

are in effect on the effective date of this act, shall, insofar as they are consistent with Title XIX of the federal social security act, continue to be in effect; provided, however, that the scope of the medical assistance program, both in terms of persons eligible and medical care and services offered, shall not be enlarged by the department beyond the provisions of chapter one hundred and eighteen E of the General Laws, inserted by section one of this act.

SECTION 9. The department of public health shall continue to be responsible on and after the effective date of this act for the duties assigned to it under the terms of Executive Order 49, dated January twenty-first, nineteen hundred and sixty-six.

SECTION 10. The provisions of this act are severable and if any provision shall be in violation of any federal rule or regulation established by the Department of Health, Education and Welfare as a condition for receiving federal funds in connection with any program administered by said department, such provision shall be null and void and such violation shall not affect or impair any of the remaining provisions.

SECTION 11. The provisions of this act are severable and if any provision shall be held unconstitutional by any court of competent jurisdiction, the decisions of such court shall not affect or impair any of the remaining provisions.

Approved August 24, 1969.

Chap. 801. AN ACT DIRECTING THE DEPARTMENT OF PUBLIC WORKS TO RECONSTRUCT A RAILROAD BRIDGE IN THE CITY OF GARDNER AND PROVIDING FOR THE CONTRIBUTION OF A CERTAIN PERCENTAGE OF THE COST THEREOF BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY.

Be it enacted, etc., as follows:

The department of public works is hereby authorized and directed to reconstruct the existing railroad bridge connecting the Gardner state hospital area with Chapel street in the city of Gardner; provided, however, the county commissioners of Worcester county shall contribute, in addition to the right-of-way costs and the cost of relocation or alteration of public utilities, a sum equal to twenty-five per cent of cost of such construction by paying said sum to the state treasurer.

Approved August 24, 1969.

Chap. 802. AN ACT IMPOSING AN ADDITIONAL SURTAX ON DOMESTIC LIFE INSURANCE COMPANIES AND EXEMPTING FOREIGN LIFE INSURANCE COMPANIES FROM PAYMENT OF ANY SURTAX.

Be it enacted, etc., as follows:

SECTION 1. In addition to the taxes levied under the provisions of sections twenty and twenty-two of chapter sixty-three of the General Laws and taxes levied under the provisions of chapter five hundred and thirty-one of the acts of nineteen hundred and forty-three and the surtax levied under the provisions of section eighteen of chapter five hundred and forty-six of the acts of nineteen hundred and sixty-nine, every domestic life insurance company, as defined by section one hundred and

eighteen of chapter one hundred and seventy-five of the General Laws, authorized to transact business in the commonwealth shall pay annually an additional tax equal to forty-one per cent of the taxes levied under the provisions of said sections twenty and twenty-two of chapter sixty-three of the General Laws upon premiums, other than considerations for annuity contracts, and taxes levied under the provisions of said chapter five hundred and thirty-one of the acts of nineteen hundred and forty-three. All provisions of said chapters, acts and sections relative to the assessment, collection, payment, abatement, verification and administration of taxes, including penalties, shall, so far as pertinent, be applicable to the taxes imposed by this section.

The additional taxes imposed by this section shall not apply in the case of any domestic life insurance company if forty per cent or more of its premiums, other than annuity considerations, are allocable to this commonwealth, as shown on Schedule T of the National Association of Insurance Commissioners' Annual Statement for said company for the applicable calendar year.

SECTION 2. Notwithstanding the provisions of section eighteen of chapter five hundred and forty-six of the acts of nineteen hundred and sixty-nine, the surtax imposed by said section shall not apply to taxes imposed upon foreign life insurance companies by sections twenty and twenty-three of chapter sixty-three of the General Laws so long as section one of this act is in effect.

SECTION 3. This act shall apply with respect to taxable years commencing after December thirty-first, nineteen hundred and sixty-eight and before January first, nineteen hundred and seventy-one.

Approved August 24, 1969.

Chap. 803. AN ACT AUTHORIZING RAYTHEON COMPANY TO TIE IN WITH THE SEWER SYSTEM OF THE CITY OF LOWELL.

Be it enacted, etc., as follows:

The city of Lowell is hereby authorized to allow the Raytheon company to tie into the existing sewer system of said city.

Approved August 24, 1969.

Chap. 804. AN ACT TO PROVIDE FOR THE FILLING OF VACANCIES IN THE FULL NUMBER OF TOWN MEETING MEMBERS IN THE TOWN OF FRAMINGHAM.

Be it enacted, etc., as follows:

Section 5 of chapter 143 of the acts of 1949, as most recently amended by chapter 56 of the acts of 1953, is hereby further amended by striking out the fifth sentence and inserting in place thereof the following sentence: — In the event of a tie vote or in the event there are no available defeated candidates, the town clerk shall call together the town meeting members of the precinct where the vacancy occurs, and they shall, by majority vote of those members present, elect any registered voter of that precinct to fill such vacancy.

Approved August 24, 1969.