

AN ACT AUTHORIZING SAVINGS BANKS, CO-OPERATIVE BANKS, TRUST COMPANIES AND CREDIT UNIONS TO TAKE CERTAIN FIRST MORTGAGES ON REAL ESTATE. Chap. 37

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and sixty-seven of the General Laws is hereby amended by adding after section forty-nine, added by chapter four hundred and forty-four of the acts of nineteen hundred and forty-one, the following section:— *Section 50.* Notwithstanding any other provision of law, any savings bank, co-operative bank, trust company or credit union holding a first mortgage on real estate may take in substitution therefor from a person deemed by such bank, company or credit union to be a bona fide purchaser of such real estate, a first mortgage thereon in an amount not in excess of the amount due on the existing first mortgage plus the accumulated interest, taxes, municipal liens and other proper charges due thereon.

G. L. (Ter. Ed.), 167, new § 50, added.

Banks, etc., authorized to take certain first mortgages on real estate.

SECTION 2. This act shall become operative on January first, nineteen hundred and forty-six.

Effective date.

Approved February 15, 1945.

AN ACT MAKING CERTAIN MISCELLANEOUS CHANGES IN THE LAWS WHICH HAVE BECOME NECESSARY OR ADVISABLE BY REASON OF THE AMENDMENT TO THE CONSTITUTION PROVIDING FOR ANNUAL SESSIONS OF THE GENERAL COURT AND FOR AN ANNUAL BUDGET. Chap. 38

Whereas, The wording of certain provisions of law amended by this act is not in conformity with the amendment to the constitution providing for annual sessions of the general court and for an annual budget, and the immediate enactment of the amendments made hereby is required in order to remove any possible doubts as to the constitutionality of such provisions, 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. Chapter three of the General Laws is hereby amended by striking out section nine, as most recently amended by section one of chapter six hundred of the acts of nineteen hundred and forty-one, and inserting in place thereof the following:— *Section 9.* Each member of the general court shall receive, for each regular annual session, twenty-five hundred dollars, and also four dollars and twenty cents for every mile of ordinary traveling distance from his place of abode to the place of sitting of the general court. The president of the senate and the speaker of the house of representatives shall each receive twenty-five hundred dollars additional compensation. Each member of the general court shall be entitled to be paid his compensation for such regular

G. L. (Ter. Ed.), 3, § 9, etc., amended.

Compensation of members of the general court.

session at the rate of two hundred dollars for each full month of the session. Such payments shall be made to him, upon his request, on the last legislative day in which the general court is in session preceding the fifteenth day of each month and on the day preceding the last legislative day of each month, and shall be for an amount not exceeding the proportion then due at the aforesaid rate; provided, that the state treasurer, in his discretion, may, during such regular session, make additional payments on account, in excess of such monthly rate, to any member making written request therefor, but the amount of such additional payments shall not exceed, in the aggregate, three hundred dollars in any one such session, or eight hundred dollars if such session continues beyond July first, and in no event shall the amount of all payments under this section during such session to any member exceed, in the aggregate, the compensation of such member for such session.

G. L. (Ter. Ed.), 3, § 10, amended.

Compensation of members chosen to fill vacancies or who resign.

SECTION 2. Section ten of said chapter three, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the fourth line, the words "two thousand" and inserting in place thereof the words: — twenty-five hundred, — so as to read as follows: — *Section 10.* Each member of the general court chosen to fill a vacancy, or who resigns his seat during a regular annual session, shall be entitled to a per diem compensation for the time of his membership at the rate of twenty-five hundred dollars for each regular annual session, and his mileage as provided in the preceding section.

G. L. (Ter. Ed.), 3, § 20, etc., amended.

Compensation for travel for certain officers of the general court.

SECTION 3. Section twenty of said chapter three, as most recently amended by section two of chapter four hundred and thirty-three of the acts of nineteen hundred and forty-one, is hereby further amended by striking out, in the fifth and sixth lines, the words "in each odd-numbered year" and inserting in place thereof the words: — for each annual session, — by striking out, in the sixth, seventh and eighth lines, the following " , and in each even-numbered year such sum as may have been appropriated for such year," — and by striking out all after the word "representatives" in the fourteenth line, — so as to read as follows: — *Section 20.* The sergeant-at-arms, doorkeepers, assistant doorkeepers, general court officers and pages, the clerks in the sergeant-at-arms' office, and the clerk, assistant clerk and other assistants in the legislative document room shall each receive for each annual session four dollars and twenty cents for every mile of ordinary traveling distance from their places of abode to the state house. Payments to persons authorized to receive compensation under this section shall be made from the treasury of the commonwealth, in the month of January of each year, upon the certificate of the sergeant-at-arms approved by the president of the senate and the speaker of the house of representatives.

