

HOUSE No. 2539

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, August 1, 1939.

The joint committee on Ways and Means, to whom was referred the fourth special report of the Millville Municipal Finance Commission relative to the finances and to the future of the town of Millville (House, No. 2146), report the accompanying bill (House, No. 2539).

For the committee,

JOHN W. LASELL.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Nine.

AN ACT RELATIVE TO THE MUNICIPAL FINANCE COMMISSION FOR THE TOWN OF MILLVILLE AND PROVIDING FURTHER FOR THE FINANCIAL RELIEF OF SAID TOWN.

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 a com-
2 mission to be known as the Millville Municipal
3 Finance Commission, hereinafter called the commis-
4 sion, to consist of the commissioner of corporations
5 and taxation, the attorney general and the director
6 of the division of accounts in the department of
7 corporations and taxation, of whom the commissioner
8 of corporations and taxation shall be chairman. Such
9 members shall serve for a period terminating on April
10 twentieth, nineteen hundred and forty-four. The ac-
11 tion of any two of the members shall constitute the
12 action of the commission; and whenever any action
13 by the commission is required to be in writing, such
14 writing shall be sufficient when signed by any two
15 of the members. Such members shall receive no ad-
16 ditional compensation for acting hereunder, but shall
17 be paid by the town for necessary traveling and
18 other expenses incurred in the performance of their
19 duties hereunder. The commission may at such time

20 or times as it may deem advisable make a report or
21 reports to the general court.

1 SECTION 2. Until April twentieth, nineteen hun-
2 dred and forty-four, the town of Millville shall have
3 the capacity to act through and to be bound by the
4 commission and not otherwise, except as hereinafter
5 provided, and the commission shall have and exercise
6 exclusively so far as will conform to the provisions of
7 this act, all rights, powers and duties now or hereafter
8 conferred or imposed upon the inhabitants of said
9 town and its officers, and the commission shall deter-
10 mine the amount that may be expended for any pur-
11 pose whatsoever and no liability shall be incurred in
12 excess of the amount so determined, notwithstanding
13 the common law or any provision of statutory law to
14 the contrary. The commission may exercise and
15 perform such rights, powers and duties through such
16 agent or agents as it may designate. The commission,
17 on behalf of the town, may issue bonds or notes of the
18 town, but only with the approval of the governor and
19 council. Upon tender to the state treasurer of any
20 notes issued by the town under this section or issued
21 by it in anticipation of revenue, they shall forthwith
22 be purchased by the commonwealth at the face value
23 thereof. Such notes, if issued for the purposes of sale
24 to the commonwealth, shall bear such rates of interest
25 as in the judgment of the state treasurer and the com-
26 mission will cover the entire cost to the common-
27 wealth incurred on account of loans to the town
28 hereunder, including interest on money borrowed by
29 the commonwealth under section six of this act and
30 all expenses in connection with the issue of its notes

31 thereunder. The commission shall have the power
32 of appointment of all agents hereunder and shall fix
33 their compensation and assign to them such of the
34 powers and duties of the commission as it shall specify;
35 may purchase supplies, and may employ persons to
36 do work for the town.

1 SECTION 3. In the distribution of the proceeds of
2 income taxes under the provisions of section eighteen
3 of chapter fifty-eight of the General Laws in each of
4 the years nineteen hundred and forty-one to nineteen
5 hundred and forty-four, inclusive, there shall be dis-
6 tributed to said town, in addition to its normal share,
7 the sum of thirty thousand dollars.

1 SECTION 4. The said town of Millville, shall not,
2 in the years nineteen hundred and forty-one to nine-
3 teen hundred and forty-four, inclusive, be subject to
4 assessment under section eighty-five of chapter one
5 hundred and eleven of the General Laws for the
6 maintenance of the Worcester County Tuberculosis
7 Hospital, but shall be entitled to have its residents
8 who are suffering from tuberculosis cared for and
9 treated at said hospital during said year.

1 SECTION 5. In each of said years nineteen hundred
2 and forty-one to nineteen hundred and forty-four,
3 inclusive, the commission shall assess all property
4 within said town, as far as may be, at its fair cash
5 value at a rate twenty per cent in excess of the aver-
6 age rate of tax of all cities and towns of the common-
7 wealth for the preceding year, and any amount neces-
8 sary to meet expenditures over and above the amount
9 to be raised from taxes and estimated to be received

10 from other sources shall be advanced temporarily by
11 the commonwealth upon receipt of notes of the town
12 payable in not more than four years from their dates.

