

G. L. (Ter. Ed.), 175, § 49, etc., amended.

SECTION 3. Said section forty-nine of said chapter one hundred and seventy-five, as amended, is hereby further amended by striking out the last paragraph, as appearing in the Tercentenary Edition. *Approved June 2, 1941.*

Chap. 343

AN ACT RELATIVE TO REINSURANCE.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 175, § 20, amended.

Section twenty of chapter one hundred and seventy-five of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "thereof" in the forty-eighth line the following new paragraph: —

Reinsurance.

No credit shall be allowed to any ceding insurer for reinsurance made, ceded, renewed or otherwise becoming effective after September thirtieth, nineteen hundred and forty-one, as an admitted asset or as a reduction of liability, unless, by the terms of a written reinsurance agreement, the reinsurance is payable by the assuming insurer on the basis of the liability of the ceding insurer under any policy or contract reinsured without diminution because of the insolvency of the ceding insurer. Any reinsurance agreement may provide that the liquidator or receiver or statutory successor of an insolvent ceding insurer shall give written notice of the pendency of a claim against the insolvent ceding insurer on the policy or contract reinsured within a reasonable time after such claim is filed in the insolvency proceeding and that during the pendency of such claim the assuming insurer may investigate such claim and interpose, at its own expense, in the proceeding where such claim is to be adjudicated any defense or defenses which it may deem available to the ceding company or its liquidator or receiver or statutory successor. Subject to court approval, the expense thus incurred by the assuming insurer shall be chargeable, against the insolvent ceding insurer as part of the expense of liquidation, to the extent of a proportionate share of the benefit which may accrue to the ceding insurer solely as a result of the defense undertaken by the assuming insurer.

Approved June 2, 1941.

Chap. 344 AN ACT MAKING CERTAIN CHANGES IN THE GENERAL LAWS MADE NECESSARY BY THE ABOLITION OF THE PRISON CAMP AND HOSPITAL AT RUTLAND AND MAKING CERTAIN OTHER MINOR PERFECTING CHANGES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 32, § 46, amended.

SECTION 1. Chapter thirty-two of the General Laws is hereby amended by striking out section forty-six, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 46.* The commissioner of correction may, with the approval of the governor and council, retire from active service and place upon a pension roll

Pensions for prison employees.

any officer of the state prison, the state prison colony, the Massachusetts reformatory, the state farm, the reformatory for women or any jail or house of correction, or any person employed to instruct the prisoners in any prison or reformatory, as provided in section fifty-two of chapter one hundred and twenty-seven, or any other employee of the state prison or the Massachusetts reformatory, who has attained the age of sixty-five and who has been employed in prison service in the commonwealth, with a good record, for not less than twenty years; or who, without fault of his own, has become permanently disabled by injuries sustained in the performance of his duty; or who has performed faithful prison service for not less than thirty years; provided, that no officer of any jail or house of correction shall so be retired except upon the recommendation of the sheriff and county commissioners of the county, except in the county of Suffolk, where the recommendation as to the officers of the jail shall be made by the sheriff and the mayor of Boston, and, as to the officers of the house of correction, by the penal institutions commissioner and the mayor of Boston; and provided, further, that no such officer, instructor or employee shall be retired unless he began employment as such in one of the above named institutions or the prison camp and hospital, or as an officer or instructor in one of the institutions named in section forty-seven, on or before June seventh, nineteen hundred and eleven. The word "officer", as used in this section and sections forty-seven and forty-eight, shall extend to and include prison officer, correction officer and matron.

SECTION 2. Section forty-seven of said chapter thirty-two, as so appearing, is hereby amended by striking out, in the second line, the words "the preceding section" and inserting in place thereof the words: — section forty-six, — and by inserting after the word "institutions" in the fourth line the following: — or in the prison camp and hospital.

