

come subject to the civil service laws and rules and regulations, and the term of office of any incumbent thereof shall be unlimited, except that such incumbent may be removed in accordance with such laws and rules and regulations; provided, however, that the present incumbent of said office may continue to serve as such without taking a civil service examination.

SECTION 2. This act shall take effect upon its acceptance by vote of the inhabitants of said town at a town meeting held not later than the date of the regular town meeting in the year nineteen hundred and thirty-seven.

*Approved June 24, 1936.*

AN ACT ESTABLISHING THE MERRIMACK RIVER VALLEY SEWERAGE DISTRICT AND DEFINING ITS POWERS AND DUTIES. Chap. 420

*Be it enacted, etc., as follows:*

SECTION 1. A sewerage district, to be known as the Merrimack river valley sewerage district, hereinafter called the district, is hereby created and shall include all the territory of the cities and towns of Amesbury, Andover, Chelmsford, Dracut, Groveland, Haverhill, Lawrence, Lowell, Merrimac, Methuen, Newburyport, North Andover, Salisbury, Tewksbury, Tyngsborough and West Newbury.

SECTION 2. The district shall be under the management and control of an unpaid board, which is hereby created and shall be known as the Merrimack River valley sewerage board, hereinafter called the board. The board shall consist of five members, who shall be appointed, and may for cause be removed, by the governor, with the advice and consent of the council. Four members of the board shall reside within the district. Of the members of the board first appointed, two shall be appointed for the term of three years, two for two years and one for one year, and thereafter as the term of a member expires his successor shall be appointed in like manner for the term of three years. The governor shall from time to time designate the chairman of the board, who shall not be a resident of the district. Every member shall serve until the qualification of his successor.

SECTION 3. The district shall have a seal consisting of a circular die bearing the words "Commonwealth of Massachusetts. Merrimack River Valley Sewerage District, 1936", which seal may be used, whenever deemed advisable by the board, on notes or other evidences of indebtedness, papers and documents issued or executed by the board or by any officer of the district thereunto authorized by the board.

SECTION 4. The board may appoint and may at pleasure remove a treasurer and a clerk, who need not be members of the board, and both offices, if the board deems it advisable, may be held by the same person. The treasurer shall give to the board a bond payable to the district with a surety company authorized to transact business within the

commonwealth and satisfactory to the board as surety, in such sum as the board may prescribe and conditioned on the faithful performance of his duties. The clerk shall take oath to faithfully and impartially perform his duties. The duties of the treasurer and the clerk shall be those usually appertaining to said offices, respectively, and in addition such as may from time to time be prescribed by the board. The compensation of the treasurer and of the clerk shall be determined by the board. The board may also appoint and determine the compensation of, and may at pleasure remove, a chief engineer, who shall direct the engineering work and act as executive manager of the district. The board shall also from time to time appoint or employ such other engineers and such experts, agents, officers, clerks and other employees as it deems necessary, shall determine their duties and compensation, and may remove them at pleasure. The salaries or compensation of all persons appointed under authority of this section shall not exceed ten thousand dollars in any year, and, together with other expenses not chargeable to the federal government, shall be paid by the district and shall be considered as a part of the expense of maintenance of the district.

The board shall secure convenient quarters for an office and for the keeping of maps, plans, documents and other papers relating to the business of the board. It shall at all times keep full and accurate accounts of its receipts, expenditures, disbursements, assets and liabilities, and shall annually on or before December thirty-first make a written report to the governor and council.

SECTION 5. No financial obligation shall be incurred, no money shall be expended and no work shall be commenced under this act unless and until ten million dollars, or such smaller sum as, in the opinion of the proper federal authorities, is sufficient to cover the cost of the project authorized by section six, shall have been allocated by the federal government under authority of appropriate federal legislation for the said project.

SECTION 6. The board, acting for the district, shall construct, maintain and operate, subject to the approval of the state department of public health, such trunk sewers, pumping stations, intercepting sewers, connections and other sewerage works as may be required for a system for suitably treating, disposing of or diverting from the waters of the Merrimack river sewage and other pollution originating in any of said cities and towns.

