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ACTS, 1988. - Chaps. 50, 51.

**Chapter 50. AN ACT VALIDATING ACTION TAKEN BY THE TOWN OF HARDWICK IN APPROVING THE ORGANIZATION OF THE QUABBIN REGIONAL SCHOOL DISTRICT.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the action taken by vote of the town of Hardwick at the special town meeting held on February second, nineteen hundred and sixty-three in approving the organization of the Quabbin Regional School District is hereby ratified, validated and confirmed notwithstanding the failure to take such vote by written ballot at said town meeting as required by section fifteen of chapter seventy-one of the General Laws.

Approved May 31, 1988.

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**Chapter 51. AN ACT AUTHORIZING THE TOWN OF PLAINVILLE TO RECALL ELECTED OFFICIALS.**

Be it enacted, etc., as follows:

**SECTION 1.** Any holder of an elective office in the town of Plainville may be recalled, and removed therefrom by the qualified voters of said town as herein provided.

**SECTION 2.** Any qualified voter of the town of Plainville may file with the town clerk of said town an affidavit containing the name of the officer sought to be recalled and a statement of the grounds of recall. Said town clerk shall thereupon deliver to the voter making such affidavit a sufficient number of copies of petition blanks demanding such recall, printed forms of which he shall keep on hand. The blanks shall be issued by the town clerk with his signature and official seal attached thereto; they shall be dated and addressed to the selectmen of said town; shall contain the name of the person to whom issued, the number of blanks so issued, the name of the person sought to be recalled, the office from which removal is sought, the grounds of recall as stated in said affidavit, and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. The recall petition shall be returned and filed with said town clerk on or before the first workday following twenty days after the filing of the affidavit. Said petition before being returned and filed, shall be signed by ten per cent of the registered voters in said town and to every signature shall be added the place of residence of the signer, giving the street and number.

The said recall petition shall be submitted, at or before three o'clock post meridian of the Monday preceding the day on which it must be filed, to the registrars of voters in said town, and the registrars shall forthwith certify thereon the number of signatures which are names of voters of said town.

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**SECTION 3.** If the petition shall be found and certified by said town clerk to be sufficient, he shall submit the same with his certificate to the board of selectmen without delay and said board shall forthwith give written notice to the officer against whom recall is sought of the receipt of said certificate and shall, if the officer does not resign within fivedays thereafter, thereupon order an election to be held on a Tuesday fixed by them not less than sixty nor more than ninety days after the date of the town clerk's certificate that a sufficient petition is filed; provided, however, that if any other town election is to occur within one hundred days after the date of said certificate, the board of selectmen may, in its discretion, postpone the holding of said recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been so ordered, the election shall nevertheless proceed as provided herein.

**SECTION 4.** Any officer sought to be recalled may be a candidate to succeed himself and, unless he requests otherwise in writing, said town clerk shall place his name on the official ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of the same, shall be in accordance with the provisions of law relating to elections, unless otherwise provided in this act.

**SECTION 5.** The incumbent shall continue to perform the duties of his office until the recall election. If then re-elected, he shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in section seven. If not re-elected in the recall election, he shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving written, certified notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

**SECTION 6.** Ballots used in a recall election in said town shall submit the following propositions in the order indicated:

For the recall of (name of officer)

Against the recall of (name of officer)

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (X) may vote for either of such propositions. Under the proposition shall appear the word "Candidates" and the directions to voters required by section forty-two of chapter fifty-four of the General Laws beneath this the names of candidates nominated as hereinbefore provided.

If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of votes on the question is in the negative, the ballots for candidates need not be counted.

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**SECTION 7.** No recall petition shall be filed against an officer of said town within three months after he takes office, nor in the case of an officer subjected to a recall election and not recalled thereby, until at least six months after that election.

**SECTION 8.** No person who has been recalled from an office in said town or who has resigned from office while recall proceedings were pending against him, shall be appointed to any town office within two years after such removal by recall or resignation. This section, however, shall not preclude any person from running for elected office within said town.

**SECTION 9.** This act shall be submitted for acceptance to the voters of the town of Plainville at its next annual town meeting in the form of the following question which shall be placed on the official ballot to be used for the election of town officers at said meeting:

"Shall an act passed by the general court in the year nineteen hundred and eighty-eight, entitled 'An Act authorizing the town of Plainville to recall elected officials' be accepted?" If a majority of the votes in answer to said question is in the affirmative, this act shall thereupon take full effect but not otherwise. At any time except as herein provided after the expiration of six years from the date on which this act is accepted, and not less than ninety days before the date of an annual town election, a petition signed by not less than fifteen per cent of the registered voters of the town may be filed with the board of selectmen, requesting that the question of revoking the acceptance of this act be submitted to the voters. Thereupon the board of selectmen shall cause to be printed on the official ballot to be used for the election of town officers at the annual town election next following the filing of such a petition the following question: "Shall the acceptance by the town of Plainville of an act passed by the general court in the year nineteen hundred and eighty-eight, entitled 'An Act authorizing the town of Plainville to recall elected officials' be revoked?" If a majority of the votes in answer to said question is in the affirmative, the acceptance of this act shall be revoked and it shall become null and void beginning with the first day of the month next following such revocation. A petition to revoke the acceptance of this act shall not be filed more often than once in every three years.

Approved May 31, 1988.

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**Chapter 52. AN ACT AUTHORIZING THE TOWN OF ASHLAND TO CONVEY A CERTAIN PARCEL OF LAND.**

Be it enacted, etc., as follows:

The town of Ashland is hereby authorized to convey a certain parcel of land acquired for water supply purposes to the Richmond Development