

pany; but chapter one hundred and fifty-six of the General Laws and all provisions of law applicable to corporations organized under said chapter shall apply to said corporation, which shall hereafter be subject to and governed by said chapter and all such provisions of law.

SECTION 2. Said corporation may, with the written consent of the municipal board or officer having charge of the laying out of public ways in a city or town and upon such conditions, if any, as such board or officer may deem necessary for the health, safety, or convenience of the inhabitants of such city or town or the protection of their property, dig up and open the ground in any of the public ways therein, so far as is necessary to accomplish the objects of the corporation; but such consent shall not affect the right or remedy to recover damages for an injury caused to persons or property by the acts of said corporation. Said corporation shall put all such public ways into as good repair as they were when opened, and upon failure to do so within a reasonable time shall be guilty of a nuisance. If a person who is injured in his person or property by a defect in a public way which is caused by the operations of said corporation in laying down or repairing its pipes or otherwise obstructing such way recovers damages therefor of the city or town wherein such injury is received, such city or town shall, if said corporation is liable for said damages and has reasonable notice to appear and defend the original action, be entitled to recover of said corporation the damages so recovered from it with the taxable costs of both parties in such action.

*Approved April 2, 1957.*

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*Chap.255* AN ACT TO RECLASSIFY CERTAIN EMPLOYEES OF MUNICIPAL GAS OR ELECTRIC PLANTS UNDER THE CONTRIBUTORY RETIREMENT SYSTEM FOR PUBLIC EMPLOYEES.

*Be it enacted, etc., as follows:*

*Group B* of paragraph (g) of subdivision (2) of section 3 of chapter 32 of the General Laws, as most recently amended by section 1 of chapter 445 of the acts of 1954, is hereby further amended by inserting after the word "powers", in line 10, the words: — , employees of a municipal gas or electric plant who are employed as linemen, electric switchboard operators, electric maintenance men, steam engineers, boiler operators, firemen, oilers, mechanical maintenance men and supervisors of said employees, — so as to read as follows: — *Group B.* — Members of police and fire departments not classified in *Group A*, members of the police force of the metropolitan district commission, capitol police, public works building police, permanent watershed guards and permanent park police, employees of the Port of Boston Commission comprising guards, guard sergeants, head guard and chief of waterfront police, conservation officers paid as such, district fire wardens, coastal wardens in the department of natural resources, officials and employees of the

registry of motor vehicles having police powers, employees of a municipal gas or electric plant who are employed as linemen, electric switchboard operators, electric maintenance men, steam engineers, boiler operators, firemen, oilers, mechanical maintenance men and supervisors of said employees, employees of the General Edward Lawrence Logan International Airport, comprising permanent crash crewmen, fire control man, assistant fire control men, and employees of the commonwealth and of any county, regardless of any official classification, whose regular and major duties require them to have the care, custody, instruction or other supervision of prisoners or insane persons or of defective delinquents; provided, that no member who attains age sixty-five while classified in *Group A* may thereafter be classified in *Group B*, irrespective of change of employment.

*Approved April 2, 1957.*

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AN ACT AUTHORIZING THE CITY OF LOWELL TO PAY A CERTAIN CLAIM LEGALLY UNENFORCEABLE BY REASON OF FAILURE TO COMPLY WITH CERTAIN PROVISIONS OF LAW. *Chap.256*

*Be it enacted, etc., as follows:*

SECTION 1. The city of Lowell is hereby authorized to pay from available funds a sum of money not exceeding six thousand seventy-four dollars and ten cents in payment and discharge of a certain claim of John Brady for certain materials and supplies, or both, furnished to the city of Lowell, said claim being legally unenforceable against the city by reason of the failure to comply with sections twenty-eight and twenty-nine of chapter forty-three of the General Laws and sections forty-four A to forty-four C, inclusive, of chapter one hundred and forty-nine of the General Laws.

SECTION 2. No bill shall be approved by the city auditor of said city for payment or paid by the treasurer thereof under authority of this act, unless and until certificates have been signed and filed with said city auditor stating under the penalties of perjury that the materials and supplies, or both, were ordered by an official of the division of engineering of said city and that such materials and supplies, or both, were actually received and used for the benefit of said city.

SECTION 3. Any person who knowingly files a certificate required by section two which is false, and who thereby receives payment for materials and supplies which were not received by said city shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

SECTION 4. This act shall take effect upon its acceptance by the city council of the city of Lowell, subject to the provisions of its charter, but not otherwise.

*Approved April 2, 1957.*