

HOUSE No. 1731

By Mr. Smith of East Longmeadow, petition of John D. Aldrich and others (by vote of the town) for the establishment in the town of Palmer of representative government by limited town meetings. Towns.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Seven.

AN ACT TO ESTABLISH IN THE TOWN OF PALMER THE FORM OF REPRESENTATIVE GOVERNMENT BY LIMITED TOWN MEETINGS.

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. There is hereby established in the town of
2 Palmer the form of representative town government by
3 limited town meetings hereinafter set forth.

1 SECTION 2. Upon the acceptance of this act by the town,
2 the selectmen shall divide the territory of the town into
3 seven voting precincts as equal as possible. Using present
4 precinct lines as a firm basis, each precinct shall be plainly
5 designated and so established or subdivided as to consist of
6 compact and contiguous territory, and each precinct sub-
7 division shall be bounded so far as possible by the center line
8 of highways or by other well-defined limits.

1 SECTION 3. The representative town meeting membership
2 in each precinct shall consist of the largest number divisible by
3 three which will permit a representation of one town meeting
4 member for each fifty registered voters or major fraction
5 thereof as nearly as may be.

1 SECTION 4. The registered voters in each precinct at the
2 first annual town election held after the acceptance of this
3 act, and those in any precinct affected by a subdivision of
4 precincts at the first annual town election following such
5 division, shall elect by ballot the number of registered voters
6 determined as herein provided to be town meeting members
7 of the town. The town clerk, forthwith after every election
8 of town meeting members, shall notify each member by mail
9 of his election.

1 SECTION 5. The first third of the members so elected in each
2 precinct, in the order of number of votes received, shall serve
3 for three years, the second third for two years, and the remain-
4 ing third for one year from the day of the annual town meet-
5 ing. In case of a tie vote affecting the division into thirds,
6 the members elected from the precinct shall determine the
7 same by ballot. Thereafter, except as otherwise provided
8 herein, the registered voters of each precinct at each annual
9 town election shall elect for the term of three years, in like
10 manner, one third of the number to which the precinct is
11 entitled, and also shall fill for the unexpired term any vacancy
12 then existing in the number of town meeting members in the
13 precinct.

1 SECTION 6. The boundaries of precincts shall be reviewed,
2 and if need be may be further subdivided by the selectmen
3 prior to the twentieth day of November in every fifth year
4 after the acceptance of this act or prior to the same date in
5 any year when so directed by vote of a representative town
6 meeting held not later than the twentieth day of August.

1 SECTION 7. The selectmen, within thirty days after the es-
2 tablishment or subdivision of any precincts, shall file a report
3 of their action with the town clerk, the registrars of voters
4 and the assessors, with a map or description of the precincts
5 and the names and residences of the registered voters therein.
6 They also shall cause to be posted in the town office and at
7 least one public place in each precinct a map or description
8 of each precinct as established or subdivided from time to

9 time, with the names and residences of the registered voters
10 therein.

1 SECTION 8. The division of the town into precincts and any
2 subdivision of precincts shall take effect upon the date of
3 filing of the report by the selectmen with the town clerk.
4 Whenever precincts are established or subdivided the town
5 clerk forthwith shall give written notice thereof to the state
6 secretary, stating the number and designation of the precincts.
7 The terms of office of the town meeting members from any
8 precinct which is so revised shall cease upon the election of
9 their successors.

1 SECTION 9. Meetings of the registered voters of the several
2 precincts for elections, for primaries and for voting upon any
3 question to be submitted to all the registered voters of the
4 town, shall be held on the same day and at the same hour
5 and at such place or places within the town as the selectmen
6 shall direct in the warrant for such meeting. The election of
7 town meeting members shall be held in conformity with the
8 laws relating to elections, and the provisions of chapters fifty
9 to fifty-six, inclusive, of the General Laws, relating to pre-
10 cinct voting at elections, shall apply to all elections and pri-
11 maries in the town so far as the same are not inconsistent
12 with this act.

1 SECTION 10. Any representative town meeting held in the
2 town shall be limited to the elected town meeting members.

1 SECTION 11. The town clerk shall notify town meeting
2 members of the time and place at which meetings are to be
3 held, the notices to be sent by mail at least seven days before
4 the meeting. The town meeting members shall be the judges
5 of the election and qualifications of their own members. A
6 majority of the members shall constitute a quorum for doing
7 business. A lesser number may organize temporarily and may
8 adjourn from time to time, but a meeting shall not adjourn
9 over the date of an election of town meeting members. The
10 town meeting members shall receive no compensation. All

11 town meetings shall be public. Subject to such conditions as
12 may be determined from time to time by the members of the
13 representative town meeting, any registered voter of the town
14 who is not a town meeting member may speak at any meeting
15 but shall not vote.

