

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

the Turnpike Revenue Bonds issued under the provisions of this act, and thereafter be paid into the treasury of the commonwealth for credit to the Highway Fund.

Use of air rights leased under this section respecting land within the territorial limits of the city of Boston and the construction and occupancy of buildings or other things erected or affixed pursuant to any such lease shall be subject to the provisions of chapter one hundred and forty-three of the General Laws relative to the safety of persons in buildings, but shall not be subject to any other building, fire, garage, health or zoning law or any building, fire, garage, health or zoning ordinance, rule or regulation applicable in the city of Boston. The Authority shall include in any lease of such air rights a requirement that buildings or other things shall be erected or affixed pursuant to such lease in accordance with the provisions of the National Building Code, Edition of 1955 (as amended in December, 1957 and January, 1963) and such other requirements as the Authority deems necessary or advisable to promote the public health, convenience and the safety of persons and property.

The Authority shall not lease any air rights in a particular location unless it shall find that the construction and use of buildings or other things to be erected or affixed pursuant to any such lease will be in no way detrimental to the maintenance, use and operation of the Boston Extension; and, in the City of Boston, unless the Authority shall also find, after consultation with the Mayor, that the construction and use of such buildings or other things will preserve and increase the amenities of the community.

The construction or occupancy of any building, or other thing erected or affixed under any lease under this section of air rights respecting land outside the territorial limits of the city of Boston shall be subject to the building, fire, garage, health or zoning laws and the building, fire, garage, health and zoning ordinances, by-laws, rules and regulations applicable in the city or town in which such building or other thing is located.

A copy of all leases granted by the Authority under this section, attested by the secretary-treasurer, shall be filed by the Authority with the governor and with the mayor or chairman of the board of selectmen of the city or town concerned and such leases shall be deemed to be public records within the meaning of chapter sixty-six of the General Laws.

Neither such air rights nor any buildings or other things erected or affixed pursuant to any such lease nor the proceeds from any such lease shall be taxed or assessed to the Authority under any general or special law; but buildings and other things erected or affixed pursuant to any such lease shall be taxed to the lessee thereof or his assigns in the same manner and to the same extent as if such lessee or his assigns were the owners of the land in fee; provided, that no part of the value of the land shall be included in any such assessment; and provided, further, that payment of any such taxes shall not be enforced by any lien upon or sale or taking of said land except that the leasehold estate may be sold or taken by the collector of taxes of the city or town in which the real estate is situated for the non-payment of any tax assessed as aforesaid in the manner provided by law for the sale or taking of real estate for non-payment of local taxes. Said collector shall have for the collec-

tion of taxes assessed under this section all other remedies provided by the General Laws for the collection of taxes by collectors of cities and towns.

The Authority shall include in any lease of such air rights a provision whereby the lessee agrees, in the event that the foregoing tax provision is determined by any court of competent jurisdiction to be inapplicable, to pay annually to the city or town in which the building or other thing leased is located, a sum of money in lieu of taxes which would otherwise be assessed for such year.

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

*Approved June 28, 1963.*

**Chap. 506.** AN ACT FURTHER REGULATING THE COMPENSATION, TRAVEL ALLOWANCE AND EXPENSES OF THE MEMBERS OF THE GENERAL COURT.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is in part to provide forthwith for the payment of increased allowances for expenses, travel, lodging and meals to members of the General Court, 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. Chapter 3 of the General Laws is hereby amended by striking out section 9 and inserting in place thereof the following section: — *Section 9.* Each member of the general court shall receive for each regular annual session seven thousand eight hundred dollars. The president of the senate and the speaker of the house of representatives shall each receive seven thousand eight hundred dollars additional compensation. The floor leaders of each of the major political parties in the senate and house of representatives, the chairman of the senate committee on ways and means and the chairman and the vice chairman of the house committee on ways and means shall each receive three thousand nine hundred dollars additional compensation. Each member of the general court shall be entitled to be paid his compensation for such regular session at the rate of six hundred dollars for each full month of the session. Such payments shall be made to him, upon his request on the last legislative day in which the general court is in session preceding the fifteenth day of each month and on the day preceding the last legislative day of each month, and shall be for an amount not exceeding the proportion then due at the aforesaid rate; provided, that the state treasurer may, during such regular session, make additional payments on account, in excess of such monthly rate, to any member making written request therefor, but the amount of such additional payments shall not exceed, in the aggregate, twelve hundred dollars in any one such session, or sixteen hundred dollars if such session continues beyond July first, and in no event shall the amount of all payments under this section during such session to any member exceed, in the aggregate, the compensation of such member for such session.

SECTION 2. Said chapter 3 is hereby further amended by striking out section 9B and inserting in place thereof the following section: — *Section 9B.* Each member of the general court shall receive six hundred