

decision on said application, give written notice thereof to the applicant. A person may appeal to the appellate tax board within thirty days after receiving the notice herein provided, or within thirty days after the time when the application for classification is deemed to be refused as hereinafter provided. Whenever the commissioner, before whom an application in writing for classification is or shall be pending, fails to act upon said application prior to the expiration of twenty days from the date of the filing of said application it shall then be deemed to be refused. The decision of the board shall be binding upon the parties to any proceeding pending or brought before it which involves a tax for the year to which the decision is applicable. For the purposes of this section, "person" shall include a board of assessors.

Approved October 31, 1941.

AN ACT RELATIVE TO THE FURNISHING OF WATER TO TOWNS
IN THE METROPOLITAN WATER DISTRICT AND CERTAIN
OTHER TOWNS. *Chap. 727*

Whereas, The deferred operation of this act would tend to defeat one of the principal purposes thereof, which is to make water available as soon as possible in the present condition of drouth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan district commission, on application of any town, water company or water supply, water, fire or fire and water district on or before June thirtieth, nineteen hundred and forty-three, may, with the approval of the department of public health, furnish water from its system of metropolitan water works to any such town, water company or district on payment of such sum as said commission may determine, and may continue to furnish the same notwithstanding any provision of section forty of chapter forty of the General Laws. Payment by each town, water company or district so supplied for such water shall include its fair share, as determined by said commission, of the cost of connection which may, if and as so determined, be distributed over a period not exceeding ten years.

SECTION 2. On or before February first in the year nineteen hundred and forty-two, the department of public health shall determine, in the case of each town which is not a member of, but is eligible to membership in, the metropolitan water district by reason of its location, and of each town not a member and not so eligible which is located so that it can reasonably be supplied with water from any distributing reservoir of said district, the Quabbin and Wachusett reservoirs of said district not being considered distributing reservoirs for the purposes of this act, and which has at

any time requested or been furnished a supply of water from said district, the maximum continuous rate at which the water supply sources of said town, within the meaning of section sixteen of chapter ninety-two of the General Laws, may be safely depended upon to furnish a suitable supply of water during the next succeeding three years, not including water supplied from any other town, water company or district, or water diverted from the watershed of the Charles river in excess of amounts specifically permitted by legislative provisions, or any water obtained under section forty of chapter forty of the General Laws. Coincidentally with such determination, said department shall report to the metropolitan district commission each of said towns which it finds cannot be so supplied continuously with a quantity ten per cent in excess of its average consumption during the three previous calendar years, and shall notify each of said towns of its finding with respect thereto.

SECTION 3. Any town having an established water system and the inadequacy of the water supply of which has been so reported by said department may, with the approval of said department, increase its supply of water from its own sources by taking water from authorized sources which are not already appropriated for the purposes of a public water supply; provided, that application for such approval is made on or before June thirtieth, nineteen hundred and forty-three.

SECTION 4. Any town so reported, and any town not so reported which is so located that it can reasonably be supplied with water from any distributing reservoir as defined in section two of this act, shall, upon its application therefor on or before June thirtieth, nineteen hundred and forty-three, be provided forthwith by the metropolitan water district with a connection to supply its immediate needs for water, unless already adequately connected. Each such town shall be assessed and pay, as hereinafter provided, its fair share of the cost of said connection as determined by the metropolitan district commission and certified to the state treasurer, which may, if and as determined by said commission, be distributed over a period not exceeding ten years; and each town so reported, and each town not so reported which is so provided with a connection, whether or not located within ten miles of the state house as provided in section ten of chapter ninety-two of the General Laws, shall be eligible to membership in the metropolitan water district. Any town which already has a connection with the metropolitan water system, except any such town which shall, not earlier than January sixth, nineteen hundred and forty-two nor later than the March first next following, have notified the metropolitan district commission that it desires to discontinue such connection, and any town which makes application for such connection under any provision of this act, shall annually, until it becomes a member of said dis-

trict, be assessed and pay, as hereinafter provided, a premium equal to three hundredths of one per cent of its valuation for the preceding year.

