

AN ACT RELATIVE TO RETIREMENT OR RESIGNATION OF DISTRICT COURT JUSTICES WHO HAVE SERVED IN THE SUPERIOR COURT FOR THE DISPOSITION BY THEM OF CERTAIN CRIMINAL CASES. *Chap. 747*

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make available at once the rights granted therein, 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 65A of chapter 32 of the General Laws is hereby amended by striking out the last sentence, inserted by chapter 525 of the acts of 1946, and inserting in place thereof the following: — A justice of a district court who retires or resigns in accordance with the provisions of this section and who has served continuously for ten years prior to such retirement or resignation in the appellate division of a district court or in the superior court under the provisions of sections fourteen B to fourteen E of chapter two hundred and twelve, or corresponding provisions of earlier laws, shall, in addition to all other amounts received under the provisions of this section, be entitled to receive a pension for life equal to three fourths of the average annual compensation paid him for such service during the ten years next preceding such retirement or resignation. G. L. (Ter. Ed.), 32, § 65A, etc., amended. Retirement, etc., of certain judges.

SECTION 2. Notwithstanding any other provision of law, the justice of the district court of Holyoke holding office on the effective date of this act shall, upon his request, be retired and thereafter receive an annual pension of four thousand dollars. *Approved August 9, 1950.*

AN ACT ESTABLISHING THE MASSACHUSETTS MARKET AUTHORITY AND DEFINING ITS POWERS AND DUTIES. *Chap. 748*

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to remove the critical traffic hazards in the present market area in the city of Boston, and modernize the methods of handling food, which would be of great benefit to the city of Boston and to the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience and necessity. Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. As used in this act, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent: —

(a) The word "project" shall mean the area established within the territorial limits of the following named cities and town, to wit, Boston, Cambridge, Chelsea, Everett, Malden, Medford, Revere, Somerville and Watertown, as a wholesale

market district by the Authority and the wholesale market constructed thereon, together with all improvements constructed or installed thereon for the purposes of carrying out the provisions of this act.

(b) The word "Authority" shall mean the Massachusetts Market Authority established by section two of this act.

(c) The term "cost of the project" shall comprise the cost of construction or acquisition of such market and improvements, the cost of the acquisition of all land, property, rights of way, rights, easements and interests acquired by the Authority for such project, the cost of all equipment, cost of engineering and legal expenses, plans, specifications, surveys, estimates of costs and revenues, other expenses necessary or incident to determining the feasibility or practicability of establishing the project administrative expense and such other expenses as may be necessary or incident to the construction of the project.

SECTION 2. There is hereby created a body politic and corporate, to be known as the Massachusetts Market Authority, in this act called the Authority, which shall be an instrumentality of the commonwealth, consisting of seven members, including the commissioner of agriculture and the director of markets of the city of Boston ex-officiis, four members appointed by the governor, one of whom shall be a farmer, with the advice and consent of the council, and one member to be appointed by the mayor of the city of Boston. All the members shall be sworn to the faithful performance of their official duties as members of the Authority.

Before the issuance of any revenue bonds under the provisions of this act, each member of the Authority shall execute a surety bond with a surety company authorized to transact business in this commonwealth as surety, in the penal sum of twenty-five thousand dollars conditioned upon the faithful performance of the duties of his office, each such surety bond to be approved by the attorney general and filed in the office of the state secretary. Each appointive member of the Authority shall receive the sum of twenty-five dollars for each day or part thereof of service as a member; provided, that no such member shall receive in any one year for such service a sum in excess of four thousand dollars, except the chairman who may receive a sum not in excess of five thousand dollars. Each member shall be reimbursed for his actual expenses necessarily incurred in the performance of his duties.

Upon the expiration of the term of office of the appointive member his successor may be appointed by the governor or mayor as the case may be to serve for four years or until the qualification of his successor. The governor shall designate one of the appointed members as chairman.

Each member of the Authority appointed by the governor may be removed by him with the advice and consent of the council, and each member appointed by the mayor may be

removed by him, for misfeasance, malfeasance or wilful neglect of duty, but in either case only after reasonable notice and a public hearing, unless the same are in writing expressly waived.

Of the members of the Massachusetts Market Authority first appointed under the authority of this act, the person appointed by the mayor of the city of Boston shall be appointed for one year from the first day of July in the current year, and of those members appointed by the governor, one shall be appointed to serve for one year, one for two years, one for three years, and one for four years from said date.

