

shall, for persons issued such certificates before the effective date of this act, be four years from said effective date.

SECTION 11. Notwithstanding the provisions of paragraph (11) of subsection (a) of section eighty-seven D of chapter one hundred and twelve of the General Laws, as amended by section two of this act, a sole proprietor lawfully using on the effective date of this act a title or designation prohibited by said paragraph (11), may continue to do so if he otherwise complies with the provisions of this act.

SECTION 12. The provisions of this act are severable and if any of its provisions shall be held unconstitutional or invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions. *Approved August 19, 1963.*

Chap. 664. AN ACT ABOLISHING THE STATE SOIL CONSERVATION COMMITTEE IN THE DEPARTMENT OF AGRICULTURE AND ESTABLISHING IN THE DEPARTMENT OF NATURAL RESOURCES A DIVISION OF CONSERVATION SERVICES AND A COMMITTEE FOR CONSERVATION OF SOIL, WATER AND RELATED RESOURCES.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 1 of chapter 21 of the General Laws, as appearing in section 1 of chapter 631 of the acts of 1953, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:—The words “natural resources”, as used herein, shall be held to include ocean, shellfish and inland fisheries; wild birds, including song and insectivorous birds; wild mammals and game; sea and fresh water fish of every description; forests and all uncultivated flora, together with public shade and ornamental trees and shrubs; land, soil and soil resources, lakes, ponds, streams, coastal, underground and surface waters; minerals and natural deposits.

SECTION 2. The fourth paragraph of said section 1 of said chapter 21 is hereby amended by striking out the first sentence, as so appearing, and inserting in place thereof the following sentence:—The department shall consist of a division of forests and parks, a division of conservation services, a division of marine fisheries, and a division of law enforcement.

SECTION 3. Said chapter 21 is hereby further amended by adding after section 17, under the caption DIVISION OF CONSERVATION SERVICES, the following eight sections:—

Section 18. The division of conservation services shall be under the administrative supervision of a director who shall be called the director of conservation services. The division shall administer the provisions of this chapter relating to conservation districts and such other programs and duties as may be assigned to it by the commissioner from time to time. It may receive and expend or dispense without further authorization such federal funds, services, grants or subventions as may be made available for the purposes of the division. The director shall appoint, with the approval of the commissioner, subject to the provisions of chapter thirty-one, such experts, clerks and other employees from time to time, and for such periods, as he may determine to be necessary.

Section 19. There shall be in the division a committee for conservation of soil, water and related resources, hereafter in this chapter called the state committee. Said committee shall consist of seven voting members and one non-voting advisory member. The seven voting members shall include three *ex officio* and four appointed members. The *ex officio* members shall be the commissioner of agriculture, the chairman of the water resources commission, and the dean of the college of agriculture at the University of Massachusetts. The four appointed members shall be appointed by said members *ex officio*, as follows: one from a list of two names submitted by the Massachusetts association of soil conservation districts, one from a list of two names submitted by the Massachusetts association of conservation commissions, one from a list of two names submitted by the executive committee of the state grange and one from a list of two names submitted by the executive committee of the Massachusetts farm bureau federation. The state conservationist of the United States soil conservation service shall be the advisory member. Appointed members shall serve for terms of four years, except that the four members of the state committee initially appointed shall be appointed for terms of one, two, three and four years, respectively, as the members *ex officio* may designate and until qualification of their successors. The appointed members of the state committee shall not receive any compensation for their services, but shall be paid their traveling and other expenses actually incurred in the performance of their duties as such members. The state committee shall hold regular meetings on the second Thursday in the months of January, April, July, October, and in addition shall hold meetings at the call of the chairman or on the request of any three members. The state committee shall annually elect a chairman who is not an *ex officio* member and a secretary from among the voting members of the committee. A majority of the voting members of the state committee shall constitute a quorum, and the concurrence of a majority in any matter within their duties shall be required for its determination.

Section 20. The state committee, unless otherwise specified, shall have the following powers and duties:

(1) To encourage and assist educational work in the conservation and development of renewable natural resources, including soil, water, plant life, woodland, fish and wildlife, and recreation resources, the control and prevention of soil erosion, the prevention of erosion, flood-water and sediment damages, and the conservation, development, utilization and disposal of water, through co-operation with all federal, state, county, local, public and private resource agencies.

(2) To advise the director in developing policies of the division of conservation services relating to the operation of conservation districts.

(3) To perform the functions hereinafter provided for, relating to the establishment, change of boundaries, or dissolution of conservation districts.

(4) To secure the co-operation and assistance of agencies of the United States, the commonwealth and its political subdivisions in promoting the organization and operation of conservation districts.

(5) To disseminate information concerning the activities and programs of conservation districts.

(6) To allot money appropriated by the general court for establishing and maintaining conservation districts and for the continuance of their projects and programs.

Section 21. Whenever the state committee receives a petition signed by at least one hundred land occupiers, herein defined as owners, lessees or tenants in possession, residing within an area proposed for the establishment of a conservation district, or whenever the state committee receives a petition for a change in the boundaries of an existing district from the governing body of the district or districts affected or from a majority of the land occupiers who would be affected by such change of boundaries, or whenever the state committee receives a petition for the dissolution of a district signed by at least one hundred land occupiers residing within the district, the following procedure shall be complied with:

(1) Upon the receipt of such petition, the state committee shall as soon as possible set a date for a public hearing upon the question of the establishment of the district, the change in the boundaries of an existing district, or the dissolution of the district, as the case may be, and shall cause notice to be given of such hearing at least ten days prior to the date set therefor, by publication in a newspaper having general circulation in the area affected. Such hearing shall be held by the state committee within the affected area. All interested parties shall have the right to attend such hearing and to be heard.

