

The Commonwealth of Massachusetts

MEMORANDUM OF THE SECRETARY OF THE COMMONWEALTH PURSUANT TO GENERAL LAWS, CHAPTER 3, SECTION 7, WITH RESPECT TO PETITION OF JOHN W. OLVER (BY VOTE OF THE TOWN) RELATIVE TO THE MEMBERSHIP OF THE BOARD OF TRUSTEES OF THE JONES LIBRARY IN THE TOWN OF AMHERST.

May 5, 1972.

To the Honorable Senate and House of Representatives:

The above-named petition was transmitted to me by the Clerk of the House Committee on Rules on May 3, 1972, with a request for a memorandum.

The Jones Library, Incorporated was incorporated under the provisions of chapter 96 of the Special Acts of 1919, which act was approved on March 21, 1919. Chapter 52 of the Acts & Resolves of 1934 authorized The Jones Library, Incorporated to receive and administer property from any source.

The bill before your honorable bodies relative to The Jones Library in the town of Amherst, an unincorporated body, seeks to allow a department of the town government under the management of a six-member board of elected public library trustees to operate said library in combination with the town's library properties.

Special legislation is required to effect the desired result.

Whether or not this should be allowed is a matter of policy within your exclusive jurisdiction, and this office expresses no opinion on the merits of the bill. No fee is required to be paid by a corporation of this type under the provisions of Chapter 3, Section 7.

Respectfully submitted,

JOHN F. X. DAVOREN
Secretary of the Commonwealth

By Mr. Olver of Amherst, petition of John W. Olver (by vote of the town) relative to the membership of the board of trustees of The Jones Library in the town of Amherst. Local Affairs. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Two.

AN ACT RELATIVE TO THE JONES LIBRARY IN AMHERST.

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

1 SECTION 1. The inhabitants of the town of Amherst are
2 authorized to elect six members of the board of trustees of the
3 town library, to be known as The Jones Library, for three-year
4 terms arranged so that two are elected each year except that at
5 the annual town election in nineteen hundred and seventy-three
6 one shall be elected for one year, one for two years and two for
7 three years, the then incumbent and previously elected trustees
8 of The Jones Library, Incorporated to serve out the remainder of
9 their allotted three-year terms and shall, while so serving, be
10 members of said board. For any such term and as it expires a
11 member of such board shall be elected for three years at the next
12 ensuing annual town election. A vacancy in either such trustee
13 position shall be filled by joint action of the remaining board
14 members with the board of selectmen of such town until its next
15 annual town election. The town treasurer shall act as treasurer of
16 said town library, but not of The Jones Library, Incorporated.

1 SECTION 2. Chapter 96 of the Special Acts of 1919 is
2 hereby amended by striking out section 5 and inserting in place
3 thereof the following section: —

4 *Section 5.* After the annual town election in nineteen
5 hundred seventy-three those who are town library trustees for
6 the time being shall constitute the trustees of the corporation.

1 SECTION 3. Section 2 of said chapter 96 is hereby amended
2 by adding the following paragraph: —

3 After the annual town election in nineteen hundred seventy-
4 three the corporation is authorized to delegate to the board of
5 trustees of the town library the operation of the corporation's
6 library, the use and maintenance of its library premises and other
7 tangible property, and part or all of the income from its
8 endowment fund and/or from trust or other funds after
9 deducting custodial and management expenses thereof, all to the
10 extent and under such terms as the corporation may determine;
11 but the foregoing authorization shall not authorize a transfer of
12 any part of the principal of the corporation's endowment, trust
13 or other special funds except for the enlargement, alteration or
14 construction of buildings owned or to be owned by the
15 corporation. In any transfer of library operations each appro-
16 priately affected full-time employee of the corporation shall
17 become an employee of the town, as of the transfer date agreed
18 to by the corporation and said board, on terms at least as
19 favorable to the employee as his then current contract with the
20 corporation. The corporation shall, and is hereby authorized to,
21 expend its funds to assure that no employee suffers financial
22 detriment because of such transfer to town employment.
23 Employees in the town library system shall be classified and
24 receive pay benefits as provided in the town's personnel by-law
25 and amendments thereof, while it is in effect, or such other
26 personnel classification system, if any, as may be applicable
27 generally to the town's employees.

