

“requires”, in line 4, the words: — except that judgment shall not be entered because of the failure of the party interrogated to answer interrogatories until five days after written notice that such judgment will be entered has been sent by the clerk of the court to said party interrogated, or his attorney of record.

Approved July 18, 1966.

Chap. 433. AN ACT PROVIDING FOR THE SUBMISSION TO THE VOTERS OF THE TOWN OF MAYNARD AT THE BIENNIAL STATE ELECTION IN THE CURRENT YEAR OF THE QUESTION OF ADDING SAID TOWN TO THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY.

Be it enacted, etc., as follows:

Notwithstanding any contrary provision of section sixteen of chapter one hundred and sixty-one A of the General Laws, the following question shall be placed upon the ballot to be used in the town of Maynard at the biennial state election to be held in the current year: —

“Shall this town be added to the Massachusetts Bay Transportation Authority?”

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

The votes upon said question shall be counted and returned to the town clerk in the same manner as votes for candidates at said election. Said clerk shall forthwith notify the Massachusetts Bay Transportation Authority of the results of the vote. If a majority of the votes in answer to said question is in the affirmative, said town shall be deemed to be added to said Authority effective on the first day of January, nineteen hundred and sixty-seven.

Approved July 18, 1966.

Chap. 434. AN ACT PROVIDING THAT CERTAIN PATROLMEN IN THE POLICE DEPARTMENT OF THE TOWN OF DALTON SHALL BE SUBJECT TO THE CIVIL SERVICE LAW AND RULES.

Be it enacted, etc., as follows:

SECTION 1. Each incumbent of the position of provisional patrolman in the town of Dalton shall, on the effective date of this act, be deemed to be permanently appointed as a patrolman in said town, subject to the civil service law and rules. Each such incumbent of said position on said date shall be subjected to a qualifying examination by the division of civil service and, if he passes said examination, shall be certified for said position and shall be deemed to be permanently appointed as a patrolman without being required to serve any probationary period.

SECTION 2. This act shall take effect upon its acceptance by the town of Dalton.

Approved July 18, 1966.

Chap. 435. AN ACT PROVIDING THAT PAYMENT OF THE CIGARETTE EXCISE BE EVIDENCED BY STAMPS AFFIXED TO THE CIGARETTE PACKAGES.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 64C of the General Laws, inserted by section 1 of chapter 547 of the acts of 1945, is hereby amended by adding the following sentence: —Whenever used in this chapter, unless

the context otherwise requires, the word "stamper" shall mean any person authorized by the commissioner to purchase and affix adhesive or meter stamps under this chapter.

SECTION 2. Section 6 of said chapter 64C is hereby amended by striking out the third sentence, as amended by section 22 of chapter 14 of the acts of 1966.

SECTION 3. Section 10 of said chapter 64C, as appearing in section 1 of chapter 547 of the acts of 1945, is hereby amended by inserting after the tenth sentence the following sentence: — No person shall sell cigarettes through a vending machine unless said machine is so constructed as to permit the commissioner or his agents readily to determine whether the package of cigarettes being sold through said machine have affixed to them the proper stamps evidencing payment of the excise imposed by this chapter.

SECTION 4. Section 21 of said chapter 64C, as appearing in section 1 of chapter 547 of the acts of 1945, is hereby amended by inserting after the word "fourteen", in line 7, the words: — and in sections thirty-four to thirty-eight, inclusive.

SECTION 5. Said chapter 64C is hereby further amended by adding the following eleven sections: —

Section 29. The excise imposed by this chapter shall be paid to the commissioner through the use of adhesive stamps evidencing the payment of said excise, which stamps shall be of such design and in such denominations as the commissioner, with the approval of the commission, may prescribe. Except as otherwise provided, all stampers shall be liable for the payment of the excise imposed by this chapter and shall pay the excise to the commissioner by purchasing such stamps in accordance with such regulations as the commission may prescribe.

The commissioner, in his discretion, may authorize the use of a metering machine approved by him in lieu of stamps in order to impress or attach to each package of cigarettes evidence of the payment of said excise. Such machine shall be sealed by him or his authorized representative and shall be used in accordance with such rules and regulations as the commission may prescribe. The commissioner may for cause at any time suspend or revoke the authority to use such a metering machine.

