

Section 124. The mayor may remove the head of a department or member of a board by filing a written statement with the city clerk setting forth in detail the specific reasons therefor, a copy of which shall be delivered or mailed to the person thus removed, who may make a written reply, which, if he desires, may be filed with the city clerk; but such reply shall not affect the action taken unless the mayor so determines. This section shall not apply to the school committee, or to officials appointed by the governor, or to assessors if elected by the people.

Section 125. Every order, ordinance, resolution and vote relative to the affairs of the city, adopted or passed by the city council, shall be presented to the mayor for his approval. If he approves it he shall sign it; if he disapproves it he shall return it, with his written objections, to the city council, which shall enter the objections at large on its records, and again consider it. If the city council, notwithstanding such disapproval of the mayor, shall again pass such order, ordinance, resolution or vote by a two thirds vote of all its members, it shall then be in force, but such vote shall not be taken for seven days after its return to the city council. Every such order, ordinance, resolution and vote shall be in force if not returned by the mayor within ten days after it has been presented to him. This section shall not apply to budgets submitted under section thirty-two of chapter forty-four, or to appropriations by a city council under section thirty-three of said chapter.

Section 126. The regular election under Plan F shall take place on the Tuesday next following the first Monday of November in every odd numbered year. The mayor, all members of the city council, the school committee, and any board of trustees or other officers whose election by the voters of the city is required by reason of the fact that the city has accepted any gift, devise or bequest shall be elected at each such election. In the case of offices to be filled by all the voters of the city nomination papers shall be signed by a number of voters as follows:—for mayor, three hundred voters; for school committee, councillor-at-large and any other office, two hundred voters. In the case of ward councillor, nomination papers shall be signed by at least one hundred voters of the ward. In order that their names may be certified on said nomination papers signers shall not be enrolled in any other party than that whose nomination the candidate seeks.

Section 127. Except as otherwise provided in this chapter, all elections held under Plan F shall be subject to all general laws relating to elections and corrupt practices, so far as applicable and not inconsistent with this chapter.

Approved August 10, 1959.

Chap. 449. AN ACT PROHIBITING EAVESDROPPING BY THE USE OF ELECTRONIC DEVICES OR BY WIRE TAPPING.

Be it enacted, etc., as follows:

SECTION 1. Chapter 272 of the General Laws is hereby amended by striking out section 99, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:—*Section 99.* Whoever, except in accordance with an order issued as provided herein,

secretly or without the consent of either a sender or receiver, overhears, or attempts secretly, or without the consent of either a sender or receiver, to overhear, or to aid, authorize, employ, procure, or permit, or to have any other person secretly, or without the consent of either a sender or receiver, to overhear any spoken words at any place by using any electronic recording device, or a wireless tap or electronic tap, or however otherwise described, or any similar device or arrangement, or by tapping any wire to intercept telephone communications, shall be guilty of the crime of eavesdropping and shall be punished by imprisonment for not more than two years or by a fine of not more than one thousand dollars, or both.

Such order may be issued and shall be signed by any justice of the supreme judicial or superior court upon application of the attorney general or a district attorney for the district verified by his oath or affirmation that there are reasonable grounds to believe that evidence of crime may thus be obtained. The finding by a judge or justice that there are reasonable grounds to believe that evidence of crime may thus be obtained shall be final and not subject to review. Said order shall describe or identify (1) the purpose thereof; (2) the location of and the person or persons who are to be so overheard or whose communications are to be so intercepted if known; (3) if telephone communications are to be so intercepted the telephone line if known; (4) the person or persons who are authorized to so overhear or intercept, or the person or persons under whose supervision such overhearing or interception is to be conducted.

In connection with the issuance of such an order, the justice may examine on oath the applicant and any other witness he may produce, for the purpose of satisfying himself of the existence of reasonable grounds to believe that evidence of crime may be thus obtained. The finding by a judge or justice that there are reasonable grounds to believe that evidence of crime may thus be obtained shall be final and not subject to review. Any such order shall be effective for the time specified therein, but not for a period of more than three months, unless extended or renewed by the justice who signed and issued the original order, upon satisfying himself that such extension or renewal is in the public interest. Any such order, together with the papers upon which the application was based, shall be delivered to and retained by the applicant as authority for such interception or directing such overhearing or interception of the telephone communications transmitted over the instrument or instruments described. A true copy of such order shall at all times be retained personally by the judge or justice issuing the same. In case of emergency and when no such justice is available, the attorney general or the district attorney for the district may issue such order, but within seventy-two hours thereafter the said attorney general or district attorney upon oath or affirmation setting forth all the facts, shall apply to a justice of the supreme judicial or superior court for a court order to issue validating the acts of said attorney general or district attorney. If the court refuses, after hearing, to validate such prior order of the attorney general or district attorney, said prior order shall cease to be effective, and no further action thereunder may be taken.

SECTION 2. Said chapter 272 is hereby further amended by striking out section 100, as amended by section 3 of chapter 48 of the acts of 1956, and inserting in place thereof the following section:—*Section 100.* Whoever, except when authorized under section ninety-nine, for the purpose of eavesdropping as defined in section ninety-nine, either on his own account or as the servant or agent of another, permits or acquiesces in the installing of any electronic recording device or any similar device or arrangement, or the tapping of any wire, shall be punished by imprisonment for not more than two years or by a fine of not more than one thousand dollars, or both.

Approved August 10, 1959.

Chap. 450. AN ACT DIVIDING WARD FIVE IN THE CITY OF SALEM INTO TWO WARDS THEREBY INCREASING THE NUMBER OF WARDS IN SAID CITY TO SEVEN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, the territory presently comprising ward five in the city of Salem is hereby divided into two wards designated as wards five and seven, respectively, and bounded and described as follows:—

Ward Five: All that part of the city enclosed by a line commencing at the eastern end of New Derby street, at its junction with Lafayette street, thence running westerly through the middle of New Derby street and across Washington street to the middle of the location of the Boston and Maine Railroad main line, thence turning and running southerly to a point which would be the mid-line of Laurel street if extended to the railroad, thence turning and running easterly along the middle of Laurel street and Willow avenue to Salem Harbor, thence by such harbor to the channel of the South River, thence by such channel to Lafayette street to New Derby street, and the point begun at, shall constitute a separate ward, and be denominated Ward Five.

Ward Seven: All that part of the city enclosed by a line commencing at a point on the junction of the middle of the main line location of the Boston and Maine Railroad and the mid-line of Laurel street if extended to the railroad, thence running southwestly by the middle of the said main line of such railroad to the boundary line between Swampscott and Salem, thence turning and running easterly, northeasterly, and northerly by the Swampscott and Marblehead bounds to Salem Harbor, thence by such harbor to a point which is the middle line of Willow avenue thence turning and running westerly along the middle line of Willow avenue, Laurel street, and middle line of Laurel street if extended to a point begun at, shall constitute a separate ward, and be denominated Ward Seven.

For all state primaries and elections hereafter held in said city prior to any antecedent primary of the first biennial state election at which representatives are to be elected from new representative districts established upon the basis of a special enumeration of legal voters under the provisions of the constitution which specifies the number of legal voters residing in said wards five and seven, ward five as existing