

HOUSE No. 5611

By Mr. Harris of Marblehead (by request), petition of R. Craig McGarvey relative to the modernization of county government. Counties.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Three.

AN ACT RELATIVE TO THE MODERNIZATION OF COUNTY GOVERNMENT.

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. *Organization of Counties.* On the effective
2 date of this act, all existing counties shall be abolished and the
3 following new counties shall be established:

4 (a) Berkshire County consisting of the following cities and
5 towns with the county seat at Pittsfield:

6 Adams	Mt. Washington
7 Alford	New Ashford
8 Becket	New Marlborough
9 Blandford	North Adams
10 Cheshire	Otis
11 Clarksburg	Peru
12 Dalton	Pittsfield
13 Egremont	Richmond
14 Florida	Sandisfield
15 Granville	Savoy
16 Great Barrington	Sheffield
17 Hancock	Stockbridge
18 Hinsdale	Tolland
19 Lanesborough	Tyringham
20 Lee	Washington
21 Lenox	West Stockbridge
22 Monterey	Williamstown
	Windsor

23 (b) Franklin County consisting of the following cities and
 24 towns with the county seat at Greenfield:

25	Ashfield	Leverett
26	Bernardston	Leyden
27	Buckland	Monroe
28	Charlemont	Montague
29	Colrain	Northfield
30	Conway	Plainfield
31	Deerfield	Rowe
32	Erving	Shelbourne
33	Gill	Shutesbury
34	Greenfield	Sunderland
35	Hawley	Wendell
36	Heath	Whately

37 (c) Hampden County consisting of the following cities and
 38 towns with the county seat at Springfield:

39	Agawam	Middlefield
40	Amherst	Monson
41	Belchertown	Montgomery
42	Chester	Northampton
43	Chesterfield	Palmer
44	Chicopee	Pelham
45	Cummington	Russell
46	Easthampton	South Hadley
47	East Longmeadow	Southampton
48	Goshen	Southwick
49	Granby	Springfield
50	Hadley	Ware
51	Hampden	Westhampton
52	Hatfield	Westfield
53	Holyoke	West Springfield
54	Huntington	Wilbraham
55	Longmeadow	Williamsburg
56	Ludlow	Worthington

57 (d) Hampshire County consisting of the following cities and
 58 towns with the county seat at Fitchburg:

59	Ashburnham	New Salem
60	Ashby	Orange
61	Athol	Pepperell

62	Ayer	Petersham
63	Clinton	Phillipston
64	Dunstable	Princeton
65	Fitchburg	Royalston
66	Gardner	Shirley
67	Groton	Sterling
68	Harvard	Templeton
69	Hubbardston	Townsend
70	Lancaster	Warwick
71	Leominster	Westminster
72	Lunenburg	Winchendon
73	(e) Worcester County consisting of the following cities and	
74	towns with the county seat at Worcester:	
75	Auburn	Oakham
76	Barre	Oxford
77	Boylston	Paxton
78	Brimfield	Rutland
79	Brookfield	Shrewsbury
80	Charlton	Southbridge
81	Douglas	Spencer
82	Dudley	Sturbridge
83	East Brookfield	Sutton
84	Grafton	Upton
85	Hardwick	Uxbridge
86	Holden	Wales
87	Holland	Warren
88	Leicester	Webster
89	Millbury	West Boylston
90	New Braintree	West Brookfield
91	Northbridge	Worcester
92	North Brookfield	
93	(f) Merrimack County consisting of the following cities and	
94	towns with the county seat at Lawrence:	
95	Amesbury	Merrimac
96	Andover	Methuen
97	Billerica	Newbury
98	Boxford	Newburyport
99	Chelmsford	North Andover
100	Dracut	Rowley

