

SECTION 10. *TERMINATION*. This act and all powers delegated herein shall terminate on April the first, nineteen hundred and seventy-five; provided that the provisions of this act shall be treated as still remaining in force for the purpose of sustaining any proper suit, action or prosecution with respect to any right, liability or offense arising under the provisions of this act.

SECTION 11. *SEVERABILITY*. If any provisions of this act or the application of such provision to any person or circumstances shall be held invalid, the validity of the remainder of this act and the applicability of such provision to other persons or circumstances shall not be affected thereby.

SECTION 12. *ACCEPTANCE OF ACT*. This act shall take effect upon its acceptance by the city of New Bedford.

Approved November 9, 1971.

Chap. 1028. AN ACT GRANTING THE RIGHT OF EMINENT DOMAIN TO THE CITY OF FITCHBURG RELATIVE TO THE CONSTRUCTION OF WASTEWATER TREATMENT FACILITIES.

Be it enacted, etc., as follows:

Chapter 503 of the acts of 1969 is hereby amended by striking out section 5 and inserting in place thereof the following section:—

Section 5. For the purpose of constructing and maintaining its sewerage system and sewage or wastewater treatment or disposal facilities, the city may acquire by gift, purchase or eminent domain any necessary land or easements located in the city of Leominster in the vicinity of Forest and Hamilton streets; and also within the limits of the city of Fitchburg; and the city of Fitchburg may thereafter construct and maintain thereon such systems or facilities as may be required.

Approved November 9, 1971.

Chap. 1029. AN ACT CONFIRMING TITLE TO CERTAIN LAND ACQUIRED BY EMINENT DOMAIN BY AGENCIES OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of section two of chapter seventy-nine of the General Laws, the acts and proceedings of any department, board, commission, institution, officer or other agency within the executive branch of the government of the commonwealth to which funds have at any time been made available by the general court for the acquisition of land, or land with buildings thereon, by eminent domain under said chapter seventy-nine, in purporting to take such land or land with buildings thereon by eminent domain under said chapter, and all acts in pursuance thereof, which were invalid solely by reason of the absence of any provision of law designating such agency, or some officer or board of officers thereof, as the board of officers having authority to take the same by eminent domain for the purposes of section one of said chapter seventy-nine, are hereby validated and confirmed; provided, that nothing in this act shall be construed to impair or affect the rights of owners of such

land or land with buildings thereon who contested the validity of purported takings thereof in judicial proceedings commenced prior to June the fifteenth, nineteen hundred and seventy-one.

SECTION 2. Notwithstanding any provision of section sixteen of said chapter seventy-nine, a petition for the assessment of damages under section fourteen of said chapter may be filed, or a proceeding otherwise to enforce any constitutional right which exists as of the effective date of this act may be commenced, by any person aggrieved by this act within two years after said effective date; provided, that nothing in this act shall be construed to extend the period of any applicable statute of limitations other than said section sixteen, or to authorize the bringing of any proceeding to enforce any right which has been or may be barred by lapse of time, estoppel, res judicata or for any other reason.

Approved November 9, 1971.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, November 10, 1971

The Honorable JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY:—I, Francis W. Sargent, 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 1029 of the Acts of 1971, entitled "AN ACT CONFIRMING TITLE TO CERTAIN LAND ACQUIRED BY EMINENT DOMAIN BY AGENCIES OF THE COMMONWEALTH." and the enactment of which received my approval on November 9, 1971, 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:

So that title to lands acquired by eminent domain by agencies of the Commonwealth may be immediately cleared.

Sincerely,
FRANCIS W. SARGENT,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, November 10, 1971.

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at eleven o'clock and ten minutes, A.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter one thousand and twenty-nine of the acts of nineteen hundred and seventy-one.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.