

times in at least one newspaper having a general circulation within the town.

SECTION 2. The notice provided in the warrant for the annual town meeting of the town of Brookline in the current year relating to amending Article thirty of the by-laws of the town of Brookline by striking out section six (a) thereof and substituting, in substance, the provisions of section one of this act and relettering the subsequent subparagraphs is hereby validated and any action taken by said town at its annual town meeting pursuant to such notice of amendment in the current year shall be as valid and effective as if this act were in effect at the time when the warrant for such annual town meeting was issued.

SECTION 3. This act shall take effect upon its passage.

Approved August 19, 1971.

Chap. 674. AN ACT PROVIDING LIFE TENURE FOR THE CHIEF AND CERTAIN FULL-TIME MEMBERS OF THE FIRE DEPARTMENT OF THE TOWN OF SANDWICH.

Be it enacted, etc., as follows:

SECTION 1. The fire chief and every full-time fire fighter who has, or shall have, now or in the future, completed three consecutive years of service in his respective office or position shall hold said office or position during good behavior until he reaches age sixty-five, unless incapacitated by physical or mental disability from performing the duties thereof.

SECTION 2. This act shall be submitted to the voters of the town of Sandwich at its next annual town meeting in the form of the following question, which shall be placed upon the official ballot to be used for the election of town officers at said meeting: — Shall an act passed by the General Court in the year nineteen hundred and seventy-one, entitled "An act providing life tenure for the chief and certain full-time members of the fire department of the town of Sandwich", be accepted? If a majority of the votes in answer to said question is in the affirmative, this act shall take full effect, but not otherwise.

Approved August 19, 1971.

Chap. 675. AN ACT AUTHORIZING THE COUNTY TREASURER OF ESSEX COUNTY TO REIMBURSE A CERTAIN SUM OF MONEY TO THE SALEM FIVE CENTS SAVINGS BANK.

Be it enacted, etc., as follows:

The county treasurer of Essex county is hereby authorized to reimburse to the Salem Five Cents Savings Bank the sum of one hundred and eighty-nine dollars and seventy-six cents from the reserve fund, which sum was erroneously paid to the clerk of the courts for Essex county by said bank.

Approved August 19, 1971.

Chap. 676. AN ACT PROVIDING A CERTAIN PENSION FOR THE WIDOW OF THE LATE JUDGE WILLIAM J. O'NEILL, SPECIAL JUSTICE OF THE THIRD DISTRICT COURT OF EASTERN MIDDLESEX.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the widow of the late Judge William J. O'Neill, special justice

of the third district court of eastern Middlesex, shall be paid such pension as she would have been eligible to receive, under the provisions of section sixty-five C of chapter thirty-two of the General Laws, had said Judge William J. O'Neill been eligible for retirement under the provisions of section sixty-five B of said chapter thirty-two as of the date of his death, and such pension payable to said widow shall be effective retroactively to the date of death of said judge.

Approved August 19, 1971.

Chap. 677. AN ACT RELATIVE TO THE APPLICATION OF THE CIVIL SERVICE LAW WHEN A POSITION BECOMES SUBJECT TO SAID LAW BY VIRTUE OF A CHANGE IN LAW OR RULE.

Be it enacted, etc., as follows:

SECTION 1. Whenever an office or position becomes subject to the civil service law and rules by virtue of a change in law or rule and the director of civil service determines that an injustice would exist if the provisions of section forty-seven A of chapter thirty-one of the General Laws were applied, the status of the incumbent of such office or position shall be determined in accordance with the provisions of this act and the provisions of said section forty-seven A shall not apply, except as hereinafter provided. The words "by virtue of a change in law or rule" shall, as determined by said director, include those cases where an office or position is brought under civil service indirectly by a change in law or rule or by a change in the classification of a position, but shall not include cases where the change in law or rule clearly and directly brings under civil service positions previously exempt from said law. This act shall apply to incumbents of offices or positions employed on a permanent or temporary basis.

If the office or position is in the official service the incumbent may be retained subject to a qualifying examination prescribed by said director, and if he passes shall be certified for permanent or temporary appointment, as the case may be. If the position is in the labor service he shall be certified for permanent or temporary appointment, as the case may be. If certified for permanent appointment, he shall be required to serve a probationary period if he has been employed for less than two years. If he has been employed for more than two years, he shall not be required to serve a probationary period.

If he fails to pass the qualifying examination, he may be continued by the appointing authority in the office or position for the remainder of the term, if any, for which he was appointed, but shall not otherwise be subject to the provisions of said chapter thirty-one.

All officers and employees affected by any provision of this act who have tenure in their positions by reason of section nine A, nine B or nine D of chapter thirty of the General Laws shall continue to be employed without interruption of service within the meaning of said sections and without reduction in compensation and salary grade; all such officers and employees who do not have tenure by reason of said sections shall continue to be employed without interruption of service within the meaning of said sections and without reduction in compensation and salary grade. Any person who had such tenure or acquires such tenure and who does not pass the qualifying examination shall