1 SECTION 4. The board of trustees of the town library is
2 authorized to receive funds from The Jones Library, Incor-
3 porated, and spend them together with funds appropriated by
4 the town for libraries and with funds received from other
5 sources, as a single fund without reference to source, for the
6 operation of a free public library in the town except that trust
7 fund income received from any source shall be used by said
8 board only for the purposes designated in each case as to the
9 trust of its origin.

1 SECTION 5. Any public building, with appurtenant land,
2 owned by said town may by vote of the town meeting be turned

3 over to the custody of the board of trustees of the town library
4 to be used as part of a free public library; and said board may
5 receive custody of, manage and maintain, any premises or
6 tangible property of, and turned over to it by, The Jones Library,
7 Incorporated. Said board may use town funds for the main-
8 tenance, repair and/or enlargement of property of The Jones
9 Library, Incorporated, while in the custody of said board.

1 SECTION 6. Subsection (a) of section 11 of chapter 11 of
2 the acts of 1951 is hereby amended by striking out, in line 6, the
3 words "Jones Library" and inserting in place thereof the
4 words: – town library.

1 SECTION 7. Said section 11 of said chapter 11 is hereby
2 amended by striking out subsection (*h*) and inserting in place
3 thereof the following subsection: –

4 (*h*) The town manager shall have jurisdiction over the rental
5 and use of all town property except school property and
6 property under the control of the trustees of the town library,
7 and shall be responsible for the maintenance and repair of all
8 town buildings except school property and property under the
9 control of said trustees. He shall be responsible for the
10 preparation of plans and the supervision of work on existing
11 buildings and buildings under the control of said trustees. He
12 shall maintain and repair school buildings if and to the extent
13 that the school committee so requests; and he shall maintain and
14 repair buildings under the control of said trustees if and to the
15 extent that they so request.

1 SECTION 8. Said section 11 of said chapter 11 is hereby
2 further amended by striking out subsection (*i*) and inserting in
3 place thereof the following subsection: –

4 (*i*) The town manager shall purchase all supplies, materials and
5 equipment and shall award all contracts for all departments of
6 the town except the public schools and the town library unless,
7 and to the extent that, the school committee or the trustees of
8 the town library, as the case may be, so request. He shall make
9 purchases for departments not under his supervision only upon
10 requisition duly signed by the head of such department.

SECTION 9. Section 3 of said chapter 11 is hereby amended by striking out, in line 3, the word “Jones Library” and inserting in place thereof the words: – town library.

1 SECTION 10. The Jones Library, Incorporated is authorized
2 to receive from any source, property, real or personal, or funds,
3 by gift, bequest, devise or otherwise, before or after the effective
4 date of this act, and property or funds so received shall be
5 subject to the provisions of this act applicable to property so
6 acquired by it before such date. A gift for library purposes in
7 Amherst designated as for The Jones Library. The Trustees of
8 The Jones Library, or any similar variation of its title shall be
9 construed as for The Jones Library, Incorporated.

1 SECTION 11. The power granted by this act shall be
2 exercised only in formity with such decree, if any, of the probate
3 court for the county of Hampshire, sitting in equity, or any other
4 court of competent jurisdiction, as may be entered within nine
5 months of the effective date of this act; provided that all the
6 authority conferred by this act is hereby declared to be limited
7 to such authority as the General Court may constitutionally
8 grant.

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REPORT OF THE COMMISSIONERS OF THE LAND OFFICE
 IN RESPONSE TO A RESOLUTION PASSED BY THE HOUSE OF REPRESENTATIVES
 JANUARY 10, 1902

ALBANY: J. B. LIPPINCOTT COMPANY, PRINTERS
 1902

THE STATE OF NEW YORK
 OFFICE OF THE COMMISSIONERS OF THE LAND OFFICE
 ALBANY, N. Y., JANUARY 10, 1902

TO THE HONORABLE SPEAKER OF THE ASSEMBLY
 AND TO THE HONORABLE MEMBERS OF THE HOUSE OF REPRESENTATIVES

SIR: I have the honor to acknowledge the receipt of your communication of the 10th inst., and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

I am, Sir, very respectfully,
 Your obedient servant,
 J. B. LIPPINCOTT