101	Georgetown	Salisbury
102	Groveland	Tewksbury
103	Haverhill	Tyngsborough
104	Lawrence	Westford
105	Lowell	West Newbury
106	(g) Middlesex County consisting of the following cities and	
107	towns with the county seat at Framingham:	
108	Acton	Mendon
109	Ashland	Medfield
110	Bedford	Medway
111	Bellingham	Milford
112	Berlin	Millis
113	Blackstone	Millville
114	Bolton	Natick
115	Boxborough	Needham
116	Canton	Norfolk
117	Carlisle	Northborough
118	Concord	Norwood
119	Dedham	Plainville
120	Dover	Sharon
121	Foxborough	Sherborn
122	Framingham	Southborough
123	Franklin	Stow
124	Holliston	Sudbury
125	Hopedale	Walpole
126	Hopkinton	Waltham
127	Hudson	Wayland
128	Lexington	Wellesley
129	Lincoln	Westborough
130	Littleton	Weston
131	Marlborough	Westwood
132	Maynard	Wrentham
133	(h) Essex County consisting of the following cities and	
134	towns with the county seat at Salem:	
135	Beverly	North Reading
136	Burlington	Peabody
137	Danvers	Reading
138	Essex	Rockport
139	Gloucester	Salem

140	Hamilton	Saugus
141	Ipswich	Stoneham
142	Lynn	Swampscott
143	Lynnfield	Topsfield
144	Manchester	Wakefield
145	Marblehead	Wenham
146	Melrose	Wilmington
147	Middleton	Winchester
148	Nahant	Woburn
149	(i) Suffolk County consisting of the following cities and	
150	towns with the county seat at Boston:	
151	Arlington	Medford
152	Belmont	Milton
153	Boston	Newton
154	Braintree	Quincy
155	Brookline	Randolph
156	Cambridge	Revere
156	Chelsea	Somerville
157	Everett	Watertown
158	Malden	Winthrop
159	(j) Norfolk County consisting of the following cities and	
160	towns with the county seat at Brockton:	
161	Abington	Holbrook
162	Avon	Hull
163	Bridgewater	Marshfield
164	Brockton	Norwell
165	Cohasset	Pembroke
166	Duxbury	Rockland
167	East Bridgewater	Scituate
168	Easton	Stoughton
169	Halifax	West Bridgewater
170	Hanover	Weymouth
171	Hanson	Whitman
172	Hingham	
173	(k) Plymouth County consisting of the following cities and	
174	towns with the county seat at Plymouth:	
175	Acushnet	New Bedford
176	Attleboro	North Attleboro
177	Berkeley	Norton
178	Carver	Plymouth

179	Dartmouth	Plympton
180	Dighton	Raynham
181	Fairhaven	Rehoboth
182	Fall River	Rochester
183	Freetown	Seekonk
184	Kingston	Somerset
185	Lakeville	Swansea
186	Mansfield	Taunton
187	Marion	Wareham
188	Mattapoisett	Westport
189	Middleborough	
190	(l) Barnstable County consisting of the following cities and	
191	towns with the county seat at Barnstable:	
192	Barnstable	Hardwick
193	Bourne	Mashpee
194	Brewster	Nantucket
195	Chatham	Oak Bluffs
196	Chilmark	Orleans
197	Dennis	Provincetown
198	Eastham	Sandwich
199	Edgartown	Tisbury
200	Falmouth	Truro
201	Gay Head	Wellfleet
202	Gosnold	West Tisbury
203		Yarmouth

204 *Review of County Boundaries.* In order to insure that
 205 county government remain logical regional governmental units
 206 the general court shall review all county boundaries five years
 207 after the effective date of this act to determine whether or not
 208 county boundaries should be again altered and may alter the
 209 boundaries. After this initial five-year review, county
 210 boundaries shall be reviewed by the general court every ten
 211 years and may be altered to maintain regions that can effec-
 212 tively solve the problems assigned to them by the General
 213 Court.

1 SECTION 2. *County.*

2 Governmental Structure - The three county commissioners
 3 shall act as the county executive and shall be elected at large as
 4 at present.

