

HOUSE No. 1380

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 3, 1934.

The committee on Bills in the Third Reading, to whom was referred the Bill relative to terms of office of selectmen in towns authorizing them to appoint certain officers (House, No. 1335, changed), report recommending that the same be amended by the substitution of the accompanying bill (House, No. 1380).

For the committee,

PHILIP SHERMAN.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Four.

An Act regulating the Terms of Office of Selectmen in Towns which authorize them to Appoint Certain Officers, and making Certain Incidental Corrections.

1 *Whereas*, The deferred operation of this act would
2 tend to defeat its purpose, therefore it is hereby de-
3 clared to be an emergency law, necessary for the im-
4 mediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section one of chapter forty-one of the
2 General Laws, as appearing in the Tercentenary
3 edition, is hereby amended by striking out the para-
4 graph contained in the tenth line and inserting in place
5 thereof the following: —

6 Three or five selectmen for the term of one or three
7 years, subject to the provisions of section twenty-one.

1 SECTION 2. Section twenty-one of said chapter
2 forty-one, as so appearing, is hereby amended by
3 striking out all after the question appearing in the
4 fifteenth line and inserting in place thereof the follow-
5 ing new paragraph: —

6 If a town, in which the selectmen are elected for

7 terms of one year, shall vote in accordance with this
8 section that its selectmen shall act as or perform the
9 duties of any of the aforesaid boards or officers, it shall,
10 at the next annual meeting, elect one selectman for
11 one year, one for two years and one for three years, or,
12 if five are to be elected, one for one year, two for two
13 years and two for three years, and thereafter in either
14 event shall elect them for terms of three years. Upon
15 the election and qualification of the selectmen at such
16 next annual meeting, and upon the appointment and
17 qualification by oath of the officers herein authorized
18 to perform the duties of any existing town board or
19 officer, the term of office of such existing board or
20 officer shall thereupon terminate, and all the duties,
21 powers and obligations of said boards and officers shall
22 be transferred to and imposed upon their successors.

1 SECTION 3. Said chapter forty-one is hereby fur-
2 ther amended by striking out section sixty-six, as so
3 appearing, and inserting in place thereof the follow-
4 ing:—

5 *Section 66.* In a town which has not authorized
6 the election of a road commissioner or commissioners
7 or a surveyor or surveyors of highways, or which,
8 having a road commissioner or commissioners or a
9 surveyor or surveyors of highways, has voted in ac-
10 cordance with section twenty-one that a superintend-
11 ent of streets be appointed by the selectmen, the
12 selectmen shall, as soon after the annual town meeting
13 as may be, appoint in writing a superintendent of
14 streets, who shall receive such compensation as the
15 selectmen or the town determine and shall be re-
16 movable by them when the public interest requires.
17 He shall be sworn to the faithful performance of his

18 duties, and shall hold office until the next annual town
19 meeting or until his successor is qualified. Upon the
20 qualification of a superintendent of streets appointed
21 by the selectmen in accordance with a vote under said
22 section twenty-one, the office or offices of highway
23 surveyor or surveyors or road commissioner or com-
24 missioners shall terminate.

1 SECTION 4. No town shall be required to elect its
2 selectmen for terms of three years by reason of its
3 having voted in accordance with said section twenty-
4 one of said chapter forty-one prior to the effective
5 date of this act that the selectmen appoint any officer
6 named in said section, and the election of selectmen
7 for terms of one year in any town which has so voted
8 and all acts done by selectmen so elected and by
9 officers so appointed are hereby confirmed and made
10 valid to the same extent as though the selectmen had
11 been elected for three year terms, notwithstanding
12 the provisions of said section twenty-one as heretofore
13 in effect.