Section 30. Every stamper shall purchase cigarette excise stamps from the commissioner and shall affix them, in the manner and within the time prescribed by the commission, to each package of cigarettes to be sold within the commonwealth in an aggregate denomination not less than the amount of the excise upon the contents thereof before such cigarettes are offered for sale or otherwise disposed of. If authorized, a stamper may use a metering machine in lieu of adhesive stamps to evidence payment of the excise upon each package of cigarettes. The commission may by regulation provide for the cancellation of such stamps or meter impressions. Any person subsequently receiving such stamped packages of cigarettes shall not be liable for said excise. The commissioner shall furnish such stamps in such quantities as may be necessary, and he shall provide for the custody of the stamps, dies, plates and other materials and supplies used in the manufacture of said stamps in such manner as he deems expedient. The commissioner, with the approval of the commission, may, whenever he deems it advisable,

provide for the issuance and exclusive use of stamps of a new design, and forbid the use of stamps of any other design. The commissioner shall make provisions for the sale of such stamps and the setting of metering machines at such places and at such times as he may deem expedient.

The commissioner may appoint as stampers licensed manufacturers and such licensed wholesalers and licensed vending machine operators who bring or cause to be brought into the commonwealth unstamped cigarettes purchased directly from the manufacturers thereof, and such licensed unclassified acquirers as he deems necessary. Only a stamper shall affix stamps to be used in paying the said excise, or, if authorized, use a metering machine for the purpose of evidencing payment thereof, unless the commission otherwise prescribes. A stamper may affix such stamps only on cigarettes which are to be sold by him in the regular course of the business in which he is engaged and for which he is licensed under the provisions of section two, and on cigarettes for such other licensees under said section two as the commissioner may in writing specifically authorize and in accordance with such conditions as the commissioner may impose.

Every such stamper who has complied with the provisions of this chapter and the pertinent rules and regulations made thereunder may withhold and retain from each payment to be made by him for such stamps, as compensation for services rendered in compliance with this chapter, a percentage of such payment computed in accordance with the following table: —

Chain store operators, five eighths of one per cent.

Vending machine operators, one and one quarter per cent.

Wholesalers, two and one half per cent.

No such compensation shall be allowed on any sale of less than one hundred dollars. The commissioner, in his discretion, may permit a stamper to pay for such stamps within thirty days after the date of purchase; provided, (1) a bond satisfactory to the commissioner in an amount not less than the sale price for such stamps is filed with him conditioned upon the payment for such stamps or (2) a deposit is made with the state treasurer of bonds or other negotiable obligations of the commonwealth or of the United States of America of such aggregate amount as the commissioner may deem necessary to secure payment for such stamps. In the case of a deposit of bonds or other negotiable obligations with the state treasurer hereunder, he shall pay to the persons entitled thereto the interest accruing thereon and if any payment for such stamps is not paid when due, the state treasurer may sell all or any part of such bonds or obligations to satisfy the amount due. A stamper authorized to use a metering machine to evidence payment of said excise shall make prepayment covering the amount of the excise for which the meter is set, less any allowable compensation, if any. The commissioner, in his discretion, may permit such a stamper to make payment upon the same terms and conditions as in the case of the purchase of stamps.

The authority of any stamper to purchase and affix stamps or to use a metering machine may be suspended or revoked by the commissioner for any violation of any provision of this chapter, or any rule or regulation made thereunder.

Section 31. The commissioner shall redeem any unused or mutilated but identifiable stamps or unused amounts for which a meter is set that any stamper may present for redemption; provided, they were originally lawfully purchased by the stamper who presents them for redemption. Such redemption shall be made at the face value thereof less allowances made for compensation. The commission may prescribe necessary rules and regulations for redemptions under this section. If the commissioner is satisfied that a stamper is entitled to a redemption he shall issue to him stamps of equivalent value to cover the mutilated stamps or he may order a refund equal to the actual amount paid for said unused or mutilated stamps or for the unused amounts for which the meter was set and shall certify said amount to the comptroller, whereupon the state treasurer shall pay the amount of such refund without any appropriation therefor by the general court.

Section 32. All stampers shall file under the penalties of perjury with the commissioner, on forms to be furnished by him, monthly reports on or before the twentieth day of each calendar month showing the number of stamps on hand at the beginning of the month, the number purchased during the month, the number on hand at the end of the month, the number affixed or otherwise disposed of during the month, and such other information as the commissioner shall require. All stampers shall keep complete and accurate records from which information can be obtained to complete and audit said report, and such other records as the commissioner may prescribe, shall preserve such records for three years and shall offer them for inspection at any time upon oral or written demand of the commissioner or his duly authorized agents. The stocks of unused stamps and any metering machines shall be open to inspection by the commissioner or his duly authorized agents at all reasonable times.

If the excise due under this chapter is not paid in the manner provided in sections twenty-nine and thirty, all provisions of this chapter relative to the assessment, collection, payment, abatement, verification and administration of taxes, including penalties, shall, so far as pertinent, be applicable thereto.

