

a duly licensed podiatrist, a policyholder shall be entitled to reimbursement for such service, whether the service is performed by a physician or duly licensed podiatrist.

*Approved June 6, 1975.*

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**Chap. 303. AN ACT FURTHER REGULATING MEETINGS OF GOVERNMENTAL BODIES.**

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

SECTION 1. Chapter 30A of the General Laws is hereby amended by striking out section 11A, as most recently amended by chapter 77 of the acts of 1966, and inserting in place thereof the following two sections: —

*Section 11A.* The following terms as used in section eleven B shall have the following meanings: —

“Deliberation”, a verbal exchange between a quorum of members of a governmental body attempting to arrive at a decision on any public business within its jurisdiction.

“Emergency”, a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.

“Executive session”, any meeting or part of a meeting of a governmental body which is closed to certain persons for deliberation on certain matters.

“Governmental body”, a state board, committee, special committee, subcommittee or commission, whether or not created by executive order, within the executive or legislative branch of the commonwealth or the governing board or body of any authority established by the general court to serve a public purpose in the commonwealth or any part thereof, but shall not include the general court or the committees or recess commissions thereof, or bodies of the judicial branch, or any meeting of a quasi-judicial board or commission held for the sole purpose of making a decision required in an adjudicatory proceeding brought before it, nor shall it include the Board of Bank Incorporation, the State Tax Commission and the General Insurance Guaranty Fund.

“Meeting”, any corporal convening and deliberation of a governmental body for which a quorum is required in order to make a decision at which any public policy matter over which the governmental body has supervision, control, jurisdiction or advisory power is discussed or considered; but shall not include any on-site inspection of any project or program.

“Quorum”, a simple majority of a governmental body unless otherwise defined by constitution, charter, rule or law applicable to such governing body.

*Section 11B.* All meetings of a governmental body shall be open to the public and any person shall be permitted to attend any meeting except as otherwise provided by this section.

No quorum of a governmental body shall meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as provided by this section.

No executive session shall be held until the governmental body has first convened in an open session for which notice has been given, a majority of the members of the governmental body have voted to go into executive session and the vote of each member is recorded on a roll call vote and entered into the minutes, the presiding officer has cited the purpose for an executive session, and the presiding officer has stated before the executive session if the governmental body will reconvene after the executive session.

Nothing except the limitations contained in this section shall be construed to prevent the governmental body from holding an executive session after an open meeting has been convened and after a recorded vote has been taken to hold an executive session. Executive sessions may be held only for the following purposes:

(1) To discuss the reputation and character, physical condition or mental health rather than the professional competence of an individual. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open.

(2) To consider the discipline or dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open.

(3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body.

(4) To discuss the deployment of security personnel or devices.

(5) To consider allegations of criminal misconduct.

(6) To consider the purchase, exchange, lease or value of real property, if such discussions may have a detrimental effect on the negotiating position of the governmental body and a person, firm or corporation.

(7) To comply with the provisions of any general or special law or federal grant-in-aid requirements.

This section shall not apply to any chance meeting or social meeting at which matters relating to official business are discussed so long as no final agreement is reached. No chance meeting or social meeting shall be used in circumvention of the spirit or requirements of this section to discuss or act upon a matter over which the governmental body has supervision, control, jurisdiction, or advisory power.

Except in an emergency, a notice of every meeting of a

governmental body subject to this section shall be filed with the secretary of state, and a copy thereof posted in the office of the executive office for administration and finance at least forty-eight hours, including Saturdays but not Sundays and legal holidays, prior to the time of such meeting. The notice shall include the date, time and place of such meeting. Such filing and posting shall be the responsibility of the officer calling such meetings.

A governmental body shall maintain accurate records of its meetings, setting forth the date, time, place, members present or absent and action taken at each meeting, including executive sessions. The records of each meeting shall become a public record and be available to the public; provided, however, that the records of any executive session may remain secret as long as publication may defeat the lawful purposes of the executive session, but no longer. All votes taken in executive sessions shall be recorded votes and shall become a part of the record of said executive sessions. Upon request of any member of a governmental body, any vote taken in its executive session shall be verified by a roll call.

