

HOUSE No. 1060

At the request of Mr. Bly of Saugus, so much of the recommendations of the Commissioner of Corporations and Taxation (House, No. 32 of 1949) as relates to prohibiting assessors from holding other city or town offices, was taken from the files of the preceding session. Taxation.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty.

AN ACT PROHIBITING ASSESSORS FROM HOLDING OTHER
CITY OR TOWN OFFICES.

*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. Section 7 of chapter 4 of the General
2 laws is hereby amended by striking out the Third
3 clause, as appearing in the Tercentenary Edition, and
4 inserting in place thereof the following clause:—

5 Third, "Assessor" shall include any person chosen
6 or appointed in accordance with law to perform the
7 duties of an assessor.

1 SECTION 2. Section 20 of chapter 41 of the General
2 Laws, as appearing in the Tercentenary Edition, is
3 hereby amended by striking out the 2d sentence and
4 inserting in place thereof the following sentence:—
5 The selectmen shall be the board of public welfare in

6 towns which have not authorized the election of such
7 officers.

1 SECTION 3. Section 21 of chapter 41 of the General
2 Laws, as amended by section 2 of chapter 155 of the
3 acts of 1934, is hereby further amended by striking
4 out the first sentence and inserting in place thereof the
5 following sentence: — Ten per cent of the registered
6 voters in any town may file a petition with the select-
7 men thirty days or more before the annual town
8 meeting asking that the selectmen act as a water and
9 sewer board, water commissioners, water and mu-
10 nicipal light commissioners, municipal light board,
11 sewer commissioners, park commissioners, board of
12 health or board of public welfare, or perform the
13 duties of such boards or officers or any of them, or
14 that cemetery commissioners, assessors, a super-
15 intendent of streets, a chief of the police and fire de-
16 partments or a tree warden be thereafter appointed
17 by the selectmen.

1 SECTION 4. Section 24 of chapter 41 of the General
2 Laws, as amended by section 1 of chapter 136 of the
3 acts of 1945, is hereby further amended by striking
4 out the last paragraph and inserting in place thereof
5 the following paragraph: —

6 An assessor shall not hold any other city or town
7 office.

1 SECTION 5. Said chapter 41 is hereby amended by
2 striking out section 26A, as inserted by chapter 149
3 of the acts of 1935, and inserting in place thereof the
4 following: —

5 *Section 26A.* The assessors may employ counsel

6 at the expense of the city or town to defend them in
7 all proceedings under chapter fifty-eight A; provided,
8 that if such city or town maintains a city solicitor
9 or town counsel the assessors shall not employ other
10 counsel for such defence but shall use such solicitor
11 or counsel therefor, whose expenses incurred in such
12 defence shall be paid from his general appropriation.
13 The foregoing restriction on the right of the assessors
14 to employ counsel for such purpose shall not apply
15 in case the town has made an appropriation covering
16 the employment of counsel therefor.

1 SECTION 6. Said chapter 41 is hereby further
2 amended by striking out section 27, as amended by
3 section 1 of chapter 118 of the acts of 1936, and in-
4 serting in place thereof the following:—

5 *Section 27.* If assessors shall fail to perform their
6 duties, the commissioner of corporations and taxation
7 may appoint three or more persons to be assessors for
8 such town, who shall be sworn, shall hold office until
9 the offices of assessors are filled by the town, and shall
10 receive from the town compensation as assessors.

1 SECTION 7. If at the time this act becomes effective,
2 an assessor holds another city or town office, he may
3 notwithstanding the foregoing provisions of this act
4 continue to hold both the office of assessor and such
5 other city or town office until the expiration of the
6 term of such other office, but not thereafter.

