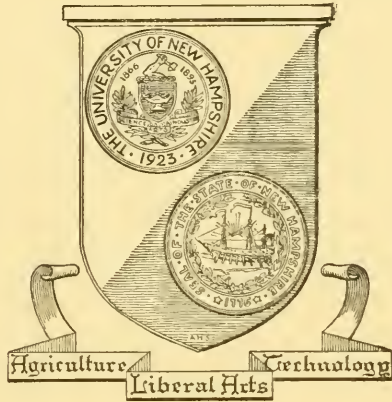


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of  
New Hampshire

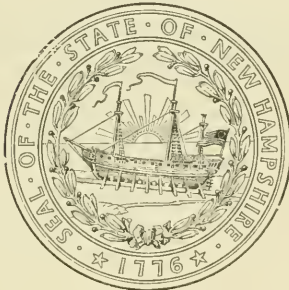




L A W S  
OF THE  
STATE OF NEW HAMPSHIRE

PASSED JANUARY SESSION, 1949

LEGISLATURE CONVENED JANUARY 5,  
ADJOURNED JULY 27



CONCORD, N. H.

1949

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## STATE OFFICERS

<i>Governor</i> .....	Sherman Adams
	Harry P. Smart
	J. Guy Smart
<i>Councilors</i> .....	C. Edward Bourassa
	Charles Morris Mills
	Charles F. Stafford
<i>Adjutant General</i> .....	Charles F. Bowen
<i>Aerial Tramway Commission, N. H.</i>	
<i>Managing Director</i> .....	Roland E. Peabody
<i>Aeronautics Commission, N. H.</i>	
<i>Director</i> .....	W. Russell Hilliard
<i>Agriculture, Commissioner of</i> .....	Perley I. Fitts
<i>Architects, State Board of</i>	
<i>Registration</i> .....	Howard A. Goodspeed
	Alfred T. Granger
	Irving W. Hersey
<i>Athletic Commission, State</i> .....	Carlton C. Buckminster
	Theodore J. Rouillard
	Ruel N. Colby
<i>Attorney General</i> .....	William L. Phinney
<i>Asst. Attorney General</i> .....	William S. Green
<i>Charitable Trusts, Director of</i> ...	Ernest R. D'Amours
<i>Bank Commissioner</i> .....	Clyde M. Davis
<i>Deputy Commissioner</i> .....	Leon O. Gerry
<i>Barbers' Examining and</i>	
<i>Licensing Board</i> .....	Antonio Dupont
	Stephen Carr
	Helmer Omer
<i>Cancer Commission, State</i> .....	George W. Boynton
	Joseph W. Epply
	Ralph E. Miller
	George C. Wilkins
<i>Classification Plan Board</i> .....	Gilman K. Crowell
	Marjorie M. Greene
	Eric Ober
	Winslow E. Melvin
	Donald Young

<i>Comptroller</i> .....	Arthur E. Bean
<i>Asst. Comptroller</i> .....	Clark R. Hartford
<i>Education, Commissioner of</i> .....	Hilton C. Buley
<i>Deputy Commissioner</i> .....	Walter M. May
<i>Trade Schools, Director of</i> .....	John E. Grastorf
<i>Employees Retirement System,</i> <i>State Secretary</i> .....	Robert Jewell
<i>Engineers, State Board of</i> <i>Registration of Professional</i> ....	{ Ned Spaulding Harold E. Langley Paul W. Buxton John H. Minnich Percy A. Shaw
<i>Fire Control, State Board</i> .....	Aubrey G. Robinson
<i>State Fire Marshal</i> .....	
<i>Fish and Game Department, Director</i>	Ralph G. Carpenter, 2d.
<i>Forestry and Recreation Department</i> <i>State Forester</i> .....	John Foster
<i>Director of Recreation</i> .....	Russell B. Tobey
<i>Hairdressers, Board of Registration</i>	{ Armand J. Houle Stella M. Lines Beatrice M. Luneau
<i>Health Department, State</i> <i>State Health Officer</i> .....	John S. Wheeler
<i>Deputy State Health Officer</i> ....	Mary M. Atchison
<i>Registrar of Vital Statistics</i> .....	Marian G. Maloon
<i>Highway Commissioner</i> .....	Frank D. Merrill
<i>Asst. Commissioner</i> .....	J. Harold Johnson
<i>Insurance Commissioner</i> .....	Donald Knowlton
<i>Deputy Commissioner</i> .....	Simon M. Sheldon
<i>Judicial Council</i> .....	{ Oliver W. Branch John R. Goodnow Irving A. Hinkley Rae S. Laraba Richard E. Shute