Section 33. Licensees under section two and stampers shall not sell, borrow, loan or exchange unstamped cigarettes or stamps to, from or with other such licensees or stampers unless authorized by the commissioner. Licensees under section two, other than stampers, shall not accept deliveries of unstamped or improperly stamped packages of cigarettes except as authorized by the commissioner. Every licensed retailer and licensed vending machine operator shall immediately examine all packages of cigarettes received by them and shall immediately return to their supplier any and all packages of cigarettes that are unstamped or improperly stamped. Such supplier shall replace them with packages of cigarettes upon which stamps have been properly affixed.

Section 34. Whoever, not being a licensed transportation company or a person specifically authorized by the commissioner, holds for sale, offers for sale, sells, possesses with intent to sell, or otherwise disposes of cigarettes within the commonwealth, except cigarettes acquired prior to the date when cigarette excise stamps were required to be affixed thereto and on which the excise imposed by this chapter has been paid, unless each individual package containing said cigarettes has affixed thereto a Massachusetts stamp or meter impression showing that said

excise has been paid, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.

The absence of such stamp or impression on any package containing said cigarettes which is held for sale, possessed with intent to sell, offered for sale, sold or otherwise disposed of within the commonwealth shall be prima facie evidence that said excise has not been paid thereon. If such a stamp on a package of cigarettes is stained or smudged and its characteristics are so blurred, obscured or indistinct that it cannot be distinguished as a Massachusetts excise stamp or an authorized Massachusetts meter impression, it shall be presumed that the said excise has not been paid with respect to said package of cigarettes. It shall be presumed that all sales of cigarettes are subject to the said excise until the contrary is established, and the burden of proof that a sale is not taxable shall be upon the vendor.

If any cigarettes are found within the commonwealth in the place of business of any person licensed under this chapter, other than a stamper or such other licensee as the commissioner may authorize, without the stamp affixed thereto, excepting such cigarettes as were acquired from a licensee prior to the date when such stamps were required to be affixed thereto and on which the excise imposed by this chapter has been paid, it shall be prima facie evidence that such licensee in whose place of business said cigarettes were found possessed said unstamped cigarettes with the intent to sell the same.

Except as otherwise provided, the possession of cigarettes in unstamped packages by any person, other than a stamper or a licensee under section two, shall be prima facie evidence that such person possessed said unstamped cigarettes with the intent to sell the same.

Section 35. Whoever, not being a stamper or licensed transportation company or such other person as the commissioner may authorize, knowingly possesses or delivers or transports unstamped cigarettes in the commonwealth shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both, and shall be subject to all the provisions as to arrest, search and seizure, as set forth in section eight, in so far as applicable, and the unstamped cigarettes, the vending machines, receptacles, boxes or cartons in which the same are contained, any vehicle used in the illegal transportation and any records relating to the purchase and sale of such cigarettes shall be subject to seizure in the manner provided in said section eight and shall be forfeited to the commonwealth and proceedings shall be had as provided in said section eight, and on the judgment of the court after verdict, whether a forfeiture of all or part of the cigarettes, machines, receptacles, vehicles, and the records seized or otherwise, similar proceedings shall be had as directed in sections fifty to fifty-five, inclusive, of chapter one hundred and thirty-eight.

Section 36. Whoever, not being a stamper, or licensed transportation company or such other person as the commissioner may authorize, possesses, delivers or transports any unstamped cigarettes, except cigarettes acquired prior to the date when stamps were required to be affixed thereto and on which the excise imposed by this chapter has been paid, shall have in his actual possession invoices or delivery tickets for such cigarettes showing the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, the

quantity and brands of the cigarettes possessed or transported, and the name and address of the person who has assumed or shall assume the payment of the excise provided by this chapter at the ultimate point of destination, and failure to have such invoices or delivery tickets shall be prima facie evidence that such person knowingly possessed, delivered or transported unstamped cigarettes.

Section 37. Whoever falsely or fraudulently makes, forges, alters or counterfeits, or causes or procures to be falsely or fraudulently made, forged, altered or counterfeited, any cigarette excise stamps prepared or prescribed by the commissioner under the authority of this chapter, or whoever knowingly and wilfully utters, publishes, passes or tenders as true, any such false, altered, forged or counterfeited stamp or makes a false affixation of or uses any stamp provided for by this chapter which has already once been used, for the purpose of evading the excise imposed by this chapter, shall be punished by a fine of not more than two thousand dollars or by imprisonment for not more than five years, or both.

