

(463.69) feet; containing an area of seven and 70/100 (7.70) acres, all as shown on land court plan 24204C entitled "Subdivision Plan of Land in Bourne," Scale 1 in. equals 300 ft. dated January 5, 1966 made by Nelson Bearne and Richard Law, Registered Land Surveyors.

Approved August 18, 1970.

Chap. 703. AN ACT FURTHER DEFINING "BASE PERIOD" AS USED IN THE EMPLOYMENT SECURITY LAW.

Whereas, The deferred operation of this act would tend to defeat its purpose which is to provide that the "base period", as used in the employment security law and as redefined in this act, shall, with respect to new benefit years claims, be effective on the first Sunday in October, the regular and usual date for such claims, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 151A of the General Laws is hereby amended by striking out subsection (a), as amended by section 1 of chapter 719 of the acts of 1956, and inserting in place thereof the following subsection: —

(a) "Base period", the period of fifty-two consecutive calendar weeks ending with the day immediately preceding the first day of a claimant's benefit year; provided, however, that if a claimant received weekly compensation for temporary total disability under the provisions of chapter one hundred and fifty-two or under a similar law of the United States, not including payments for certain specified injuries under section thirty-six of said chapter one hundred and fifty-two or payments for similar specified injuries under workmen's compensation laws of any other state or under any similar law of the United States, for more than seven weeks within the base period, as heretofore defined, his base period shall be lengthened by the number of such weeks, but not to exceed fifty-two weeks, for which he received such payments; provided, further, that no extended base period shall include wages upon which benefits were established and paid with respect to a prior benefit year claim.

SECTION 2. Section one of this act shall take effect on October the fourth, nineteen hundred and seventy, and shall apply only to individuals whose benefit years begin on or after said effective date.

Approved August 19, 1970.

Chap. 704. AN ACT FURTHER REGULATING THE ADMINISTRATION OF THE MASSACHUSETTS CLEAN WATERS ACT.

Be it enacted, etc., as follows:

SECTION 1. Clause (8) of section 27 of chapter 21 of the General Laws is hereby amended by adding the following sentence: — Except as otherwise provided in this chapter, any person violating any rule or regulation issued under the authority of sections twenty-six to fifty-three, inclusive, shall be punished by a fine of not more than one thousand dollars.

SECTION 2. The first sentence of section 42 of said chapter 21, as appearing in section 1 of chapter 685 of the acts of 1966, is hereby amended by striking out, in line 5, the words "one hundred" and inserting in place thereof the words: — not more than one thousand.

SECTION 3. The first sentence of section 43 of said chapter 21, as so appearing, is hereby amended by striking out, in lines 1 and 4, the word "new".

SECTION 4. Said chapter 21 is hereby further amended by striking out sections 44, 45 and 46, as so appearing, and inserting in place thereof the following three sections: —

Section 44. Whenever it appears to the director that there is a discharge of sewage or industrial, commercial or other wastes into the waters of the commonwealth or that oil, debris or other material has been deposited in or adjacent to the waters of the commonwealth which is causing or contributing to, or is likely to cause or contribute to, a condition in contravention of the standards of water quality adopted for said waters, or which is not in accordance with the plan adopted by the division for the implementation and enforcement of said standards for said waters, or which is in contravention of any rule or regulation of the division, the director shall notify the person making or permitting such discharge or deposit in writing of said discharge or deposit and shall, in this or in a subsequent written notice, order that said person correct the condition complained of in accordance with a schedule set forth therein. Said order shall inform the alleged violator of his right to request, within thirty days, a hearing under the provisions of chapter thirty A, but if no such request is made within thirty days, said person shall be deemed to have consented to the order. If said person requests a hearing, the director or his designee shall within a reasonable time hold a hearing under the provisions of said chapter thirty A. The director may reissue such order as is warranted.

Section 45. The division may require by order a city, town, district, person or any other entity maintaining a sewerage system or water pollution abatement facility to provide and operate such facility in such a manner as is in its opinion necessary to insure adequate treatment prior to discharge to the waters of the commonwealth. The division may adopt rules and regulations governing the operation and maintenance of waste treatment facilities and may require the periodic submission of records to it.

Section 46. All orders, permits or other determinations of the director, except those consented thereto, shall be subject to judicial review as provided in chapter thirty A. The superior court shall have jurisdiction in equity to enforce any such order, permit or determination, and the provisions of sections twenty-six to fifty-three, inclusive, and any rule or regulation issued thereunder. The superior court may, if the public health, safety and interest so requires, enjoin any action or remedy any pollution prior to the final determination of any administrative proceeding or appeal therefrom. In any action so brought, any findings of the director shall be prima facie evidence of the facts found therein.

SECTION 5. Sections forty-seven and forty-nine of said chapter twenty-one are hereby repealed.

SECTION 6: Any rule, regulation, order, permit or judicial proceeding made or brought under the provisions of chapter twenty-one of the

General Laws in effect prior to the effective date of this act shall continue in full force and effect until rescinded, amended, repealed or otherwise disposed of by the division of water pollution control or by the supreme judicial court or the superior court, as provided in said chapter twenty-one.

Approved August 19, 1970.

THE COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT, STATE HOUSE,
BOSTON, August 19, 1970.

The Honorable JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY:— I, Francis W. Sargent, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 704 of the Acts of 1970, entitled "AN ACT FURTHER REGULATING THE ADMINISTRATION OF THE MASSACHUSETTS CLEAN WATERS ACT." and the enactment of which received my approval on August 19, 1970, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

This act strengthens and authorizes a new system of enforcing the Massachusetts Clean Waters Act and the public convenience will be served by permitting these changes to go into effect immediately.

Sincerely,

FRANCIS W. SARGENT,
Acting Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, August 19, 1970.

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Acting Governor of the Commonwealth of Massachusetts at four o'clock and fifty-five minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter seven hundred and four of the acts of nineteen hundred and seventy.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Chap. 705. AN ACT REVIVING THE LAW PROVIDING THE ELIMINATION OF THE DUPLICATION OF WELFARE RECIPIENT LISTS AND THE ADVANCING OF FUNDS TO THE DEPARTMENT OF PUBLIC WELFARE.

Be it enacted, etc., as follows:

Chapter 885 of the acts of 1969 is hereby amended by striking out sections 13 and 35.

Approved August 19, 1970.