

after appropriations have been made, a sum not exceeding two hundred sixty-five thousand dollars.

Taking of
public or
private
lands, etc.

SECTION 4. The department may, on behalf of the commonwealth, take under chapter seventy-nine of the General Laws or acquire by purchase or otherwise such public or private lands including public parks or reservations or rights therein as it may deem necessary for carrying out the provisions of this act, provided that no damages shall be paid for public lands or parks so taken.

Proviso.

SECTION 5. This act shall take effect upon its passage.

Approved May 21, 1929.

Chap. 335 AN ACT EXTENDING THE TIME FOR INVESTIGATIONS BY THE DIRECTOR OF ACCOUNTS OF MUNICIPAL ACCOUNTS AND FINANCIAL TRANSACTIONS.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, 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:

1926, 210, § 3,
amended.

Duration of
act relative
to investiga-
tions by
director of
accounts of
municipal
accounts and
financial
transactions.

Section three of chapter two hundred and ten of the acts of nineteen hundred and twenty-six is hereby amended by striking out, in the second line, the word "twenty-nine" and inserting in place thereof the word: — thirty-two, — so as to read as follows: — *Section 3.* This act shall not be operative after July first, nineteen hundred and thirty-two, except as to investigations begun before said date.

Approved May 22, 1929.

Chap. 336 AN ACT PROVIDING FOR PRECINCT VOTING, REPRESENTATIVE TOWN MEETINGS, TOWN MEETING MEMBERS, A REFERENDUM AND AN ANNUAL MODERATOR IN THE TOWN OF LUDLOW.

Be it enacted, etc., as follows:

Precinct
voting,
representative
town
meetings,
etc., in town
of Ludlow.

Precincts,
establishment,
etc.

SECTION 1. Upon the acceptance of this act by the town of Ludlow, as hereinafter provided, the selectmen shall forthwith divide the territory thereof into three voting precincts, each of which shall be plainly designated and shall contain not less than five hundred registered voters. All precincts shall contain approximately an equal number of registered voters. The precincts shall be so established as to consist of compact and contiguous territory, to be bounded as far as possible by the center line of known streets and ways or by other well defined limits. The boundaries of such precincts shall be reviewed and, if need be, such precincts shall be wholly or partly revised by the selectmen in December, once in five years, or in December of any year when so directed by a vote of a representative town meeting not later than November thirtieth of that year; and in the course of any such revision the number of such

precincts may be changed, but shall never be less than three nor more than five. The selectmen shall, within twenty days after any establishment or revision of the precincts, but not later than January twentieth of the succeeding year, file a report of their doings with the town clerk, the registrars of voters and the assessors of taxes with a map or maps or description of the precincts and the names and residences of the registered voters therein. The selectmen shall also cause to be posted in the town office a map or maps or description of the precincts as established or revised from time to time, with the names and residences of the registered voters therein; and it shall also cause to be posted in at least one public place in each precinct a map or description of that precinct with the names and residences of the registered voters therein. The division of the town into voting precincts and any revision of such precincts shall take effect upon the date of the filing of the report thereof by the selectmen with the town clerk. Whenever the precincts are established or revised, the town clerk shall forthwith give written notice thereof to the state secretary, stating the number and designation of the precincts. Meetings of the registered voters of the several precincts for elections, for primaries, and for voting upon any question to be submitted to all the voters of the town, shall be held on the same day and at the same hour and at such place or places within the town as the selectmen shall in the warrant for such meeting direct. The provisions of the General Laws relating to precinct voting at elections, so far as the same are not inconsistent with this act, shall apply to all elections and primaries in the town upon the establishment of voting precincts as hereinbefore provided.

Selectmen to report doings, etc.

Division into voting precincts, effective date, etc.

Town clerk to give written notice to state secretary, etc.

Meetings of voters, when and where to be held.

Certain provisions of General Laws to apply, etc.

Representative town meeting membership, number, etc.

Town meeting members, election, terms, etc.

SECTION 2. Other than the officers designated in section three as town meeting members at large, the representative town meeting membership shall in each precinct consist of the largest number divisible by three which will admit of a representation of all precincts by an equal number of members and which will not cause the total elected town meeting membership to exceed ninety. The registered voters in every precinct shall, at a special election called for that purpose, to be held not sooner than thirty days after the establishment of precincts under this act or at the first annual town election held after the establishment thereof, and at the first annual town election following any precinct revision where the number of precincts is changed, conformably to the laws relative to elections not inconsistent with this act, elect by ballot the number of registered voters in the precinct, other than the officers designated in section three as town meeting members at large, provided for in the first sentence of this section, to be town meeting members of the town. The first third in order of votes received of members so elected shall serve three years, the second third in such order shall serve two years, and the remaining third in such order shall serve one year, from the day of the annual town

