by an injunction, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

The second paragraph of section 12 of chapter 31 of the General Laws, as appearing in chapter 571 of the acts of 1955, is hereby amended by inserting after the word "service", in line 4, the words: — ; provided, however, that whenever the director is temporarily enjoined by a court order from certifying persons from an eligible list, the period of eligibility of all persons whose names appear on said list shall be extended for a period equal to the duration of such order.

*Approved June 5, 1974.*

**Chap. 305. AN ACT ALLOWING SCHOOL COMMITTEES TO REIMBURSE SCHOOL BUS OPERATORS FOR INCREASED FUEL COSTS WITHOUT FURTHER PUBLIC BIDDING ON THEIR CONTRACTS.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to allow reimbursement to parties furnishing school bus transportation for increases in the costs of fuel used in such transportation, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

**SECTION 1.** Notwithstanding the provisions of section seven A of chapter seventy-one or sections four and four B of chapter forty of the General Laws or of any general or special law to the contrary, the school committee of any city, town or district and any party to whom said committee has awarded a contract or contracts for the furnishing of transportation of school children, may, by mutual agreement and after a public hearing and without further public bidding, amend any such contract signed prior to January the first, nineteen hundred and seventy-four to provide that said school committee shall pay up to one hundred per cent of the costs attributable to the increase since October the first, nineteen hundred and seventy-three in the price of fuel consumed in the furnishing of the transportation specified in said contract. Said school committee may require as a condition for amending a contract or as a part of such amendment, that it have complete access to the records used to determine the costs attributable to the increase in fuel prices. In the event that the party furnishing the transportation indicates as a basis for requesting from the school committee agreement to such an amendment that the operations performed pursuant to the contract are producing a net loss financially, the school committee may require access to such other records as are necessary to determine

the profit or loss incurred by the party awarded the contract in the operations carried out pursuant to the contract.

Notwithstanding the provisions of said section seven A of said chapter seventy-one which relate to bidding procedures, any amendment of a contract in accordance with this act shall not affect the reimbursement by the commonwealth to any city, town or district for expenses incurred for the transportation of school children which is otherwise authorized by said section seven A or by any other general or special law; provided, however, that any increased costs incurred by a city, town, or district as a result of a contract amendment authorized by this act shall not receive reimbursement by the commonwealth.

**SECTION 2.** This act shall cease to be effective on June thirtieth, nineteen hundred and seventy-five.

*Approved June 5, 1974.*

**Chap. 306. AN ACT RELATIVE TO THE APPOINTMENT OF PLYMOUTH COUNTY MOSQUITO CONTROL COMMISSIONERS.**

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

**SECTION 1.** Chapter 514 of the acts of 1957 is hereby amended by inserting after section 3 the following section:—

**Section 3A.** There shall be a commission as provided under section five A of chapter two hundred and fifty-two of the General Laws which shall consist of five members. Of the members first appointed hereunder, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years, and until the qualification of their respective successors. Upon the expiration of the term of any member, his successor shall be appointed in like manner for a term of five years. The commission shall elect its own chairman and clerk and shall keep accurate records of its meetings.

**SECTION 2.** Notwithstanding the provisions of section five A of chapter two hundred and fifty-two of the General Laws to the contrary, the terms of all members of the Plymouth county mosquito control commission shall terminate upon the effective date of this act.

**SECTION 3.** This act shall take effect on December first, nineteen hundred and seventy-four.

*Approved June 5, 1974.*

**Chap. 307. AN ACT RELATIVE TO THE APPOINTMENT OF NORFOLK COUNTY MOSQUITO CONTROL COMMISSIONERS.**

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

**SECTION 1.** Chapter 341 of the acts of 1956 is hereby amended by inserting after section 3A the following section:—

its purpose, which is to extend the period of eligibility for persons whose names appear on eligible lists which have been affected by an injunction, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

The second paragraph of section 12 of chapter 31 of the General Laws, as appearing in chapter 571 of the acts of 1955, is hereby amended by inserting after the word "service", in line 4, the words:— ; provided, however, that whenever the director is temporarily enjoined by a court order from certifying persons from an eligible list, the period of eligibility of all persons whose names appear on said list shall be extended for a period equal to the duration of such order.

