

terest thereon until the tenant has paid all or his proportional share of said increase or it has been deducted from said security deposit or balance thereof.

Any deduction for damage pursuant to this section shall be itemized by the landlord with particularity indicating the nature of the repair necessary to correct any damage and the actual or estimated cost thereof.

If the landlord fails to return to the tenant such deposit or the balance thereof as provided herein, he shall be liable in damages in an amount equal to twice the amount of such security deposit or balance thereof as provided herein, plus interest at the rate of five percent from the date which such payment become due. For purposes of this section the term "security deposit" applies to all funds received from the tenant in advance for any purpose whatsoever in excess of the monthly rent. Any funds required of a tenant or held by a landlord as a condition for continued occupancy of premises occupied by the tenant for one year immediately preceding commencement of the continued occupancy shall be deemed to be a security deposit held for a period of one year or longer. Any of the provisions of this section relative to security deposits which may be in conflict with the terms of a mortgage guaranteed by the United States or any authority or agency created under the laws thereof shall not apply to security deposits held by a landlord who appears as the mortgagor in such a mortgage.

SECTION 2. The provisions of section one of this act shall apply to security deposits received after January one, nineteen hundred and seventy-two, and to all security deposits held by a landlord on January one, nineteen hundred and seventy-three, provided, however that a landlord holding a security deposit received prior to January one, nineteen hundred and seventy-two, shall not be liable for interest which would have been accrued before January one, nineteen hundred and seventy-two.

*Approved July 10, 1972.*

**Chap. 640.** AN ACT REQUIRING PATIENTS IN INSTITUTIONS UNDER THE CONTROL OF THE DEPARTMENT OF MENTAL HEALTH BE GIVEN PHYSICAL EXAMINATIONS.

*Be it enacted, etc., as follows:*

The first paragraph of section 4 of chapter 123 of the General Laws, as appearing in section 4 of chapter 888 of the acts of 1970, is hereby amended by inserting after the second sentence the following sentence: — Said person shall be given a physical examination by a physician licensed under the provisions of chapter one hundred and twelve at least once in every twelve-month period during which he is resident in said departmental facility or at the Bridgewater state hospital.

*Approved July 10, 1972.*

**Chap. 641.** AN ACT RELATIVE TO THE INSURANCE COVERAGE OF CERTAIN EMPLOYEES OF TOWNS.

*Be it enacted, etc., as follows:*

SECTION 1. Section 7A of chapter 32B of the General Laws is hereby amended by striking out paragraph (d), as appearing in section 1 of

chapter 100 of the acts of 1968, and inserting in place thereof the following paragraph: —

(d) This section shall take effect in a county, city, town or district upon its acceptance in the following manner: — In a county by vote of the county commissioners; in a city having a Plan D or Plan E charter by majority vote of its city council; in any other city by vote of its city council, approved by the mayor; in a district, except as hereinafter provided, by vote of the registered voters of the district at a district meeting; in a regional school district by vote of the regional district school committee; in a veterans' services district by vote of the district board; in a welfare district by vote of the district welfare committee; in a health district established under section twenty-seven A of chapter one hundred and eleven by vote of the joint committee; and in a town either by vote of the town or by a majority of affirmative votes cast in answer to the following question which shall be printed upon the official ballot to be used at an election in said town: — "Shall the town, in addition to the payment of fifty per cent of a premium for contributory group life and health insurance for employees in the service of the town and their dependents, pay a subsidiary or additional rate?" Section seven shall not apply in any governmental unit which accepts the provisions of this section.

SECTION 2. Section 9E of said chapter 32B, inserted by section 2 of said chapter 100, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — A town may provide for such payment by vote of the town or if a majority of the votes cast in answer to the following question which shall be printed on the official ballot to be used at an election in said town is in the affirmative: — "Shall the town, in addition to the payment of fifty per cent of a premium for contributory group life and health insurance for employees retired from the service of the town, and their dependents, pay a subsidiary or additional rate?"

SECTION 3. Section 11B of said chapter 32B, as appearing in section 3 of chapter 461 of the acts of 1964, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — This section shall take effect in a county, city, town or district upon its acceptance in the following manner: — In a county, by vote of the county commissioners; in a city having a Plan D or Plan E charter by majority vote of its city council; in any other city by vote of its city council, approved by the mayor; in a district by vote of the voters of the district at a district meeting; and in a town by vote of the town or if a majority of the votes cast in answer to the following question, which shall be printed on the official ballot to be used at an election in said town, is in the affirmative: — "Shall the town extend contributory group hospital, surgical and medical insurance to elderly persons retired from the service of the town and to their dependents with fifty per cent of the premium cost, a portion of administrative expense and the payment of a surcharge or subsidiary rate to be paid by the town?"

*Approved July 10, 1972.*