SECTION 7. The board may make such contracts and enter into such other arrangements as it may deem necessary for the construction, operation and maintenance of sewers or other works hereinbefore authorized, may purchase necessary materials and supplies therefor and may secure necessary labor therefor. Every contract calling for an expenditure of more than five hundred dollars shall be in writing, and no such contract shall be awarded unless pro-

posals for bids therefor shall previously have been published once a week for three successive weeks in two daily papers published in Essex county. Such bids shall be opened publicly at the time and place announced in such newspaper publication.

SECTION 8. In carrying out the powers and duties conferred and imposed upon the board by this act, the board may locate and maintain sewers or other works hereinbefore authorized and any other necessary equipment in, on or over public ways, in public parks, and in or over railroad or railway locations, and it may alter or change the course or direction of any water course or location or grade of any way; provided, that it shall not take in fee any land of any railroad or railway corporation, nor enter upon or construct any drain, sewer or other works within the location of any railroad or railway corporation, except at such times and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the state department of public utilities; and provided, further, that in entering upon and digging up, raising or embanking any way, the board shall be subject to such reasonable regulations as may be made by the mayor, aldermen, city council, selectmen or other officials having jurisdiction in the premises, in the city or town in which such work is performed. In case of dispute between the board and any such city or town, the question at issue shall be determined by the state department of public works.

SECTION 9. For any purpose authorized by this act, the board, acting on behalf of the district, may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, such lands, water courses, rights of way or other easements, property and rights therein as it may deem necessary. Any person, corporation or municipality whose property has been taken or injured by any action of the board under authority of this act may recover from the district under the provisions of said chapter seventy-nine such damages therefor as he or it may be entitled to. The board may sell at public auction any property, including land, acquired by it hereunder and in its opinion no longer needed in the performance of the powers and duties conferred and imposed upon it by this act, and may from time to time lease any property in its opinion not then needed by it for the purposes of this act. The board may enter upon any lands or waters for the purpose of making surveys, test pits and borings, and may take by eminent domain under said chapter seventy-nine or acquire by purchase or otherwise the right to temporarily occupy any lands necessary for the carrying out of any of said purposes.

SECTION 10. The board may connect private sewers, or new sewers under construction, with any existing sewers, and may operate sewerage systems within the district upon such terms, conditions and regulations as the board may

prescribe. The board may levy assessments upon any person for the privilege of using the sewerage facilities furnished by it. So far as apt the provisions of sections twelve and thirteen of chapter eighty of the General Laws shall apply to such assessments.

SECTION 11. Annually before January first the board, on behalf of the district, shall certify to the assessors of each city or town within the district the sum constituting the share of such city or town of the estimated cost for the ensuing year, over and above the receipts of the district, of the maintenance and operation of the works maintained and operated by the board under authority of this act and also the share of such city or town of any deficit for the then current or any preceding year; and the amount so certified shall be raised by the assessors of such city or town during said ensuing year and shall be paid, not later than November first, into the treasury of the district. Each such city and town shall be annually assessed hereunder such proportion of such cost of maintenance and operation as the board shall determine, based upon the respective populations of said cities and towns as ascertained by the last preceding state or national census, except that the computation of the population of the town of Tewksbury shall not include inmates of the state infirmary in said town. If any city or town is aggrieved by an assessment made upon it hereunder, the respective amounts to be paid by the cities and towns of the district shall be determined by three commissioners to be appointed by the supreme judicial court upon the application of such aggrieved city or town and after notice to the other municipalities of the district. The award of said commissioners when accepted by said court shall be binding upon the cities and towns of the district.

SECTION 12. For the purpose of paying the expenses of the construction of the work hereinbefore authorized, the district is hereby empowered to receive from the federal government all sums of money allocated by it for any or all of the purposes of this act, but the board shall have no right to levy upon, or to charge or collect against, any city or town in the district any portion of the cost of such construction; all expenses of construction, including in said term all costs of plans and surveys and other necessary items of construction, but excluding compensation and land damages, to be paid for exclusively out of such federal funds so allocated.

Upon the completion of any of such works, the district shall thereafter bear the entire expense of the operation and maintenance thereof.

SECTION 13. For the purpose of temporarily financing the operation and maintenance of works constructed under authority of this act, including compensation, and for the purpose of paying land damages, the district may issue its notes to an amount deemed by the board necessary therefor, but not to exceed the estimated cost of such operation and

maintenance, said notes to be payable, in not more than one year from the date of their issue, from sums received by the board as a result of the operation and maintenance of such works and from sums certified to and collected from the several cities and towns of the district as hereinbefore provided. The provisions of chapter forty-four of the General Laws relating to the issue of notes by districts shall, so far as pertinent, apply to notes issued under this section.