5 The county legislature must approve an administrative
6 system for each county that would provide for either:

- 7 1. Strong manager form;
- 8 2. Executive secretary form;
- 9 3. Strong single commissioner similar to strong mayor.

10 The county legislature will have the power to use any form
11 of taxation that is constitutional to cover expenditures
12 proposed by the executive or others and voted by county
13 representatives.

14 The county shall act as the government agency responsible
15 for all problems that require government control or con-
16 tributions that transcend municipal boundaries yet are more
17 regionally oriented than state oriented.

18 Following their at-large election, the commissioners shall
19 sub-divide the county into 100 equalized representative districts
20 based on city and town boundaries insofar as possible and on
21 existing ward and precinct lines where necessary. The com-
22 missioners shall hold an election for county legislators within
23 six months of district establishment. Thereafter county legis-
24 lators shall be elected for two year terms at each state election.

25 The county legislature shall have the same responsibilities
26 and procedures as a representative town meeting.

27 It shall meet annually to act on a warrant in the manner of
28 towns and at other such times as special meetings are called by
29 the county commissioners or by a petition of 1,000 registered
30 voters of the county.

31 The first meeting under this act shall elect a moderator and
32 a clerk to be chosen biennially thereafter at the annual meeting
33 following each legislative election. It shall adopt by-laws to
34 govern its activities and establish such advisory committees as it
35 deems appropriate.

1 SECTION 3. *Regional Planning Districts.* All regional
2 planning districts shall be realigned along the reorganized
3 county boundaries and function as county planning authorities.

4 To implement this section, Chapter 40B of the General Laws
5 Sections 1-19 and Chapter 425 of the Acts of 1963, Chapter
6 668 of the Acts of 1966, and Chapter 332 of the Acts of

7 1967, all as amended, are hereby repealed, and all books,
8 documents, records, plans and other materials shall become the
9 property of the appropriate county planning department which
10 shall assume the duties, responsibilities and functions of the
11 former regional planning agency established under the above
12 repealed provisions of the General Laws and Special Acts.

1 SECTION 4. *County Functions and Responsibilities.* The
2 functions and responsibilities of the reorganized counties shall
3 include any or all of the following as may be provided by the
4 positive action of the county legislature:

5 (A) *Planning and Economic Development.* For the purpose
6 of planning for the orderly protection and development of the
7 physical, social and economic resources of the counties, the
8 county is authorized and directed to establish a planning and
9 economic development program for the county with a depart-
10 ment staff and a county advisory council. The advisory council
11 shall consist of the mayor of each city or his designee and the
12 chairman of the Board of Selectmen of each town or his
13 designee. The county commissioners shall meet periodically,
14 but not less than quarterly, with the advisory council to discuss
15 county and municipal problems, county-municipal relations,
16 cooperation in service problems, coordination of operations and
17 capital facilities development and other subjects of mutual
18 interest in order to provide closer county-municipal liaison and
19 cooperation. The county department staff shall prepare an
20 annual comprehensive plan for the approval of the county
21 commissioners, including the county financial budget.

22 (B) *Sewerage.* The county shall assume all existing
23 properties, duties and costs of all sewerage treatment facilities
24 within the county, including those which at the effective date
25 of this act, although physically within a given county belong to
26 a special district, unless said special district crosses the new
27 county boundaries. In any such case, the Federation of the
28 Counties involved shall determine an equitable solution to the
29 effective operation of said system with the approval of the
30 State Department of Public Health.

31 (C) *Pollution Control.* The county shall be the im-
32 plementing authority for the control and solution of air, water

33 and noise pollution within its boundaries. The county is au-
34 thorized to set standards for pollution control which must
35 conform to at least the minimum standards established by the
36 federal government and the Commonwealth. All standards shall
37 be considered subject to the overriding concern of the Com-
38 monwealth and as such the appropriate State Agency may
39 order a county to take specific action to control pollution.