<i>Labor Commissioner</i> .....	William H. Riley
<i>Unemployment Compensation</i>	
<i>Division, Administrator</i> .....	William C. Chamberlin
<i>Employment Service</i>	
<i>State Director</i> .....	Abby L. Wilder
<i>Library Commission, State</i> .....	{ Amos N. Blandin, Jr. James F. Malley Ottis E. Mercer Elwin L. Page Addie E. Towne
<i>State Librarian</i> .....	Mildred Peterson McKay
<i>Asst. State Librarian</i> .....	Catharine Pratt
<i>Liquor Commission, State</i> .....	{ William A. Jackson Edmond J. Marcoux Ray E. Tarbox
<i>Merit System Council</i> .....	{ Mrs. Frederick Preston Maurice F. Devine Raymond C. Magrath
<i>Milk Control Board</i> .....	{ Edward E. Baker Allen M. Freeman Roscoe J. Oakes
<i>Motor Vehicle Commissioner</i> .....	Frederick N. Clarke
<i>Deputy Commissioner</i> .....	Charles H. Magown
<i>Director of Safety</i> .....	Malcolm L. Wilkins
<i>Road Toll Administrator</i> .....	Frank H. Hilchey
<i>Planning and Development</i>	
<i>Commission, State</i>	
<i>Publicity Director</i> .....	Andrew M. Heath
<i>Executive Director</i> .....	Edward Ellingwood
<i>Industrial Director</i> .....	Merrill J. Teulon
<i>Police, State, Superintendent</i> .....	Ralph W. Caswell
<i>Probation, Board of</i> .....	{ Amos N. Blandin, Jr. Burt R. Cooper Lula J. A. Morris Richard T. Smith
<i>Director</i> .....	

STATE OFFICERS

<i>Public Service Commission</i> . . . . .	{	Edgar H. Hunter Edward R. Thornton Harold L. Barnard
<i>Public Welfare, Commissioner of</i> . . .		James J. Barry
<i>Purchasing Agent</i> . . . . .		Harold Cheney
<i>Racing Commission, State</i> . . . . .	{	Merrill A. Calkins Emmet J. Kelley Byron E. Redman
<i>Secretary of State</i> . . . . .		Enoch D. Fuller
<i>Deputy</i> . . . . .		Harry E. Jackson
<i>State Buildings and Grounds,</i> <i>Superintendent</i> . . . . .		Wayne B. Elwell
<i>Tax Commission, State</i> . . . . .	{	Lawton B. Chandler Oliver W. Marvin John R. Spring
<i>Tobacco Tax Division, Director</i> . . .		Scott S. McIntire
<i>Teachers' Retirement Board</i> . . . . .	{	Daniel W. MacLean Robert D. Bailey
<i>Treasurer, State</i> . . . . .		F. Gordon Kimball
<i>Deputy</i> . . . . .		Ann N. Durepo
<i>Veterans Council, State</i> . . . . .	{	Harold Eubank John H. Sanders Dixon H. Turecott
<i>Director</i> . . . . .		Harold B. Trombley
<i>Water Resources Board,</i> <i>Acting Chairman</i> . . . . .		Walter G. White
<i>Weights and Measures,</i> <i>Commissioner</i> . . . . .		John J. Henson

## SUPREME COURT

<i>Chief Justice</i> .....	Francis W. Johnston
	{ Amos N. Blandin, Jr.
<i>Associate Justices</i> .....	{ Laurence I. Duncan
	{ Frank R. Kenison
	{ Edward J. Lampron

## SUPERIOR COURT

<i>Chief Justice</i> .....	John R. Goodnow
	{ William A. Grimes
	{ John H. Leahy
<i>Associate Justices</i> .....	{ Dennis Sullivan
	{ Harold E. Wescott
	{ Stephen M. Wheeler
<i>State Reporter</i> .....	George O. Shovan