1 SECTION 12. A town meeting member may resign by filing
2 a written resignation with the town clerk, effective upon the
3 date of filing. A member who removes from the town shall
4 cease to be a member, and a member who removes from the
5 precinct from which he was elected may serve only until the
6 next annual town meeting.

1 SECTION 13. The nomination of candidates for town meet-
2 ing members shall be made by nomination papers which shall
3 be signed by not less than ten voters of the precinct in which
4 the candidate resides, and shall be filed with the town clerk
5 at least ten days before the election. However, any town
6 meeting member may become a candidate for re-election by
7 giving written notice to the town clerk at least thirty days
8 before the election, and to the name of a candidate for re-
9 election may be added the words "candidate for re-election".
10 Nomination papers shall bear no political designation and
11 shall not be valid for any candidate whose written acceptance
12 is not endorsed thereon or attached thereto when filed.

1 SECTION 14. The articles in the warrant for every town
2 meeting which relate to the election of the moderator, town
3 officers and town meeting members, and to referenda and all
4 matters to be acted upon and determined by ballot, shall be
5 acted upon and determined by the registered voters of the
6 town in their respective precincts. All other articles in the
7 warrant shall be acted upon and determined exclusively by
8 town meeting members at a meeting to be held at such time
9 and place as shall be set forth by the selectmen in the warrant
10 for the meeting, subject to referendum as herein provided.

1 SECTION 15. A moderator shall be elected by ballot at
2 each annual town meeting, and shall serve at all town meet-

3 ings, except as otherwise provided by law, until a successor is
4 elected and qualified. The nomination and election of a
5 moderator shall be the same as for other elective town officers,
6 and any vacancy in the office may be filled by the town meet-
7 ing members at a meeting held for that purpose. If the
8 moderator is absent, a moderator pro tempore may be elected
9 by the town meeting members.

1 SECTION 16. A vacancy in the full number of town meet-
2 ing members from any precinct, arising from any cause, may
3 be filled until the next annual election by the remaining mem-
4 bers of the precinct from among the registered voters thereof.
5 Upon petition, signed by not less than ten town meeting mem-
6 bers from the precinct, the town clerk shall give notice of any
7 vacancy to the remaining members from the precinct. He
8 shall call a special meeting of such members for the purpose
9 of filling the vacancy, and shall give five days notice by mail
10 to every such member, specifying the object, time and place
11 of the meeting.

1 SECTION 17. A majority of the members of such meeting
2 shall constitute a quorum, and they shall elect from their own
3 number a chairman and a clerk. The vote shall be by ballot,
4 and a majority of the votes cast shall be required for a choice.
5 The chairman and clerk shall count the ballots, make a cer-
6 tificate of the choice and file the same with the town clerk,
7 together with a written acceptance by any member chosen.
8 Such member thereupon shall be deemed to be elected as a
9 town meeting member.

1 SECTION 18. The following votes of a representative town
2 meeting shall not be operative until after the expiration of
3 five days, exclusive of Sundays and holidays, after the ad-
4 journment of the meeting: — (a) authorizing the expenditure
5 of twenty thousand dollars or more as a special appropriation;
6 (b) establishing a new board or office; (c) abolishing an old
7 board or office; (d) merging two or more boards or offices;
8 (e) fixing the term of office of town officers where such term
9 is optional; (f) increasing or reducing the number of members

10 of a board; (g) adopting a new by-law; (h) amending or re-
11 pealing an existing by-law.

1 SECTION 19. If within five days a petition signed by not
2 less than three per cent of the registered voters of the town is
3 filed with the selectmen asking that any question involved in
4 such a vote be submitted to the voters of the town at large,
5 then the selectmen after the expiration of five days shall call
6 a special meeting for the sole purpose of presenting the ques-
7 tion to the registered voters at large. The polls shall be
8 opened not later than two o'clock in the afternoon and closed
9 not earlier than eight o'clock in the evening. The votes shall
10 be taken by ballot and the check list shall be used in the same
11 manner as in the election of town officers.