SECTION 3. The Authority shall adopt a corporate seal for the Authority, and designate the custodian thereof. A majority of the members shall constitute a quorum for the transaction of any business, but the action of a majority of the entire membership shall be required for any such action. The Authority may from time to time appoint and at pleasure remove a director, a clerk, a treasurer and such other clerical, engineering, legal or other professional assistance, or such other officers of the Authority as they may deem necessary, and may determine their duties and their compensation, which shall be paid by the Authority; shall cause at all times accurate accounts to be kept of all receipts and expenditures of the funds of the Authority; and shall make a report annually in December to the governor and to the general court, containing an abstract of such accounts and detailed information of all receipts and expenditures, including prices paid for land purchased or taken and any buildings constructed thereon, contracts for construction of facilities and for the leasing thereof, and such other detailed information as may be deemed helpful to the governor and to the general court. The offices of treasurer and clerk may be held by the same person. Except as otherwise provided in this act, the Authority shall have full power to exercise care of its property and the management of its business and affairs, and to sell and convey any real estate or other property not needed for its business or affairs, by deed or other instrument sealed with the corporate seal, signed and acknowledged by a majority of the members, or in like manner to authorize such sale and conveyance by any of its officers or agents. The treasurer shall give bond for the faithful performance of his duties, with a surety company authorized to do business in this commonwealth as a surety, in such sum as the members may determine, the premium therefor to be paid by the Authority.

SECTION 4. The Authority is hereby authorized:

(a) To prepare a master plan with specifications and estimates of costs and the cost of acquiring land, and to develop, construct, maintain, repair and operate within the territorial limits of the cities and town named in paragraph (a) of section one, a modern market project suitable for the convenient, economical and speedy distribution of foods primarily at wholesale without cost to the commonwealth

or to any political subdivision thereof, except services contributed without charge;

(b) To issue revenue bonds of the Authority, payable solely from revenues, for the purpose of paying all or any part of the cost of the project;

(c) To adopt by-laws for the regulation of its affairs and the conduct of its business;

(d) To acquire, hold, mortgage, lease and dispose of real and personal property for its corporate purposes;

(e) To acquire in its own name by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the power of eminent domain in accordance with the provisions of chapter seventy-nine of the General Laws in so far as such provisions may be applicable, such private lands as it may deem necessary for carrying out the provisions of this act; provided, that the provisions of section forty of said chapter seventy-nine, in so far as the same may be applicable, shall govern the rights of the Authority or any person whose property is so taken;

(f) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, and to employ consulting engineers, superintendents, managers, and such other engineers, construction and accounting experts and attorneys, and such other employees and agents, as may be necessary in its judgment, and to fix their compensation; provided, that all such expenses shall be payable from the proceeds of revenue bonds issued under the provisions of this act or from the revenues of the market project;

(g) To receive and accept from any federal agency grants, loans or advances for or in aid of the planning and construction of the market project and to receive and accept contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants, loans, advances and contributions may be made;

(h) To investigate, and shall so investigate, the financial responsibility of any prospective lessee of any part of the project or any facility therein;

(i) To negotiate with any person, partnership or corporation for the leasing of space in the project;

(j) To provide or approve plans and specifications for the construction of any building in the project in substantial compliance with the master plan of the market project;

(k) To have perpetual existence and to make available to the tenants and users of the market in the form of lower rents, savings which may accrue as interest and capital payments are reduced or economies may be effected; and

(l) To do all acts and things necessary or convenient to carry out the powers expressly granted in this act, but the Authority is expressly prohibited from engaging in or carrying on directly or indirectly any business whether manufac-

turing, processing, dealing in, handling, or servicing foods, the sole function being that of constructing and then maintaining, repairing and operating a public market as landlord.

SECTION 5. The Authority is hereby authorized to provide by resolution, at one time or from time to time, for the issuance of revenue bonds of the Authority for the purpose of paying all or any part of the cost of the project. The principal and interest of such bonds shall be payable solely from the funds herein provided for such payment. The bonds of each issue shall be dated, shall bear interest at such rates not exceeding four and one half per centum per annum, shall mature at such time or times not exceeding forty years from their date or dates, as may be determined by the Authority, and may be made redeemable before maturity, at the option of the Authority, at such price or prices and under such terms and conditions as may be fixed by the Authority prior to the issuance of the bonds. The Authority shall determine the form of the bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the commonwealth. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All revenue bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the commonwealth. The bonds may be issued in coupon or in registered form, or both, as the Authority may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The Authority may sell such bonds in such manner, either at public or at private sale, and for such price, as it may determine to be for the best interests of the Authority, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than four and one half per centum per annum, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, excluding, however, from such computation the amount of any premium to be paid on redemption of any bonds prior to maturity.

The proceeds of such bonds shall be used solely for the payment of the cost of the project, and shall be disbursed in such manner and under such restrictions, if any, as the Authority may provide. If the proceeds of such bonds, by error of estimates or otherwise, shall be less than such cost, additional bonds may in like manner be issued to provide

the amount of such deficit, and, unless otherwise provided in the resolution authorizing the issuance of the bonds or in the trust agreement hereinafter mentioned, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds shall exceed the cost of the project, the surplus shall be used for the retirement of such bonds. Prior to the preparation of definitive bonds, the Authority may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The Authority may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. Revenue bonds may be issued under the provisions of this act without obtaining the consent of any department, division, commission, board, bureau or agency of the commonwealth, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required by this act.