meeting, or, in case such election is at a special meeting, from the day of the next annual town meeting; in case of a tie vote affecting the division into thirds, as aforesaid, the members elected from the precinct shall by ballot determine the same; and thereafter, except as is otherwise provided herein, at each annual town election the registered voters of each precinct shall, in like manner, elect one third of the number of town meeting members to which that precinct is entitled for the term of three years, and shall at such election fill for the unexpired term or terms any vacancy or vacancies then existing in the number of elected town meeting members in their respective precincts. Upon every revision of the precincts where the number of precincts is changed the terms of office of all elected town meeting members from every such precinct shall cease upon the election of their successors. The town clerk shall, after every election of town meeting members, forthwith notify each elected town meeting member by mail of his election.

Notice to members elected.

Town meetings limited to elected town meeting members and certain officers designated as town meeting members at large.

SECTION 3. Any representative town meeting held under this act, except as otherwise provided herein, shall be limited to the voters elected under section two, together with the following, designated as town meeting members at large; namely, the selectmen, the moderator, the town clerk, the town treasurer, the town collector, the town counsel, if he is a resident of the town, the chairman of the school committee, the chairman of the library trustees, the chairman of the board of health, the chairman of the park commission, the tree warden, the chairman of the assessors of taxes, the chairman of the sewer commission, the chairman of the forestry commission, the chairman of the cemetery committee, the chairman of the finance committee, the highway surveyor, the chairman of the board of registrars of voters, and the chairman of any other board or commission established in the town by authority of the general court. The town clerk shall notify the town meeting members of the time and place at which representative town meetings are to be held, the notices to be sent by mail at least seven days before the meeting. The town meeting members, as aforesaid, shall be the judges of the election and qualification of their members. A majority of town meeting members shall be a quorum for doing business; but a less number may organize temporarily and may adjourn from time to time. Notice of every adjourned representative town meeting shall be posted by the town clerk in at least one public place in each precinct, and he shall notify the town meeting members by mail of the adjournment at least twenty-four hours before the time of the adjourned representative town meeting. The notices shall state briefly the business to be acted upon at any meeting and shall include notice of any proposed reconsideration. All town meetings shall be public. The town meeting members as such shall receive no compensation. Subject to such conditions as may be determined from time to time by

Notice of town meetings.

Quorum.

Meetings public.

No compensation.

the representative town meeting, any voter of the town who is not a town meeting member may speak at any representative town meeting, but shall not vote. Any elected town meeting member may resign by filing a written resignation with the town clerk, and such resignation shall take effect upon the date of such filing. No elected town meeting member whose official position entitles him to be a town meeting member at large shall act as a town meeting member at large during such time as he remains an elected town meeting member. A town meeting member who removes from the town shall cease to be a town meeting member and an elected town meeting member who removes from one precinct to another or is so removed by a revision of precincts shall not retain membership after the next annual election.

Voters may speak at meetings, but shall not vote.
Resignations.

Removal from town or precinct, effect.

SECTION 4. Nomination of candidates for town meeting members to be elected under this act shall be made by nomination papers, which shall bear no political designations, and shall be signed by at least ten registered voters of the precinct in which the candidate resides, and filed with the town clerk at least fifteen days before the election; provided that any elected town meeting member may become a candidate for re-election by giving written notice thereof to the town clerk at least thirty days before the election. No nomination papers shall be valid in respect to any candidate whose written acceptance is not thereon or attached thereto when filed.

Nomination of candidates for town meeting members, how made.

Proviso.

Written acceptance.

SECTION 5. The articles in the warrant for every town meeting, so far as they relate to the election of the moderator, town officers, town meeting members and, as provided in this act, to referenda and all matters to be acted upon and determined by ballot of the town, shall be acted upon and determined by the voters in their respective meetings by precinct. All other articles in the warrant for any town meeting, beginning with the town meeting at which said town meeting members are first elected, shall be acted upon and determined exclusively by town meeting members at a meeting to be held at such time and place as shall be set forth by the selectmen in the warrant for the meeting, subject to the referendum provided for by section eight.

Warrant articles, how acted upon, etc.

SECTION 6. A moderator shall be elected by ballot at each annual town meeting and shall serve as moderator of all town meetings except as otherwise provided by law, until a successor is elected and qualified. Nominations for and election of a moderator shall be as in the case of other elective town officers and any vacancy in the office shall be filled by the town meeting members at a meeting held for that purpose. If a moderator is absent a moderator pro tempore shall be elected by the town meeting members.

Moderator, election, etc.

Moderator pro tempore.

