

used to transport other things for delivery, shall be operated or drawn on any way without a permit so to operate from the department of public works.

Approved May 27, 1961.

Chap. 554. AN ACT GRANTING THE CONSENT OF THE COMMONWEALTH TO THE ACQUISITION BY THE UNITED STATES OF LAND FOR THE CONANT BROOK FLOOD CONTROL RESERVOIR AND THE SO-CALLED THREE RIVERS CHANNEL IMPROVEMENT ON THE CHICOPEE RIVER WATERSHED, AND AUTHORIZING THE WATER RESOURCES COMMISSION TO ESTABLISH CERTAIN ENCROACHMENT LINES AND FLOOD PLAIN ZONES.

Be it enacted, etc., as follows:

SECTION 1. Consent is hereby given pursuant to the seventeenth clause of the eighth section of the first article of the constitution of the United States to the acquisition by the United States by purchase, condemnation or otherwise of any tract of land within the commonwealth required for use in connection with the construction, maintenance and operation of the projects authorized by Congress under the flood control acts of June twenty-second, nineteen hundred and thirty-six, June twenty-eighth, nineteen hundred and thirty-eight and December twenty-second, nineteen hundred and forty-four, the water supply act of nineteen hundred and fifty-eight and all other acts amendatory thereto for the benefit of navigation, conservation and recreation, and the control of destructive flood waters, with respect to the project hereinafter specified; provided, that a suitable plan of the tract of land so acquired has been or shall be filed in the office of the state secretary within one year after the acquisition thereof. The commonwealth shall retain concurrent jurisdiction with the United States in and over any such land to the extent that all civil and criminal processes lawfully issued under authority of the commonwealth may be executed thereon in the same way and manner as if this consent had not been given; and exclusive jurisdiction over any such tract or any part thereof shall revert in the commonwealth whenever it shall cease to be the property of the United States.

The project hereinbefore referred to is:— The Conant brook flood control reservoir and the so-called Three Rivers channel improvement on the Chicopee river watershed.

SECTION 2. For the purpose of protecting the health, safety and property of persons in the event of floods, the water resources commission, hereinafter called the commission, is hereby authorized to establish and re-establish in accordance with sound engineering principles encroachment lines within such areas along Conant brook and Chicopee brook in the town of Monson, and along the Chicopee river in the towns of Palmer, Belchertown, Wilbraham and Ludlow and the cities of Springfield and Chicopee and the tributaries of said brooks and river, as are subject to seasonal or periodic floodings. The areas within such lines in the direction of the stream shall constitute flood plain zones.

The commission shall not issue any order establishing or re-establishing such lines until after it has held a public hearing thereon in each city and town in which such zones are proposed to be located. The commission shall give notice of the proposed establishment or re-establishment

of such lines and the location of such zones and of the public hearing thereon to every owner of record and to every mortgagee of record of property within such proposed lines and zones by personal service or by mail, postage prepaid, directed to his last and usual place of abode, if known, or to his last and usual place of business, if known, and by publication for each of three successive weeks in a newspaper of general circulation in the city or town.

A certified copy of any order establishing or re-establishing such lines and flood plain zones indicating clearly the areas included within such zones, together with maps or plans when necessary, shall (1) be filed by the commission in the office of the secretary of state and in the office of each city or town clerk in the cities and towns within which such flood plain zones are located, and (2) be mailed by the commission forthwith upon such filing, postage prepaid, to each owner of record and mortgagee of record of property within such lines and zones as so established or re-established, directed to his last and usual place of abode, if known, or to his last and usual place of business, if known. Such order shall take effect thirty days after such filing.

SECTION 3. Any person aggrieved by an order of the commission made under authority of this act may within thirty days after the filing of said order as provided in section two appeal to the superior court sitting in equity for the county in which any part of the land affected is located, and said court shall, after a hearing, confirm, alter, amend or revoke any such order. The service of notice of appeal shall be made by the appellant upon the chairman of the commission, or a person designated by him for the purpose.

Said court shall have jurisdiction in equity to enforce the provisions of sections two to five, inclusive, of this act, and may restrain any violation thereof.

SECTION 4. The commission may alter any lines established under the provisions of section two of chapter forty A of the General Laws by a city or town if it is deemed necessary by the commission to effectuate the purposes of sections two to five, inclusive, of this act.

SECTION 5. After the commission has established the encroachment lines for a particular section of the said river or its tributaries, no obstruction or encroachment shall be placed within the flood plain zone by any person or public body until granted a license to do so by the department of public works under chapter ninety-one of the General Laws. The department of public works, in considering the application for any such license, shall obtain and consider the recommendations of the commission, who shall be notified of the time and place of a hearing on said application by the department of public works.

Approved May 27, 1961.

Chap. 555. AN ACT RELATIVE TO THE ASSESSMENT OF INCOME TAX RETURNS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 62 of the General Laws is hereby amended by striking out section 35, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: — *Section 35.* The tax upon the income reported by any person subject to taxation under this