*Approved June 5, 1974.*

**Chap. 305. AN ACT ALLOWING SCHOOL COMMITTEES TO REIMBURSE SCHOOL BUS OPERATORS FOR INCREASED FUEL COSTS WITHOUT FURTHER PUBLIC BIDDING ON THEIR CONTRACTS.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to allow reimbursement to parties furnishing school bus transportation for increases in the costs of fuel used in such transportation, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

**SECTION 1.** Notwithstanding the provisions of section seven A of chapter seventy-one or sections four and four B of chapter forty of the General Laws or of any general or special law to the contrary, the school committee of any city, town or district and any party to whom said committee has awarded a contract or contracts for the furnishing of transportation of school children, may, by mutual agreement and after a public hearing and without further public bidding, amend any such contract signed prior to January the first, nineteen hundred and seventy-four to provide that said school committee shall pay up to one hundred per cent of the costs attributable to the increase since October the first, nineteen hundred and seventy-three in the price of fuel consumed in the furnishing of the transportation specified in said contract. Said school committee may require as a condition for amending a contract or as a part of such amendment, that it have complete access to the records used to determine the costs attributable to the increase in fuel prices. In the event that the party furnishing the transportation indicates as a basis for requesting from the school committee agreement to such an amendment that the operations performed pursuant to the contract are producing a net loss financially, the school committee may require access to such other records as are necessary to determine

the profit or loss incurred by the party awarded the contract in the operations carried out pursuant to the contract.

Notwithstanding the provisions of said section seven A of said chapter seventy-one which relate to bidding procedures, any amendment of a contract in accordance with this act shall not affect the reimbursement by the commonwealth to any city, town or district for expenses incurred for the transportation of school children which is otherwise authorized by said section seven A or by any other general or special law; provided, however, that any increased costs incurred by a city, town, or district as a result of a contract amendment authorized by this act shall not receive reimbursement by the commonwealth.

**SECTION 2.** This act shall cease to be effective on June thirtieth, nineteen hundred and seventy-five.

*Approved June 5, 1974.*

**Chap. 306. AN ACT RELATIVE TO THE APPOINTMENT OF PLYMOUTH COUNTY MOSQUITO CONTROL COMMISSIONERS.**

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

**SECTION 1.** Chapter 514 of the acts of 1957 is hereby amended by inserting after section 3 the following section:—

*Section 3A.* There shall be a commission as provided under section five A of chapter two hundred and fifty-two of the General Laws which shall consist of five members. Of the members first appointed hereunder, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years, and until the qualification of their respective successors. Upon the expiration of the term of any member, his successor shall be appointed in like manner for a term of five years. The commission shall elect its own chairman and clerk and shall keep accurate records of its meetings.

**SECTION 2.** Notwithstanding the provisions of section five A of chapter two hundred and fifty-two of the General Laws to the contrary, the terms of all members of the Plymouth county mosquito control commission shall terminate upon the effective date of this act.

**SECTION 3.** This act shall take effect on December first, nineteen hundred and seventy-four.

*Approved June 5, 1974.*

**Chap. 307. AN ACT RELATIVE TO THE APPOINTMENT OF NORFOLK COUNTY MOSQUITO CONTROL COMMISSIONERS.**

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

**SECTION 1.** Chapter 341 of the acts of 1956 is hereby amended by inserting after section 3A the following section:—

## Section 11. 03. FORM OF BALLOT

The ballots used when voting upon such proposed measures shall state the nature of the measure in terms sufficient to show the substance thereof. No measure shall go into effect unless it receives the affirmative votes of at least a third of the whole number of registered voters.

## ARTICLE XII

## STATUS OF EXISTING ORDINANCES

## Section 12. 01. TO REMAIN IN FULL FORCE AND EFFECT IF NOT INCONSISTENT WITH PROVISIONS OF CHARTER

All existing ordinances on the date which this charter takes effect and not inconsistent with the provisions thereof shall remain in full force and effect until amended or repealed.

## ARTICLE XIII

## REPEAL OF PRIOR CHARTER

## Section 13. 01. REPEAL OF CHARTER OF 1915

Chapter three hundred and thirty-eight of the acts of nineteen hundred and fifteen, as amended, is hereby repealed.

