

in the commonwealth unless the mayor, the board of selectmen or town council shall vote to impose those provisions of the state building code and the one and two family dwelling code, concerning labeling, prior to January first, nineteen hundred and eighty.

Approved August 16, 1979.

EMERGENCY LETTER September 5, 1979 @ 10:44 A.M.

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Chap. 522. AN ACT FURTHER REGULATING PROCEDURES  
FOR THE MAKING AND ENFORCEMENT OF ORDERS  
FOR SUPPORT.

Be it enacted, etc., as follows:

SECTION 1. Section 36 of chapter 208 of the General Laws is hereby amended by adding the following paragraph:-

If the court finds after a hearing that the obligor is in the aggregate more than four weeks in arrears in support payments, the court may as a condition of disposition order the obligor to assign a portion of his periodic earnings to the person entitled to receive said support or the person designated by the court to receive such payments, including, but not limited to, the person entitled to receive such support under the order, the family service office of the court or where the person entitled to receive such support is a recipient of public assistance, the department of public welfare or the division of social services and to notify the employer of the obligor to forward such portion periodically to the supported person. Such assignment shall take effect on the next payment of earnings after the employer of the obligor receives notice thereof. The employer may deduct from said earnings a sum not exceeding one dollar as reimbursement for costs incurred. The order of assignment shall specify the amount of earnings to be paid to the person supported and the amount of earnings exempted from such payment, which the court shall fix at an amount not less than the minimum sum which the obligor requires for the necessities of life, including food, shelter, utilities, clothing and reasonable expenses necessary to travel to or obtain employment. The obligor may move to terminate or modify the amount of such assignment at any time for good cause. If the employment of the obligor is terminated, the obligor shall promptly notify the court and the court may, on its own motion or upon motion of the complainant, order an assignment of earnings from any subsequent employer.

SECTION 2. Chapter 209 of the General Laws is hereby amended by striking out section 32E, inserted by section 2 of chapter 984 of the acts of 1977, and inserting in place thereof the following section:-

Section 32E. If the court finds after a hearing that the obligor is in the aggregate more than four weeks in arrears in support payments, the court may as a condition of disposition order the obligor to assign a portion of his periodic earnings to the person entitled to receive said support or the person designated by the court to receive such payments, including, but not limited to, the person entitled to receive such support under the order, the

family service office of the court where the person entitled to receive such support is a recipient of public assistance, the department of public welfare or the division of social services and to notify the employer of the obligor to forward such portion periodically to the supported person. Such assignment shall take effect on the next payment of earnings after the employer of the obligor receives notice thereof. The employer may deduct from said earnings a sum not exceeding one dollar as reimbursement for costs incurred. The order of assignment shall specify the amount of earnings to be paid to the person supported and the amount of earnings exempted from such payment, which the court shall fix at an amount not less than the minimum sum which the obligor requires for the necessities of life, including food, shelter, utilities, clothing and reasonable expenses necessary to travel to or obtain employment. The obligor may move to terminate or modify the amount of such assignment at any time for good cause. If the employment of the obligor is terminated, the obligor shall promptly notify the court and the court may, on its own motion or upon motion of the complainant, order an assignment of earnings from any subsequent employer.

SECTION 3. Section 34 of chapter 215 of the General Laws, as most recently amended by section 67 of chapter 400 of the acts of 1975, is hereby further amended by adding the following sentence:- The failure of a defendant to comply with an order of the court for the support of spouse or minor children at a time when the defendant possessed the ability to make the support payment as ordered by the court may be punished as a criminal contempt.

SECTION 4. Section 5 of chapter 273 of the General Laws, as amended by section 3 of chapter 848 of the acts of 1977, is hereby further amended by adding the following paragraph:-

If the court finds after a hearing that the obligor is in the aggregate more than four weeks in arrears in support payments, the court may as a condition of disposition order the obligor to assign a portion of his periodic earnings to the person entitled to receive said support or the person designated by the court to receive such payments, including, but not limited to, the person entitled to receive such support under the order, the family service office of the court where the person entitled to receive such support is a recipient of public assistance, the department of public welfare or the division of social services and to, notify the employer of the obligor to forward such portion periodically to the supported person. Such assignment shall take effect on the next payment of earnings after the employer of the obligor receives notice thereof. The employer may deduct from said earnings a sum not exceeding one dollar as reimbursement for costs incurred. The order of assignment shall specify the amount of earnings to be paid to the person supported and the amount of earnings exempted from such payment, which the court shall fix at an amount not less than the minimum sum which the obligor requires for the necessities of life, including food, shelter, utilities, clothing and reasonable expenses necessary to travel to or obtain employment. The obligor may move to terminate or modify the amount of such assignment at any time

for good cause. If the employment of the obligor is terminated, the obligor shall promptly notify the court and the court may, on its own motion or upon motion of the complainant, order an assignment of earnings from any subsequent employer.

SECTION 5. This act shall apply to orders or judgments in effect on the effective date of this act.

Approved August 16, 1979.

EMERGENCY LETTER August 17, 1979 @ 11:27 A.M.

Chap. 523. AN ACT PROVIDING FOR REMOVAL ELECTIONS  
IN THE TOWN OF SPENCER.

Be it enacted, etc., as follows:

SECTION 1. Any holder of an elective office in the town of Spencer may be recalled and removed therefrom by the qualified voters of the town as herein provided.

SECTION 2. Any qualified voter of the town may make and file with the town clerk an affidavit containing the name of the officer sought to be removed and a statement of the grounds of removal. The town clerk shall thereupon deliver to the voter making such affidavit a sufficient number of copies of petition blanks for such recall and removal. Said blanks shall be issued by the town clerk with his signature and official seal attached thereto; and shall be dated and addressed to the selectmen. Said blanks shall contain the name of the person to whom issued, the number of blanks so issued, the name of the person sought to be removed, the office from which removal is sought, the grounds of removal as stated in said affidavit, and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. Said recall petition shall be returned and filed with the town clerk within twenty days after the filing of the affidavit. Said petition before being returned and filed shall be signed by two hundred qualified voters, and to every such signature shall be added the place of residence of the signer, giving the street and number. The recall petition shall be submitted, at or before five o'clock in the afternoon of the Saturday preceding the day on which it must be filed, to the registrars of voters in the town, and the registrars shall forthwith certify thereon the number of signatures which are names of voters of the town.

SECTION 3. If the petition shall be found and certified by the town clerk to be sufficient, he shall submit the same with his certificate to the selectmen without delay, and the selectmen shall forthwith give written notice to said officer of the receipt of said certificate and shall, if the officer sought to be removed does not resign within five days thereafter, thereupon order a removal election to be held on a Tuesday fixed by them not less than twenty-five nor more than thirty-five days after the date of the town clerk's certificate that a sufficient petition is filed; provided, however, that if any other town election is to occur within sixty days after the date of said certificate, the selectmen may, in their discretion, postpone the holding of the removal