

HOUSE No. 67

Accompanying the first recommendation of the Department of Public Welfare (House, No. 66). Public Welfare.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Eight.

AN ACT RELATING TO THE DUTIES OF THE TRUSTEES OF THE STATE INFIRMARY.

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 eight of chapter eighteen of
2 the General Laws, as appearing in the Tercentenary
3 Edition, is hereby amended by adding at the end
4 thereof the following:— The commissioner shall be
5 a member of the board of trustees ex officio, — so
6 as to read as follows:— *Section 8.* There shall be
7 a board of trustees of the state infirmary serving in
8 the division and consisting of five men and two
9 women, three of whom shall annually in June be
10 appointed by the governor, with the advice and
11 consent of the council, for three years each, except
12 that in the year nineteen hundred and twenty-one
13 and every third year thereafter only one such trustee
14 shall be so appointed. The commissioner shall be
15 a member of the board of trustees ex officio.

1 SECTION 2. Section one of chapter one hundred
2 and twenty-two of the General Laws, as appearing
3 in the Tercentenary Edition, is hereby amended by
4 striking out, in the fourth line, the word “trustees”
5 and inserting in place thereof the words:— the com-
6 missioner, — by striking out, in the sixth line, the
7 word “trustees” and inserting in place thereof the
8 words:— the commissioner, — by striking out, in
9 the seventh line, the word “them” and inserting in
10 place thereof the word:— him, — by striking out, in
11 the eighth line, the words “subject to the approval of
12 the trustees”, — and by striking out, in the tenth
13 line, the words “The trustees shall not employ one
14 of their own members”, — so as to read as follows:—
15 *Section 1.* The trustees of the state infirmary, in
16 this chapter called the trustees, shall hold meetings
17 monthly at the state infirmary. One trustee shall
18 visit the institution at least once a week. The com-
19 missioner shall appoint a superintendent of the state
20 infirmary, who, with the approval of the governor
21 and council, may be the resident physician, who
22 shall hold office at the pleasure of the commissioner,
23 and whose compensation shall be fixed by him, with
24 the approval of the governor and council. All other
25 officers and employees shall be appointed by the
26 superintendent. The commissioner of public welfare
27 shall make an annual report of the condition of the
28 institution, with a copy of the inventory required by
29 section forty of chapter one hundred and twenty-one.

1 SECTION 3. Section two of chapter one hundred
2 and twenty-two of the General Laws, as appearing
3 in the Tercentenary Edition, is hereby amended by
4 striking out, in the first line, the word “trustees” and

5 inserting in place thereof the word:— commis-
6 sioner, — so as to read as follows:— *Section 2.* The
7 commissioner shall, with the approval of the governor
8 and council, make rules and regulations for the proper
9 management and government of the state infirmary
10 and shall see to their enforcement.

1 SECTION 4. Section two A of chapter one hun-
2 dred and twenty-two of the General Laws, as ap-
3 pearing in the Tercentenary Edition, is hereby
4 amended by striking out, in the eighth line, the
5 words “with all the powers necessary to effect said
6 purposes” and inserting in place thereof the words:
7 — as directed by the commissioner, — by striking
8 out, in the ninth line, the word “trustees” and in-
9 serting in place thereof the word:— commissioner,
10 — by striking out, in the tenth line, the word “they”
11 and inserting in place thereof the word:— he, —
12 and by striking out the last two sentences, in the
13 fifteenth to the twenty-fourth lines, and inserting in
14 place thereof the following:— In the use, manage-
15 ment and administration of such gifts or trusts, the
16 commissioner shall in his discretion so act as most
17 effectively to aid the beneficiaries in accordance
18 with the terms of the gift or trust, and when so act-
19 ing his judgments and determinations in extending
20 or denying aid or benefit to any individual shall be
21 conclusive and final. He shall not be answerable for
22 the use of any money or property received by any
23 beneficiary or for the default or neglect of any agent
24 employed hereunder, or of any corporation to which
25 power is delegated or transferred as herein authorized,
26 — so as to read as follows:— *Section 2A.* The
27 trustees shall be a corporation for the purpose of tak-

