

AN ACT REQUIRING THE CITY OF WESTFIELD TO REPAY TO CERTAIN PERMANENT MEMBERS OF ITS FIRE DEPARTMENT THE CONTRIBUTIONS MADE BY THEM TO THE CONTRIBUTORY RETIREMENT SYSTEM OF SAID CITY, AND ESTABLISHING THE RETIREMENT RIGHTS OF SUCH MEMBERS. Chap.296

Be it enacted, etc., as follows:

SECTION 1. The retirement board of the city of Westfield is hereby authorized and directed to repay to George W. Onofrey, Arthur L. Clark, Edward B. Eagan, John Halloran, John F. Clark, Charles F. Janis and Stanley Yefko, all permanent firemen of said city, all deductions withheld from their wages as such firemen on account of the membership of each of the aforesaid firemen in the contributory retirement system, together with accumulated interest thereon, and the names of said firemen shall be stricken from the rolls of the retirement board of said city as members of said retirement system. Each of the aforesaid firemen shall be entitled to the benefits of pension or retirement allowances provided for under sections eighty to ninety A, inclusive, of chapter thirty-two of the General Laws.

SECTION 2. Nothing in this act shall affect any retirement rights which any fireman mentioned in section one may have under the law relating to the retirement of veterans in the public service.

SECTION 3. This act shall take effect upon its passage.
Approved May 13, 1949.

AN ACT FURTHER REGULATING FEES TO BE CHARGED BY CITY AND TOWN CLERKS. Chap.297

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to clarify immediately certain provisions of law relating to fees to be charged by city and town clerks, therefore it is hereby declared to be an emergency law necessary for the immediate preservation of the public convenience. Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. Section 34 of chapter 262 of the General Laws, as most recently amended by section 1 of chapter 550 of the acts of 1948, is hereby further amended by striking out clauses (5), (6), (7), (8), (9), (10), (26), (37), (38), (39), (40), (41), (70), (71), (73), and (77). G. L. (Ter. Ed.), 262, § 34, etc., amended.

SECTION 2. Chapter 94 of the General Laws is hereby amended by striking out section 52, as most recently amended by section 10 of said chapter 550, and inserting in place thereof the following: — *Section 52.* Each person who conveys oleomargarine in a vehicle or otherwise, for the purpose of selling the same in any town, shall annually in May be licensed by an inspector of milk of such town to sell the G. L. (Ter. Ed.), 94, § 52, etc., amended.
Fee for license to convey oleomargarine for sale.

same within the limits thereof, and shall pay therefor to such inspector fifty cents to the use of the town. The inspector shall pay monthly to the town treasurer all such moneys collected by him. In towns where there is no inspector of milk, such license shall be issued by the town clerk. Any such license shall be issued only in the name of the owner of the vehicle, and for the purposes of sections forty-nine to sixty, inclusive, shall be conclusive evidence of ownership. No such license shall be sold, assigned or transferred. Each license shall be numbered and shall state the name, residence, place of business, number of vehicles used, and the name and residence of each driver or other person engaging in carrying oleomargarine. Each licensee before engaging in the sale of oleomargarine shall cause his name, the number of his license and his place of business to be legibly placed, in gothic letters not less than one inch in length, in the English language, on each outer side of each vehicle used by him in the conveyance and sale thereof, and shall report to the said inspector or town clerk any change of driver or other person engaged in carrying oleomargarine occurring during the term of his license. Whoever without being licensed sells oleomargarine, or exposes or offers it for sale from vehicles or has it in his custody or possession with intent so to sell, and whoever violates any of the provisions of this section, shall for the first offence be punished by a fine of not less than thirty nor more than one hundred dollars, and for a subsequent offence by a fine of not less than fifty nor more than three hundred dollars.

G. L. (Ter. Ed.), 100, § 2, etc., amended.

Auctioneer's license, fee.

SECTION 3. Chapter 100 of the General Laws is hereby amended by striking out section 2, as most recently amended by section 11 of said chapter 550, and inserting in place thereof the following: — *Section 2.* The licensing authority of any city or town may, upon payment of a license fee of two dollars to such city or town, license any suitable inhabitant thereof, who has resided therein during the six months next preceding the application for such license, to be an auctioneer therein for one year. The licensing authority of any city or town may, upon payment of the license fee hereinafter provided, issue a special license to any person not such an inhabitant, to be an auctioneer therein, for days specified in the license, in the sale of real estate, livestock and general farm equipment and produce. The fee for such a special license shall be five dollars for each of the days specified in the license as aforesaid. Said licensing authority may for any cause deemed satisfactory, and without a hearing, revoke or suspend any license issued under authority of this section. Such licenses shall be signed, in Boston by the police commissioner, elsewhere by the city or town clerk, and shall be recorded in a book kept for that purpose.

