

ACTS, 1983. - Chap. 430.

SECTION 1. Section 5 of chapter 40C of the General Laws, as appearing in section 1 of chapter 359 of the acts of 1971, is hereby amended by inserting after the word "fixtures", in line 15, the words:- ; the words "person aggrieved" mean the applicant, an owner of adjoining property, an owner of property within the same historic district as property within one hundred feet of said property lines and any charitable corporation in which one of its purposes is the preservation of historic structures or districts.

SECTION 2. Section 12 of said chapter 40C, as amended by chapter 168 of the acts of 1974, is hereby further amended by striking out, in line 3, the word "applicant" and inserting in place thereof the word:- person.

SECTION 3. Said chapter 40C is hereby further amended by striking out section 12A, as amended by said chapter 168, and inserting in place thereof the following section:-

Section 12A. Any person aggrieved by a determination of the commission, or by the finding of a person or persons making a review, if the provisions of section twelve are included in a local ordinance or by-law, may, within twenty days after the filing of the notice of such determination or such finding with the city or town clerk, appeal to the superior court sitting in equity for the county in which the city or town is situated. The court shall hear all pertinent evidence and shall annul the determination of the commission if it finds the decision of the commission to be unsupported by the evidence or to exceed the authority of the commission, or may remand the case for further action by the commission or make such other decree as justice and equity may require. The remedy provided by this section shall be exclusive but the parties shall have all rights of appeal and exception as in other equity cases. Costs shall not be allowed against the commission unless it shall appear to the court that the commission acted with gross negligence, in bad faith or with malice in the matter from which the appeal was taken. Costs shall not be allowed against the party appealing from such determination of the commission unless it shall appear to the court that such party acted in bad faith or with malice in making the appeal to the court.

Approved October 18, 1983.

**Chap. 430. AN ACT RELATIVE TO THE REPORTING OF
STOLEN LEASED OR RENTAL MOTOR VEHICLES.**

Be it enacted, etc., as follows:

ACTS, 1983. - Chaps. 431, 432.

Chapter 266 of the General Laws is hereby amended by inserting after section 87 the following section:-

Section 87A. The owner or lessee of a leased or rented motor vehicle which has been stolen or placed beyond his control shall report the loss of the same to the police department of the city or town wherein said vehicle was leased or rented.

Notwithstanding any provision of law to the contrary, a police department receiving a report of said stolen vehicle shall list the same as stolen and shall, by the use of radio, teletype, computer or other communication, disseminate the information concerning said stolen vehicle using the same standards as applicable to other stolen motor vehicles.

Approve October 18, 1983.

Chap. 431. AN ACT PROVIDING FOR A CERTAIN ALTERNATE APPEAL PROCEDURE UNDER THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

Chapter 31 of the General Laws is hereby amended by inserting after section 41 the following section:-

Section 41A. Upon the request of the appointing authority and a tenured employee, who is entitled to a hearing pursuant to the first paragraph of section forty-one, a hearing before a disinterested hearing officer, designated by the chairman of the commission, may be held in lieu of a hearing before the appointing authority. Such hearing officer shall make findings of facts and may make recommendations for decision to the commission. Following the decision of the commission, there shall be no appeal pursuant to the provisions of section forty-three; provided, however, that a petition to review may be filed pursuant to the provisions of section forty-four. All requirements relative to written notice and the holding of hearings pursuant to this section shall be governed by those set forth in section forty-one.

Approved October 18, 1983.

Chap. 432. AN ACT AMENDING THE CHARTER OF THE TOWN OF MARSHFIELD.

Be it enacted, etc., as follows:

SECTION 1. Article 3-2-1 of the charter of the town of Marsh-