SECTION 14. Any city or town, within the limits of which any main sewer under the control of the board is situated, shall connect its local sewers with such main sewer subject to the direction, control and regulation of the board, and any person, subject thereto and subject to such terms, conditions and regulations as each city or town may prescribe, may connect private drains with such main sewer. The sewerage systems of all cities and towns in said district not provided with such systems upon the effective date of this act shall be constructed in accordance with the so-called separate system of sewerage.

SECTION 15. The board is hereby authorized to act, as hereinafter provided, jointly with the New Hampshire Water Resources Board, a public corporation of the state of New Hampshire with similar powers and duties within that portion of the watershed of the Merrimack river lying within said state. Said joint body shall be known as the Merrimack River Valley Authority and is hereinafter referred to as the authority. The authority shall act as an advisory planning board relative to all works and projects deemed by it reasonably necessary and proper for the preservation and maintenance of the health, welfare and safety of the inhabitants of the watershed of the Merrimack river and its tributaries in the state of New Hampshire and this commonwealth, with power to make recommendations to the legislative departments of said state and this commonwealth relative to legislation deemed by it necessary or proper to accomplish any or all of such purposes, to recommend to the governing bodies of the several cities and towns within said watershed in said state and this commonwealth any matter or thing which the authority believes will be conducive to the health, welfare or safety of said inhabitants, and to make rules and regulations within the scope of its powers and duties. The authority shall annually on or before December thirty-first make a report in writing to the governor of the state of New Hampshire and to the governor of this commonwealth.

SECTION 16. The provisions of this act, except the provisions of section fifteen and the provisions of section two other than those which provide for the management and control of the district by the board, shall cease to be effective on January first, nineteen hundred and thirty-eight, unless prior thereto ten million dollars, or such smaller sum as, in the opinion of the proper federal authorities, is sufficient to cover the cost of the project authorized by section six has

been allocated by the federal government under authority of appropriate federal legislation for the said project.

SECTION 17. This act shall take effect upon its passage.

*Approved June 24, 1936.*

*Chap.421* AN ACT SUBJECTING THE OFFICE OF SUPERINTENDENT OF CEMETERIES IN THE CITY OF CAMBRIDGE TO THE CIVIL SERVICE LAWS.

*Be it enacted, etc., as follows:*

SECTION 1. The office of superintendent of cemeteries in the city of Cambridge shall, upon the effective date of this act, become subject to the civil service laws and rules and regulations, and the term of office of any incumbent thereof shall be unlimited, subject, however, to such laws; but the person holding said office on said effective date may continue therein without taking a civil service examination.

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

*Approved June 24, 1936.*

*Chap.422* AN ACT AUTHORIZING THE COUNTY OF SUFFOLK TO PAY CERTAIN COMPENSATION TO THOMAS E. GOGGIN OF BOSTON.

*Be it enacted, etc., as follows:*

SECTION 1. For the purpose of promoting the public good, the county of Suffolk may pay to Thomas E. Goggin of the city of Boston, formerly employed as an inspector in the office of the district attorney for the Suffolk district and injured on November seventeenth, nineteen hundred and thirty-one, in the performance of his duties as such inspector, the amount or amounts to which he would be entitled if sections sixty-nine to seventy-five, inclusive, of chapter one hundred and fifty-two of the General Laws, as amended, had been in effect in said county as to said position at the time of said injuries.

SECTION 2. This act shall take effect upon its acceptance during the current year by vote of the city council of the city of Boston, subject to the provisions of its charter.

*Approved June 24, 1936.*

*Chap.423* AN ACT AUTHORIZING THE CITY OF WORCESTER TO PAY A SUM OF MONEY TO THE WIDOW OF WALTER J. COOKSON, LATE MAYOR OF SAID CITY.

*Be it enacted, etc., as follows:*

SECTION 1. For the purpose of promoting the public good and in consideration of his meritorious service in public office, the city of Worcester may pay to the widow of Walter J. Cookson, late mayor of said city, a sum of money equal to that part of the salary provided for the mayor of said city payable for the period between the date of the