## ARTICLE XIV

## EFFECTIVE DATE

## Section 14. 01. EFFECTIVE DATE OF REVISED CHARTER

This charter shall take effect on July the first, nineteen hundred and seventy.

SECTION 2. Chapter three hundred and thirty-eight of the acts of nineteen hundred and fifteen, as amended, is hereby repealed.

SECTION 3. This act shall take effect on July the first, nineteen hundred and seventy. *Approved July 15, 1970.*

**Chap. 544. AN ACT RELATIVE TO THE BASIS FOR THE ANNUAL ASSESSMENT FOR THE PLYMOUTH COUNTY MOSQUITO CONTROL PROJECT.**

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

Notwithstanding the provisions of chapter five hundred and fourteen of the acts of nineteen hundred and fifty-seven, establishing the Plymouth County Mosquito Control Project, to meet the expenses incurred under said chapter five hundred and fourteen, beginning with the fiscal year commencing July the first, nineteen hundred and seventy, there shall be expended annually from the state treasury, subject to appropriation, sums equal, in the aggregate, to thirteen cents on each thousand dollars of equalized valuations of all such cities and towns, as most recently reported by the state tax commission to the general court under the provisions of section twenty of chapter fifty-nine of the General Laws, and the state treasurer shall issue his warrant requiring said assessors of said cities and towns to assess a tax

to the amount of the sums so expended one half in proportion to said valuations and one half in proportion to their respective areas and such amounts shall be collected and paid to the state treasurer as provided by section twenty of chapter fifty-nine of the General Laws; provided, that such cities and towns may in any year anticipate in whole or in part its assessment and appropriate, raise and deposit the amount thereof with the state treasurer, and any sum so deposited shall be credited against such assessment. There may also be expended for the purposes of this act voluntary contributions for such purposes deposited in the state treasury. *Approved July 15, 1970.*

THE COMMONWEALTH OF MASSACHUSETTS,  
EXECUTIVE DEPARTMENT, STATE HOUSE,  
BOSTON, July 28, 1970.

The Honorable JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY:—I, Francis W. Sargent, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 544 of the Acts of 1970, entitled "AN ACT RELATIVE TO THE BASIS FOR THE ANNUAL ASSESSMENT FOR THE PLYMOUTH COUNTY MOSQUITO CONTROL PROJECT." and the enactment of which received my approval on July 15, 1970, should take effect forthwith.

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

To provide forthwith that assessments may be made for the Mosquito Control Project for Plymouth County under a new formula based upon the most recent equalized valuation.

Sincerely,

FRANCIS W. SARGENT,  
*Acting Governor of the Commonwealth.*

OFFICE OF THE SECRETARY, BOSTON, July 28, 1970.

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

JOHN F. X. DAVOREN,  
*Secretary of the Commonwealth.*

**Chap. 545. AN ACT PROVIDING FOR THE ISSUANCE, EXTENSION OR RENEWAL OF COMPULSORY MOTOR VEHICLE LIABILITY POLICIES OR BONDS SO AS TO CONFORM WITH THE LAW RELATIVE TO STAGGERED REGISTRATIONS.**

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

Chapter 175 of the General Laws is hereby amended by striking out section 113F and inserting in place thereof the following section:—

**16.**

***SUFFOLK  
COUNTY***



compilations and supplements thereto to city, town, county, regional and state public offices, and for the public sale of such compilations and supplements thereto at appropriate places, at a price not to exceed the estimated cost of preparation, publication, distribution and sale. The commissioner of community affairs and registers of deeds may assist the clerk in such distribution. The commissioner may suggest guidelines for such compilations and supplements thereto, procedures for verifying the text of zoning enactments and the accuracy of zoning maps, require a copy of each zoning compilation, supplement and map, and may also assist in the preparation, publication, distribution and sale of such compilations and supplements thereto.

**SECTION 2.** The first sentence of the fifth paragraph of section 33 of chapter 184, as appearing in section 5 of chapter 666 of the acts of 1969, is hereby amended by inserting after the word "thereto", in line 2, the words: — , or where the general location of the restricted land is indicated on a zoning map published by a city or town with a reference to a marginal note or list indicating the original or then holder of the restriction and the place of record in the public records of the instrument imposing the restriction.