A meeting of a governmental body may be recorded by any person in attendance by means of a tape recorder or any other means of sonic reproduction except when a meeting is held in executive session; provided, that in such recording there is no active interference with the conduct of the meeting.

Upon qualification for office following an appointment or election to a governmental body, a member shall be furnished by the state secretary with a copy of this section. Each member shall sign a written acknowledgement that he has been provided with such a copy.

The attorney general shall enforce the provisions of this section.

Upon proof of failure by any governmental body or by any member or officer thereof to carry out any of the provisions of this section, any justice of the supreme judicial court or the superior court sitting in any county shall issue an appropriate order requiring such governmental body or member or officer thereof to carry out such provisions at future meetings. Any such order may be sought by petition of three or more registered voters, by the attorney general, or by the district attorney for the district in which the governmental body is located. The order of notice on the petition shall be heard no later than ten days after the filing thereof or on such day thereafter as the court shall fix, having regard to the speediest possible determination of the cause consistent with the rights of the parties; provided, however, that orders with respect to any of the matters referred to in this section may be issued at any time on or after the filing of the petition without notice when such order is necessary to fulfill the purposes of this section. In the

hearing of such petition the burden shall be on the respondent to show by a preponderance of the evidence that the actions complained of in such petition were in accordance with and authorized by this section, by section twenty-three B or by section nine G of chapter thirty-four. All processes may be issued from the clerk's office in the county in which the action is brought and, except as aforesaid, shall be returnable as the court orders.

Such order may invalidate any action taken at any meeting at which provisions of this section may have been violated, provided that such petition is filed within fourteen days of the date when such action is made public.

Any such order may also, when appropriate, require the records of any such meeting to be made public, unless it shall have been determined by such justice that the maintenance of secrecy with respect to such records is authorized by the provisions of this section. The remedy hereby created is not exclusive, but shall be in addition to every other available remedy.

SECTION 2. Chapter 34 of the General Laws is hereby amended by striking out section 9F, as most recently amended by section 2 of chapter 437 of the acts of 1960, and inserting in place thereof the following two sections: —

*Section 9F.* The following terms as used in section nine G shall have the following meanings: —

“Deliberation”, a verbal exchange between a quorum of members of a governmental body attempting to arrive at a decision on any public business within its jurisdiction.

“Emergency”, a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.

“Executive session”, any meeting of a governmental body which is closed to certain persons for deliberation on certain matters.

“Governmental body”, a county board, commission, committee and subcommittee.

“Meeting”, any corporal convening and deliberation of a governmental body for which a quorum is required in order to make a decision at which any public business or public policy matter over which the governmental body has supervision, control, jurisdiction or advisory power is discussed or considered; but shall not include any on-site inspection of any project or program.

“Quorum”, a simple majority of a governmental body unless otherwise defined by constitution, charter, rule or law applicable to such governing body.

*Section 9G.* All meetings of a governmental body shall be open to the public and any person shall be permitted to attend any meeting except as otherwise provided by this section.

No quorum of a governmental body shall meet in private

for the purpose of deciding on or deliberating toward a decision on any matter except as provided by this section.

No executive session shall be held until the governmental body has convened in an open session for which notice has been given, a majority of the members of the governmental body have voted to go into executive session and the vote of each member is recorded on a roll call vote and entered into the minutes, the presiding officer has cited the purpose for an executive session, and the presiding officer has stated before the executive session if the governmental body will reconvene after the executive session.

Nothing except the limitations contained in this section shall be construed to prevent the governmental body from holding an executive session after an open meeting has been convened and a recorded vote been taken to hold an executive session. Executive sessions may be held only for the following purposes:

(1) To discuss the reputation and character, physical condition, or mental health rather than the professional competence of an individual. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open.

(2) To consider the discipline or dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open.

(3) To discuss strategy with respect to collective bargaining or litigation, if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body, and to conduct collective bargaining sessions.

(4) To discuss the deployment of security personnel or devices.

(5) To consider allegations of criminal misconduct.

