CHAPTER 20
State and Municipal Government
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§20.1. Constitutional amendments. Four significant constitutional amendments were adopted by the voters in 1966. Two operate to enhance the role and power of the office of Governor; two are of particular concern to city and town governments. The Governor and Lieutenant Governor are now to be elected jointly. A procedure for reorganization plans modeled on similar federal procedure is also authorized. The Governor can thus propose reorganizations of the structure and functions of state agencies to the General Court. Unless a majority of either branch of the legislature disapproves, the proposed reorganization plan "shall have the force of law upon expiration of . . . sixty calendar days" from the date of submission.

Of the remaining two amendments, one provides home rule prerogatives for cities and towns, and the other declares that "the industrial development of cities and towns is a public function." The effective operation of the industrial development amendment was suspended by the General Court in the late special session in order to permit the consideration of implementing legislation in 1967.

The special session also acted to provide implementing legislation for the home rule amendment. This legislation specified detailed procedures governing the adoption and amendment of municipal charters, including the election of a charter commission to prepare charter revisions for submission to the voters by referendum. A close reading and careful adherence to these procedures is essential for successful action. A number of problems remain as to the scope of the home rule amendment, and further clarifying legislation is expected to be recommended by the special commission on home rule in 1967.

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3 Id., Amend. Art. LXXXIX (inserting a new Amendment Article II, home rule); Id., Amend. Art. LXXVIII (industrial development).
4 Acts of 1966, c. 730, providing that municipalities "shall not provide for their industrial development under Article LXXXVIII of the Amendments except in accordance with such laws as may hereafter be enacted by the General Court."
5 Acts of 1966, c. 734, adding a new c. 43B to the General Laws.
§20.2. State government: Organization and functions. Several revisions of the organization of state government were adopted in 1966. One, a major overhaul of the functions of the Department of Mental Health, was enacted in the late special session of the legislature but not in time for comment in this 1966 Survey year.¹

Controversy over the selection of architects resulted in the enactment of Chapter 676 of the Acts of 1966, establishing a designer selection board in the Executive Office for Administration and Finance.² The board's recommendations are advisory only, but are to be in writing and will constitute a public record.

A Council on the Arts and Humanities was established.³ The council will be in, but not subject to, the jurisdiction of the Department of Education and is to consist of 15 members appointed by the Governor, all of whom will be representative of the performing arts, fine arts, and humanities. The Council, with the assistance of an executive director, will attempt to stimulate "the practice, study and appreciation of the arts and humanities in the public interest." This enactment, as noted in the legislation, is a response to the state plan requirement prescribed by the federal legislation, the National Foundation on the Arts and Humanities Act of 1965.⁴

A new Water Pollution Control Division was established in the Department of Natural Resources, the division being made subject to the control of the Water Resources Commission.⁵ With its broad authority, the division is empowered to propose "water pollution abatement districts" consisting of one or more cities and towns, or designated parts of towns. Within 90 days of the receipt of such a proposal, the city council or town meeting must vote to accept or reject the district. Detailed provisions governing these districts are specified in the statute, and require close examination. Another statute authorizes and directs the new Division of Water Pollution Control to expend a sum not exceeding $150 million for financial aid to cities and towns undertaking water pollution abatement projects.⁶ This legislation is intended as a counterpart to the Federal Water Pollution Act.

A new state Health and Welfare Commission was established.⁷ The commission was organized to review present programs and to make recommendations for new programs coordinating the services of the Departments of Public Health, Mental Health, and Public Welfare, and of the Rehabilitation Commission. The new commission "may serve as the communicative mechanism" for proposals to federal

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² The act amends G.L., c. 7, by inserting a new §30B.
³ Acts of 1966, c. 589, adding §§40 through 45 to G.L., c. 15.
⁷ Id., c. 353, adding §§125-128 to G.L., c.6.
agencies by state and local health and welfare agencies. It will consist of the Commissioners of Public Health, Mental Health, Public Welfare, and Rehabilitation, plus three members appointed by the Governor.

The Division of the Blind in the Department of Education was converted to a Commission for the Blind. 8

A Massachusetts Housing Finance Agency in, but not subject to, the Department of Commerce and Development was also created. 9 These provisions are treated elsewhere in this year's Survey. 10

§20.3. Municipal powers and finance. The legislature authorized the establishment of a municipal data processing center in each city or town. 1 Such a center is to be supervised by a data processing coordinator who may also serve in any other public office or position in the municipality. The jurisdiction of the center may extend to school departments.

