

ACTS, 1980. - Chap. 495.

The authorization or consent of stockholders to the mortgage or pledge of, or granting of a security interest in, property or assets of a corporation shall not be necessary, except to the extent that the corporation's articles of organization otherwise provide.

Approved July 14, 1980.

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Chap. 495. AN ACT PROVIDING FOR RECALL ELECTIONS  
IN THE TOWN OF HULL.

Be it enacted, etc., as follows:

SECTION 1. Any holder of an elective office in the town of Hull 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 fourteen days after the filing of the affidavit. Said petition before being returned and filed shall be signed by qualified voters of the town, equal in number to at least twenty per cent of the qualified voters of the town as of the date such affidavit was filed with the town clerk.

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 day 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 election to the date of such other election. If a vacancy occurs in said

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office after a removal election has been so ordered, the election shall nevertheless proceed as provided in this section.

SECTION 4. Any officer who has been removed by a vote at the removal election may be a candidate to succeed himself in an election to be held to fill such vacancy which shall be held concurrently with the election. The nomination of all candidates, the publication of the warrant for the removal election and any election to fill a vacancy caused by a removal election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this act. A majority of those voting at the removal election shall be sufficient to recall such elected officer.

SECTION 5. The incumbent shall continue to perform the duties of his office until the removal election. If said incumbent is not removed, he shall continue in office for the remainder of his unexpired term, subject to recall as before. If said incumbent is removed in the removal election, he shall be deemed removed and the election held concurrently shall elect a qualified successor, who shall hold office during the unexpired term.

Approved July 14, 1980.

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Chap. 496. AN ACT INDEMNIFYING CERTAIN EMPLOYEES OF THE DEPARTMENT OF CORRECTION.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section three D of chapter twelve of the General Laws, the commissioner of the department of corrections is authorized to indemnify its officers or employees in an amount not to exceed twenty-five thousand dollars for liability as a result of any judgment dated on or after July thirteenth, nineteen hundred and seventy-eight upon any cause of action arising on or before August sixteenth, nineteen hundred and seventy-seven; provided, that such employee or official, at the time the cause or action arose, was acting within the scope of his official duties or employment; and provided, further, that no such employee or official shall be indemnified under this section for violation of anyone's civil rights if he acted in a grossly negligent, wilful or malicious manner.

SECTION 2. The amounts payable under section one of this act shall be in addition to any other indemnification payments otherwise required under section three D of chapter twelve of the General Laws.

Approved July 14, 1980.

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Chap. 497. AN ACT AUTHORIZING THE MASSACHUSETTS PORT AUTHORITY TO MAKE PAYMENTS IN LIEU