

fifty-four, provided, however, that any city or town in which rent controls are effective on that date may vote to continue the provisions of this act in accordance with section twelve for an added period not exceeding nine months from said date. This act shall not apply in any municipality of the commonwealth during the period in which a law of the United States imposes, or but for this act would impose, rent controls therein. As to offences committed or rights or liabilities incurred prior to such termination, the provisions of this act shall be treated as still remaining in force for the purpose of sustaining any proper suit, action or prosecution with respect to any such right, liability or offence.

SECTION 15. If any provision of this act or the application of such provision to any person or circumstances shall be held invalid, the validity of the remainder of this act and the applicability of such provision to other persons or circumstances shall not be affected thereby.

*Approved June 2, 1953.*

*Chap. 435* AN ACT PLACING CERTAIN EMPLOYEES OF THE DEPARTMENT OF EDUCATION UNDER THE CIVIL SERVICE LAWS.

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

SECTION 1. The positions of persons employed in the department of public welfare, under the provisions of chapter six hundred and thirty-four of the acts of nineteen hundred and forty-one, shall, upon the effective date of this act, be transferred to the department of education and become subject to the same laws and rules governing other employees in the department of education engaged in carrying out the provisions of chapter five hundred and forty-eight of the acts of nineteen hundred and forty-eight, as amended.

SECTION 2. The incumbent of every such position on January second, nineteen hundred and fifty-three shall be subjected to a qualifying examination for such position by the division of civil service. If such an incumbent passes said examination, he shall be certified for said position and shall be deemed to be permanently appointed thereto without serving any probationary period, and his tenure of office, as well as the tenure of office of any subsequent incumbent of said position, shall be unlimited, subject, however, to the provisions of the civil service laws and rules.

*Approved June 2, 1953.*

*Chap. 436* AN ACT RELATIVE TO THE PAYMENT OF SALARY OR WAGES AND OTHER SUMS OWING BY POLITICAL SUBDIVISIONS OF THE COMMONWEALTH UPON THE DEATHS OF THEIR OFFICERS AND EMPLOYEES.

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

SECTION 1. Chapter 35 of the General Laws is hereby amended by inserting after section 19A, inserted by section 2 of chapter 635 of the acts of 1945, the following section: —

*Section 19B.* Whenever any officer or employee or former officer or employee of a county dies, and such county owes his estate any sum or sums by reason of the terms of his employment, the aggregate amount of which does not exceed five hundred dollars, and a duly appointed administrator or executor has not made written demand for payment upon the treasurer of such county and such treasurer does not otherwise have actual notice that probate proceedings relative to such estate have been commenced, such sum or sums may, in the discretion of such treasurer, be paid after the expiration of one month from the death of such officer or employee to the husband, widow or next of kin of such officer or employee. Payments made as provided in this section shall discharge all liability of the county to all persons with respect to such sum or sums.

Payment by counties of salaries due upon death of employees, authorized.

SECTION 2. Section 111E of chapter 41 of the General Laws, inserted by section 2 of chapter 475 of the acts of 1949, is hereby amended by striking out the first two sentences and inserting in place thereof the following sentence: — Whenever the employment of any person subject to section one hundred and eleven or section one hundred and eleven A is terminated during a year by dismissal through no fault or delinquency on his part or by resignation, retirement or death, without his having been granted the vacation to which he is entitled under such section, he, or in case of his death, his estate, shall be paid, at the regular rate of compensation payable to him at the termination of his employment, an amount in lieu of such vacation; provided, that no monetary or other allowance has already been made therefor.

G. L. (Ter. Ed.), 41, § 111E, etc., amended.

Compensation in lieu of vacations for certain employees.

SECTION 3. Said chapter 41 is hereby amended by inserting after section 111H, inserted by chapter 293 of the acts of 1953, the following section: — *Section 111I.* Whenever any officer or employee or former officer or employee of a city or town dies, and such city or town owes his estate any sum or sums by reason of services rendered by him or by reason of section one hundred and eleven E or section one hundred and eleven F or other similar general or special law or by reason of other terms of his employment, the aggregate amount of which does not exceed five hundred dollars, and a duly appointed administrator or executor has not made written demand for payment upon the treasurer of such city or town and such treasurer shall not otherwise have actual notice that probate proceedings relative to such estate have been commenced, such sum or sums may, in the discretion of such treasurer, be paid after the expiration of one month from the death of such officer or employee to the husband, widow or next of kin of such officer or employee. Payments made as provided in this section shall discharge all liability of the city or town to all persons with respect to such sum or sums.

G. L. (Ter. Ed.), 41, new § 111I, added.

Payment by cities and towns in like cases, regulated.

SECTION 4. Section 178A of chapter 149 of the General Laws, inserted by chapter 175 of the acts of 1932, is hereby

G. L. (Ter. Ed.), 149, § 178A, etc., amended.

"Employee",  
not to  
include.