Cities and towns can now contract for the disposing of garbage and refuse by incineration, composting, or sanitary land fill, or in any other sanitary manner approved by the Department of Public Health. The contract period cannot exceed 20 years. 2 The terms of the contracts must be approved by the Emergency Finance Board.

A Municipal Problems Commission was created to "consider any matter germane to municipal government." 3 The commission will consist of three senators, three representatives, and six members appointed by the Governor, three of whom are to be elected public officials.

Other changes in the operation of municipal and town governments should also be noted. When a city, town, or district realizes proceeds from the sale of park land, such monies are to be used only for the acquisition of land for park purposes or for capital improvements to park land. 4 Cities and towns are authorized to borrow money for five-year periods during 1966 and 1967 for the demolition of hazardous buildings. 5 Approval of the Emergency Finance Board is required and the amount of the borrowing in each year is limited to one tenth of 1 per cent of the equalized valuation of the municipality. The legislature also authorized borrowing in 1966 and 1967 for public welfare and veterans' benefits. 6 Borrowing is also allowed for remodeling, reconstructing, or making extraordinary repairs to public buildings. 7 Approval of the Emergency Finance Board is required; the maximum

10 See §15.38 supra.

§20.3. 1 Acts of 1966, c. 551, adding a new §23D to G.L., c. 41.
4 Acts of 1966, c. 111, amending §63 of G.L., c. 44.
6 Id., c. 27.
7 Id., c. 234, amending G.L., c. 44, by adding a new cl. (3A) to §7 of c. 44.
term of the borrowing shall be set by the board, but shall not exceed
ten years. In addition, borrowing for ten-year terms for remodeling,
reconstructing, or extraordinary repairs to reservoirs and filter beds
was authorized.\(^8\) Approvals by both the Emergency Finance Board and
the Department of Public Health are required.

Appropriations from a stabilization fund can be utilized if appropri­
ated for an approved school project at a special town meeting by a
two-third vote.\(^9\) Appropriations for the erection and maintenance of
public medical institutions were also authorized.\(^10\) Finally, the city
or town treasurer was empowered to invest the monies of a conserva­
tion fund.\(^11\)

**§20.4. Public officers and employees.** Tuition scholarships, not
to exceed four years, in state institutions of higher education were
provided for the children of police and firefighters who die in the
performance of their duties.\(^1\) The scholarships are to be awarded by
the Board of Higher Education. Cities and towns are authorized to
employ student interns in police departments while such students
are attending institutions of higher education in the fields of law
enforcement, police administration, or scientific detection.\(^2\)

The collective bargaining statute applicable to cities and towns was
amended, changing the definition of "employee"\(^3\) by striking the ex­
clusion of "police," thus clearly authorizing police officers to bargain
collectively.\(^4\) A female regular police officer is now assured compen­sation
equal to male police officers of equivalent rank and seniority.\(^5\)
A similar provision applies to classified civil service positions.\(^6\)
However, this section must be accepted by the city or town.

Without fundamental improvement or clarification, the usual quota
of amendments to the civil service and retirement statutes were
enacted in 1966.\(^7\)

**§20.5. Elections, ballots, and voting.** Various amendments to the
election laws were adopted. Some involved substantial changes, but
they go beyond the scope of the SURVEY chapter.\(^1\)

\(^8\) Acts of 1966, c. 60, adding a new cl. (4A) to G.L., c. 44, §8.
\(^9\) Acts of 1966, c. 62, amending G.L., c. 40, §5B.

**§20.4.** 1 Acts of 1966, c. 712, adding a new §7E to G.L., c. 79.
3 G.L., c. 149, §178G.
4 Acts of 1966, c. 156.
5 Id., c. 499, adding a new §108K to G.L., c. 41.

\(^7\) These include Acts of 1966, cc. 18 (eligible list); 19 (sealers of weights and
measures); 75 (appointment of intermittent fire fighters); 115 (examinations); 127
(elimination of non-competitive examinations); 162 (vacations of fire fighters); 192
(examinations); 266 (retirement administration); 274 (retirement computation);
349 (promotional examinations); 509 (police and fire fighters’ pensions and retire­
ments); 661 (cost of living increases — state and local pensions).

**§20.5.** 1 Reference is made to Acts of 1966, cc. 12 (city and town primaries); 13
§20.6. Other developments. The questions on the alcoholic licenses appearing on the biennial state election ballot were extended to include a new question “D”: “Shall licenses be granted . . . for the sale of all alcoholic beverages by hotels having a dining room capacity of not less than ninety-nine persons and lodging capacity of not less than fifty rooms?”\(^1\)

\(^{1}\)Acts of 1966, c. 511.