
Chap. 324

consent of the council.

SECTION 4. Said section 5 of said chapter 23E, as so appearing, is hereby further amended by inserting after the first paragraph the following paragraph:-

Notwithstanding any general or special law to the contrary, a newly appointed member who has never previously served on the reviewing board, shall be reviewed for performance by the senior judge during his initial term between the twenty-first and the twenty-fourth month of the term. The performance review shall be subject to criteria established by the senior judge. If the performance review supports continuation of the term, said administrative law judge shall continue to serve the remainder of the appointed term. If the performance review recommends against a continuation of the appointed term, the performance review shall be submitted to the governor for appropriate action pursuant to section 8.

SECTION 5. Section 8 of said chapter 23E, as so appearing, is hereby amended by inserting after the first paragraph the following paragraph:-

The senior judge, board members and reviewing board members in the performance of their official duties shall be subject to the Model Code of Judicial Conduct for State Administrative Law Judges as promulgated by the American Bar Association. A complaint alleging grounds for removal under this section or alleging a violation of the code of judicial conduct may be initiated by a person affected by the exercise of official duties by the member. The commissioner shall establish a procedure for the fair disposition of the complaint, and may recommend appropriate action by the governor with respect thereto.

Approved August 25, 2004.

Chapter 325. AN ACT AUTHORIZING THE TOWN OF LEOMINSTER TO GRANT A CERTAIN ABATEMENT.

Be it enacted, etc., as follows:

The board of assessors of the city of Leominster may abate all real property taxes and interest and charges thereon due and owing on the parcel of land known as the John B. McLaughlin Field owned by the Babe Ruth League of Leominster for the fiscal years 2002 and 2003.

Approved August 25, 2004.

Chapter 326. AN ACT PLACING CERTAIN SCHOOL DEPARTMENT POSITIONS IN THE CITY OF GARDNER UNDER THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

The positions of clerical paraprofessional, guidance clerical paraprofessional and Title I clerical paraprofessional in the public school department of the city of Gardner shall be subject to chapter 31 of the General Laws, and any person in those positions shall be granted civil service status from their date of initial employment. The human resources division within the executive office for administration and finance shall reclassify such positions as clerk or typist or senior clerk and typists.

Approved August 25, 2004.

Chapter 327. AN ACT RELATIVE TO PUBLIC SAFETY IN THE CITY OF SOMERVILLE.

Be it enacted, etc., as follows:

SECTION 1. (a) Whenever a police officer observes members of a criminal street gang engaged in gang loitering in any public place designated for the enforcement of this section under subsection (b), the police officer shall, subject to all applicable procedures promulgated by the chief of police: (i) inform such criminal street gang members that they are engaged in gang loitering within an area in which loitering by groups containing criminal street gang members is prohibited; (ii) order all such criminal street gang members to disperse and remove themselves from within sight and hearing of the place at which the order was issued; (iii) inform those criminal street gang members engaged in gang loitering that they will be subject to arrest if they fail to promptly obey the order or engage in further gang loitering within sight or hearing of the place at which the order was issued during the next 3 hours.

(b) The chief of police shall by written directive designate areas of the city in which the chief of police has determined that enforcement of this section is necessary because gang loitering has enabled criminal street gangs to establish control over identifiable areas, to intimidate others from entering those areas, or to conceal illegal activities. Prior to making a determination under this subsection, the chief of police shall consult with persons who are knowledgeable about the effects of gang activity in areas in which the ordinance may be enforced, as he deems appropriate. Such persons may include, but need not be limited to, members of the department of police with special training or experience related to criminal street gangs; other personnel of that department with particular knowledge of gang activities in the proposed designated area; elected and appointed officials of the area; and community-based organizations. The chief of police shall develop and implement procedures for the periodic review and updating of designations made under this subsection.

(c) (1) The chief of police shall, by written directive, promulgate procedures to prevent the enforcement of this section against persons who are engaged in activities that are protected by the Constitution of the United States or of the commonwealth.