

ACTS, 1982. - Chaps. 348, 349.

SECTION 10. Notwithstanding any provision of chapter thirty-one of the General Laws or any other general or special law to the contrary, first preference for all permanent or temporary entry-level positions at the correctional facility known as M.C.I. Shirley shall be given to those persons determined by the commissioner of correction to be residents of the towns of Ayer, Groton, Harvard, Lancaster, Lunenburg, Pepperell, Shirley, and Townsend, provided that such persons are otherwise qualified for such positions.

Approved July 15, 1982.

EMERGENCY LETTER July 16, 1982 @ 12:06 P.M.

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Chap. 348. AN ACT AUTHORIZING JOHN NICASTRO, HOWARD K. EATON, KENNETH CANDEIAS, ROGER V. CARROLL, RAYMOND BAKER, DEBRA DiPADUA AND JOHN D. KENT TO BECOME OFFICERS OF THE DIVISION OF STATE POLICE NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section nine A of chapter twenty-two of the General Laws or any other general or special law to the contrary, regulating the maximum age for enlistment as an officer of the division of state police, John Nicastro, Howard K. Eaton, Kenneth Candeias, Roger V. Carroll, Raymond Baker, Debra DiPadua and John D. Kent shall be eligible for enlistment as officers in said division of state police, provided they meet all other requirements.

Approved July 15, 1982.

EMERGENCY LETTER July 16, 1982 @ 12:06 P.M.

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Chap. 349. AN ACT FURTHER DEFINING APPEALS PROCEDURES WITH REGARD TO SCENIC AND RECREATIONAL RIVERS.

Be it enacted, etc., as follows:

Section 17B of chapter 21 of the General Laws is hereby

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amended by adding the following two paragraphs:-

The superior court, upon a complaint in the nature of a civil action shall have the jurisdiction to determine whether an order promulgated under this section constitutes a taking without compensation. Such determination shall be independent of any determination by the court of the reasonableness of the exercise of the police power under this section. Said superior court is hereby authorized to hear a complaint of any person having a recorded interest in land or a class action under Rule 23 of the Massachusetts Rules of Civil Procedure and may award damages under the provisions of chapter seventy-nine by reason of the adoption of the order, whether or not such order is determined to be unreasonable.

If the court determines that such order is unreasonable, and if the commissioner shall petition under the provisions of chapter seventy-nine for a taking by eminent domain, the court shall have the power to award damages to the person having the recorded interest in land affected by such order or make such general award of damages relative to a class of land owners who qualify under said Rule 23.

(The foregoing was laid before the Governor on the second day of July, 1982 and after ten days it had "the force of law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time)

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Chap. 350. AN ACT AUTHORIZING THE TOWN OF MANCHESTER TO ISSUE TO BROWN'S FRUIT AND GROCERY, INC. A LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the town of Manchester is hereby authorized to issue to Brown's Fruit and Grocery, Inc. d/b/a Brown's Market, a license for the sale of all alcoholic beverages not to be drunk on the premises under the provisions of section fifteen of said chapter one hundred and thirty-eight. Said license shall be subject to all the provisions of said chapter one hundred and thirty-eight except said section seventeen.