

ACTS, 1981. - Chap. 495.

number to at least fifteen per cent of the qualified voters of the town as of the date such affidavit was filed with the town clerk.

SECTION 3. If the petition shall be found and certified by the town clerk to be sufficient, he shall submit the same with his certificate to the selectmen without delay, and the selectmen shall forthwith give written notice to said officer of the receipt of said certificate and shall, if the officer sought to be recalled and removed does not resign within five days thereafter, thereupon order a removal election to be held on a day fixed by them not less than twenty-five nor more than thirty-five days after the date of the town clerk's certificate that a sufficient petition is filed; provided, however, that if any other town election is to occur within sixty days after the date of said certificate, the selectmen shall postpone the holding of the removal election to the date of such other election. If a vacancy occurs in said office after a removal election has been so ordered, the election shall nevertheless proceed as provided in this section.

SECTION 4. Any officer who has been removed by a vote at the removal election may be a candidate to succeed himself in an election to be held to fill such vacancy which shall be held concurrently with the election. The nomination of all candidates, the publication of the warrant for the removal election and any election to fill a vacancy caused by a removal election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this act. A majority of those voting at the removal election shall be sufficient to recall such elected officer. If a majority of the votes on the question of removal is in the negative the ballots of candidates to fill the potential vacancy need not be counted.

SECTION 5. The incumbent shall continue to perform the duties of his office until the removal election. If said incumbent is not removed, he shall continue in office for the remainder of his unexpired term, subject to recall as before. If said incumbent is removed in the removal election, he shall be deemed removed and the election held concurrently shall elect a qualified successor, who shall hold office during the unexpired term.

Approved October 29, 1981.

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Chap. 495.      AN ACT FURTHER REGULATING THE KEEPING  
                    OF CERTAIN MEDICAL RECORDS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 111 of the General Laws is hereby

ACTS, 1981. - Chap. 495.

amended by striking out section 70, as most recently amended by chapter 210 of the acts of 1975, and inserting in place thereof the following section:-

Section 70. Hospitals or clinics subject to licensure by the department of public health or supported in whole or in part by the commonwealth, shall keep records of the treatment of the cases under their care including the medical history and nurses' notes. Such records may be made in handwriting, or in print, or by typewriting, or by the photographic or microphotographic process, or any combination of the same. Whenever preexisting records shall have been photographed or microphotographed and the photographs or microphotographs shall have been duly indexed and filed, such hospital or clinic upon notifying in writing the supervisor of public records referred to in chapter sixty-six may destroy the original records so photographed or microphotographed, and such photographs or microphotographs shall have the same force or effect as the original records from which they were made. Such records shall be in the custody of the hospital or clinic. Section ten of chapter sixty-six shall not apply to such records; provided, that such records and similar records kept by the hospital or clinic, except a hospital or clinic under the control of the department of mental health, may be inspected by the patient to whom they relate or by his attorney upon delivery of a written authorization from said patient, and a copy shall be furnished upon his request and a payment of a reasonable fee; and provided, further, that upon proper judicial order, whether in connection with pending judicial proceedings or otherwise, or, except in the case of records of hospitals under the control of the department of mental health, upon order of the head of the state department which issues the license or of the head of the state department having jurisdiction or control of such hospital or clinic, and in compliance with the terms of said order, and, in the case of a hospital or clinic under the control of the department of mental health, when the commissioner of mental health determines that a disclosure would be in the best interest of a patient as provided in the rules and regulations promulgated by the commissioner, such records may be inspected and copies furnished on payment of a reasonable fee. Any such record or any part or portion thereof may be destroyed thirty years after the discharge or the final treatment therein of the patient to whom it relates.

In the event of the transfer of ownership of a hospital, an institution for unwed mothers or a clinic, all medical records of

ACTS, 1981. - Chap. 496.

the same shall be maintained by the new owner as if there were no change in ownership. In the event of the permanent closing of a hospital, an institution for unwed mothers or a clinic, such hospital, institution or clinic shall arrange for preservation of such medical records for the time required herein.

SECTION 2. Section 12G of chapter 112 of the General Laws, as amended by chapter 272 of the acts of 1980, is hereby further amended by striking out, in lines 1 and 14, the word "hospital" and inserting in place thereof, in each instance, the words:- health care facility.

Approved October 29, 1981.

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Chap. 496. AN ACT FURTHER REGULATING THE LEASING OF CERTAIN SCHOOL PROPERTY.

Be it enacted, etc., as follows:

Chapter 40 of the General Laws is hereby amended by striking out section 3, as amended by chapter 191 of the acts of 1976, and inserting in place thereof the following section:-

Section 3. A town may hold real estate for the public use of the inhabitants and may convey the same by a deed of its selectmen thereto duly authorized, or by a deed of a committee or agent thereto duly authorized; may by its selectmen let or lease for not more than ten years, on such terms as the selectmen determine, a public building or part thereof, except schoolhouses in actual use as such; may hold personal estate for the public use of the inhabitants, and alienate and dispose of the same; may hold real and personal estate in trust for the support of schools, and for the promotion of education, within the limits of the town; may receive, hold and manage any devise, bequest or gift for the establishment or equipment of memorials for properly commemorating the services of the soldiers, sailors, and marines who have served the country in war, and for the establishment or maintenance of any reading room for which it may grant money under the provisions of section five; and may make such orders as it may deem necessary or expedient for the disposal or use of its corporate property. All real estate or personal property of the town, not by law or by vote of the town placed in the charge of any particular board, officer or department, shall be under the control of the selectmen, except as is otherwise provided in this section or section nine.

Notwithstanding the other provisions of this section, with the approval of the commissioner of education, a city or town, with