

rooms and office rental, and may acquire temporary easements in property under the provisions of chapter seventy-nine of the General Laws, whenever necessary in order to carry out the provisions of this act.

SECTION 5. For the purpose of this act, the treasurer of Bristol county may expend such sums as may be appropriated therefor.

*Approved November 11, 1971.*

**Chap. 1069.** AN ACT INCREASING THE WHOLE ESTATE WHICH AN ELDERLY PERSON MAY HAVE TO QUALIFY FOR REAL ESTATE TAX EXEMPTION.

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

SECTION 1. Clause Forty-first of section 5 of chapter 59 of the General Laws, as amended by chapter 456 of the acts of 1970, is hereby further amended by striking out, in lines 22 and 40, the word "thirty" and inserting in place thereof, in each instance, the word: — forty, — and by striking out, in lines 24 and 42, the word "thirty-five" and inserting in place thereof, in each instance, the word: — forty-five.

SECTION 2. This act shall apply to taxes levied for the year nineteen hundred and seventy-two and subsequent years.

*Approved November 11, 1971.*

**Chap. 1070.** AN ACT PROVIDING FOR THE IMPLEMENTATION OF THE FEDERAL HIGHWAY BEAUTIFICATION ACT OF 1965.

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

SECTION 1. The General Laws are hereby amended by inserting after chapter 93C the following chapter: —

#### CHAPTER 93D.

#### CONTROL OF OUTDOOR ADVERTISING ADJACENT TO THE INTERSTATE AND PRIMARY HIGHWAY SYSTEMS.

*Section 1.* In this chapter unless the context otherwise requires, the following words shall have the following meanings:

"Interstate system", that portion of the national system of interstate and defense highways located within this commonwealth, as officially designated, or as may be hereafter so designated; by the department of public works of the commonwealth, and approved by the United States Secretary of Transportation, pursuant to the provisions of Title 23, United States Code, "Highways".

"Primary systems", that portion of connected main highways, as officially designated, or as may hereafter be so designated, by the department of public works of the commonwealth, and approved by the United States Secretary of Transportation, pursuant to the provisions of Title 23, United States Code, "Highways".

"Outdoor advertising", any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard or other thing which is designed, intended or used to advertise or inform any part of the advertising or information contents of which is visible from any place on the main travelled way of the interstate or primary systems.

“Safety rest area”, an area or site established and maintained within or adjacent to the right-of-way by or under public supervision or control, for the convenience of the traveling public.

“Board”, outdoor advertising board.

“Information center”, an area or site established and maintained at safety rest areas for the purpose of informing the public of places of interest within the state and providing such other information as the department of public works may consider desirable.

“Department”, the department of public works of the commonwealth.

*Section 2.* Notwithstanding the provisions of chapter ninety-three, no outdoor advertising shall be erected or maintained within six hundred and sixty feet of the nearest edge of the right-of-way and visible from the main travelled way of a highway in the interstate or primary systems except the following:

(a) Directional and other official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historic attractions, as authorized by the department or required by law.

(b) Signs, displays and devices advertising activities conducted on the property upon which they are located.

(c) Signs, displays and devices advertising the sale or lease of property upon which they are located.

(d) Signs, displays and devices which are located in areas which are zoned industrial or commercial under authority of law and which have permits issued under the provisions of section three.

(e) Signs, displays and devices which are located in unzoned commercial or industrial areas which areas shall be determined from actual land use and defined by regulations to be promulgated by the department and which have permits issued under the provisions of section three.

*Section 3.* Under the procedures set forth in chapter ninety-three, the board is authorized to issue permits for the erection and maintenance of signs, displays and devices described in clauses (a), (d) and (e) of section two, provided, however, that the erection and maintenance thereof would comply with applicable ordinances and by-laws, with standards promulgated by the Secretary of Transportation under Section 131 (c-1), (f) and (h) of Title 23, United States Code, and with agreements between the department and said Secretary authorized by section seven of this chapter. Nothing in this section shall apply to signs, displays or devices referred to in clauses (b) and (c) of section two.

Nothing in this chapter shall be construed to prohibit the board from adopting lawful regulations imposing stricter limitations with respect to signs, displays and devices on the interstate and primary systems.

*Section 4.* Any outdoor advertising which violates the provisions of this chapter shall be deemed a public nuisance. The department shall have the same power to abate and remove any such nuisance as is given the board of health of a town under sections one hundred and twenty-three to one hundred and twenty-five, inclusive, of chapter one hundred and eleven, and the provisions of said sections shall, sofar as applicable, apply in the case of a nuisance as herein defined. The remedy provided herein shall be in addition to any other remedy provided by law.