G. L. (Ter. Ed.), 5, § 10, etc., amended.

SECTION 4. Section ten of chapter five of the General Laws, as amended by section ten of chapter five hundred and

eight of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out, in the third line, the word "biennially" and inserting in place thereof the word: — annually, — and also by striking out, in the sixth and seventh lines, the words "in every odd-numbered year" and inserting in place thereof the word: — annually, — so that the first paragraph will read as follows: — One thousand copies of the journals of the senate and of the house of representatives shall be printed annually under the direction of the respective clerks thereof; and, unless the general court shall otherwise order, two thousand copies of the lists of members and committees shall be printed annually under the joint direction of said clerks.

Printing of journals of each branch of the general court.

SECTION 5. Section five A of chapter thirty-two of the General Laws, inserted by section one of chapter four hundred and thirty-nine of the acts of nineteen hundred and thirty-eight, and as most recently amended by section twelve of chapter five hundred and eight of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out paragraph (8) and inserting in place thereof the following: —

G. L. (Ter. Ed.), 32, § 5A, etc., amended.

(8) On or before October fifteenth in each year the board shall certify to the state treasurer the appropriations estimated to be necessary to pay into the various funds of the system the amounts payable by the commonwealth as enumerated in sections one to five A, inclusive, for the fiscal year beginning on the following July first, and items of appropriation providing such amounts shall be included in the appropriations for the state treasurer for the division of the state board of retirement.

Retirement system, appropriations for.

SECTION 6. Paragraph (2) of section nine of said chapter thirty-two, as most recently amended by chapter four hundred and ninety-eight of the acts of nineteen hundred and forty-three, is hereby further amended by striking out, in the twenty-ninth line, the words "in each odd-numbered year" and inserting in place thereof the word: — annually, — so that the last sentence will read as follows: — The commonwealth shall annually contribute such amount as is necessary to make good any deficiency in the annuity fund for active or retired members as of the preceding thirty-first day of December.

G. L. (Ter. Ed.), 32, § 9, etc., amended.

Contributions to annuity funds.

SECTION 7. Section one hundred and forty-one of chapter fifty-four of the General Laws, as amended by section sixteen of chapter five hundred and eight of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out, in the twelfth and thirteenth lines, the words "after the regular session of the general court" and inserting in place thereof the words: — during a recess between the first and second annual sessions of the same general court, — so that the second paragraph will read as follows: —

G. L. (Ter. Ed.), 54, § 141, etc., amended.

Upon a vacancy in the office of representative in the general court or upon failure to elect, the speaker of the house of representatives shall issue precepts to the aldermen of

Elections to fill vacancies in house of representatives.

each city and the selectmen of each town comprising the district or any part thereof, appointing such time as the house of representatives may order for an election to fill such vacancy; provided, that if such vacancy occurs during a recess between the first and second annual sessions of the same general court, the speaker may fix the time for an election to fill such vacancy. Upon receipt of such precepts, the aldermen or the selectmen shall call an election, which shall be held in accordance with the precepts.

G. L. (Ter. Ed.), 127, § 152, etc., amended.

SECTION 8. Section one hundred and fifty-two of chapter one hundred and twenty-seven of the General Laws, as most recently amended by chapter two hundred and ninety-seven of the acts of nineteen hundred and forty-one, is hereby further amended by striking out the sentence added by said chapter two hundred and ninety-seven.

How construed.

SECTION 9. Wherever any provision of general or special law in effect immediately prior to the effective date of this act refers to biennial sessions of the general court or biennial budgets for the commonwealth or action to be taken biennially in connection therewith, such provision shall be construed as referring to annual sessions of the general court or annual budgets for the commonwealth or action to be taken annually in connection therewith, as the case may be.

Approved February 16, 1945.

Chap. 39 AN ACT RELATIVE TO THE INVESTMENT OF THE PERPETUAL CARE FUND OF WESTVIEW CEMETERY IN THE TOWN OF LEXINGTON.

Be it enacted, etc., as follows:

SECTION 1. Section five of chapter one hundred and seven of the acts of nineteen hundred and ten is hereby amended by adding at the end the following: — Said board from time to time shall receive from the cemetery commissioners of the town of Lexington the perpetual care fund of Westview cemetery and additions thereto, and shall invest and reinvest the sums as authorized for trust funds under section fifty-four of chapter forty-four of the General Laws and shall pay over the net income thereof to the town treasurer, who shall hold it subject to appropriation by the town for the care, improvement and embellishment of the Westview cemetery.

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

Approved February 19, 1945.

Chap. 40 AN ACT TO AUTHORIZE THE PLACING OF OFFICES, POSITIONS AND EMPLOYMENTS UNDER THE BOARD OF PUBLIC WORKS OF THE TOWN OF EASTHAMPTON UNDER THE CIVIL SERVICE LAWS.

Be it enacted, etc., as follows:

SECTION 1. The offices, positions and employments under the board of public works of the town of Easthampton