G. L. (Ter. Ed.), 32, § 47, amended.
Computation of time of service.

SECTION 3. Section one hundred and two of chapter one hundred and twenty-three of the General Laws, as most recently amended by chapter two hundred and twenty-six of the acts of nineteen hundred and thirty-eight, is hereby further amended by striking out, in the fourth and fifth lines as appearing in chapter fifteen of the acts of nineteen hundred and thirty-four, the words ", the prison camp and hospital", — and by striking out, in the fifteenth line, the words "and the following section" and inserting in place thereof the words: — section and section one hundred and three.

G. L. (Ter. Ed.), 123, § 102, etc., amended.
Care of insane, etc.

SECTION 4. Section one of chapter one hundred and twenty-four of the General Laws, as amended by section thirty-eight of chapter four hundred and fifty-one of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out, in the third line, the words "the prison camp and hospital," and by striking out, in the tenth line, the words "prison camp and hospital,".

G. L. (Ter. Ed.), 124, § 1, etc., amended.
Duties of commissioner.

G. L. (Ter. Ed.) 124, § 5, amended.
Reports.

SECTION 5. Section five of said chapter one hundred and twenty-four, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the third line, the words "prison camp and hospital," and by striking out, in the fourth line, the word "the".

G. L. (Ter. Ed.), 125, § 2, amended.
Appointment of warden, etc.

SECTION 6. Section two of chapter one hundred and twenty-five of the General Laws, as so appearing, is hereby amended by striking out, in the second line, the words "the prison camp and hospital,".

G. L. (Ter. Ed.), 125, § 3, amended.
Bonds.

SECTION 7. Section three of said chapter one hundred and twenty-five, as so appearing, is hereby amended by striking out, in the second line, the words "prison camp and hospital," — and by striking out, in the ninth line, the words "in the office of" and inserting in place thereof the word: — with.

G. L. (Ter. Ed.), 125, § 4, etc., amended.
Subordinate officers.

SECTION 8. Section four of said chapter one hundred and twenty-five, as amended by section three of chapter two hundred and eighty-two of the acts of nineteen hundred and thirty-two, is hereby further amended by striking out, in the seventh line, the words "prison camp and hospital,".

G. L. (Ter. Ed.), 125, §§ 39, 40 and 41, repealed.

SECTION 9. Sections thirty-nine, forty and forty-one of said chapter one hundred and twenty-five, as appearing in the Tercentenary Edition, are hereby repealed and the heading preceding said section thirty-nine is hereby stricken out.

G. L. (Ter. Ed.), 127, § 2, amended.
Warden, etc., duties of.

SECTION 10. Section two of chapter one hundred and twenty-seven of the General Laws, as so appearing, is hereby amended by striking out, in the third line, the words "prison camp and hospital" and inserting in place thereof the words: — state prison colony.

G. L. (Ter. Ed.), 127, § 11, amended.

SECTION 11. Said chapter one hundred and twenty-seven is hereby further amended by striking out section eleven, as so appearing, and inserting in place thereof the following: — *Section 11.* An officer in a jail or house of correction may be transferred to the state prison or the Massachusetts reformatory as a correction officer; and if the place in which he is employed is not in the classified civil service list, he shall be given a non-competitive examination as to his fitness, upon receipt from the warden of the state prison or the superintendent of the Massachusetts reformatory, as the case may be, of a statement that the appointment of such officer is desired, and that he possesses particular qualifications for the work required of him.

Transfer of correction officer.

G. L. (Ter. Ed.), 127, § 12, amended.

SECTION 12. Section twelve of said chapter one hundred and twenty-seven, as so appearing, is hereby amended by striking out, in the third and fourth lines, the words: — "prison camp and hospital".

Removal of officers.

G. L. (Ter. Ed.), 127, § 16, etc., amended.

SECTION 13. Section sixteen of said chapter one hundred and twenty-seven, as most recently amended by section one of chapter seventy-seven of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out, in the second and third lines as appearing in the Tercentenary Edition, the words "the prison camp and hospital"

Physical, etc., examinations.

and inserting in place thereof the words: — the state prison colony.

SECTION 14. Section thirty-five of said chapter one hundred and twenty-seven, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the sixth and seventh lines, the words "prison camp and hospital" and inserting in place thereof the words: — state prison colony.

