
By Mr. Cain of Wilmington, petition of Fred F. Cain that cities and towns be authorized to grant unlimited tenure of office to incumbents holding certain offices or positions therein. Local Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Nine.

AN ACT AUTHORIZING CITIES AND TOWNS TO GRANT UNLIMITED TENURE OF OFFICE TO INCUMBENTS HOLDING CERTAIN OFFICES OR POSITIONS THEREIN.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 41 of the General Laws is hereby amended by
2 inserting after section 124 the following section:—

3 *Section 125.* Cities and towns shall have authority, in the
4 manner herein described, to grant unlimited tenure of office
5 to the incumbent of any office or position in the city or town,
6 whether elected or appointed, until he has attained age
7 seventy, unless he is sooner retired in accordance with law.
8 The provisions of this section shall not apply to any person
9 who has civil service status, to temporary employees, to
10 members of a school committee, to members of the teachers
11 retirement system, and to the town manager, executive
12 secretary of the board of selectmen and the members of the
13 board of selectmen in a town and to the mayor, city manager
14 and members of the city council in a city.

15 Before any person may acquire unlimited tenure of office
16 under this section, a petition shall be filed with the city or
17 town clerk signed by at least five thousand registered voters
18 therein or by five per cent of the total number of registered
19 voters therein, whichever is less. Signatures to such petition
20 need not be all on one paper. All such papers pertaining to
21 the petition shall be fastened together and shall be filed in the
22 office of the city or town clerk as one instrument, with the

23 endorsement thereon of the names and addresses of three
 24 persons designated as filing the same. With each signature to
 25 the petition there shall be stated the place of residence of the
 26 signer, with the street and number, if any. Within five days
 27 after the filing of said petition the registrars of voters shall
 28 ascertain by what number of registered voters such petition
 29 has been signed, and shall make a certificate of their deter-
 30 mination, setting forth such number and whether or not the
 31 same has been signed by the number of registered voters
 32 herein required, and shall attach such certificate to said
 33 petition. The petition shall be in substantially the following
 34 form:—

“We, the undersigned, registered voters of
 (name of city or town)
 hereby petition that the tenure of office of
 (name or names of incumbents)
 holding the office or position of
 (name of office or position)
 shall be unlimited subject to the provisions of section one hundred and
 twenty-five of chapter forty-one of the General Laws.”

35 The city clerk in the case of a city shall forthwith transmit
 36 the said certificate with the said petition to the city council
 37 and the town clerk in the case of a town shall forthwith
 38 transmit the said certificate with the said petition to the
 39 board of selectmen. The city council in the case of a city shall
 40 direct the city clerk to cause to be placed on the ballot to be
 41 used at the next regular city election or at a special election
 42 called for the purpose a question in substantially the form
 43 hereinafter set forth; and the selectmen in the case of a town
 44 shall direct the town clerk to cause to be placed on the ballot
 45 to be used for the election of town officers at the next annual
 46 town election a question in substantially the form hereinafter
 47 set forth:

“Shall the tenure of office of
 (name or names of incumbents)
 holding the office or position of
 (name of office or position)
 be unlimited in accordance with the provisions of section one hundred
 and twenty-five of chapter forty-one of the General Laws?”

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

48 If the majority of votes in answer to said question is in the
 49 affirmative, the tenure of office of the person or persons

50 named therein shall be unlimited subject to the provisions of
51 this section.

52 No person whose tenure of office is unlimited under this
53 section shall be removed from office, lowered in rank or
54 suspended except for just cause, and for reasons specifically
55 given him in writing by the city council or the board of
56 selectmen, as the case may be. The city council or the board
57 of selectmen shall hereinafter in this section be referred to as
58 "the board". Before any action is taken against any such
59 person, he shall be given a full hearing before the said board,
60 of which hearing he shall be given ten days' written notice by
61 said board, exclusive of Sundays and holidays, and shall be
62 allowed to answer charges preferred against him either per-
63 sonally or by counsel. He shall be notified in writing by said
64 board within ten days after such hearing of its decision,
65 which shall state fully and specifically the reasons for re-
66 moval, demotion or suspension.

67 Within thirty days after the date of the decision of said
68 board, the person involved who was removed, lowered in rank
69 or suspended may bring a petition in the district court within
70 the judicial district in which such person resides, praying that
71 the action of said board may be reviewed by the court, and,
72 after such notice in writing to the board as the court may
73 order, it shall review such action and determine whether or
74 not upon all the evidence such action was justified. If the
75 court finds that such action was justified, the action of the
76 board shall be affirmed; otherwise it shall be reversed and the
77 petitioner shall be reinstated in his office or position without
78 loss of compensation.

79 In any city or town in which a person has been granted
80 unlimited tenure of office under this section, such tenure of
81 office shall be effective only during the incumbency of such
82 person and it shall not extend to his successor. Whenever any
83 vacancy shall occur in such office or position by reason of
84 death, retirement, resignation, removal or by reason of the
85 incumbent attaining the age of seventy, his successor shall be
86 elected or appointed in accordance with the applicable pro-
87 visions of any general or special law.

50 no person shall be admitted to the provisions of
 51 this act.
 52 no person whose name is contained in this
 53 act shall be removed from office in 1902 or
 54 1903 except for cause and for cause specified
 55 herein in writing by the city council or the board of
 56 education, as the case may be. The city council or the board
 57 of education shall hear him in this matter as if he were
 58 a party to the case. If any person is removed from
 59 office he shall be given a full hearing before the city council
 60 or the board of education, as the case may be, and shall
 61 be allowed to answer charges preferred against him either
 62 orally or by counsel. He shall be notified in writing by the
 63 board within ten days after such hearing of the charges,
 64 and within thirty days and specifically the reasons for re-
 65 moval, if any, or suspension, or other action to be
 66 taken. Within thirty days after the date of the decision of the
 67 board the person involved may be removed from office in this
 68 act except that if a petition in the district court within
 69 the judicial district in which he is a party is pending, he
 70 may be removed from office only by the court and
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