For the purposes of this act, the word "valuation" shall mean the taxable valuation last established by the general court as a basis of apportionment for state and county taxes, and the word "town" shall include city.

In order to provide funds to construct any water supply connection provided under this act, in anticipation of the payment therefor by the town to be connected, the state treasurer, with the approval of the governor, may borrow from time to time, on the credit of the commonwealth, such amounts as may be certified by the metropolitan district commission to be necessary to provide such temporary funds, not exceeding two hundred and fifty thousand dollars in any calendar year, and the state treasurer may issue and renew notes of the commonwealth therefor, bearing interest payable at such times and at such rates as shall be fixed by him with the approval of the governor. Such notes shall be issued for such terms as the governor may recommend to the general court in accordance with section 3 of Article LXII of the amendments to the constitution of the commonwealth.

SECTION 5. The state treasurer shall annually notify each town, not a member of the metropolitan water district, assessed under the provisions of section four of this act, of the amount so assessed, and the same shall be paid by the town to the commonwealth at the time required for the payment of and as a part of its state tax. The proceeds from all such payments shall be used to defray the cost, in the case of each such town, of the water supply connection provided, and any balance shall be applied by the state treasurer to meet the expenses of maintenance and operation of the metropolitan water works.

SECTION 6. Any town which has applied for a water connection under this act on or before June thirtieth, nineteen hundred and forty-three, and any town heretofore eligible, or made eligible by section four of this act, for admission to the metropolitan water district which has not so made application for a water connection under this act may, upon application for admission to said district on or before said date, be admitted under and subject to the provisions of this section; provided, that said town agrees to discontinue the use of its local water supply sources upon admission. Any town admitted to the metropolitan water district shall share with the other members the total district assessment for the calendar year of its admission, except that, if it is admitted too late to be so included in the assessment for that year, it shall pay for the water furnished it by the district during the balance of that year at a rate equal to the average assessment for that year determined by dividing the aggregate total of the net assessments for that year against all mem-

bers by the aggregate total of the net quantity of water furnished by the district during the preceding year to all members. The entrance fee of any town so admitted to said district shall, regardless of any provision of section ten of chapter ninety-two of the General Laws, be that determined by the metropolitan district commission, but not more than the said entering town's proportionate share, determined as hereinafter provided, of the aggregate total assessments that have been made, prior to the first assessment to be shared by the entering town, on account of the retirement of bonds issued to finance the construction of works by the metropolitan district water supply commission, less the net water debt on December first, just prior to said first assessment shared, on account of the cost of works constructed by the metropolitan district commission, or its predecessors. Such proportionate share of the net sum to be apportioned shall be determined by taking only one third of said net sum, apportioning this among all towns which are members of the metropolitan water district and all towns which are not members but eligible to membership, including any towns eligible under section four of this act, in proportion to their respective valuations for the preceding year, and deducting from the entering town's share a credit of the aggregate total of any premiums paid annually under section four of this act, except that such entrance fee shall in no event be less than three hundredths of one per cent of the entering town's valuation for the preceding year.

SECTION 7. For the purpose of providing funds to pay the fee for being admitted to the metropolitan water district under this act, a town may borrow sums not exceeding, in the aggregate, the amount of such fee, and may issue bonds or notes therefor, which shall bear on their face the words "City [or Town] of _____ Water Loan, Act of 1941". Such loans shall be payable within thirty years from their dates or within such shorter time as may be fixed by the director of accounts in the department of corporations and taxation. Indebtedness incurred under this act shall be outside the statutory limits of indebtedness provided by chapter forty-four of the General Laws and, except as provided herein, shall be subject to all provisions of said chapter forty-four.

Approved October 31, 1941.

Chap. 728 AN ACT RELATIVE TO THE TERMS OF CERTAIN BONDS, NOTES OR OTHER FORMS OF WRITTEN ACKNOWLEDGMENT OF DEBT TO BE ISSUED BY THE COMMONWEALTH.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat one of its principal purposes, which is to prepare with the utmost expedition for national defence in the present emergency, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.