40 (D) *Water Supplies.* The county shall have the power and
41 control of all water supplies and resources within that county,
42 including those which as of the effective date of this act,
43 although physically within a given county are the property of a
44 special district, except if on the effective date of this act, a
45 supply within a given county is used by a city or town outside
46 that county, in which instance, said water resources shall be
47 considered the resource of the county in which said city or
48 town using the existing supply is located.

49 All water supplies shall be considered subject to the over-
50 riding concern of the Commonwealth, and as such, the water
51 resources commission of the Commonwealth is designated as
52 the prime agency. The commission may issue such adminis-
53 trative orders as it considers necessary or advisable to the end
54 of settling any actual or potential inter-county water supply
55 dispute. The commission may also order a county to take
56 specific action to preserve and protect present and future
57 supplies as it deems necessary and advisable.

58 (E) *Law Enforcement and Public Safety.* The county shall
59 establish a department of public safety which shall be the
60 prime agency for all law enforcement and fire protection in the
61 county. It shall be the responsibility of the Sheriff in the
62 county to act as commissioner of fire and commissioner of
63 police and as civil defense director. The county shall have the
64 power to establish standards of public safety which are not
65 already the prerogative of the commonwealth and to see that
66 the cities and towns meet these standards either independently
67 or in conjunction with the Sheriff.

68 The Sheriff shall be empowered to assign municipal law
69 enforcement personnel and municipal fire personnel to serve
70 permanently in any area of the county, except those personnel
71 who as of the effective date of this act are on active duty in a
72 municipality. In any such case, the initiative must come from

73 the individual policeman or fireman who desires permanent
74 assignment outside the perimeter of his present geographic
75 boundary. The Sheriff is empowered to deploy their personnel
76 to any area of the county temporarily as the need arises.

77 The county department of public safety shall establish stan-
78 dards for record keeping and reporting, radio and other com-
79 munication systems, criminal investigation procedures, training
80 and career development, and any other public safety programs
81 deemed to be regional in nature.

82 The budget of the Department of Public Safety shall be
83 approved by both the executive and legislative branches of the
84 county. The Department of Public Safety shall maintain county
85 jails to implement the normal conduct of its duties.

86 (F) *Solid Waste Disposal*. The county shall be the principal
87 agency for the control of Solid Waste within its boundaries. It
88 may absorb any existing facilities within the county and it may
89 build or acquire any additional facilities subject to the approval
90 of the State Department of Public Health. The county shall set
91 the standards for the collection and disposal of all solid waste
92 within its boundaries. Any municipality within the county may
93 either meet the standards or contract with the county to
94 perform the service for them.

95 (G) *Conservation & Open Space*. Programs for con-
96 servation and open space shall be proposed by the county
97 planning department in its annual comprehensive plan and may
98 be implemented by the county governing body.

99 Nothing contained in this provision shall be taken to mean
100 the transfer to the county of conservation recreational and
101 open space lands currently held by cities and towns except that
102 a county may negotiate for the transfer of said lands with the
103 consent of the individual cities and towns.

104 (H) *Airports*. The county is empowered to carry out pro-
105 grams having to do with the establishment of regional airports
106 for general aviation consistent with standards imposed by the
107 Massachusetts Aeronautics Commission. The county must
108 approve and may construct and operate said airports.

109 (I) *Regional Agricultural Reclamation & County Extension*
110 *Services*. The county has the power to retain and expand
111 existing agricultural reclamation and county extension services,

112 including responsibilities in conjunction with the agricultural
113 extension programs.

114 (J) *Purchasing and Data Processing.* The county is em-
115 powered to institute a county purchasing system which shall
116 hold for the procurement of all materials, supplies, equipment
117 and services required by any department, office or agency of
118 the county and which shall be offered in whole or in part to
119 member cities and towns, including participation by individual
120 cities and towns in group discount purchases.

