

Chap. 502. AN ACT AUTHORIZING THE APPOINTMENT OF A THIRD ASSISTANT CLERK OF COURTS FOR PLYMOUTH COUNTY.

Be it enacted, etc., as follows:

SECTION 1. Section 5 of chapter 221 of the General Laws is hereby amended by striking out the paragraph inserted by section 1 of chapter 432 of the acts of 1956 and inserting in place thereof the following paragraph: —

Plymouth, subject to approval of a justice of the supreme judicial or superior court, a second assistant and a third assistant clerk.

SECTION 2. This act shall take effect upon its passage.

Approved June 28, 1963.

Chap. 503. AN ACT EXTENDING THE TIME WITHIN WHICH CLAIMS MAY BE FILED FOR REIMBURSEMENT OF THE EXCISE IMPOSED UPON CERTAIN FUELS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to extend forthwith the time within which claims may be filed for reimbursement of the excise imposed upon certain fuels, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 7 of chapter 64A of the General Laws is hereby amended by striking out the third sentence, as amended by section 3 of chapter 715 of the acts of 1962, and inserting in place thereof the following sentence: — All claims for reimbursement shall be filed with the commissioner within two years from the date of purchase or invoice of fuel; except claims for reimbursement of the excise paid for fuel used in producing or generating power for the operation of water-craft of every description, other than a seaplane, which shall be filed within six months from the date of purchase or invoice of such fuel.

SECTION 2. This act shall take effect as of May first, nineteen hundred and sixty-three and shall apply to fuel purchased on and after said date.

Approved June 28, 1963.

Chap. 504. AN ACT PROVIDING FOR LAYING OUT AS A PUBLIC WAY THE VIADUCT BETWEEN LONG ISLAND AND MOON ISLAND AND THE APPROACHES TO SAID VIADUCT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 480 of the acts of 1949 is hereby amended by inserting after section 3 the following section: —

Section 3A. At any time or from time to time, but in each instance after a public hearing of which at least fourteen days' notice shall have been given by publication once in a newspaper published in the city of Boston and once in a newspaper published in the city of Quincy, said viaduct and the whole or any part or parts of said approaches may be laid out as a public way of the city of Boston by the public improvement commission of said city with the approval of the mayor of said city,

notwithstanding that such public way may be in whole or in part within the territorial limits of the city of Quincy.

SECTION 2. Said chapter 480 is hereby further amended by striking out sections 4 and 5 and inserting in place thereof the following two sections: — *Section 4.* Said viaduct and approaches, whether or not laid out in whole or in part as a public way under section three A, shall be maintained by the city of Boston through its hospital department; and the board of trustees in charge of said hospital department shall exclusively authorize poles, wires or other structures to be placed on any part or all of the same, in such places as it may deem proper. *Section 5.* Said viaduct and approaches shall be deemed to be held by the city of Boston in its governmental capacity; and neither said city nor the city of Quincy shall be liable for any injury, loss or damage suffered by any person or property on or about said viaduct or approaches, whether or not laid out in whole or in part as a public way under section three A.

SECTION 3. This act shall take effect upon its passage.

Approved June 28, 1963.

H.R. 1. G.A.F.S.
Chap. 505. AN ACT AUTHORIZING THE MASSACHUSETTS TURNPIKE AUTHORITY TO LEASE AIR RIGHTS IN CONNECTION WITH THE EXTENSION INTO THE CITY OF BOSTON OF THE MASSACHUSETTS TURNPIKE, AND PROVIDING FOR THE TAXATION OF BUILDINGS AND OTHER THINGS ERECTED OR AFFIXED PURSUANT TO ANY SUCH LEASE.

Be it enacted, etc., as follows:

SECTION 1. Chapter 354 of the acts of 1952 is hereby amended by inserting after section 15 the following section: —

Section 15A. Utilization of Air Rights. — In addition to any other power the Authority may have to make leases, the Authority may, on behalf of itself and the commonwealth, lease at one time, or from time to time for a term or terms not to exceed ninety-nine years, upon such terms and conditions as the Authority in its discretion deems advisable, air rights over land owned or held by the Authority in connection with the extension of the Massachusetts Turnpike from the town of Weston into the city of Boston (hereinafter referred to as the Boston Extension), including rights for support, access, utilities, light and air, for such non-turnpike purposes as, in the opinion of the Authority, will not impair the construction, full use, safety, maintenance, repair, operation or the revenues of the Boston Extension; provided, however, that no lease under this section for a location not previously thereto the subject of a lease shall be granted after January first, nineteen hundred and sixty-six; and provided, further, that any such lease for a period of forty years or more shall be subject to the approval of the governor. Any lease granted under this section may, with the consent of the Authority, be assigned, pledged or mortgaged and the lien of such pledge or mortgage may be foreclosed by appropriate action. The proceeds from any such lease, after payment of all expenses in connection therewith, shall, before the Massachusetts Turnpike becomes part of the state highway system in accordance with section seventeen, be applied toward the cost of the Boston Extension or deposited to the credit of the sinking fund for