G. L. (Ter.  
Ed.), 149,  
new § 178C,  
added.

Payment by  
common-  
wealth in like  
cases,  
regulated.

amended by adding at the end the following sentence:— The term "employee", as used in this section, shall not be construed to include an officer or employee of the commonwealth or of any political subdivision thereof.

SECTION 5. Said chapter 149 is hereby further amended by inserting after section 178B, inserted by section 1 of chapter 189 of the acts of 1947, the following section:— *Section 178C.* Whenever any officer or employee or former officer or employee of a political subdivision of the commonwealth other than a county, city or town, dies, and such subdivision owes his estate any sum or sums by reason of the terms of his employment, the aggregate amount of which does not exceed five hundred dollars, and a duly appointed administrator or executor has not made written demand for payment upon the treasurer of such subdivision, and such treasurer does not otherwise have actual notice that probate proceedings relative to such estate have been commenced, such sum or sums may, in the discretion of such treasurer, be paid after the expiration of one month from the death of such officer or employee to the husband, widow or next of kin of such officer or employee. Payments made as provided in this section shall discharge all liability of the subdivision to all persons with respect to such sum or sums.

SECTION 6. Section 3 of chapter 146 of the acts of 1947, as amended by section 1 of chapter 243 of the acts of 1950, is hereby further amended by striking out the first two sentences and inserting in place thereof the following sentence:— Whenever the employment of a member of said department is terminated during a year by dismissal through no fault or delinquency on his part or by retirement or death, without his having been granted the vacation to which he is entitled under section one, he, or in case of his death, his estate, shall be paid, at the regular rate of compensation payable to him at the termination of his employment, an amount in lieu of such vacation; provided, that no monetary or other allowance has already been made therefor.

SECTION 7. The provisions of section nineteen B of chapter thirty-five, section one hundred and eleven I of chapter forty-one, and section one hundred and seventy-eight C of chapter one hundred and forty-nine, of the General Laws, as inserted by sections one, three and five, respectively, of this act shall be construed to apply to cases coming within their terms, and also to cases where a person who at some time during his life was an officer or employee of a county, city, town, or other political subdivision of the commonwealth, as the case may be, has died, and such county, city, town, or subdivision, as the case may be, owes his estate a sum or sums by reason of the terms of his employment, the aggregate amount of which does not exceed five hundred dollars, and a duly appointed administrator or executor neither has nor shall have made written demand for payment upon the treasurer of such county, city, town,

or subdivision, as the case may be, and such treasurer shall not otherwise have actual notice that probate proceedings relative to such estate have been commenced.

*Approved June 2, 1953.*

AN ACT FURTHER DEFINING A PLACE OF PUBLIC ACCOMMODATION, RESORT OR AMUSEMENT. Chap.437

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

Section 92A of chapter 272 of the General Laws, inserted by chapter 117 of the acts of 1933, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

G. L. (Ter. Ed.), 272, § 92A, etc., amended.

A place of public accommodation, resort or amusement within the meaning hereof shall be defined as and shall be deemed to include any place, whether licensed or unlicensed, which is open to and accepts or solicits the patronage of the general public and, without limiting the generality of this definition, whether or not it be (1) an inn, tavern, hotel, shelter, roadhouse, motel, trailer camp or resort for transient or permanent guests or patrons seeking housing or lodging, food, drink, entertainment, health, recreation or rest; (2) a carrier, conveyance or elevator for the transportation of persons, whether operated on land, water or in the air, and the stations, terminals and facilities appurtenant thereto; (3) a gas station, garage, retail store or establishment, including those dispensing personal services; (4) a restaurant, bar or eating place, where food, beverages, confections or their derivatives are sold for consumption on or off the premises; (5) a rest room, barber shop, beauty parlor, bathhouse, seashore facilities or swimming pool; (6) a boardwalk or other public highway; (7) an auditorium, theatre, music hall, meeting place or hall, including the common halls of buildings; (8) a place of public amusement, recreation, sport, exercise or entertainment; (9) a public library, museum or planetarium; or (10) a hospital, dispensary or clinic operating for profit; provided, however, that no place shall be deemed to be a place of public accommodation, resort or amusement which is owned or operated by a club or institution whose products or facilities or services are available only to its members and their guests nor by any religious, racial or denominational institution or organization, nor by any organization operated for charitable or educational purposes.

Place of public accommodation, etc., further defined.

*Approved June 2, 1953.*

AN ACT PROVIDING FOR THE MARKING OF THE CHANNEL OF PLUM ISLAND RIVER BY THE PLACING AND MAINTENANCE THEREIN OF BUOYS BY THE DEPARTMENT OF PUBLIC WORKS. Chap.438

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

SECTION 1. The department of public works is hereby authorized and directed to mark the channel of Plum Island