121 The county is empowered to institute a suitable data pro-
122 cessing system which shall be offered to member cities and
123 towns in whole or in part.

1 SECTION 5. *State Functions and Responsibilities.* The
2 following functions and responsibilities are hereby considered
3 functions and responsibilities of the state government, and as
4 such are considered to be transferred from county governments
5 and where designated to a specified state department or
6 agency:

- 7 (a) all judicial functions, except the probate court;
- 8 (b) all Masters in Chancery (to the Chief Justice of Superior
9 Court);
- 10 (c) all public administrators (to the Department of Corpora-
11 tions and Taxations);
- 12 (d) all registrars of deeds (to the Secretary of State with
13 their fees to become part of the General Fund);
- 14 (e) the cost of all functions performed by the District At-
15 torney (to the Office of the Attorney General);
- 16 (f) all medical examiners (to the Office of the Attorney
17 General);
- 18 (g) all county hospitals (to the State Department of Public
19 Health);
- 20 (h) all county agricultural schools beyond high school (to
21 the State Department of Higher Education);
- 22 (i) all county parks and recreational services (to the State
23 Department of Natural Resources);
- 24 (j) all responsibilities in connection with dams (to the State
25 Department of Public Works);
- 26 (k) all responsibilities in connection with waterways (to
27 State Department of Public Works);

28 (l) all responsibilities relative to county highways (to the
29 State Department of Public Works);

30 (m) all responsibilities relative to tax appeals (to the State
31 Tax Commission);

32 (n) all county training schools (to Division of Youth Ser-
33 vices);

34 (o) all county law libraries (to the Chief Justice of the
35 Superior Court).

36 Except for the judicial functions, the state government may
37 contract with appropriate county officials within reorganized
38 counties to carry out any of those functions and responsi-
39 bilities transferred herewith. For the purpose of this act, all
40 functions and responsibilities, thus enumerated shall be con-
41 sidered transferred on January one, nineteen hundred and
42 seventy-five.

1 SECTION 6. *County Revenue*. The county is empowered to
2 (a) levy any tax that is constitutional to cover expenditures, to
3 (b) impose service charges and fees for services rendered which
4 are directly related to a benefit received, and (c) to authorize
5 general obligation bonds.

1 SECTION 7. *County Industrial Farm*. The county industrial
2 farm shall be phased out and abolished.

1 SECTION 8. *Grants*. In furtherance of the purpose of this
2 act, (a) any county may secure and expend grants from private
3 foundations or agencies, and accept grants from the federal
4 government and enter into contracts for and agree to accept
5 such grants, donations or subsidies in accordance with such
6 reasonable conditions and requirements as may be imposed
7 thereon; (b) the general court shall petition the federal govern-
8 ment to realign federal grant regions to coincide with the
9 reorganized county boundaries, and empowers the reorganized
10 counties to do Federal A-95 reviews.

1 SECTION 9. *Acquisition and Eminent Domain*. The county
2 is empowered to acquire by gift or purchase, by eminent
3 domain or otherwise, any land and properties deemed for a

4 public purpose, consistent with the powers and duties set forth
5 in this act.

1 SECTION 10. *County Functions and Responsibilities.* The
2 functions and responsibilities of the reorganized counties shall
3 include all those now vested in county governments and those
4 enumerated in section 6 of this act exclusive of those enu-
5 merated in section 8 of this act.

1 SECTION 11. *County Acquisition of Property Outside It's*
2 *Boundaries.* In order to accomplish the functions enumerated
3 in section six of this act all counties are empowered to acquire
4 by gift or purchase property outside their boundaries. Each
5 county is empowered to contract with other counties for fa-
6 cilities.