1 SECTION 20. The questions submitted shall be determined
2 by a majority vote of the registered voters of the town voting
3 thereon, but no action of the representative town meeting
4 shall be reversed unless at least twenty per cent of the regis-
5 tered voters shall so vote. Each question shall be placed
6 upon the official ballot in the following form: — "Shall the
7 town vote to approve the action of the representative town
8 meeting whereby it was voted (brief description of the sub-
9 stance of the vote)?" If such a petition is not filed within
10 five days, the vote of the representative town meeting shall
11 become operative and effective upon the expiration of that
12 period.

1 SECTION 21. The town of Palmer, after the acceptance of
2 this act, shall have the capacity to act through and to be
3 bound by its town meeting members, who when convened
4 from time to time shall constitute representative town meet-
5 ings. The representative town meetings shall have and may
6 exercise exclusively all powers vested in the municipal cor-
7 poration, so far as will conform to the provisions of this act.
8 Action taken by any representative town meeting in con-
9 formity with all provisions of law now or hereafter applicable
10 to the transaction of town affairs in town meetings, shall have
11 the same force and effect as if such action had been taken in a

12 town meeting open to all the voters of the town as organized
13 and conducted before the establishment of representative
14 town meeting government.

1 SECTION 22. This act shall not abridge the right of the
2 inhabitants of the town to hold general meetings, as secured
3 to them by the constitution of the commonwealth, nor confer
4 upon any representative town meeting the power finally to
5 commit the town to any measure affecting its municipal exist-
6 ence or substantially changing its form of government without
7 action thereon by the voters of the town at large, using the
8 ballot and check list therefor.

1 SECTION 23. This act shall be submitted to the registered
2 voters of the town of Palmer for acceptance or rejection at the
3 annual town meeting in the year nineteen hundred and fifty-
4 eight. The vote shall be taken by ballot in precincts in ac-
5 cordance with the provisions of the General Laws, so far as
6 the same shall be applicable. The question to be placed upon
7 the official ballot to be used for the election of town officers
8 shall be: — “Shall an act passed by the general court in the
9 year nineteen hundred and fifty-seven, entitled ‘An Act es-
10 tablishing in the town of Palmer representative town govern-
11 ment by limited town meetings’, be accepted by this town?”

1 SECTION 24. If this act is rejected by the registered voters
2 of the town when first submitted, it may again be submitted
3 for acceptance in like manner from time to time at any annual
4 town meeting within five years thereafter.

1 SECTION 25. This act shall take effect upon its acceptance
2 by a majority of the voters voting thereon for all purposes in-
3 cidental to the next annual town election in the town, and it
4 shall take full effect beginning with said election.

10 town meeting open to all the voters of the town as organized
 11 and conducted before the establishment of a representative
 12 town meeting government.

13 Section 22. This act shall not abridge the right of the
 14 inhabitants of the town to hold town meetings as provided
 15 in the constitution of the Commonwealth, nor shall it
 16 prevent any representative town meeting from being held in
 17 any town in any manner of calling the town meeting.
 18 and no substantially similar town meeting shall be
 19 held or taken for the voters of the town, except as
 20 provided in this chapter.

21 Section 23. This act shall not abridge the right of the
 22 voters of the town to elect their representatives to the
 23 town meeting in the manner provided in the constitution
 24 and laws of the Commonwealth, nor shall it prevent any
 25 town meeting from being held in any manner of calling
 26 the town meeting, nor shall it prevent any town meeting
 27 from being held in any manner of calling the town meeting,
 28 and no substantially similar town meeting shall be
 29 held or taken for the voters of the town, except as
 30 provided in this chapter.

31 Section 24. This act shall not abridge the right of the
 32 voters of the town to elect their representatives to the
 33 town meeting in the manner provided in the constitution
 34 and laws of the Commonwealth, nor shall it prevent any
 35 town meeting from being held in any manner of calling
 36 the town meeting, nor shall it prevent any town meeting
 37 from being held in any manner of calling the town meeting,
 38 and no substantially similar town meeting shall be
 39 held or taken for the voters of the town, except as
 40 provided in this chapter.

41 Section 25. This act shall not abridge the right of the
 42 voters of the town to elect their representatives to the
 43 town meeting in the manner provided in the constitution
 44 and laws of the Commonwealth, nor shall it prevent any
 45 town meeting from being held in any manner of calling
 46 the town meeting, nor shall it prevent any town meeting
 47 from being held in any manner of calling the town meeting,
 48 and no substantially similar town meeting shall be
 49 held or taken for the voters of the town, except as
 50 provided in this chapter.