The Authority is hereby authorized to provide by resolution for the issuance of revenue refunding bonds of the Authority for the purpose of refunding any revenue bonds then outstanding and issued under the provisions of this act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and, if deemed advisable by the Authority, for the additional purpose of constructing or reconstructing any extensions or improvements of the project. The issue of such bonds, the maturities and other details thereof, the rights of the holders thereof, and the duties of the Authority in respect of the same shall be governed by the provisions of this act in so far as the same may be applicable.

While any bonds issued by the Authority remain outstanding, the powers, duties or existence of the Authority shall not be diminished or impaired in any way that will affect adversely the interests and rights of the holders of such bonds.

SECTION 6. Revenue bonds issued under the provisions of this act shall not be deemed to constitute a debt of the commonwealth or of any political subdivision thereof or a pledge of the faith and credit of the commonwealth or of any such political subdivision, but such bonds shall be payable solely from the funds herein provided therefor from revenues. All such revenue bonds shall contain on the face thereof in bold face type a statement to the effect that neither the Authority nor the commonwealth nor any political subdivision thereof shall be obliged to pay the same or the interest thereon except from revenues and that neither the faith and credit nor the taxing power of the commonwealth or any political subdivision thereof is pledged to the payment of the principal of or the interest on such bonds.

SECTION 7. The exercise of the powers granted by this act will be in all respects for the benefit of the people of the

commonwealth, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and as the operation of the market by the Authority will constitute the performance of essential governmental functions the revenue bonds and revenue refunding bonds issued under the provisions of this act, their transfer and the income therefrom (including any profit made on the sale thereof) shall at all times be free from taxation by the commonwealth or any subdivision thereof.

SECTION 8. In the discretion of the Authority such revenue bonds or revenue refunding bonds may be secured by a trust agreement by and between the Authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within the commonwealth. Such trust agreement may pledge or assign the revenues to be received, but shall not convey or mortgage the project or any part thereof. Either the resolution providing for the issuance of bonds or such trust agreement may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Authority in relation to the construction, improvement, maintenance, operation, repair and insurance of the project and the custody, safeguarding and application of all moneys. It shall be lawful for any bank or trust company incorporated under the laws of the commonwealth to act as depository of the proceeds of bonds or of revenues and to furnish such indemnifying bonds or to pledge such securities as may be required by the Authority. Such trust agreement may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders as is customary in trust agreements or trust indentures securing bonds and debentures of corporations. In addition to the foregoing, such trust agreement may contain such other provisions as the Authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement may be treated as a part of the cost of the operation of the project.

SECTION 9. The Authority is hereby authorized to lease and let space and buildings to any person, partnership, association or corporation desiring the use of the market or its appurtenances and to fix the terms, conditions, rents and rates of charges for such use. Such rentals shall be so fixed and adjusted in respect to the aggregate rents from the project as to provide a fund sufficient with other revenues of the project, if any, to pay (a) the cost of maintaining, repairing and operating the market, (b) property taxes which may be assessed against the project, it being especially the intent of this act that the real estate of the Authority shall be subject to taxation by the city or town in which it is located in the same manner and to the same extent as if privately owned, (c) the principal of and the interest on such

revenue bonds as the same shall become due and payable and (d) reserves for such purposes. Such rentals shall not be subject to supervision or regulation by any department, division, commission, board, bureau or agency of the commonwealth or any political subdivision thereof. The rentals and all other revenues derived from the market, except such part thereof as may be necessary to pay such cost of maintenance, repair and operation and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of bonds or in the trust agreement, shall be set aside at such regular intervals as may be provided for in such resolution or trust agreement, in a sinking fund which is hereby pledged to and charged with the payment of: (1) the interest upon such bonds as such interest shall fall due, (2) the principal of the bonds as the same shall fall due, (3) the necessary charges of paying agents for paying principal and interest, and (4) the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Subject to the provisions of the resolution authorizing the issuance of revenue bonds or of the trust agreement, such sinking fund shall be a fund for all such bonds without distinction or priority of one over another. The moneys in the sinking fund, less such reserve as may be provided in such resolution or trust agreement, if not used within a reasonable time for the purchase of bonds for cancellation as above provided, shall be applied to the redemption of bonds at the redemption price then applicable.

