

the years nineteen hundred and forty-three and nineteen hundred and forty-four, as the case may be, as provided by section one of chapter four hundred and sixty-five of the acts of the current year.

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

*Approved June 12, 1943.*

*Chap. 528* AN ACT PROVIDING FOR THE IMPROVEMENT, ENLARGEMENT, EXTENSION, DEVELOPMENT, CONSTRUCTION, ALTERATION AND OPERATION OF THE COMMONWEALTH AIRPORT — BOSTON, SO CALLED, AND PROVIDING FURTHER FOR EASEMENTS, ROADS, HIGHWAYS, APPROACHES AND MEANS OF ACCESS BY RAILROAD OR OTHERWISE IN CONNECTION THEREWITH.

Emergency  
preamble.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to prepare with the utmost expedition for national defense in the present emergency, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

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

SECTION 1. The state department of public works, in this act called the department, is hereby authorized and directed to enlarge, extend, improve and develop the Commonwealth Airport — Boston, so called, and is authorized to dredge, fill, grade, construct sewers, drains, runways, dikes and bulkheads, and to make other improvements, and to provide for railroad and trolley tracks, roadways and appurtenances, and, for the purpose of providing railway facilities on the airport property and of providing connections with existing street railway tracks outside said property, the department may grant locations or alterations or extensions of locations for tracks, poles, wires, conduits and incidental railway structures in or upon said airport property and in or upon public lands and ways leading thereto; and to do any other work at or adjacent to the airport property which, in its opinion, is necessary to enlarge, extend, improve and develop said airport in accordance with plans prepared by or under the direction of the department; provided, that no work shall be done in accordance therewith unless a copy of such plans shall first have been submitted to the Massachusetts aeronautics commission and said commission shall have made to the department its recommendations relative thereto or thirty days have elapsed without any such recommendations.

For the purposes of this act, the department is hereby authorized to acquire by purchase, deed, gift or otherwise, or to take by eminent domain under chapter seventy-nine of the General Laws, lands other than public lands or rights therein as may be needed for the construction of necessary sewers or drains or their outlets or to provide railroad or railway tracks or roadways or appurtenances as means of access by rail-

road, railway or otherwise in connection with said airport or to provide for locations or alterations or extensions of locations for tracks, poles, wires, conduits and incidental railway structures in connection with said airport, and to acquire or take such air rights as may be necessary to provide unobstructed air space for the safe and convenient landing and taking off of aircraft utilizing the airport, and to acquire or take the right or easement, for a limited period of time or perpetually, to place and maintain such radio beacons and such suitable marks for the day time, and to place, operate and maintain such suitable lights for the night time, marking of buildings, or other structures or obstructions, as may be necessary for the safe and convenient operation of aircraft utilizing the airport. Before work shall commence or contracts be let final approval of plans, specifications and contracts shall be made by the governor and council.

SECTION 2. The work hereby authorized, or any part thereof, may be extended outside that portion of the harbor line established by chapter four hundred and eleven of the acts of nineteen hundred and thirty-nine and lying between the points designated in said act by the letters B-C-D-E-F-G-S-T-U and R-2.

SECTION 3. The department, acting in the name and behalf of the commonwealth, may lease or convey to the United States, with or without consideration, such property of the airport as may be necessary for the construction and maintenance of any aid to navigation, and may lease to the federal government such part of the said airport as may seem advisable. The department may enter into such agreements with the federal government relative to the construction, maintenance and operation of the airport or any part thereof and may receive and expend federal funds in addition to any moneys provided by section four.

SECTION 4. To meet the expenditures necessary in carrying out the provisions of this act the state treasurer shall upon request of the governor and council 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 and council from time to time, but not exceeding, in the aggregate, the sum of four million, seven hundred and fifty thousand dollars. All bonds issued by the commonwealth as aforesaid shall be designated on their face "COMMONWEALTH AIRPORT — BOSTON IMPROVEMENT LOAN" and shall be on the serial payment plan for such maximum term of years, not exceeding five years, as the governor may recommend to the general court pursuant to section 3 of Article LXII of the amendments to the Constitution of the Commonwealth, the maturities thereof to be so arranged that the amounts payable in the several years other than the final year shall be as nearly equal as in the opinion of the state treasurer it is practicable to make them. Said bonds shall bear interest semi-annually at such rate as the state treasurer, with the approval of the

governor, shall fix, but such bonds shall be payable not earlier than July first, nineteen hundred and forty-five, nor later than July first, nineteen hundred and fifty.

SECTION 5. The commissioner of public works may temporarily employ such engineering, clerical and other assistants as he deems necessary for the purpose of carrying out the work authorized by this act. Such persons shall be employed subject to chapter thirty-one of the General Laws, except that their employment may continue until the completion of said work, any provision of said chapter thirty-one to the contrary notwithstanding.

SECTION 6. The department of public works may make such rules, regulations and charges for the use of said airport or part thereof as it may from time to time deem reasonable and expedient, subject to the approval of the governor and council.

SECTION 7. Nothing in this act shall be construed to authorize any expenditures from the Highway Fund.

SECTION 8. Said airport shall be known and designated as the General Edward Lawrence Logan Airport, and a suitable tablet or marker bearing said designation shall be erected at said airport by the department.

*Approved June 12, 1943.*

*Chap. 529* AN ACT REQUIRING EMPLOYERS TO PROVIDE COMPENSATION FOR EMPLOYEES RECEIVING INJURIES WHICH ARISE OUT OF AND IN THE COURSE OF THEIR EMPLOYMENT, AND PERMITTING CERTAIN EMPLOYERS TO PROVIDE FOR SUCH COMPENSATION BY SELF-INSURANCE.

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

SECTION 1. Section one of chapter one hundred and fifty-two of the General Laws is hereby amended by striking out paragraph (1), as amended by section one of chapter three hundred and thirty-two of the acts of nineteen hundred and thirty-five, and inserting in place thereof the following paragraph: —

(1) "Average weekly wages", the earnings of the injured employee during the period of twelve calendar months immediately preceding the date of injury, divided by fifty-two; but if the injured employee lost more than two weeks' time during such period, the earnings for the remainder of such twelve calendar months shall be divided by the number of weeks remaining after the time so lost has been deducted. Where, by reason of the shortness of the time during which the employee has been in the employment of his employer or the nature or terms of the employment, it is impracticable to compute the average weekly wages, as above defined, regard may be had to the average weekly amount which, during the twelve months previous to the injury, was being earned by a person in the same grade employed at the same work by the same employer, or, if there is no

G. L. (Ter. Ed.), 152, § 1, etc., amended.

"Average weekly wages" defined.