

HOUSE No. 141

The Commonwealth of Massachusetts

OFFICE OF THE SECRETARY,
STATE HOUSE, BOSTON 33, October 30, 1952.

To the Honorable Senate and House of Representatives.

In compliance with General Laws, chapter 30, section 33, as amended, I have the honor to submit herewith such portions of my annual report (Pub. Doc. No. 46) as embody recommendations for legislation, accompanied by drafts of bills and resolves to cover such recommendations.

Respectfully submitted,

EDWARD J. CRONIN,
Secretary of the Commonwealth.

RECOMMENDATIONS.

General Laws, chapter 30, sections 32 and 33, requires department heads to file annual reports with the State Secretary, and where such reports contain recommendations for legislative action they must be submitted on or before the first Wednesday of November in each year. In compliance with this requirement, I shall file with the General Court on or before November 5, 1952, a report embracing several recommendations for legislative action by the incoming Legislature. These recommendations are included herein in alphabetical order, subject, of course, to additions if occasion is indicated for other action.

ARCHIVES.

Of the 312 bound volumes constituting the historical records of the Commonwealth but 50 have been catalogued. This has been because of the fact that sufficient personnel has not been available to my predecessors or during my tenure of office to accomplish this work. They are dead files as compared to day to day activity, and yet they contain countless items of historical treasure which should be made readily available for reference. I cannot urge too strongly that an appropriation be made available to complete this work, and repeat my previous recommendation that five temporary cataloguers be provided for under the budget to accomplish this purpose.

BUREAU OF INFORMATION.

A central bureau, where information concerning all the agencies and the various activities of the Commonwealth, is available is essential for the convenience of officials and the public. This office is prepared and anxious to set up such a bureau when the General Court makes

funds available for the employment of additional personnel for this convenient service to the public.

COMPILATION OF LAWS.

The long-continued practice of providing at odd intervals, usually about twenty years apart, for the compilation of the General Laws of the Commonwealth by a special commission is archaic, cumbersome, extravagant, inefficient and unsatisfactory. The expense is great and frequently the finished product is obsolete in large part within a year of its completion. In each revision this work has been extended over at least a three-year period, as is the case with the present commission, now functioning under chapter 94 of the Resolves of 1948. The work will soon be completed. The General Court has established a deadline in 1953. It is quite possible to avoid further repetition of this awkward process by the creation of a permanent division charged with the duty of currently preparing an index to the Acts and Resolves during the sessions of the General Court, and with the further duty of preparing and publishing annually a supplement to the General Laws, including all such laws adopted since the last codification, with marginal notes, chronological legislative history, citations of court decisions, and such other material as may be helpful, and with calling to the attention of the General Court in each year inconsistencies, repetitions, mistakes, omissions and imperfections contained in the laws. The division should report to the General Court on the first Wednesday of January of each year. The said division should be established in the office of the State Secretary. It would be much more efficient and more economical than the present method. It should be headed by an expert in the field of statutory law and one familiar with judicial decisions interpreting statutes, with a substantial salary consistent with such experience, established by the Legislature or to be approved by the Governor and Council. This expert should have one trained assistant and a secretary familiar with exact legal terminology. He

should be charged currently with co-operation with the existing commission, and after the present commission has finished its work he should be responsible for keeping the General Laws of Massachusetts current. A bill to accomplish this purpose will be presented to the 1953 session.

CORPORATIONS.

1. I repeat my recommendation of the two previous years that, except for the levying of taxes, the functions of state government in dealing with corporations should be entrusted to a single department, and the records should be available to the public at one office. And since corporate organizations are creatures of the State and the office of the Secretary is charged with the preservation of public records under our Constitution and our statutes, and is also charged with the procurement and filing of annual reports and changes in corporate structure, the repository of all information concerning domestic corporations should be the office of the State Secretary. At the present time, copies of all certificates of condition are supplied to the Department of Corporations and Taxation. This practice should be continued. At present there are four distinct transfers of papers from one office to the other in the organization of a domestic corporation. This is wasteful effort and occasions delays which run into weeks and months. In the interest of efficiency and economy, and to assure prompt dispatch of public business, all duties relative to the organization, reorganization, records, reports, certificates of condition, and the like, should be transferred to the office of the State Secretary and the personnel engaged solely in corporation structure duties in the office of the Commissioner of Corporations and Taxation should be transferred to the office of the Secretary. This is the current practice in the State of New York. A proposed act will be submitted to the 1953 session of the General Court.

2. During the 1952 session the filing fees of domestic and foreign corporations for certificates of condition, and other filings required by law, were increased from \$10 to

§15. Because public utility corporations file under a separate statute the fees of such corporations were not increased. A proposal to bring the public utility corporations into the same bracket with all other business corporations will be presented to the 1953 session.

3. There are many thousands of corporations organized under chapter 180 of the General Laws which include churches, religious societies, benevolent and charitable undertakings, social clubs, historical, charitable, educational, scientific and athletic organizations. For the most part, it would be burdensome and serve no public interest to compel these organizations to furnish detailed annual reports to the Commonwealth.

