

scribed and adjoining the most easterly and westerly boundaries of said permanent easement. Said temporary easement contains 3660 square feet more or less.

The easements described above are over land conveyed to Kenneth P. Cibroski and Walter J. Zuk by deed recorded at Book 1310, Page 256 and more completely shown on a plan entitled "Proposed Sewer Easement through land in Erving and Montague, Mass." to be recorded in the registry of deeds in Franklin county.

Said sewer system shall include such appurtenances as a vault for the flow measuring equipment, a manhole and a double siphon from said manhole to the town line.

The town of Montague shall have the right to enter said premises at any and all times for the purposes of constructing, maintaining and repairing said sewer system and the right to construct and install certain bank protection along the bank of the Millers river, which may include areas beyond the limits of said easements.

No buildings shall be constructed within the limits of said easements.

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

Approved October 31, 1975.

Chap. 674. AN ACT FURTHER REGULATING COMMUNITY ANTENNA TELEVISION SYSTEMS IN THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide immediately for further regulation of community antenna televisions systems and appointment of members to the community antenna television commission, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Clause (b) of the first paragraph of section 1 of chapter 166A of the General Laws, as appearing in section 1 of chapter 1103 of the acts of 1971, is hereby amended by inserting after the word "subscribers", in line 10, the words: — , but excluding any system which serves fewer than fifty subscribers.

SECTION 2. Clause (e) of said first paragraph of said section 1 of said chapter 166A, as so appearing, is hereby amended by inserting after the word "excluding", in line 2, the word: — only.

SECTION 3. Said chapter 166A is hereby further amended by striking out section 2, as most recently amended by section 1 of chapter 96 of the acts of 1972, and inserting in place thereof the following section: —

Section 2. There shall be established in the executive office of consumer affairs a community antenna television commission

which is authorized to call on the staff of the department of public utilities or any other state or federal agency for administrative and investigatory services and technical advice. Said commission shall consist of seven members, one of whom shall be an expert in digital computer application, one of whom shall be a member of the Consumers' Council, one of whom shall be an expert in the field of telecommunications, one of whom shall be an attorney and a member of the Massachusetts bar, one of whom shall be an educator with some experience in telecommunications and two shall be residents of the commonwealth, one of the two from a city having a population of more than one hundred and fifty thousand persons and the other from a city or town of less than one hundred and fifty thousand persons, determined by reference to the most recent decennial census conducted by the United States Bureau of the Census. All the members of said commission shall be registered voters in the commonwealth.

Not more than four members of said commission shall be of the same political party. The members of the commission shall be appointed by the governor for terms of four years and any vacancy shall be filled by the governor for the unexpired portion of the term. The governor may, from time to time, designate the chairman of the commission. The commission shall appoint an executive director who shall not be subject to chapter thirty-one and who shall be knowledgeable in the field of telecommunication. He shall be responsible for informing the commission and the public of matters relating to community antenna television, and shall perform such other duties as the commission requires. Said executive director shall serve at the pleasure of the commission who shall determine his rate of compensation. The members shall be compensated at the rate of thirty dollars for each day or part thereof spent in the performance of their duties. The commission may expend such sums for quarters and clerical and other assistance as may be appropriated therefor.

The commission shall annually prepare and submit to the governor and the general court, on or before the first Wednesday of November, a report of its activity and the condition of the cable television industry within the commonwealth during the preceding fiscal year, together with recommendations for legislation which it considers necessary or desirable.

SECTION 4. Section 4 of said chapter 166A, as appearing in section 1 of chapter 1103 of the acts of 1971, is hereby amended by striking out the sixth sentence and inserting in place thereof the following sentence: — Additional areas to be served may be added by amendment to the license from time to time pursuant to regulations promulgated by the commission.

SECTION 5. The first paragraph of section 5 of said chapter 166A, as so appearing, is hereby amended by striking out, in

lines 1 and 2, the words "Such form shall also require that in the event a license is issued, the applicant shall agree to the following" and inserting in place thereof the words: — In the event a license is issued, each licensee shall agree to the following.