SECTION 10. All moneys received pursuant to the authority of this act, whether as proceeds from the sale of revenue bonds or as revenues, shall be deemed to be trust funds, to be held and applied solely as provided in this act. The Authority shall, in the resolution authorizing the issuance of revenue bonds or in the trust agreement, provide for the payment of the proceeds of the sale of such bonds and all revenues to be received to any officer who, or to any agency, bank or trust company which, shall act as trustee of such funds and shall hold and apply the same to the purposes hereof, subject to such regulations as this act and such resolution of trust agreement may provide.

SECTION 11. Revenue bonds and revenue refunding bonds issued under the provisions of this act are hereby made securities in which all public officers and public bodies of the commonwealth and its political subdivisions, all insurance companies, trust companies in their commercial departments and within the limits set by section forty of chapter one hundred and seventy-two of the General Laws, banking associations, investment companies, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of a similar nature may properly and legally invest funds, including capital in their control or belonging to them, and such bonds are hereby made obligations which may properly and legally be made eligible

for the investment of savings deposits and the income thereof in the manner provided by clause fifteen (c) of section fifty-four of chapter one hundred and sixty-eight of the General Laws. Such revenue bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer of any agency or political subdivision of the commonwealth for any purpose for which the deposit of bonds or other obligations of the commonwealth is now or may hereafter be authorized by law.

SECTION 12. Any holder of revenue bonds or revenue refunding bonds issued under the provisions of this act or of any of the coupons appertaining thereto, and the trustee under the trust agreement, if any, except to the extent the rights herein given may be restricted by such resolution or trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the commonwealth or granted hereunder or under such resolution or trust agreements, and may enforce and compel the performance of all duties required by this act or by such resolution or trust agreement to be performed by the Authority or by any officer thereof, including the fixing, charging and collecting of rents for the use of the market and its facilities.

SECTION 13. The commonwealth of Massachusetts does pledge and agree with the holders of any bonds that are issued under this act that the commonwealth will not authorize the construction within the territorial limits of the cities and town named in paragraph (a) of section one of any public wholesale market project which will be in direct competition with any such project constructed, owned or operated by the authority of this act, or in any way impair the rights and remedies of bondholders, until the bonds, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any actions or proceedings by or on behalf of the bondholders, are fully met and discharged.

SECTION 14. To provide for the preliminary expenses of the Authority in carrying out the provisions of this act, the sum of one hundred thousand dollars as may be appropriated from the General Fund or revenue of the commonwealth, which sum shall be paid to the Authority, and any sum so paid shall be reimbursed by the Authority to the commonwealth out of the proceeds of any revenue bonds which may be issued under the provisions of this act or the income of the Authority. Such reimbursements shall be made as soon as the Authority receives payment for its bonds.

SECTION 15. The Authority may proceed at law or in equity to enforce the provisions of any lease, contract, instrument or other agreement acquired or entered into by it under any provision of this act.

SECTION 16. The superior court shall have jurisdiction in equity upon any information filed by the Authority, to

restrain any violation of any provision of this act or of any lease made under authority hereof.

SECTION 17. This act, being necessary for the welfare of the commonwealth and its inhabitants, shall be liberally construed to effect the purposes thereof.

SECTION 18. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

SECTION 19. All other general or special laws, or parts thereof, inconsistent herewith are hereby declared to be inapplicable to the provisions of this act.

Approved August 9, 1950.

Chap.749 AN ACT PROVIDING FOR CERTAIN HOSPITAL, SURGICAL AND MEDICAL CARE FOR FEMALE VETERANS.

Be it enacted, etc., as follows:

SECTION 1. The board of trustees of the Soldiers' Home in Massachusetts and the board of trustees of the Soldiers' Home in Holyoke are hereby authorized and directed to establish hospital facilities for women veterans at the soldiers' homes in the cities of Chelsea and Holyoke, respectively, and to admit therein for medical and surgical care and treatment, excluding maternity and obstetrical cases, females who are veterans, as such term is defined in section one of chapter one hundred and fifteen of the General Laws.

SECTION 2. This act shall take effect on March first, nineteen hundred and fifty-one.

Approved August 9, 1950.

Chap.750 AN ACT RELATIVE TO THE SICK LEAVE ALLOWANCE OF CHARLES E. MANION.

Be it enacted, etc., as follows:

Charles E. Manion, employed by the commonwealth in the department of public works from September, nineteen hundred and thirty-five to September thirtieth, nineteen hundred and thirty-nine, and reinstated by the commonwealth in said department from and after September nineteenth, nineteen hundred and forty-nine, having paid into the annuity fund of the state retirement system an amount equal to that which he would have paid had he been so employed between September thirtieth, nineteen hundred and thirty-nine and September nineteenth, nineteen hundred and forty-nine, shall be entitled to all the benefits, including accrued sick leave, to which he would have been entitled had his said service been continuous from September, nineteen hundred and thirty-five. *Approved August 9, 1950.*