SECTION 7. Any vacancy in the full number of elected town meeting members from any precinct shall be filled until the next annual election by the remaining elected town meeting members of the precinct from among the regis-

Vacancies in full number of town meeting members, filling.

Calling of
special
meeting.

Quorum.

Choice by
ballot.

Certificate of
choice, etc.

Votes, when
effective, etc.

Referendum.

Polling hours.

Votes by ballot,
etc.

Questions, how
determined,
etc.

Questions, how
stated upon
ballot, etc.

tered voters thereof. Notice of any vacancy shall be given promptly by the town clerk to the remaining members from the precinct in which the vacancy or vacancies exist and he shall call a special meeting of such members for the purpose of filling any vacancy. He shall cause to be mailed to every such member not less than seven days before the time set for the meeting a notice specifying the object, time and place of the meeting. At said meeting a majority of the elected town meeting members from such precinct shall constitute a quorum, and they shall elect from their own number a chairman and clerk. The choice to fill any vacancy shall be by ballot and a majority of the votes cast shall be required for a choice. The chairman and the clerk shall count the ballots and shall make certificate of the choice and forthwith file the same with the town clerk, together with a written acceptance by the member or members so chosen who shall thereupon be deemed elected and qualified as a town meeting member or members, subject to the right of all town meeting members to judge of the election and qualifications of the town meeting members as set forth in section three.

SECTION 8. No vote passed at any representative town meeting under any article in the warrant, except a vote to adjourn or a vote for the temporary borrowing of money in anticipation of revenue or a vote declared by a two thirds vote of town meeting members present and voting thereon to be an emergency measure necessary for the immediate preservation of the peace, health, safety or convenience of the town, shall take effect until after the expiration of ten days, exclusive of Sundays and holidays, from the date of the dissolution of the meeting at which said vote was passed. If within said ten days a petition, signed by not less than two hundred registered voters of the town, containing their names and addresses, as they appear on the list of registered voters, is filed with the selectmen requesting that the question or questions involved in such vote be submitted to the voters of the town at large, then the selectmen, within fourteen days after the filing of the petition, shall call a special meeting, which shall be held within ten days after the issuing of the call, for the purpose of presenting to the voters at large the question or questions so involved. The polls shall be opened at two o'clock in the afternoon and shall be closed at eight o'clock in the evening, and all votes upon any questions so submitted shall be taken by ballot, and the check list shall be used in the several precinct meetings in the same manner as in the election of town officers. The questions so submitted shall be determined by vote of the same proportion of voters at large voting thereon as would have been required by law of the town meeting members had the question been finally determined at a representative town meeting. The question or questions so submitted shall be stated upon the ballot in substantially the same language and form in which they were stated when

presented to said representative town meeting by the moderator as appears from the records of the said meeting. If such petition is not filed within the period of ten days, the vote of the representative town meeting shall become operative upon the expiration of the said period.

Votes operative if no petition, etc.

SECTION 9. The town of Ludlow, after the acceptance of this act and the first election of town meeting members thereunder, shall have the capacity to act through and be bound by its said town meeting members who shall, when convened from time to time as herein provided, constitute representative town meetings; and the representative town meeting shall exercise exclusively, so far as will conform to the provisions of this act, all powers vested in the municipal corporation. Action in conformity with all provisions of law now or hereafter applicable to the transaction of town affairs in town meetings shall, when taken by any representative town meeting in accordance with the provisions of this act, have the same force and effect as if such action had been taken in a town meeting open to all the voters of the town as heretofore organized and conducted.

Powers of town and its town meeting members, etc.

SECTION 10. This act shall not abridge the right of the inhabitants of the town of Ludlow to hold general meetings, as that right is secured to them by the constitution of this commonwealth; nor shall this act confer upon any representative town meeting in said town the power finally to commit the town to any measure affecting its municipal existence or changing its government, without action thereon by the voters of the town at large, using the ballot and check list therefor.

Certain rights not abridged, etc.

SECTION 11. The question of the acceptance of this act shall be submitted to the registered voters of the town of Ludlow at the annual town meeting in the year nineteen hundred and thirty. The vote shall be taken by ballot in accordance with the provisions of the General Laws, so far as the same shall be applicable, in answer to the question, which shall be placed upon the official ballot to be used for the election of town officers: "Shall an act passed by the general court in the year nineteen hundred and twenty-nine entitled, 'An Act providing for precinct voting, representative town meetings, town meeting members, a referendum and an annual moderator in the town of Ludlow', be accepted by this town?"

Submission to voters of town of Ludlow, etc.

SECTION 12. So much of this act as authorizes its submission for acceptance to the registered voters of the town of Ludlow shall take effect upon its passage, and the remainder shall take effect upon its acceptance by a majority of the voters voting thereon.

Time of taking effect.

Approved May 22, 1929.