(2) If the state committee determines after such hearing that a majority of the land occupiers who would be affected by the organization of the district, the change in the boundaries of the district, or the dissolution of the district, as the case may be, are in favor of the proposal contained in the petition, and that such proposal is in the best interests of the district or in the public interest, the state committee shall record such determinations; and thereupon the district shall be established, the boundaries of the district changed, or the district dissolved, as may be appropriate.

(3) If a conservation district is dissolved, the supervisors shall forthwith proceed to terminate the affairs of the district and shall dispose of all property belonging to the district as directed by the director. Any sums remaining on hand after payment of district obligations shall be paid into the state treasury and shall be subject for a period of three years to claims against the district or the supervisors acting in their official capacity to the extent that such claims are found valid.

Section 22. Within sixty days after the state committee has established a conservation district it shall appoint a board of five district supervisors who shall be individual land occupiers residing on or owning land within the district. Supervisors originally appointed hereunder shall serve for terms of one, two, three, four and five years, respectively. Successors shall serve for terms of five years. Successors for full terms of five years shall be elected by the land occupiers in the district. The state committee shall give public notice of each such election by publication in a newspaper published in the district or having a general circulation therein at least ten days prior thereto. The state committee shall prescribe regulations for the conduct of such elections, which elections shall be conducted by the chairman of the state committee or his designated representative. The person receiving the highest number of

on of measures for any of the purposes mentioned in paragraphs (1) and (2), subject to such conditions as the supervisors may deem necessary.

(4) To acquire and to make available, on such terms as they shall prescribe to land occupiers within the district, necessary machinery, equipment and materials to assist such land occupiers to carry on operations upon their lands for any of the purposes mentioned in paragraphs (1) and (2).

(5) To construct, improve, operate and maintain such structures as may be necessary or convenient for the performance of any of the operations authorized by sections eighteen to twenty-five, inclusive.

(6) To develop comprehensive plans for any of the purposes mentioned in paragraphs (1) and (2) which shall specify in such detail as may be practicable the acts, procedures, performances and avoidances which are necessary or desirable for accomplishing such plans, including the specification of engineering operations, methods of cultivation, growing of vegetation, cropping programs, tillage practices, and changes in use of land; and to publish plans and information and bring them to the attention of occupiers of lands within the conservation district.

(7) To accept contributions or appropriations in money, services, materials, or otherwise, for carrying on their operations, from federal agencies, or from the commonwealth, or any political subdivision thereof, or from any person, firm or corporation.

(8) To sue and be sued in the name of the conservation district; to have a common seal which shall be judicially noticed; to have perpetual succession unless terminated as herein provided; to make and execute contracts and other instruments, necessary or convenient to the exercise of their powers; to make, and from time to time amend or repeal, rules and regulations to carry into effect the purposes and powers of the district.

(9) As a condition to extending any benefits under sections eighteen to twenty-five, inclusive, to, or performing work upon, any lands not owned or controlled by the commonwealth or any of its departments, boards or commissions, the supervisors may ask for contributions in money, services, materials or otherwise to any operations conferring such benefits, and may ask land occupiers to enter into and perform such agreements or covenants as to the permanent use of such lands as the supervisors deem appropriate.

Section 25. The supervisors of any two or more districts may cooperate and enter into agreements with one another in the exercise of any or all powers conferred by sections eighteen to twenty-five, inclusive.

SECTION 4. Chapter one hundred and twenty-eight B of the General Laws is hereby repealed.

SECTION 5. All contracts, orders, rules and regulations or other proceedings of the state soil conservation committee and of soil conservation districts established under the provisions of chapter one hundred and twenty-eight B of the General Laws shall remain in force until revoked, modified, amended or superseded by the provisions of this act. The committee for conservation of soil, water and related resources, established by section nineteen of chapter twenty-one of the General Laws, shall be the legal successor to the said state soil conservation committee. Conservation districts established under said chapter one hundred and twenty-eight B shall continue in existence as conservation districts under section twenty-one of chapter twenty-one of the General Laws, until changed or dissolved as provided in said section twenty-one. The in-

cumbents of the offices of district supervisors shall continue to serve until the expiration of the respective terms for which they were appointed or elected. Any person who on the effective date of this act is an employee of the state soil conservation committee shall be transferred to and be employed by the committee for conservation of soil, water and related resources. Such transfers shall be without loss of seniority, retirement or other rights. All real or personal property, assets, debts and liabilities of the state soil conservation committee are hereby transferred to the committee for conservation of soil, water and related resources.

SECTION 6. Wherever in the General Laws or in any special law reference is made to the state soil conservation committee it shall mean the state committee established by section nineteen of chapter twenty-one of the General Laws.

SECTION 7. Funds available for expenditure by the state soil conservation committee shall be transferred to and made available for expenditure by the committee for conservation of soil, water and related resources.
Approved August 19, 1963.

Chap. 665. AN ACT ABOLISHING THE USE OF PRISONERS' CAGES IN COURTROOMS OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Section 3 of chapter 34 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end the following sentence: — No courtroom in any such court house shall contain a cage for defendants.
Approved August 19, 1963.

THE COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT, STATE HOUSE,
BOSTON, August 22, 1963.

The Honorable KEVIN H. WHITE, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY:— I, Endicott Peabody, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 665 of the Acts of 1963 entitled "An Act Abolishing the Use of Prisoners' Cages in Courtrooms of the Commonwealth." and the enactment of which received my approval on August 19, 1963, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

Postponement of the operation of this act for ninety days would defeat its purpose inasmuch as the use of cages should be discontinued immediately. It would seem a sufficient emergency exists that this act become effective at once.

Sincerely,

ENDICOTT PEABODY,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, August 22, 1963.

I, Kevin H. White, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excel-