G. L. (Ter. Ed.), 100, § 6, etc., amended.

Fee for non-resident

SECTION 4. Said chapter 100 is hereby further amended by striking out section 6, as amended by section 12 of said chapter 550, and inserting in place thereof the following: — *Section 6.* Goods, wares and merchandise brought into a

city or town for the purpose of being sold by auction shall be sold by auction therein only by an auctioneer duly licensed in said city or town, or in some other city or town within the commonwealth, and having a regular and established place of business in the city or town where the goods, wares or merchandise are to be sold. If he is a non-resident of the city or town where he has his place of business, he shall obtain from the licensing authority thereof a permit to hold such sales by auction therein, and a special license fee may be required therefor. Violation of this section shall be punished by a fine of not more than one hundred dollars.

auctioneer's license.

SECTION 5. Said chapter 100 is hereby further amended by striking out section 14, as most recently amended by section 13 of said chapter 550, and inserting in place thereof the following: — *Section 14.* Except as hereinafter provided, no person shall conduct or maintain an establishment where any gold, silver or plated ware, stones, precious or otherwise, watches, clocks, jewelry, bric-a-brac, crockery, glassware, art goods or leather goods, or articles or goods represented as such, are sold at auction unless he is licensed to conduct or maintain the same by the licensing authority. Every application for such a license shall contain the name and place of residence of the applicant, a description of the premises whereon the applicant intends to conduct or maintain such an establishment, the name of the owner of said premises and a detailed inventory of the articles or goods intended to be sold under the license, and no articles or goods except those described in the application shall be sold thereunder. The license shall be expressed to be and shall be subject to such reasonable conditions as to the hours of keeping open such an establishment as the licensing authority may prescribe. No person licensed hereunder shall conduct or maintain such an establishment in any place other than that set forth in the license. Every license granted hereunder shall expire thirty days from its date, but the licensing authority upon application therefor may grant a renewal of such license for an additional thirty days for the sole purpose of enabling the licensee to complete the sale of any unsold articles or goods described in the original application, and the fee for each such license or renewal thereof shall be ten dollars, which shall accompany the application therefor. No person shall act as auctioneer in the sale of articles or goods authorized to be sold in pursuance of a license or renewal thereof issued hereunder unless he is the holder of an auctioneer's license in full force and effect granted under section two by the licensing authority of the city or town wherein such articles or goods are so authorized to be sold; provided, that such licensing authority, when granting a license or renewal thereof to conduct or maintain an establishment hereunder, may, upon payment of a fee of two dollars, issue a permit which shall authorize any suitable person holding a license under said section two, to act as auctioneer in the sale at such establishment of the articles or goods to which

G. L. (Ter. Ed.), 100, § 14, etc., amended.

Fee for license to sell certain personal property at auction.

Fee for renewal of license.

the license issued hereunder relates. Such a permit shall expire with such license or renewal and shall be subject to revocation in the same manner as a license granted under said section two. A person acting as auctioneer under authority of such a permit shall be subject to all the provisions of this chapter, so far as apt, applicable to auctioneers and to the penalties prescribed therein for violation thereof. This section shall not apply to establishments whose principal business, as finally determined by the licensing authority, is the sale at auction of property other than the articles or goods hereinbefore specified.

G. L. (Ter. Ed.), 100, § 18, etc., amended.

Fee for license to hold bankruptcy, etc., auctions.

