

# SENATE . . . . No. 332

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To accompany the petition of Francis J. Roche for legislation relative to the method of replacement of certain officials of certain cities who are in the armed forces of the United States. Cities.

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## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Three.

AN ACT REGULATING THE METHOD OF REPLACEMENT OF CERTAIN OFFICIALS OF CERTAIN CITIES WHO ARE TEMPORARILY IN THE ARMED FORCES OF THE UNITED STATES.

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

1 SECTION 1. Chapter seven hundred and eight of  
2 the acts of nineteen hundred and forty-one is hereby  
3 amended by inserting after section eleven the follow-  
4 ing section: —

5 *Section 11A.* In case a member of the school  
6 committee or of the city council of a city is unable  
7 to perform the duties of his office by reason of such  
8 military or naval service, an acting officer, who in his  
9 absence shall possess all the rights and powers, per-  
10 form all the duties and be subject to all the obligations  
11 of said office until the expiration of the term of the  
12 absent officer or until his return, whichever first  
13 occurs, shall be appointed in the manner provided  
14 by the city charter of the particular city for filling

15 a vacancy in said office, except that where the city  
16 charter specifically provides for a special city election  
17 under such circumstances the vacancy shall be filled  
18 by the remaining members of the school committee  
19 or of the city council, as the case may be.

1 SECTION 2. A person appointed under the provi-  
2 sions of this section shall not receive compensation  
3 from the city for service as such acting officer but his  
4 compensation therefor, if any, shall be paid by the  
5 absent officer. The city treasurer when so authorized  
6 by the absent officer may make payment to such  
7 acting officer and in such case shall charge such pay-  
8 ments to the account of the salary provided for the  
9 absent officer.

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