There are, however, some corporations so organized which engage in intensive business and even in political activity. These bodies raise and expend large sums of money to influence public opinion and the course of legislative bodies. Their sources of revenue and their expenditures are properly a subject of public interest. Scores of inquiries are made at this office relative to such corporations, and yet there is no record available beyond their original incorporation. Such corporations should be required to furnish an annual return showing its receipts, its officers, the salaries and disbursements paid in a fiscal year, and such other information as the General Court may require. A measure to accomplish this purpose will be presented to the 1953 session of the General Court.

OFFICE ADMINISTRATION AND EFFICIENCY.

In order to insure continuance of prompt and efficient service to state departments, public officers and the general public, it is recommended that a fourth deputy secretary be authorized in the office of the State Secretary. Illness, necessity for travel on public business, vacation absences and confining assignments frequently result in there being but a single deputy on duty at the main office on certain days, with the result that the office is not covered during the lunch period. It is my considered judgment, based upon experience, that there should be

two deputies on duty at this office during all business hours, and this cannot be accomplished unless an additional deputy is authorized.

PUBLICATIONS.

Printing and Distribution of State Publications.

The demand upon this office for all state publications is general and constant. Such documents are in a broad sense records of the Commonwealth, and should be available at the office of the Secretary, as well as at the office of the official, department, board, commission or agency having jurisdiction over the subject matter of the publication. This office should have in stock, in its document division, every publication of the Commonwealth. Knowledge as to the pending publication of all documents should be available here. All printing should be controlled by this office, as was the case from the founding of the State through 1923. To this end, the office known as the printing office in the Department of Administration should be transferred to this office. The placing of contracts and purchase of materials should remain under the control of the purchasing agent in the Department of Administration.

The public expect and demand this service from the office of the Secretary.

Distribution should be primarily a function of this office, with auxiliary distribution of particular publications by the agency concerned with the subject matter thereof.

The present law says specifically that "all publications of the Commonwealth shall be distributed under the direction of the Secretary, unless otherwise provided." (G. L., c. 5, § 1.)

In practice, however, without specific statutory provision, a score of agencies distribute publications which are not in stock in the document room. This should be remedied for public convenience. A proposed act will be submitted to the 1953 session of the General Court.

Supervisor of Public Records.

General Laws, chapter 9, sections 4 and 5, direct the Secretary to appoint a supervisor of public records and authorize an expenditure of \$3,000 a year for travel and other expenses of the supervisor. The duties of the supervisor of public records detailed in General Laws, chapter 66, require that he "shall take necessary measures to put the records of the commonwealth, counties, cities or towns in the custody and condition required by law and to secure their preservation." This is a grave statutory responsibility. It covers 39 cities, 312 towns, 80 district courts, 16 county clerks of courts, 21 registers of deeds, and 14 registrars of probate, a total of 482 installations. It clearly would require two men, the supervisor and an inspector, to make a single inspection of each installation within a year. Because of lack of personnel and insufficient appropriations for travel, it has been impossible for the supervisor to visit some towns as often as once in five years. Storage facilities are excellent in about 40 per cent of the installations, reasonably good in 20 per cent, and from poor to very unsatisfactory in 40 per cent. This office is required by statute to enforce the law and bring all installations up to standard. This cannot be done under existing conditions because of lack of personnel and the fact that no funds have been made available for necessary travel. These essential records are of primary governmental importance. A casualty can do irreparable damage unless steps are taken promptly to protect and safeguard such records in every community and county. On a minimum basis it will be necessary to have a qualified inspector and junior clerk added to the staff of the supervisor, with a travel appropriation of \$1,500 per year. An appropriation for these purposes is requested from the General Court.

Text Books and Technical Reports.

Arbitrary restriction by statute of the number of copies of text books, case books and technical reports which the

Secretary may distribute in his discretion to one hundred copies has worked out very unsatisfactorily. In some instances one hundred is not adequate to meet proper requests from governmental agencies. In other instances, one hundred is more than enough to meet the demand. In order that the Secretary may exercise a wider discretion, a proposed amendment to General Laws, chapter 5, section 8, as amended by section 3 of chapter 480 of the Acts of 1945 has been prepared.

Trade Marks.

The present statutes relative to trade marks are most unsatisfactory. There is no provision for abandonment, amendment, rescission or other disposition of obsolete, unused or abandoned trade marks. The files include many which should be disposed of and cleared. A statute providing a requirement for renewals after twenty-year periods, and permitting cancellation of obsolete trade marks and those not renewed, will clear the records of a great many unused trade marks which now congest the files. A proposed act to accomplish this purpose will be presented to the General Court.

General.

The special report of the Commissioner of Administration, dated January 29, 1952, and printed as House Document No. 2049 of 1952, is respectfully referred to the consideration of the General Court.

EDWARD J. CRONIN,
Secretary of the Commonwealth.