(6) To consider the purchase, exchange, lease or value of real property, if such discussions may have a detrimental effect on the negotiating position of the governmental body and a person, firm or corporation.

(7) To comply with the provisions of any general or special law or federal grant-in-aid requirements.

This section shall not apply to any chance meeting, or social meeting at which matters relating to official business are discussed, so long as no final agreement is reached. No chance meeting or social meeting shall be used in circumvention of the spirit or requirements of this section to discuss or act upon a matter over which the governmental body has supervision, control, jurisdiction, or advisory power.

Except in an emergency, a notice of every meeting of a governmental body shall be filed in the office of the county

commissioners and a copy thereof, publicly posted in such place or places as the county commissioners shall designate for the purpose at least forty-eight hours, including Saturdays but not Sundays and legal holidays, prior to the time of such meeting. The notice shall include the date, time and place of such meeting. Such filing and posting shall be the responsibility of the officer calling such meetings.

A governmental body shall maintain accurate records of its meetings, setting forth the date, time, place, members present or absent and action taken at each meeting, including executive sessions. The records of each meeting shall become a public record and be available to the public; provided, however, that the records of any executive session may remain secret so long as publication may defeat the lawful purposes of the executive session, but no longer. All votes taken in executive sessions shall be recorded votes and shall become a part of the record of said executive session. Upon request of any member of a governmental body, any vote taken in its executive session shall be verified by a roll call.

A meeting of a governmental body may be recorded by any person in attendance by means of a tape recorder or any other means of sonic reproduction except when a meeting is held in executive session; provided, that in such recording there is no active interference with the conduct of the meeting.

Upon qualification for office following an appointment or election to a governmental body a member shall be furnished by the county commissioners with a copy of this section. Each such member shall sign a written acknowledgement that he has been provided with such a copy.

The district attorney of the district in which the violation allegedly occurred shall enforce the provisions of this section.

Upon proof of failure by any governmental body, member or officer thereof to carry out any of the provisions for public notice or meetings, for holding open meetings, or for maintaining public records thereof, any justice of the supreme judicial court or the superior court sitting within and for the county in which such governmental body acts shall issue an appropriate order requiring such governmental body or member or officer thereof to carry out such provisions at future meetings. Such order may be sought by petition of three or more registered voters, by the attorney general, or by the district attorney for the district in which the county is located. The order of notice on the petition shall be returnable no later than ten days after the filing thereof and the petition shall be heard and determined on the return day or on such day thereafter as the court shall fix, having regard to the speediest possible determination of the cause consistent with the rights of the parties; provided, however, that orders with respect to any of the matters referred to in this section may be issued at

any time on or after the filing of the petition without notice when such order is necessary to fulfill the purposes of this section. In the hearing of such petition the burden shall be on the respondent to show by a preponderance of the evidence that the action complained of in such petition was in accordance with and authorized by section eleven B of chapter thirty, by this section or by section twenty-three B of chapter thirty-nine. All processes may be issued from the clerk's office in the county in which the action is brought and, except as aforesaid, shall, be returnable as the court orders.

Such order may invalidate any action taken at any meeting at which provisions of this section may have been violated, provided that such petition is filed within fourteen days of the date when such action is made public.

Any such order may also, when appropriate, require records of any such meeting to be made public record unless it shall have been determined by such justice that the maintenance of secrecy with respect to such records is authorized by the provisions of this section. The remedy created hereby is not exclusive, but shall be in addition to every other available remedy.

SECTION 3. Chapter 39 of the General Laws is hereby amended by striking out sections 23A, 23B and 23C and inserting in place thereof the following three sections:—

*Section 23A.* The following terms as used in sections twenty-three B and twenty-three C shall have the following meanings:—

“Deliberation”, a verbal exchange between a quorum of members of a governmental body attempting to arrive at a decision on any public business within its jurisdiction.

“Emergency”, a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.

“Executive session”, any meeting of a governmental body which is closed to certain persons for deliberation on certain matters.

“Governmental body”, a municipal board, commission, committee or subcommittee, however elected, appointed or otherwise constituted, and the governing board of a local housing, redevelopment or similar authority.