If any person secures, manufactures or causes to be secured or manufactured, or has in his possession, any cigarette excise stamp or die or device not prescribed or authorized by the commissioner, or any counterfeit impression, such fact shall be prima facie evidence that such person has counterfeited stamps. Whoever wilfully removes or alters or knowingly permits to be removed or altered the cancelling or defacing mark of any stamp provided for by this chapter with intent to use such stamp, or knowingly or wilfully buys, prepares for use, uses, has in possession, or suffers to be used, any metering machine without authority, or any washed, restored or counterfeit stamps, or whoever intentionally removes or causes to be removed, or knowingly permits to be removed, any stamp or meter impression affixed pursuant to this chapter, or whoever tampers with or causes to be tampered with any metering machine authorized to be used under the provisions thereof, shall be punished by a fine of not more than two thousand dollars or by imprisonment for not more than five years, or both.

Any stamps, metering machines or devices not prescribed or authorized by the commissioner shall be subject to seizure in the manner provided in section eight and shall be forfeited to the commonwealth and proceedings shall be had as provided in said section eight and in sections fifty to fifty-five, inclusive, of chapter one hundred and thirty-eight.

Section 38. Whoever, not being an authorized agent, sells or offers for sale any stamp or stamps issued under the provisions of this chapter or sets a metering machine for use in order to provide evidence of the payment of the excise imposed by this chapter shall be punished by a fine of not more than two thousand dollars or by imprisonment for five years, or both.

Section 39. Nothing in sections twenty-nine to thirty-nine, inclusive, shall affect any of the other provisions of this chapter and all of said other provisions shall continue in full force and effect and shall apply to sections twenty-nine to thirty-nine, inclusive, insofar as they are applicable. Unless the commission shall otherwise prescribe, all licensees under this chapter shall be subject to all the duties, obligations, restraints, prohibitions and provisions which are imposed by this chapter on such licensees, notwithstanding that certain of such licensees may also act as, and be subject to the provisions of, stampers.

SECTION 6. The provisions of section six of chapter sixty-four C of the General Laws relative to compensation for services rendered by a licensee in effect immediately prior to the effective date of this act shall remain in force and effect until January thirty-first, nineteen hundred and sixty-seven only for the purpose of permitting said licensee to file a report and withhold and retain the compensation due him for services rendered during the month of December, nineteen hundred and sixty-six.

SECTION 7. This act shall take effect on January first, nineteen hundred and sixty-seven.

Approved July 19, 1966.

Chap. 436. AN ACT PROHIBITING ELECTRONIC RECORDING OR BROADCASTING OF NAMES OF CERTAIN VOTERS.

Be it enacted, etc., as follows:

Section 76 of chapter 54 of the General Laws, as most recently amended by section 3 of chapter 72 of the acts of 1964, is hereby further amended by inserting after the second sentence the following sentence: — The use of electronic means such as tape recording equipment or radio broadcasting equipment for the recording or broadcasting of the names of voters not yet checked as having voted shall be prohibited.

Approved July 19, 1966.

Chap. 437. AN ACT AUTHORIZING THE TRUSTEES OF EMMANUEL COLLEGE TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

The first sentence of section 3 of chapter 281 of the acts of 1921, as amended by chapter 431 of the acts of 1958, is hereby further amended by striking out, in line 6, the words “seven million five hundred thousand” and inserting in place thereof the words: — fifteen million, — so as to read as follows: — The said corporation may sue and be sued in all actions by the name of The Trustees of Emmanuel College and may take and hold in fee simple or any less estate by gift, grant, devise, bequest, purchase or otherwise any real or personal estate or interest therein within or without this commonwealth to an amount not exceeding fifteen million dollars.

Approved July 19, 1966.

Chap. 438. AN ACT CLARIFYING THE POWER OF THE BOSTON REDEVELOPMENT AUTHORITY TO ACQUIRE FOR URBAN RENEWAL PURPOSES CERTAIN RAILROAD PROPERTY IN THE DOWNTOWN WATERFRONT-FANEUIL HALL URBAN RENEWAL PROJECT AREA OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Notwithstanding any contrary provision of law, the Boston Redevelopment Authority may acquire by purchase, lease, gift, bequest or grant, or by eminent domain under chapter seventy-nine or chapter eighty A of the General Laws, or otherwise, any or all real or personal property or interest therein held or used for railroad purposes within the area of the city of Boston covered by the Downtown Waterfront-Faneuil Hall urban renewal plan approved by the mayor of the city with the approval of the city council on June eleventh, nineteen hundred and sixty-four.

Approved July 20, 1966.