G. L. (Ter. Ed.), 127, § 35, amended.

Food, clothing, etc.

SECTION 15. Said chapter one hundred and twenty-seven is hereby further amended by striking out section fifty, as so appearing, and inserting in place thereof the following: —

G. L. (Ter. Ed.), 127, § 50, amended.

Employment on public lands, etc.

Section 50. Prisoners in the state prison, Massachusetts reformatory, reformatory for women, state prison colony, state farm, or in any jail or house of correction, may be employed, in the custody of an officer, in caring for public lands and buildings; but no prisoner, except as provided in sections eighty-three and eighty-four, shall be employed outside the precincts of the place of his imprisonment in doing work of any kind for private persons.

SECTION 16. Section fifty-one of said chapter one hundred and twenty-seven, as so appearing, is hereby amended by striking out, in the third line, the words "prison camp and hospital,".

G. L. (Ter. Ed.), 127, § 51, amended.

Industries.

SECTION 17. Said chapter one hundred and twenty-seven is hereby further amended by striking out section seventy-one, as so appearing, and inserting in place thereof the following: — *Section 71.* At least once in each month the receipts from the labor of prisoners in the state prison, the Massachusetts reformatory, the reformatory for women, the state prison colony and the state farm shall be paid to the commonwealth, and the receipts from the labor of prisoners in a jail or house of correction to the county, and so much thereof as is necessary to pay the expenses of maintaining the industries in said institutions shall be expended from the state or county treasury for that purpose, but not until schedules of such expenses have been sworn to by the warden or superintendent and approved by the commissioner. Whenever, in the opinion of the comptroller, the accumulated funds in the state treasury from the receipts from the labor of prisoners in the state prison, the Massachusetts reformatory, the reformatory for women, the state prison colony and the state farm exceed the sums necessary to pay the expense of maintaining the industries by which they were produced, the comptroller shall direct that the surplus be transferred from these accounts into the general fund or ordinary revenue of the commonwealth. Receipts from any one of the institutions shall be applied to paying the bills of that institution only. The warden or superintendent of the state prison, Massachusetts reformatory, reformatory for women, state prison colony or state farm shall, as often as he has in his possession money to the amount of ten thousand dollars which he has received under the provisions of sections fifty-three to sixty-seven, inclu-

G. L. (Ter. Ed.), 127, § 71, amended.

Accounting.

sive, pay it to the commonwealth; and the master or keeper of a jail or house of correction shall, as often as he has in his possession such money to the amount of five thousand dollars, pay it into the county treasury.

G. L. (Ter. Ed.), 127, § 72, amended.

Salaries, etc.

SECTION 18. Section seventy-two of said chapter one hundred and twenty-seven, as so appearing, is hereby amended by striking out, in the third and fourth lines, the words "prison camp and hospital" and inserting in place thereof the words:— the state prison colony.

G. L. (Ter. Ed.), 127, §§ 78, 79-82, inc., repealed.

SECTION 19. Section seventy-eight and sections seventy-nine to eighty-two, inclusive, of said chapter one hundred and twenty-seven, as so appearing, are hereby repealed and the heading preceding said section seventy-nine is hereby stricken out.

G. L. (Ter. Ed.), 127, § 87, amended.

Correspondence regulated.

SECTION 20. Section eighty-seven of said chapter one hundred and twenty-seven, as so appearing, is hereby amended by striking out, in the seventh line, the words "prison camp and hospital" and inserting in place thereof the words:— state prison colony.

G. L. (Ter. Ed.), 127, § 109, repealed.

SECTION 21. Section one hundred and nine of said chapter one hundred and twenty-seven, as so appearing, is hereby repealed.

G. L. (Ter. Ed.), 127, § 137, etc., repealed.

SECTION 22. Section one hundred and thirty-seven of said chapter one hundred and twenty-seven, as most recently amended by section forty-seven of chapter four hundred and fifty-one of the acts of nineteen hundred and thirty-nine, is hereby repealed.

