

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
STATE HOUSE, BOSTON 02133

August 9, 1974

The Honorable John F. X. Davoren
Secretary of the Commonwealth
State House
Boston, Massachusetts

Dear Mr. Secretary:

I, Francis W. Sargent, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 786 of the Acts of 1974, entitled "AN ACT AUTHORIZING THE DIVISION OF FISHERIES AND GAME IN THE DEPARTMENT OF NATURAL RESOURCES TO GRANT AN EASEMENT ON CERTAIN LAND IN THE TOWN OF CONWAY." and the enactment of which received my approval on August 9, 1974, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:—

In order to permit that the actions authorized therein may be commenced without unwarranted delay and jeopardy to the public health.

Sincerely,
FRANCIS W. SARGENT
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, Boston, August 9, 1974.

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at four o'clock and one minute, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter seven hundred and eighty-six of the acts of nineteen hundred and seventy-four.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Chap. 787. AN ACT FURTHER REGULATING THE ADMINISTRATION OF PUBLIC WELFARE PROGRAMS AND ABOLISHING THE MEDICAL ASSISTANCE ADVISORY COUNCIL TO THE COMMISSIONER OF PUBLIC WELFARE.

Be it enacted, etc., as follows:

SECTION 1. Chapter 117 of the General Laws is hereby amended by striking out section 9, as amended by section 36 of

chapter 925 of the acts of 1973, and inserting in place thereof the following section:—

Section 9. The parents of such poor persons, if of sufficient ability, shall be bound to support such poor persons in proportion to their ability; provided, however that said parents shall not be required to support or contribute to the support of any of their children eighteen years of age or over.

SECTION 2. Section 22 of chapter 118E of the General Laws, as appearing in section 1 of chapter 800 of the acts of 1969, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:—

The commissioner, or the referee designated by the commissioner, as the case may be, shall render and issue his decision within ninety days after the date of the filing of the aggrieved person's appeal, except that when an aggrieved person appeals the rejection of his application for aid or assistance or the failure to act on said application, the commissioner or referee shall render and issue his decision within forty-five days after the date of filing of said appeal. The commissioner, but not his designee, may for good cause shown direct the director of the division of hearings but not his designee, to conduct a rehearing of the appeal. An order to conduct a rehearing shall not be construed as indicating or implying any position by the commissioner on the merits of the appeal. The director shall send seven days' written notice to all parties, including the date, time and place of such rehearing, which shall be held at a location convenient to the person appealing, and after such rehearing the director may, not later than thirty days after the issuance of the referee's decision issue a superseding decision.

SECTION 3. Section twenty-four of said chapter one hundred and eighteen E is hereby repealed.

SECTION 4. Section 27 of said chapter 118E, as appearing in section 1 of chapter 800 of the acts of 1969, is hereby amended by striking out, in line 2 and in line 6, the words "and the medical assistance advisory council".

SECTION 5. All powers and duties exercised by the medical assistance advisory council, established by section twenty-four of chapter one hundred and eighteen E of the General Laws, are hereby transferred to the department of public welfare.

SECTION 6. All books, papers, records and documents in the custody of or maintained for the use of the medical assistance advisory council, established by section twenty-four of chapter one hundred and eighteen E of the General Laws, are hereby transferred to the custody of the department of public welfare. All petitions, applications, hearings and other proceedings duly pending before and all prosecutions and legal and other proceedings duly begun by or against such council, shall continue unabated and remain in full force and effect notwithstanding passage of this act, and may be completed before or by the department of public welfare. All rules and regulations adopted by said medical assistance advisory council shall remain in effect as rules and regulations of the department of public

welfare until amended or repealed by said department. All duly existing contracts, leases and obligations of said medical assistance advisory council shall be performed by the department of public welfare or by an administrative unit, officer or employee thereof acting under authority of law. This act shall not affect any renewal provisions or option to renew contained in any such lease in existence on the effective date of this act, all of which on the effective date of this act shall be transferred to and thereafter may be exercised by the department of public welfare. All property held in trust by said medical assistance advisory council or by members thereof shall continue to be held in trust, and to be administered in accordance with the terms of such trust, by the department of public welfare or, if such department shall decline such trust, by trustees appointed by any court of competent jurisdiction upon application of any interested person for such appointment or for instructions in connection therewith.

SECTION 7. All unexpended balances of monies heretofore appropriated for the medical assistance advisory council, established by section twenty-four of chapter one hundred and eighteen E of the General Laws, shall be available for expenditure by the department of public welfare on the effective date of this act.

SECTION 8. The provisions of this act are severable and if any provision shall be held unconstitutional by any court of competent jurisdiction, the decisions of such court shall not affect or impair any of the remaining provisions.

Approved August 9, 1974.

Chap. 788. AN ACT PROVIDING THAT THE POSITIONS OF CLERK OF THE FINANCE COMMITTEE, CLERK OF THE PERSONNEL BOARD AND CLERK OF THE CONSERVATION COMMISSION IN THE TOWN OF BILLERICA BE EXEMPT FROM CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The positions of clerk of the finance committee, clerk of the personnel board and clerk of the conservation commission of the town of Billerica shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one of this act shall not impair the civil service status of any person holding civil service status in one of the aforementioned positions on the effective date of this act.

SECTION 3. This act shall be submitted for acceptance to the voters of the town of Billerica at its next annual town meeting in the form of the following question which shall be placed on the official ballot to be used for the election of town officers at said meeting:— "Shall an act be passed by the General Court in the year nineteen hundred and seventy-four, entitled 'An Act providing that the posi-