**SECTION 3.** The provisions of section thirty-three of chapter one hundred and eighty-four of the General Laws, amended by section two of this act, shall apply only to compilations and supplements thereto prepared after the effective date of this act.

*Approved August 9, 1973.*

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**Chap. 603.** AN ACT PROVIDING A CERTAIN PENSION FOR THE WIDOW OF THE LATE JUDGE PHILIP H. BALL, JUSTICE OF THE DISTRICT COURT OF FRANKLIN.

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

Notwithstanding the provisions of any general or special law to the contrary, Mary A. Ball, the widow of the late Judge Philip H. Ball, justice of the district court of Franklin, shall be paid such pension as she would have been eligible to receive, under the provisions of section sixty-five C of chapter thirty-two of the General Laws, had said Judge Philip H. Ball been eligible for retirement under the provisions of section sixty-five A of said chapter thirty-two as of the date of his death, and such pension payable to said widow shall be effective retroactive to January first, nineteen hundred and sixty-three, in accordance with section two of chapter five hundred and seventy-one of the acts of nineteen hundred and sixty-three.

*Approved August 9, 1973.*

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**Chap. 604.** AN ACT PROVIDING A CERTAIN PENSION FOR THE WIDOW OF THE LATE JUDGE EDWARD J. DOBIECKI, SPECIAL JUSTICE OF THE DISTRICT COURT OF SPRINGFIELD.

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

Notwithstanding the provisions of any general or special law to the contrary, Alyce Dobiecki, the widow of the late Judge Edward J. Dobiecki, special justice of the district court of Springfield, shall be paid such pension as she would have been eligible to receive under the provisions of section sixty-five C of chapter thirty-two of the General Laws, had said Judge Edward J. Dobiecki been eligible for retirement under the provisions of section sixty-five B of said chapter thirty-two as of the date of his death, and such pension payable to said widow shall be effective retroactively to the date of the death of said judge.

*Approved August 9, 1973.*

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**Chap. 605.** AN ACT FURTHER REGULATING MODIFICATIONS, AMENDMENTS AND RESCISSIONS OF PRIOR APPROVALS OF SUBDIVISION PLANS UNDER THE SUBDIVISION CONTROL LAW.

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

The second paragraph of section 81W of chapter 41 of the General Laws, as appearing in section 7 of chapter 674 of the acts of 1953, is hereby amended by inserting after the word "thereon", in line 7, the words: — ; provided, however, that nothing herein shall be deemed to prohibit such modification, amendment or rescission when there is a conveyance or a mortgage to a single grantee or mortgagee of either the entire parcel of land shown on the subdivision plan or of all the lots not previously released by the planning board.

*Approved August 9, 1973.*

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**Chap. 606.** AN ACT ESTABLISHING THE SUFFOLK COUNTY MOSQUITO CONTROL PROJECT.

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

**SECTION 1.** The area of Suffolk county comprising the cities of Boston and Chelsea, hereinafter called the cities, is hereby constituted a mosquito control project under section five A of chapter two hundred and fifty-two of the General Laws, to the same extent as if so constituted by the state reclamation board acting under said section five A and the improvements herein authorized shall be undertaken under the identifying name of the Suffolk County Mosquito Control Project, hereinafter called the Project.

There shall be a commission as provided under the said section five A of said chapter two hundred and fifty-two which shall consist of five members. Of the members first appointed hereunder, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years, and each shall serve until the qualification of their respective successors. Upon the expiration of the term of any member, his successor shall be appointed in like manner for a term of five years. The commission shall elect its own chairman and clerk and shall keep accurate records of its meetings.

SECTION 2. Beginning with the fiscal year commencing July first, nineteen hundred and seventy-three, to meet the expenses incurred under this act, there shall be annually expended from the state treasury, subject to appropriation, sums equal in the aggregate, to five cents of each one thousand dollars of equalized valuations of the cities, as most recently reported by the tax commission to the general court under the provisions of section ten C of chapter fifty-eight of the General Laws; and the state treasurer shall issue his warrant requiring the assessors of the cities to assess a tax to the amount of the sums so expended, one quarter of which shall be in proportion to their respective areas, and such amounts shall be collected and paid to the state treasurer as provided in section twenty of chapter fifty-nine of the General Laws; provided, that any such city may in any year anticipate in whole or in part its assessment, and appropriate, raise and deposit the amount thereof with the state treasurer, and any sum so deposited shall be credited against such assessment. There may also be expended for the purposes of this act voluntary contributions for such purposes and deposited in the state treasury.