1 SECTION 6. The state treasurer with the approval
2 of the governor and council may borrow from time to
3 time, on the credit of the commonwealth, such sums
4 as may be necessary to provide funds for loans to the
5 town of Millville as provided in this act, but not ex-
6 ceeding, in the aggregate, two hundred thousand dol-
7 lars, and may issue and renew notes of the common-
8 wealth therefor, bearing interest payable at such
9 times and at such rate as shall be fixed by the state
10 treasurer, with the approval of the governor and
11 council. Such notes shall be issued for such maximum
12 term of years as the governor may recommend to the
13 general court in accordance with section three of
14 Article LXII of the amendments to the constitution
15 of the commonwealth, but such notes, whether original
16 or renewal, shall be payable not later than November
17 thirtieth, nineteen hundred and forty-five. All notes
18 issued under this section shall be signed by the state
19 treasurer, approved by the governor and counter-
20 signed by the comptroller.

1 SECTION 7. During the period ending April twen-
2 tieth, nineteen hundred and forty-four, a person who
3 would be eligible to register or vote in Millville may,
4 upon certification of such eligibility by the commis-
5 sion, register and vote in any other municipality
6 within his representative district which the person
7 may designate, at primaries or elections not having
8 to do with municipal offices or the transaction of
9 municipal business and during said period it shall

10 be unnecessary for the commission to provide voting
11 facilities in Millville nor shall a person so registered
12 be eligible to vote in Millville at such primaries or
13 elections.

1 SECTION 8. During the period ending April twen-
2 tieth, nineteen hundred and forty-four, no settlement
3 shall be acquired in Millville, any other provision of
4 the law to the contrary notwithstanding.

1 SECTION 9. In the month of March in the year
2 nineteen hundred and forty-four the commission
3 shall call a town meeting for the purpose of filling
4 all offices theretofore provided to be filled by vote
5 of the inhabitants, and the persons elected at such
6 meetings, shall on April twentieth of said year, or
7 as soon thereafter as they qualify for their offices take
8 over the affairs of the said town of Millville.

1 SECTION 10. If, on April twentieth, nineteen hun-
2 dred and forty-four, the principal and interest on all
3 notes issued by said town hereunder or under chapter
4 four hundred and seventy of the acts of nineteen hun-
5 dred and thirty-five and purchased by the common-
6 wealth have not been paid in full, the state treasurer
7 shall have authority not later than the issue of his war-
8 rant for the town's share of the state tax, to issue his
9 warrant requiring its assessors to include in its next an-
10 nual tax levy the amount necessary to pay in full the
11 portion thereof remaining due or to include in that and
12 any succeeding levy the amount necessary to pay any
13 instalment thereof as determined and certified to him
14 by the commission as hereinafter provided. If, in the
15 opinion of the commission, the financial affairs of said

16 town warrant, the commission may direct the assess-
17 ment of the amount remaining due, in such number of
18 annual instalments, not exceeding three, as may seem
19 advisable; provided that the amount of any instal-
20 ment payable in any year shall not be less than the
21 amount of any instalment payable in any subsequent
22 year. Prior to April twentieth, nineteen hundred and
23 forty-four, the commission shall determine and certify
24 to the state treasurer the amount of each instalment,
25 if any, required to be assessed upon the said town in
26 the several years. The amount included under au-
27 thority hereof in the state treasurer's warrant to the
28 assessors of said town shall be collected and paid to
29 him in the same manner and subject to the same penal-
30 ties as state taxes, and if such amount is not duly paid
31 as aforesaid by the said town, the state treasurer shall
32 have authority to withhold, from any sum due from
33 the commonwealth to it and not previously pledged,
34 the amount necessary to pay in full the amount re-
35 maining due to the commonwealth on April twentieth,
36 nineteen hundred and forty-four.

1 SECTION 11. Sections seven and eight of chapter
2 four hundred and seventy of the acts of nineteen hun-
3 dred and thirty-five are hereby repealed.

1 SECTION 12. Sections one to ten inclusive of this
2 act shall become effective on April twenty-first, nine-
3 teen hundred and forty. Section eleven of this act
4 shall take effect upon its passage.