# THE LEGISLATURE OF 1949

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## SENATE

- President*—Perkins Bass, Peterborough, r.  
*Clerk*—Benjamin F. Greer, Grasmere, r.  
*Assistant Clerk*—Frank M. Ayer, Alton, r.  
*Sergeant-at-Arms*—John S. Ball, Hopkinton, r.  
*Messenger*—Rene Dufort, Hooksett, r.  
*Assistant Messenger*—Earl Pollard, Windham, r.  
*Doorkeeper*—Frank D. Gay, Hillsboro, r.  
*Telephone Messenger*—Russell Bickford, Northwood, r.

## SENATORS

- |  |                                       |
|--|---------------------------------------|
| Fred G. Hayes, Jr., Berlin, d.           | Aldege A. Noel, Nashua, d. and r.     |
| Curtis C. Cummings, Colebrook, r. and d. | Ralph M. Wiggin, Bedford, r.          |
| Norman A. McMeekin, Haverhill, r. and d. | Sara E. Otis, Concord, r.             |
| Guy W. Nickerson, Madison, r. and d.     | Robert P. Bingham, Manchester, d.     |
| John W. Dole, Bristol, r.                | Marye Walsh Caron, Manchester, d.     |
| George W. Tarlson, Laconia, r. and d.    | Thomas B. O'Malley, Manchester, d.    |
| Eugene S. Daniell, Jr., Franklin, r.     | Raoul J. Lalumiere, Manchester, d.    |
| J. Laban Ainsworth, Claremont, r.        | Thomas H. Burbank, Rochester, d.      |
| Shirley Brunel, Concord, r.              | Charles Frederick Hartnett, Dover, r. |
| Harold O. Pierce, Walpole, r.            | Augustus F. Butman, Derry, r.         |
| Perkins Bass, Peterborough, r.           | Doris M. Spollett, Hampstead, r.      |
| Erwin E. Cummings, Lyndeborough, r.      | Arthur J. Reinhart, Portsmouth, r.    |

## HOUSE OF REPRESENTATIVES

- Speaker*—Richard F. Upton, Concord, r.  
*Clerk*—Cyril J. Fretwell, Concord, r.  
*Assistant Clerk*—Robert L. Stark, Goffstown, r.  
*Sergeant-at-Arms*—Clarence A. DuBois, Concord, r.  
*Chaplain*—Austin H. Reed, Goffstown, r.  
*Custodian of Mail and Supplies*—George L. Hurd, Concord, r.  
*Doorkeeper*—Lenne C. Twombly,\* Hill, r.  
*Doorkeeper*—John Twombly, Hill, r.  
*Doorkeeper*—Sherman L. Greer, Manchester, r.  
*Doorkeeper*—Florence J. Danforth, Manchester, r.  
*Doorkeeper*—Mabel L. Richardson, Randolph, r.

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\* Died.

## ROCKINGHAM COUNTY

*Auburn*, Margaret A. Griffin, r.  
*Brentwood*, Margery W. Graves, r. and d.  
*Candia*, Karl J. Persson, r. and d.  
*Chester*, Robert C. Hazelton, r.  
*Deerfield*, Leon M. Fitch, r.  
*Derry*, Harry E. Clark, r.  
 Harold W. Corson, r. and d.  
 George J. Heon, r. and d.  
 Oliver H. Hepworth, r. and d.  
*Epping*, Thomas W. Fecteau, d.  
*Exeter*, Emory P. Eldredge, r.  
 Clinton W. Elwell, r.  
 James C. Rathbone, r.  
 Maude B. Richards, r.  
*Fremont*, Moses H. Sanborn, r.  
*Greenland*, Thornton N. Weeks, Sr., r.  
*Hampstead*, Thomas Henry Root,  
 r. and d.  
*Hampton*, Dean B. Merrill, r.  
 Ernest R. Underwood, r.  
*Kingston*, J. Edward Stevens, r.  
*Londonderry*, Draper W. Parmenter, r.  
*Newmarket*, Arthur A. Labranche, d.  
 F. Albert Sewall, d.  
*Newton*, William K. Davis\*, r. and d.