SECTION 6. Said chapter 100 is hereby further amended by striking out section 18, as most recently amended by section 14 of said chapter 550, and inserting in place thereof the following: — *Section 18.* No person, except a licensee under section fourteen, shall conduct or maintain an establishment wherein is held any auction represented or advertised by any one of such descriptive terms as “bankruptcy”, “insolvent”, “creditors”, “receiver’s”, “trustee’s”, “assignee’s”, “removal”, “closing out”, “selling out”, “going out of business” or “liquidation”, unless he is the holder of a license issued by the licensing authority of the city or town where such auction is intended to be held, authorizing him to conduct or maintain such establishment for the holding of the auction represented or advertised by such descriptive term. Every application for such a license shall contain the name and place of residence of the applicant, a description of the premises whereon the applicant intends to conduct or maintain such an establishment, a sworn statement of the reasons for and character of the auction intended to be held and a detailed inventory and any other information necessary to fully identify the goods, wares or merchandise intended to be sold at such auction. Any license issued hereunder may be revoked or suspended by the licensing authority which issued it, for any cause deemed satisfactory by such authority and without a hearing. No goods, wares or merchandise except those described in the application shall be sold at such an auction; and no such licensee shall bring or cause to be brought into the licensed establishment for the purpose of being sold at an auction represented or advertised under any one of the descriptive terms aforesaid, any goods, wares or merchandise not truly described by such term. No person licensed hereunder shall conduct or maintain such an establishment in any place other than that set forth in the license. Every license granted hereunder shall expire sixty days from its date, and the fee for each such license shall be ten dollars, which shall accompany the application therefor. No person shall act as auctioneer at any auction at such an establishment if he knows or has reason to believe that the provisions of this section have not been complied with.

G. L. (Ter. Ed.), 140, § 115, etc., amended.

SECTION 7. Chapter 140 of the General Laws is hereby amended by striking out section 115, as most recently

amended by section 21 of said chapter 550, and inserting in place thereof the following:— *Section 115*. A furnace for melting iron or making glass, or a stationary steam engine for use in a mill for planing or sawing boards or turning wood or in which other fuel than coal is used to create steam, shall not be erected or put up to be used in a city or town which accepts this and sections one hundred and sixteen and one hundred and seventeen or has accepted corresponding provisions of earlier laws, unless the aldermen or selectmen thereof have granted a license therefor, prescribing the place where the building shall be erected in which the steam engine or furnace is to be used and the materials and construction thereof, and have made such regulations as to the height of flues and protection against fire as they deem necessary for the safety of the neighborhood. Such license may be granted on a written application, and shall be recorded in the city or town records. The aldermen or selectmen shall assign a time and place for a hearing upon such application, and cause at least fourteen days' public notice thereof to be given, at the expense of the applicant, in such manner as they may order.

Fee for license to run steam engine or iron-melting furnace.

SECTION 8. Said chapter 140 is hereby further amended by striking out section 133, as most recently amended by section 22 of said chapter 550, and inserting in place thereof the following:— *Section 133*. Such permit shall be signed by the mayor or by a majority of the board of selectmen and by the city or town clerk, and be recorded in the office of said clerk. It shall name the person to whom it is granted, and definitely and clearly describe the location and limits of the premises to which it applies, and shall remain in force until the first day of May next after its date, unless sooner forfeited or rendered void. Notice of applications for such permits shall be published at the expense of the applicant in the manner prescribed by section fifteen A of chapter one hundred and thirty-eight relative to applications for licenses to sell alcoholic beverages. The board granting the permits may establish fees for their issue, not exceeding one dollar each, to be paid to the treasurer of the municipality.

G. L. (Ter. Ed.), 140, § 133, etc., amended.

Fee for recording certain permits.

SECTION 9. Said chapter 140 is hereby further amended by striking out section 192, as most recently amended by section 24 of said chapter 550, and inserting in place thereof the following:— *Section 192*. Such licenses shall be granted for a term of not more than one year, and shall be recorded by the clerk of the city or town where they are granted, who shall receive a fee of one dollar for recording each license. Every such license shall set forth the name of the steamboat or other boat, of the master and owner, and the number of passengers it is permitted to carry at any one time, with the number of life preservers that shall be carried. The license shall be posted in a conspicuous place therein, and the number of passengers specified in such license shall in no case be exceeded.

G. L. (Ter. Ed.), 140, § 192, etc., amended.

Fee for license to run steamboat.