28 ing and holding, by them and their successors, in the
29 name of the commonwealth, and in accordance with
30 the terms thereof, any grant or devise of land or any
31 gift or bequest of money or other personal property
32 made for the use or benefit of the state infirmary,
33 its patients or former patients, and for the purpose
34 of preserving and investing the proceeds thereof in
35 notes or bonds secured by good and sufficient mort-
36 gages or other security, as directed by the commis-
37 sioner. For said purposes the commissioner may
38 employ such agencies as he may from time to time de-
39 termine to be wise and proper, including any trust
40 company or other corporation authorized by law to
41 administer trusts, and may from funds received as
42 aforesaid or the income thereof pay such gifts or
43 trusts, or may, with the approval of the governor and
44 council, delegate any powers conferred by this sec-
45 tion upon any such trust company or corporation.
46 In the use, management and administration of such
47 gifts or trusts, the commissioner shall in his discretion
48 so act as most effectively to aid the beneficiaries in
49 accordance with the terms of the gift or trust, and
50 when so acting his judgments and determinations
51 in extending or denying aid or benefit to any indi-
52 vidual shall be conclusive and final. He shall not
53 be answerable for the use of any money or property
54 received by any beneficiary or for the default or neglect
55 of any agent employed hereunder, or of any corpo-
56 ration to which power is delegated or transferred as
57 herein authorized.

1 SECTION 5. Section three of chapter one hundred
2 and twenty-two of the General Laws, as appearing
3 in the Tercentenary Edition, is hereby amended by

4 inserting at the beginning of the section the sentence:
5 — The trustees shall act as an advisory board, — by
6 striking out, in the first line, the words “the trustees”
7 and inserting in place thereof the words:— subject
8 to the approval of the commissioner, they, — and by
9 striking out all after the word “them” in the third
10 line, — so as to read as follows:— *Section 3.* The
11 trustees shall act as an advisory board. Subject to
12 the approval of the commissioner, they shall have
13 and exercise the same powers relative to inmates and
14 their property as towns and boards of public welfare
15 have relative to persons supported or relieved by
16 them.

1 SECTION 6. Section four of chapter one hundred
2 and twenty-two of the General Laws, as appearing
3 in the Tercentenary Edition, is hereby amended by
4 striking out, in the seventh line, the word “trustees”
5 and inserting in place thereof the word:— commis-
6 sioner, — so as to read as follows:— *Section 4.* The
7 superintendent and resident physician may reside
8 with their families at the state infirmary. The super-
9 intendent shall receive no other compensation than
10 that provided in section one and no perquisites for
11 his service except as aforesaid; and he shall give
12 bond to the state treasurer for the faithful perform-
13 ance of his duties in such sum as the comptroller may
14 prescribe, and with sufficient surety to the accept-
15 ance of said commissioner and subject to the approval
16 of the governor.

1 SECTION 7. Section six of chapter one hundred
2 and twenty-two of the General Laws, as appearing in
3 the Tercentenary Edition, is hereby amended by

4 striking out, in the second line, the words “trustees
5 thereof, or, if the trustees so vote, by the superin-
6 tendent or by the chairman or some other member
7 designated by him” and inserting in place thereof
8 the word: — commissioner, — so as to read as fol-
9 lows: — *Section 6.* All accounts for the maintenance
10 of the state infirmary shall be approved by the com-
11 missioner and shall be filed with the comptroller and
13 paid by the commonwealth.

1 SECTION 8. Section eight of chapter one hundred
2 and twenty-two of the General Laws, as appearing
3 in the Tercentenary Edition, is hereby amended by
4 striking out, in the second line, the word “trustees”
5 and inserting in place thereof the word: — commis-
6 sioner, — and by striking out, in the fourth line, the
7 word “trustees” and inserting in place thereof the
8 word: — commissioner, — so as to read as follows: —
9 *Section 8.* The superintendent, with the consent of
10 the commissioner, may contract with any person for
11 the employment of any inmate of the state infirmary
12 in any kind of lawful labor for such wages or on such
13 terms as the superintendent and commissioner ap-
14 prove. If a contract is so made, such inmate shall
15 be discharged from the infirmary, and, if he refuses
16 to accept the employment offered, shall forfeit all
17 claim to support.