SECTION 3. The funds appropriated and deposited as aforesaid shall be expended by the project for the investigation, construction and maintenance of mosquito control works in the project, under the direction and supervision of the state reclamation board in accordance with such known methods as in its opinion will effect the greatest measure of relief.

SECTION 4. Any such city which is to become a member of the project established under the provisions of section one may, at any time prior to the effective date of this act, by vote of its city council and with the approval of its mayor, vote not to become a member of such project.

SECTION 5. Any city which becomes a member of the project, by a vote of its city council and with the approval of its mayor, may, after this act has been in effect therein for a period of three years, withdraw from membership in the project hereinbefore established and thereupon the provisions of this act shall no longer apply to such city.

SECTION 6. This act shall take effect ninety days after its passage.

*Approved August 9, 1973*

**Chap. 607.** AN ACT FURTHER REGULATING THE SALE OF COMMERCIAL FERTILIZERS, SOIL CONDITIONERS, AND AGRICULTURAL LIMING MATERIALS.

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

SECTION 1. Section twenty of chapter seventy-five of the General Laws is hereby repealed.

SECTION 2. Section 1 of chapter 94 of the General Laws, as most recently amended by chapter 180 of the acts of 1973, is hereby further amended by striking out the definitions of "Agricultural lime", "Available phosphoric acid", "Brand", "Commercial Fertil-

izer", "Commissioner", "Fertilizer", "Fertilizer grade", "Gypsum or land plaster", "Importer", "Package", "Phosphoric acid", "Potash", and "Tag".

SECTION 3. The definition of "Label" in said section 1 of said chapter 94, as most recently amended by section 1 of chapter 600 of the acts of 1961 is hereby further amended by striking out subsection (b).

SECTION 4. Sections two hundred and fifty to two hundred and sixty-one, inclusive, of said chapter ninety-four are hereby repealed.

SECTION 5. Chapter 128 of the General Laws is hereby amended by striking out section 6, as most recently amended by section 4 of chapter 598 of the acts of 1941, and inserting in place thereof the following section: —

Section 6. The commissioner may arrange for lectures before the department, and may issue for general distribution such publications as he considers best adapted to promote the interests of agriculture including, but not limited to, reports, bulletins, special circulars, or otherwise, the results of analysis of commercial fertilizers and feedstuffs made under sections fifty-one to eighty, inclusive of chapter one hundred and twenty-eight.

SECTION 6. Said chapter 128 is hereby further amended by inserting after section 63, added by section 8 of chapter 43 of the acts of 1973, the following twenty sections: —

Section 64. As used in sections sixty-five to eighty-three, inclusive, the following words shall have the following meanings: —

"Agricultural lime", all the various forms of lime intended or sold for fertilizing purposes or neutralizing acidity.

"Available phosphoric acid", the sum of the water soluble and citric soluble phosphoric acid.

"Brand", term, design, or trade-mark used in connection with one or several grades of commercial fertilizers.

"Bulk fertilizer", commercial fertilizer distributed in a non-packaged form.

"Commercial fertilizer", any substance containing one or more recognized plant nutrients which is used for its plant nutrient content and which is designed for use, or claimed to have value in promoting plant growth, except unmanipulated animal and vegetable manures, marl, lime, limestone, wood ashes, and gypsum, and other products exempted by regulation of the commissioner.

"Distributor", any person who imports, consigns, manufactures, produces, compounds, mixes, or blends commercial fertilizer, or who offers for sale, sells, barters or otherwise supplies commercial fertilizers in the commonwealth.

"Fertilizer material", commercial fertilizer which either contains important quantities of no more than one of the primary plant nutrients; nitrogen, phosphoric acid and potash, or has approximately eighty-five per cent of its plant nutrient content present in the form of a single chemical compound, or is derived from a plant or animal residue or by-product or a natural deposit which has been