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**Chapter 373. AN ACT AUTHORIZING THE TOWN OF WESTBOROUGH TO ISSUE TWO ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.**

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

**SECTION 1.** Notwithstanding the provisions of section 17 of chapter 138 of the General Laws, the licensing authority of the town of Westborough may issue to Mandarin Westborough, Inc. a license to sell all alcoholic beverages to be drunk on the premises at 57 East Main street in said town under the provisions of section 12 of said chapter 138. Such license shall be subject to all the provisions of said chapter 138 except for said section 17; provided, however, that the licensing authority shall not approve the transfer of such license to any other location. Upon issuance of such license, Mandarin Westborough, Inc. shall return to said town the wine and malt beverage license it presently holds.

**SECTION 2.** Notwithstanding the provisions of section 17 of chapter 138 of the General Laws, the licensing authority of the town of Westborough may issue to Clambo, Inc. a license to sell all alcoholic beverages to be drunk on the premises at 153 Turnpike road in said town under the provisions of section 12 of said chapter 138. Such license shall be subject to all the provisions of said chapter 138 except for said section 17; provided, however, that the licensing authority shall not approve the transfer of such license to any other location. Upon issuance of such license, Clambo, Inc. shall return to said town the wine and malt beverage license it presently holds.

Approved October 31, 1998.

**Chapter 374. AN ACT PROVIDING PROTECTION FOR CERTAIN RETIREMENT ACCOUNTS.**

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

**SECTION 1.** Chapter 235 of the General Laws is hereby amended by striking out section 34A, as appearing in the 1996 Official Edition, and inserting in place thereof the following section:-

Section 34A. The right or interest of any person in an annuity, pension, profit sharing or other retirement plan subject to the federal Employee Retirement Income Security Act of 1974, in any plan maintained by one or more self-employed individuals as a Keogh Plan, so-called, in any plan maintained by a corporation or other business organization pursuant to section 401(a) of the Internal Revenue Code but not subject to the federal Employee Retirement Income Security Act of 1974, or in any Simplified Employee Plan, annuity plan to which the provisions of section 403(b) of the Internal Revenue Code apply or Individual Retirement Account or Annuity maintained by an individual, or in any annuity or similar contract distributed from or purchased with assets distributed from any of the foregoing, shall be exempt from the operation of any law relating to insolvency and shall not be attached or

taken on execution or other process to satisfy any debt or liability of such person, except as may be necessary to satisfy (i) an order of a court of competent jurisdiction concerning divorce, separate maintenance or child support or (ii), in the event of the conviction of such person of a crime, an order of a court requiring such person to satisfy a monetary penalty or make restitution to the victim of such crime. The exemption in this section for plans maintained by an individual, whether or not self-employed, shall not apply to sums deposited, determined without regard to deposits pursuant to a rollover or transfer except to the extent protection under this section would be limited in the absence of a rollover or transfer, in said plans during the five year period preceding the individual's declaration of bankruptcy or entry of judgment in excess of 7 per cent of the total income of such individual for such period.

**SECTION 2.** Chapter 246 of the General Laws is hereby amended by striking out section 28, as so appearing, and inserting in place thereof the following section:-

Section 28. If wages for personal labor or personal services of a defendant are attached for a debt or claim, an amount not exceeding \$125 out of the wages then due to the defendant for labor performed or services rendered during each week for which such wages were earned but not paid shall be reserved in the hands of the trustee and shall be exempt from such attachment. Except as otherwise permitted by law, amounts held by a trustee for a defendant in a pension shall be reserved in the hands of the trustee and shall be exempt from attachment. For the purpose of this section, the word "pension" shall mean any annuity, pension, profit sharing or other retirement plan subject to the federal Employee Retirement Income Security Act of 1974, any plan maintained by one or more self-employed individuals as a Keogh Plan, so-called, any plan maintained by a corporation or other business organization pursuant to section 401(a) of the Internal Revenue Code but not subject to the federal Employee Retirement Income Security Act of 1974, any Simplified Employee Plan, annuity plan to which the provisions of section 403(b) of the Internal Revenue Code apply or an Individual Retirement Account or Annuity maintained by an individual, or any annuity or similar contract distributed from or purchased with assets distributed from any of the foregoing; provided, however, that this definition shall not apply to sums deposited, determined without regard to deposits pursuant to a rollover or transfer except to the extent protection under this section would have been limited in the absence of a rollover or transfer, in any plan maintained by an individual, whether or not self-employed, during the five year period preceding the individual's declaration of bankruptcy or entry of judgment in excess of 7 per cent of the total income of such individual for such period. The amount reserved under this section shall be paid by the trustee to the defendant in the same manner and at the same time as such amount would have been paid if no such attachment had been made. Every writ of attachment shall contain a statement of the amount exempted from attachment under this section and also a direction to the trustee to pay over the exempted amount as provided in this section.

The provisions of this section shall not apply in any proceeding to attach wages or a pension to satisfy a divorce, separate maintenance or child support order of a court of com-

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**Chap. 374**

petent jurisdiction, and in such actions, including an action for trustee process to enforce a support order under section 36A of chapter 208, the provisions of federal law limiting the amounts which may be trusted, assigned or attached in order to satisfy an alimony, maintenance or child support order shall apply in lieu of said provisions of this section.

Approved October 31, 1998.

**Chapter 375. AN ACT PROVIDING FOR THE ESTABLISHMENT OF A BOARD OF PUBLIC WORKS IN THE TOWN OF HOPKINTON.**

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

**SECTION 1.** Notwithstanding any special or general law to the contrary, there is hereby established in the town of Hopkinton a department of public works, hereinafter called "the department", which shall be under the supervision and control of the board of selectmen, hereinafter called the "board".

**SECTION 2.** Commencing on January 1, 1999, the department shall have all the powers and duties now or from time to time vested by general law or special act in the following boards, departments and offices: highway department, including highway superintendent; sewer department and water department, including the board of water and sewer commissioners; parks and recreation department, maintenance only; cemetery department, maintenance only; insect pest control superintendent; tree warden; recycling and refuse collection; and maintenance of the town buildings and grounds, including maintenance and snow removal of driveways and parking areas of school buildings, but excepting maintenance of the remainder of the properties under the control of the school department, and said boards, departments and offices shall, except to the extent set forth herein, thereupon be abolished. No contracts or liabilities then in force shall be affected by such abolishment, but the department shall in all respects be the lawful successor of the boards, departments and offices so abolished.

**SECTION 3.** The department shall have such additional powers with regard to the furnishing of engineering services, the collection and disposal of garbage and refuse, and the performance of such duties of any other boards, departments and offices of the town as may be reasonably related to the duties and responsibilities of a department of public works, as the town may, from time to time, by by-law or by vote of the town meeting provide, any other provisions of law to the contrary notwithstanding.

**SECTION 4.** The board shall have the exclusive authority to establish rates, fees and other charges for such services, programs and other public benefits as may have come within the jurisdictions of any of the boards, departments or offices which have been abolished by this act, and shall appoint and, subject to appropriation, fix the compensation of a director of public works, who shall exercise and perform, under the supervisions and direction of the board, such of the powers, rights and duties which have been transferred to the department