

By Mr. Alexander of Marblehead, petition of Lawrence R. Alexander, Mary Jeanette Murray and William D. Benson for legislation to allow for public participation in certain decisions of municipal light departments. Government Regulations.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Four.

AN ACT TO ALLOW FOR PUBLIC PARTICIPATION IN CERTAIN DECISIONS OF MUNICIPAL LIGHT DEPARTMENTS.

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 6 of chapter 775 of the Acts of 1975 is hereby amended
2 by inserting after subsection (c) the following subsections: —
3 (d) In any city or town which accepts this subsection, before a
4 contract with the corporation under subsection (a) of this section
5 shall be effective as to a city or town having a municipal electric
6 department established under chapter one hundred and sixty-four
7 of the General Laws or by a special act, the municipal light depart-
8 ment of such city or town shall publish in a newspaper having
9 general circulation in the city or town notice of such proposed
10 contract. The notice shall in brief and summary terms (i) identify
11 the electric power facilities to which the contract relates; (ii) state
12 the maximum interest to be acquired by the city or town under the
13 contract exclusive of any mandatory payments assessed pursuant
14 to default procedures discussed in the last sentence of subsection
15 (a); and (iii) state the approximate total cost in dollars of acquiring
16 such an interest.
- 17 Upon petition of twenty or more registered voters, submitted
18 within two weeks of the date of publication of said newspaper
19 notice, the municipal light department shall conduct a public
20 hearing concerning the contract. This hearing shall be held during
21 evening hours no sooner than forty-eight hours nor later than one
22 week after receipt of the petition for a hearing.

23 If, within thirty days after the hearing, a petition signed by
24 registered voters of the city or town, equal in number to at least five
25 percent of the total number of registered voters, and addressed to
26 the municipal light department, requesting approval of the con-
27 tract by Town Meeting or the City Council and the Mayor, as
28 defined in section one of chapter forty-four, is filed with the city or
29 town clerk, then the municipal light department shall not enter into
30 or assume the contract unless authorized so to do by a two-thirds
31 vote, as defined in section one of chapter forty-four, of such city or
32 town.

33 This section shall neither affect the validity of any contracts
34 entered into by a municipal light department prior to its effective
35 date, nor shall it affect any mandatory payments assessed pursuant
36 to default procedures in contracts entered into by a municipal light
37 department either prior to or subsequent to its effective date.