G. L. (Ter. Ed.), 127, § 139, etc., amended.

SECTION 23. Said chapter one hundred and twenty-seven is hereby further amended by striking out section one hundred and thirty-nine, as most recently amended by section fifty of said chapter four hundred and fifty-one, and inserting in place thereof the following:— *Section 139.* The power to grant a permit to be at liberty to any person sentenced or transferred to the state prison, the state prison colony, the Massachusetts reformatory, the reformatory for women or the state farm, and to revoke, revise, alter or amend the same, shall remain in the parole board until the expiration of the maximum term of the sentence for the service of which the person was so committed or transferred, notwithstanding the subsequent transfer of such person to any other institution.

Permits.

G. L. (Ter. Ed.), 127, § 158, amended.

Aid to discharged male prisoners.

SECTION 24. Said chapter one hundred and twenty-seven is hereby further amended by striking out section one hundred and fifty-eight, as appearing in the Tercentenary Edition, and inserting in place thereof the following:— *Section 158.* The male agents employed to aid discharged male prisoners shall endeavor to secure employment for prisoners who have been permanently discharged or released on permit from the state prison, the state prison colony, the Massachusetts reformatory or the state farm, provide said prisoners with needed assistance, and perform such other duties relative to discharged or released prisoners as the commissioner requires. They shall also obtain information for the

commissioner relative to prisoners committed to institutions under his supervision, especially as to the details of their offences and their previous character and history. They may for that purpose require of the police authorities any facts in their possession relative to such prisoners if the communication thereof will not, in the opinion of said authorities, be detrimental to the public interest.

SECTION 25. Said chapter one hundred and twenty-seven is hereby further amended by striking out section one hundred and sixty, as so appearing, and inserting in place thereof the following:—*Section 160.* The commissioner may expend such sum as may be appropriated for the assistance of prisoners released from the state prison, the state prison colony, the Massachusetts reformatory, the reformatory for women or the state farm, or from any institution to which they were removed therefrom.

G. L. (Ter. Ed.), 127, § 160, amended.

Expenditures.

SECTION 26. Section seventy-four of chapter one hundred and fifty-two of the General Laws, as most recently amended by section fifty-seven of chapter four hundred and fifty-one of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out, in the tenth line, the word "seventy-eight" and inserting in place thereof the word:—seventy-seven.

G. L. (Ter. Ed.), 152, § 74, etc., amended.

Application of §§ 69-75.

SECTION 27. Chapter two hundred and sixty-six of the General Laws is hereby amended by striking out section one hundred and twenty-three, as appearing in the Tercentenary Edition, and inserting in place thereof the following:—*Section 123.* Whoever wilfully trespasses upon land or premises belonging to the commonwealth and appurtenant to the state prison, state prison colony, Massachusetts reformatory, reformatory for women, state farm, Tewksbury state hospital and infirmary, any public institution for the care of insane, feeble minded or epileptic persons, any Massachusetts training school, state charitable institution, or upon land or premises belonging to any county and appurtenant to a jail or house of correction, or, after notice from an officer of any of said institutions to leave said land, remains thereon, shall be punished by imprisonment for not more than three months or by a fine of not more than fifty dollars.

G. L. (Ter. Ed.), 266, § 123, amended.

Trespassing on land of certain institutions.

SECTION 28. Section sixteen of chapter two hundred and sixty-eight of the General Laws, as amended by chapter three hundred and forty-four of the acts of nineteen hundred and thirty-four, is hereby further amended by striking out the last sentence.

G. L. (Ter. Ed.), 268, § 16, etc., amended.

Sentences, etc.

Approved June 2, 1941.

AN ACT PROVIDING THAT CERTAIN LAWS AUTHORIZING THE ELECTION OF CERTAIN CITY AND TOWN OFFICERS BY PROPORTIONAL REPRESENTATION AND PREFERENTIAL VOTING SHALL APPLY TO THE CITY COUNCIL OF BOSTON.

Chap. 345

Be it enacted, etc., as follows:

Section one of chapter fifty-four A of the General Laws, as appearing in section one of chapter three hundred and

G. L. (Ter. Ed.), 54A, § 1, etc., amended.