SECTION 10. Said chapter 140 is hereby further amended by striking out section 202, as most recently amended by

G. L. (Ter. Ed.), 140, § 202, etc., amended.

section 25 of said chapter 550, and inserting in place thereof the following: — *Section 202.* Licenses granted elsewhere than in Boston to keepers of intelligence offices, dealers in junk, old metals and second hand articles, junk collectors, pawnbrokers and keepers of billiard saloons, pool or sippio rooms or tables, bowling alleys, roller skating rinks, carousels, inclined railways, Ferris wheels, outdoor exhibitions of fire fighting for the amusement of the public and picnic groves shall be signed by the clerk of the city or town where they are granted. Every such license shall, before being delivered to the licensee, be recorded by such clerk, in a book kept for that purpose. Such license shall set forth the name of the licensee, the nature of the business, and the building or place in such city or town in which it is to be carried on, and shall continue in force until May first following unless sooner revoked. The board or officer issuing such a license shall, except as provided in section seventy-seven, receive for the use of the city or town such amount, not less than two dollars for each license, as the board or officer considers reasonable. In Boston licenses for keepers of intelligence offices, billiard saloons, pool or sippio rooms or tables, bowling alleys and picnic groves shall be signed by the licensing board and recorded by its clerk and licenses for roller skating rinks, carousels, inclined railways, Ferris wheels and outdoor exhibitions of fire fighting for the amusement of the public shall be signed by the mayor and recorded by his clerk; the other licenses referred to in this section shall be signed by the police commissioner and recorded by his clerk.

SECTION 11. Chapter 159A of the General Laws is hereby amended by striking out section 1, as most recently amended by section 34 of said chapter 550, and inserting in place thereof the following: — *Section 1.* No person shall, except as otherwise provided in this chapter, operate any motor vehicle upon any public way in any city or town for the carriage of passengers for hire, in such a manner as to afford a means of transportation similar to that afforded by a railway company, by indiscriminately receiving and discharging passengers along the route on which the vehicle is operated or may be running, or for transporting passengers for hire as a business between fixed and regular termini, without first obtaining a license for such operation from the city council of such city or the selectmen of such town, in this chapter called the licensing authority; provided, that, in respect to any boulevard or way under the jurisdiction of the metropolitan district commission, such commission shall constitute the licensing authority. Any such license issued by a city council under this section shall be subject to the approval of the mayor. The fee for any such license shall not exceed ten dollars. Such license may limit the number of vehicles to be operated thereunder. Any person, receiving a license under this section and operating a vehicle or vehicles thereunder, shall, in respect to such operation, be subject to such orders, rules or regulations as shall be adopted by the licensing au-

Fees for
issuing and
recording
certain other
licenses.

G. L. (Ter.
Ed.), 159A,
§ 1, etc.,
amended.

Fee for
license to
operate motor
carriers.

thority under this chapter. No license, certificate or permit shall be required under this chapter in respect to such carriage of passengers as is exclusively interstate.

Approved May 13, 1949.

AN ACT TO AUTHORIZE THE CITY OF REVERE TO BORROW MONEY FOR THE PURPOSE OF REMODELING, RECONSTRUCTING AND MAKING EXTRAORDINARY REPAIRS TO PUBLIC BUILDINGS.

Chap.298

Be it enacted, etc., as follows:

SECTION 1. For the purpose of remodeling, reconstructing and making extraordinary repairs, including the installation of new heating and plumbing equipment and fixtures in public buildings owned by the city, the city of Revere may borrow, from time to time, during the current year, such sums as may be necessary, not exceeding, in the aggregate, two hundred thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, City of Revere Remodeling and Reconstruction Loan, Act of 1949. Each authorized issue shall constitute a separate loan and such loans shall be paid in not more than five years from their dates. No loan shall be authorized under this act unless a sum equal to an amount not less than ten per cent of the loan so authorized is voted for the same purpose to be provided from taxation or available revenue funds in the year when authorized. Indebtedness incurred under authority of this act shall be in excess of the statutory limit but shall, except as provided herein, be subject to the applicable provisions of chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1949.

AN ACT TO CONFIRM ARTICLES OF AMENDMENT AND TO ALTER OR EXTEND THE CORPORATE POWERS OF EASTERN STATES FARMERS EXCHANGE, INCORPORATED.

Chap.299

Whereas, The deferred operation of this act would tend to defeat its purpose, which is in part to make its provisions apply to the corporation referred to therein without delay, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. The votes set forth in the articles of amendment of the agreement of association and articles of organization of Eastern States Farmers Exchange, filed in the office of the state secretary on March eighth, nineteen hundred and forty-six, are hereby confirmed and made valid, in so far as they may be invalid by reason of not being passed in full