“Meeting”, any corporal convening and deliberation of a governmental body for which a quorum is required in order to make a decision at which any public business or public policy matter over which the governmental body has supervision, control, jurisdiction or advisory power is discussed or considered; but shall not include any on-site inspection of any project or program.

“Quorum”, a simple majority of a governmental body unless otherwise defined by constitution, charter, rule or law applicable to such governing body.

*Section 23B.* All meetings of a governmental body shall be open to the public and any person shall be permitted to attend any meeting except as otherwise provided by this section.

No quorum of a governmental body shall meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as provided by this section.

No executive session shall be held until the governmental body has first convened in an open session for which notice has been given, a majority of the members have voted to go into executive session and the vote of each member is recorded on a roll call vote and entered into the minutes, the presiding officer has stated before the executive session if the governmental body will reconvene after the executive session.

Nothing except the limitation contained in this section shall be construed to prevent the governmental body from holding an executive session after an open meeting has been convened and a recorded vote been taken to hold an executive session. Executive sessions may be held only for the following purposes:

(1) To discuss the reputation and character, physical condition or mental health rather than the professional competence of a single individual. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open.

(2) To consider the discipline or dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open.

(3) To discuss strategy with respect to collective bargaining or litigation, if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body, and to conduct collective bargaining sessions.

(4) To discuss the deployment of security personnel or devices.

(5) To consider allegations of criminal misconduct.

(6) To consider the purchase, exchange, lease or value of real property, if such discussions may have a detrimental effect on the negotiating position of the governmental body and a person, firm or corporation.

(7) To comply with the provisions of any general or special law or federal grant-in-aid requirements.

This section shall not apply to any chance meeting, or a social meeting at which matters relating to official business are discussed so long as no final agreement is reached. No chance meeting or social meeting shall be used in circumvention of the spirit or requirements of this section to discuss or act upon a matter over which the governmental body has supervision, control, jurisdiction, or advisory power.



Except in an emergency, a notice of every meeting of any governmental body shall be filed with the clerk of the city or town in which the body acts, and the notice or a copy thereof shall, at least forty-eight hours, including Saturdays but not Sundays and legal holidays, prior to such meeting, be publicly posted in the office of such clerk or on the principal official bulletin board of such city or town. The secretary of a regional school district committee shall be considered to be its clerk, and notices of meetings of the committee shall be filed with its secretary and posted in his office or on the principal official bulletin board of the district. If the meeting shall be of a board, the officer calling the meeting shall file the notice thereof with the clerk of each city and town within such district, and each such clerk shall post the notice in his office or on the principal official bulletin board of the city or town. The notice shall include the date, time and place of such meeting. Such filing and posting shall be the responsibility of the officer calling such meeting.

A governmental body shall maintain accurate records of its meeting, setting forth the date, time, place, members present or absent and action taken at each meeting, including executive sessions. The records of each meeting shall become a public record and be available to the public; provided, however, that the records of any executive session may remain secret, so long as publication may defeat the lawful purposes of the executive session, but no longer. All votes taken in executive sessions shall be recorded votes and shall become a part of the record of said executive sessions. Upon request of any member of a governmental body, any vote taken in its executive session shall be verified by a roll call.

A meeting of a governmental body may be recorded by any person in attendance by means of a tape recorder or any other means of sonic reproduction except when a meeting is held in executive session; provided, that in such recording there is no active interference with the conduct of the meeting.

Upon qualification for office following an appointment or election to a governmental body, as defined in this section, the member shall be furnished by the city or town clerk with a copy of this section. Each such member shall sign a written acknowledgement that he has been provided with such a copy.

The district attorney of the district in which the violation allegedly occurred shall enforce the provisions of this section.