1 SECTION 12. *Federation of Counties.* The legislatures of
2 any two or more counties by appropriate action, may authorize
3 the commissioners to enter into an agreement with each other
4 or with the governing bodies of any counties or cities of any
5 other state to the extent that the laws of such state permit for
6 establishment of a federation of county officials. Membership
7 of the federation shall consist of one representative from each
8 county entering into the agreement. The representative from
9 each member county shall be the commission chairman of the
10 member county. Any county which has become a member of
11 the federation may withdraw upon sixty days' notice sub-
12 sequent to formal action by his legislative body, subject to
13 discharge of the obligations of the federation.

14 The federation shall have the power to study such area
15 governmental problems common to two or more members of
16 the federation as it deems appropriate, including but not
17 limited to matters affecting health, safety, welfare, education,
18 economic conditions and regional development; and promote
19 co-operative arrangements and co-ordinate action among its
20 members and make recommendations for review and action to
21 the federation members. The federation, may by appropriate
22 action of the government bodies of the member governments,
23 exercise such other powers as are exercised or capable of

24 exercise by the member governments and necessary or desirable
25 for dealing with problems of mutual concern.

26 The federation may employ such staff and consult and retain
27 such experts as it deems necessary. The government bodies of
28 the member governments may appropriate funds to meet the
29 expenses of the federation. Services of personnel, care of equip-
30 ment and office space and other necessary services may be
31 accepted from members as part of their financial support.

32 The federation may accept funds, grants, gifts and services
33 from the government of the United States or its agencies, from
34 the Commonwealth of Massachusetts, or its departments,
35 agencies, or instrumentalities, or from any other governmental
36 unit whether participating in the federation or not and from
37 private and civic sources.

38 The federation shall make an annual report of its activities
39 to the member governments.

40 Subject to General Court authorization, county federations
41 may manage existing regional authorities and other agencies.

1 SECTION 13. *Transitional Provisions.* (a) Equalization of
2 County Assets. Inasmuch as this act does change and alter
3 existing counties, a committee to consist of three Represen-
4 tatives to be designated by the Speaker of the House of
5 Representatives, two Senators to be designated by the President
6 of the Senate, and four other residents of the Commonwealth
7 to be designated by the Governor shall be established for the
8 purpose of apportioning existing money and appropriations and
9 allocating existing obligations of the present counties among
10 the reorganized counties.

11 The committee may hire clerical, legal and other such assis-
12 tance as may be necessary and may expend for said purpose
13 and other expenses of said committee such sums as may be
14 necessary.

15 The committee shall be provided with quarters in the State
16 House and shall be entitled to receive such data, information
17 and assistance from the department of corporations and taxa-
18 tions, the department of administration and finance and any
19 other state or county agency as may be necessary for the
20 accomplishment of its purpose.

21 The committee may report to the General Court from time
22 to time but shall make its final report by publishing the same
23 by January one, nineteen hundred and seventy-four and shall
24 submit such drafts of legislation as may be necessary to appor-
25 tion existing moneys and appropriations and allocate existing
26 obligations among the reorganized counties. Such legislation
27 will take effect on January one, nineteen hundred and seventy-
28 five.

29 (b) Present County Employees and Appointed Officers. The
30 present non-elected employees and officers of the county who
31 immediately prior to the effective date of this act occupy
32 classified positions in a county within the meaning of section
33 forty-nine of chapter thirty-five of the General Laws shall be
34 placed in positions of equal grade in a reorganized county.

35 Non-elected employees and officers of the counties who
36 immediately prior to the effective date of this act occupy
37 classified positions within a county within the meaning of
38 section forty-nine of chapter thirty-five of the General Laws
39 and whose positions would be legally transferred to the state
40 under section eight of this act shall be employees of the state
41 and be placed in a position of equal grade in the state depart-
42 ment of civil service and given full credit for their service in
43 county government.

44 All questions as to civil service status including seniority and
45 eligibility for competitive promotional examinations shall be
46 determined by the director of civil service in accordance, so far
47 as practicable, with the civil service law.

