

examiner, registry of motor vehicles, at some convenient time, in his discretion, but no later than September thirtieth, nineteen hundred and sixty-five, and notwithstanding any rule to the contrary regulating the experience or age requirements of applicants for motor vehicle examiner, registry of motor vehicles, all applicants who meet all other requirements shall be eligible to take said test and shall be eligible for certification and appointment, whether or not they have two years or more of satisfactory, full-time paid experience in which the investigation of accidents involving motor vehicles was the major duty, provided they have not passed their fiftieth birthday.

SECTION 2. Notwithstanding any law, rule or regulation to the contrary, the director of civil-service shall not establish a list from the examination conducted on June twenty-sixth, nineteen hundred and sixty-five for motor vehicle examiner, registry of motor vehicles, until the time provided by law for establishment of a list for the examination provided in section one has elapsed at which time the director shall merge the results of both examinations and shall then establish a list from all the marks in the same manner as if both tests were held on the same date.

Approved September 7, 1965.

Chap. 683. AN ACT INCREASING THE MINIMUM AND MAXIMUM DAMAGES RECOVERABLE IN ACTIONS FOR DEATH.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 229 of the General Laws is hereby amended by striking out the first sentence, as amended by section 1 of chapter 306 of the acts of 1962, and inserting in place thereof the following sentence: — A person who (1) by his negligence causes the death of a person in the exercise of due care, or (2) by wilful, wanton or reckless act causes the death of a person under such circumstances that the deceased could have recovered damages for personal injuries if his death had not resulted, or (3) operates a common carrier of passengers and by his negligence causes the death of a passenger, or (4) operates a common carrier of passengers and by his wilful, wanton or reckless act causes the death of a passenger under such circumstances that the deceased could have recovered damages for personal injuries if his death had not resulted, shall be liable in damages in the sum of not less than five thousand nor more than fifty thousand dollars, to be assessed with reference to the degree of his culpability and distributed as provided in section one; except that (1) the liability of an employer to a person in his employment shall not be governed by this section, (2) a person operating a railroad shall not be liable for negligence in causing the death of a person while walking or being upon such railroad contrary to law or to the reasonable rules and regulations of the carrier, and (3) a person operating a street railway or electric railroad shall not be liable for negligence for causing the death of a person while walking or being upon that part of the street railway or electric railroad not within the limits of a highway.

SECTION 2. This act shall take effect on January first, nineteen hundred and sixty-six, and shall apply only to actions for death resulting from injuries sustained or accidents occurring on or after said date.

The provisions of law applicable to actions for death, as in effect from time to time prior to the effective date of this act, shall continue to be applicable to such actions resulting from injuries which were sustained or accidents which occurred prior to the effective date of this act, in accordance with such provisions as in effect at the time the injury was sustained or the accident occurred. *Approved September 7, 1965.*

Chap. 684. AN ACT AUTHORIZING THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY TO EXTEND ITS MASS TRANSPORTATION FACILITIES IN THE CITIES OF BOSTON, SOMERVILLE, MEDFORD, EVERETT AND MALDEN, AND AUTHORIZING THE REMOVAL OF CERTAIN OF ITS ELEVATED STRUCTURES BETWEEN THE CITY OF BOSTON AND THE CITY OF EVERETT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to enable the Massachusetts Bay Transportation Authority to proceed forthwith with the construction of the mass transportation facilities set forth in this act in order to relieve traffic congestion as soon as possible and to take maximum advantage of federal aid under the Urban Mass Transportation Act of 1964, 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:

The Massachusetts Bay Transportation Authority, hereinafter called the Authority, subject to the approval of the advisory board, established by section seven of chapter one hundred and sixty-one A of the General Laws, may construct and equip an extension of the existing Washington street tunnel in and through the cities of Boston, Somerville, Medford, Everett and Malden, consisting of a mass transportation facility partly in a subway or tunnel, partly on the surface, and partly elevated, extending in a northwesterly direction from Washington street tunnel near Haymarket square, under Accolon way between the North Station building and the North Station Industrial building, under the lands of the commonwealth under the existing bed of the Charles river, and through the Boston and Maine Railroad yards in the Charlestown area of the city of Boston, and thence along the western division of said railroad and land of the commonwealth, to a point near the former site of the state prison, and may also construct and equip an addition to the Washington street tunnel in the city of Boston, consisting of a rapid transit line partly in subway, partly on the surface and partly elevated, extending from the Washington street tunnel along the right-of-way of the Boston and Albany Railroad and the New York, New Haven and Hartford Railroad in said city to the Forest Hills station on said line.

The Authority may, for the purposes of this act, use or take land of the commonwealth without compensation therefor, and may acquire, either by purchase or by eminent domain under chapter seventy-nine of the General Laws, such portion of the properties of said railroad and other properties in said cities where the mass transportation facility is to be built as the Authority may determine to be necessary for said mass transportation facility and its appurtenances. After the acquisition of such railroad properties neither such railroad nor the Authority shall be