Upon proof of failure by any governmental body or by any member or officer thereof to carry out any of the provisions for public notice or meetings, for holding them open for meetings, or for maintaining public records thereof, any justice of the supreme judicial court or the superior court sitting within and for the county in which such governmental body acts shall issue an appropriate order requiring such governmental body

or member or officer thereof to carry out such provisions at future meetings. Such order may be sought by petition of three or more registered voters, by the attorney general, or by the district attorney of the district in which the city or town is located. The order of notice on the petition shall be returnable no later than ten days after the filing thereof and the petition shall be heard and determined on the return day or on such day thereafter as the court shall fix, having regard to the speediest possible determination of the cause consistent with the rights of the parties; provided, however, that orders with respect to any of the matters referred to in this section may be issued at any time on or after the filing of the petition without notice when such order is necessary to fulfill the purposes of this section. In the hearing of such petition the burden shall be on the respondent to show by a preponderance of the evidence that the action complained of in such petition was in accordance with and authorized by section eleven B of chapter thirty, by section nine G of chapter thirty-four or by this section. All processes may be issued from the clerk's office in the county in which the action is brought and, except as aforesaid, shall be returnable as the court orders.

Such order may invalidate any action taken at any meeting which violates the provisions of this section, providing that such petition is filed within fourteen days of the date when such action is made public.

Any such order may also, when appropriate, require the records of any such meeting to be made public record unless it shall have been determined by such justice that the maintenance of secrecy with respect to such records is authorized by the provisions of this section. The remedy created hereby is not exclusive, but shall be in addition to every other available remedy.

*Section 23C.* No person shall address a public meeting of a governmental body without permission of the presiding officer at such meeting, and all persons shall, at the request of such presiding officer, be silent. If, after warning from the presiding officer, a person persists in disorderly behavior, said officer may order him to withdraw from the meeting, and, if he does not withdraw, may order a constable or any other person to remove him and confine him in some convenient place until the meeting is adjourned.

SECTION 4. Chapter 66 is hereby amended by inserting after section 17B the following section:—

*Section 17C.* Upon proof of failure of a governmental body as defined in section eleven A of chapter thirty A, section nine F of chapter thirty-four and section twenty-three A of chapter thirty-nine, or by any member or officer thereof to carry out any of the provisions prescribed by this chapter for maintaining public records, a justice of the supreme judicial or the superior

court sitting within and for the county in which such governmental body acts or, in the case of a governmental body of the commonwealth, sitting within and for any county, shall issue an appropriate order requiring such governmental body or member or officer thereof to carry out the provisions of this chapter. Such order may be sought by petition of three or more registered voters, by the attorney general, or by the district attorney for the district in which the governmental body acts. The order of notice on the petition shall be returnable no later than ten days after the filing thereof and the petition shall be heard and determined on the return day or on such day thereafter as the court shall fix, having regard to the speediest possible determination of the cause consistent with the rights of the parties; provided, however, that orders with respect to any of the matters referred to in this section may be issued at any time on or after the filing of the petition without notice when such order is necessary to fulfill the purposes of this section. In the hearing of any such petition the burden shall be on the respondent to show by a preponderance of the evidence that the actions complained of in such petition were in accordance with and authorized by section eleven B of chapter thirty, by section nine G of chapter thirty-four or by section twenty-three B. All processes may be issued from the clerk's office in the county in which the action is brought and, except as aforesaid, shall be returnable as the court orders.

Any such order may also, when appropriate, require the records of any such meeting of a governmental body to be made a public record unless it shall have been determined by such justice that the maintenance of secrecy with respect to such records is authorized by section eleven B of chapter thirty, by section nine G of chapter thirty-four or by section twenty-three B. The remedy created hereby is not exclusive, but shall be in addition to every other available remedy.

SECTION 5. This act shall take effect on January first, nineteen hundred and seventy-six.

*Approved June 6, 1975.*

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**Chap. 304. AN ACT AUTHORIZING THE TOWN OF ADAMS TO APPROPRIATE MONEY FOR THE PAYMENT OF, AND TO PAY, CERTAIN UNPAID BILLS.**

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

SECTION 1. The town of Adams is hereby authorized to appropriate money for the payment of, and after such appropriation the treasurer of said town is hereby authorized to pay, the following unpaid bills to D. Krutiak the sum of two hundred and eighty dollars, to R. Randall the sum of one hundred and thirty-five dollars and ten cents, and to Wolverine Sports, a division of School Tech, Inc. a corporation duly organized