*Section 5.* The supreme judicial and superior courts shall have jurisdiction in equity upon the petition of the department, the board, the

attorney general, of any city or town or any officer thereof, or of any interested party, to restrain the erection or maintenance of any outdoor advertising erected or maintained in violation of any provisions of this chapter and to order the removal or abatement of such outdoor advertising as a nuisance.

*Section 6.* The department is hereby authorized to maintain maps and to permit informational directories and advertising pamphlets to be made available at safety rest areas and to establish centers at safety rest areas for the purpose of informing the public of places of interest within the commonwealth and providing such other information as may be considered desirable.

*Section 7.* The department is hereby authorized to enter into an agreement with the United States Secretary of Transportation, as provided by Title 23 of the United States Code, to establish standards for size, lighting and spacing of signs, displays and devices described in subsections (d) and (e) of section two and to define an unzoned commercial or industrial area for the purposes of said section and to take action in the name of the commonwealth to comply with the terms of such agreement.

The department is further authorized to enter into an agreement with the Secretary of Transportation as provided by said Title 23 of the United States Code, relating to the establishment of information centers at safety rest areas and to take action in the name of the commonwealth to comply with the terms of such agreement.

**SECTION 2.** The department of public works, hereinafter in this act called the department, is authorized and directed to acquire by purchase, gift or otherwise, or take by eminent domain upon payment of just compensation all right, title, leasehold and interest of the owner, in the following signs, displays or devices and to so acquire from the owner of the real property on which the sign, display or device is located the right to erect and maintain such signs, displays and devices thereon: (a) Any sign, display or device which was lawfully in existence on October the twenty-second, nineteen hundred and sixty-five and lawfully maintained thereafter but which does not comply with the provisions of chapter ninety-three D of the General Laws, inserted by section one of this act; (b) any sign, display or device lawfully on any highway made a part of the interstate or primary system on or after October the twenty-second, nineteen hundred and sixty-five and before January the first, nineteen hundred and sixty-eight, but which does not comply with the provisions of said chapter ninety-three D; and (c) any sign, display or device lawfully erected on or after January the first, nineteen hundred and sixty-eight and lawfully maintained thereafter but which does not comply with the provisions of said chapter ninety-three D; provided, however, that the department shall not acquire said sign, display or device without receiving prior assurance from the appropriate federal authorities that seventy-five per cent of the cost of said acquisition is available for reimbursement to the commonwealth. Said signs, displays and devices shall not be subject to any proceeding for abatement as a nuisance, or equitable relief, notwithstanding the provisions of said chapter ninety-three D.

**SECTION 3.** For carrying out the purposes and provisions of this act and of Title 1 of Public Law 89-285, or as amended, the department may expend any funds made available for the laying out, construction,

reconstruction, resurfacing, relocation or improvement of highways notwithstanding any provisions of law to the contrary.

SECTION 4. Any outdoor advertising, as defined in section one of chapter ninety-three D of the General Laws, inserted by section one of this act, which was lawfully erected and which on the effective date of this act had a permit issued under chapter ninety-three of the General Laws, was in compliance with by-laws and ordinances, and was otherwise lawful in all respects, shall not be required to be removed as a result of any of the provisions of this act until five years after the effective date of this act.

SECTION 5. Nothing in this act shall be construed to abrogate or affect the provisions of any lawful ordinance, by-law, regulation or resolution, which are more restrictive than the provisions of this act.

SECTION 6. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction the decision of such court shall not affect or impair any of the remaining provisions.

*Approved November 11, 1971.*

EMERGENCY LETTER — November 23, 1971 at 2:22 P.M.

**Chap. 1071.** AN ACT PROVIDING FOR THE REGULATION OF DRUGS AND CONTROLLED SUBSTANCES.

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

SECTION 1. The General Laws are hereby amended by inserting after chapter 94B the following chapter:—

CHAPTER 94C.

Controlled Substances Act.

*Section 1.* As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“Administer”, the direct application of a controlled substance whether by injection, inhalation, ingestion or any other means to the body of a patient or research subject by—

(a) a practitioner, or

(b) a registered nurse or licensed practical nurse at the direction of a practitioner in the course of his professional practice, or

(c) an ultimate user or research subject at the direction of a practitioner in the course of his professional practice.

“Agent”, an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser; except that such term does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman, when acting in the usual and lawful course of the carrier’s or warehouseman’s business.

“Bureau”, the Bureau of Narcotics and Dangerous Drugs, United States Department of Justice or its successor agency.

“Class”, the list of controlled substances for the purpose of determining the severity of criminal offenses under this chapter.

“Clinical research”, any systematic investigation or study carried out in connection with the good faith professional practice of medicine, dentistry or podiatry for the alleviation of pain and suffering or