SECTION 6. The third sentence of section 6 of said chapter 166A, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words " , which reasons shall relate to the information the applicant furnished pursuant to section four".

SECTION 7. Said chapter 166A is hereby further amended by striking out section 7, as so appearing, and inserting in place thereof the following section: —

Section 7. No license or control thereof shall be transferred or assigned without the prior written consent of the issuing authority, which consent shall not be arbitrarily or unreasonably withheld. Such consent shall be given only after a hearing upon a written application therefor on forms to be prescribed by the commission. The application for consent to a transfer or assignment shall be signed by the licensee and by the proposed transferee or assignee or by their representatives, evidence of whose authority shall be submitted with the application. The consent of an issuing authority to a transfer or assignment shall not be given if it appears from the application or from subsequent investigation or otherwise that the consideration being paid in the proposed transaction includes a substantial payment for the license issued hereunder.

SECTION 8. The first sentence of section 9 of said chapter 166A, as so appearing, is hereby amended by inserting after the word "renewal", in line 2, the word: — , transfer.

SECTION 9. The first paragraph of section 11 of said chapter 166A, as so appearing, is hereby amended by striking out clause (e) and inserting in place thereof the following clause:—

(e) for any transfer or assignment of a license or control thereof without consent in violation of section seven;

SECTION 10. Said chapter 166A, as so appearing, is hereby further amended by striking out section 13 and inserting in place thereof the following section: —

Section 13. Any license issued hereunder may be renewed after hearing by the issuing authority for additional periods each not to exceed ten years. An application for renewal shall be on forms to be prescribed by the commission. Such forms shall set forth such facts as the commission may prescribe as to the citizenship and character of the applicant for renewal, and its financial, technical, and other qualifications to operate the system, and complete information as to its principals and ultimate beneficial owners, including in the case of corporations, all stockholders both nominal and beneficial owning one per cent or more of the issued and outstanding stock, and in the case of unincorporated associations, all members and ultimate beneficial owners however designated, in order that the applicant for renewal shall make full disclosure as to its true ownership and as to the source of funds to be used for operation of the system.

SECTION 11. Section 14 of said chapter 166A is hereby amended by striking out the first paragraph, as amended by section 3 of chapter 96 of the acts of 1972, and inserting in place thereof the following paragraph: —

Any applicant for a license or renewal of a license who is aggrieved by a denial of its application by the issuing authority or by its failure to act within the period of sixty days, or any licensee who is aggrieved by the action of an issuing authority in modifying, suspending, cancelling, revoking, declaring a license forfeited, denying consent to the transfer or assignment of a license or control thereof, or by the issuing authority's failure to act within the period of sixty days may appeal therefrom to the commission within thirty days following notice of such action or within thirty days following the expiration of a sixty day period of inaction, by a petition in writing, setting forth all material facts in the case.

SECTION 12. The fourth paragraph of said section 14 of said chapter 166A, as appearing in section 1 of chapter 1103 of the acts of 1971, is hereby amended by inserting after the word "renewal", in line 6, the word: — , transfer.

SECTION 13. The fifth paragraph of said section 14 of said chapter 166A, as so appearing, is hereby amended by striking out the second sentence.

SECTION 14. The first paragraph of section 15 of said chapter 166A, as so appearing, is hereby amended by striking out, in line 5, the word "individually".

SECTION 15. Said section 15 of said chapter 166A is hereby further amended by striking out the second paragraph, as so appearing, and inserting in place thereof the following paragraph: —

The commission shall cause notice of the time and place of every such hearing to be published in at least one newspaper of general circulation in the municipality or service area affected. Such notice and schedule shall be in such form as the commission may deem expedient.

SECTION 16. The first sentence of section 19 of said chapter 166A, as so appearing, is hereby amended by inserting after the word "sections", in line 1, the word: — eleven,.

SECTION 17. In making the first appointments to the community antenna television commission pursuant to section two of chapter one hundred and sixty-six A of the General Laws, as amended by section three of this act, the governor shall appoint two members for terms of one year, two members for terms of two years, two members for terms of three years, and one member for a term of four years.

Approved November 1, 1975.