*North Hampton*, George G. Carter, r.  
*Northwood*, Robert A. Johnson, r.  
*Plaistow*, Arthur T. Colcord, r.  
*Portsmouth*,  
*Ward 1*, Sam Alessi, d.  
 Mary C. Dondero, d.  
 Lise LaBelle Payette, d.  
*Ward 2*, Charles T. Durell, r.  
 Harry H. Foote, r.  
 John H. Yeaton, r.  
*Ward 3*, Carlos O. Hobbs, d.  
 John J. Leary, d.  
*Ward 4*, Rae S. Laraba, r. and d.  
*Ward 5*, Edward J. Ingraham, d.  
*Raymond*, Thomas F. Bluitte, r.  
*Rye*, Shirley S. Philbrick\*, r.  
*Salem*, Walter F. Haigh, r.  
 Leonard B. Peever, r.  
*Sandown*, Ralph S. True, r.  
*Seabrook*, William H. Durkee, r.  
*South Hampton*, Willis J. Evans, r. and d.  
*Stratham*, W. Douglas Scamman, r.  
*Windham*, Thomas Waterhouse, Jr.,  
 r. and d.

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\* Died..

## STRAFFORD COUNTY

*Barrington*, Roy V. Swain, r. and d.  
*Dover*,  
*Ward 1*, Maurice P. Redden, d.  
 W. Raymond Stackpole, d.  
*Ward 2*, William Gouin, d.  
 Frank J. Grimes, d.  
 Joseph Marcotte, Jr., d.  
*Ward 3*, Levi F. Felker, r.  
 Frederick C. Smalley, r.  
*Ward 4*, Harley A. Crandall, r.  
 Francis R. Dodge, d.  
 Louis Stocklan, d. and r.  
*Ward 5*, Emmet J. Flanagan, d.  
*Durham*, Oren V. Henderson, r.  
*Farmington*, Ned L. Parker, r.  
 Frank E. Webster, r.  
*Madbury*, Leeman B. Wormhood, Sr., r.  
*Milton*, John E. Horne, r.

*Rochester*,  
*Ward 1*, Ernest L. Rolfe, r.  
*Ward 2*, Margaret E. Dustin, d.  
 Maurice A. Jones, d.  
*Ward 3*, Rudolph G. Cartier, d.  
*Ward 4*, Angeline M. Gilbert  
 St. Pierre, d.  
 Alphonse Lacasse, d.  
*Ward 5*, Norma M. Studley, r.  
*Ward 6*, Llewellyn F. Fernald, r.  
 Charles F. Leach, r.  
*Rollinsford*, Fred L. Green, Jr., r.  
*Somersworth*,  
*Ward 1*, Placide J. Lagueux, d. and r.  
*Ward 2*, Edward G. Letourneau, d.  
*Ward 3*, Fred J. Coffin, d.  
*Ward 4*, Leo H. Cater, d.  
*Ward 5*, James F. Malley, d.  
*Strafford*, Albert H. Brown, r.

## BELKNAP COUNTY

*Alton*, Frederick M. Perkins, r.  
*Barnstead*, Arthur H. McAllister, r.  
*Belmont*, Clarence B. Dearborn, r.  
*Center Harbor*, Edward J. Obert, Sr.,  
 r. and d.  
*Gilford*, Lena D. Weeks, r. and d.  
*Gilmanton*, Charles G. Kelley, r. and d.  
*Laconia*,  
*Ward 1*, Myron B. Hart, r.  
*Ward 2*, Fortunat A. Normandin,  
 d. and r.  
 Alfred W. Simoneau, d. and r.  
*Ward 3*, Elmer S. Tilton, r. and d.

*Ward 4*, Otto G. Keller, r.  
 Frank B. Shannon, r.  
*Ward 5*, Ross L. Piper\*, r. and d.  
 Theodore M. Thompson,  
 r. and d.  
*Ward 6*, John F. Brown, r.  
 John M. Ewing, r.  
*Meredith*, Horace U. Ransom, r.  
 Joseph F. Smith, r.  
*New Hampton*, Raymond C. Smith, d.  
*Sanbornton*, Marion H. Atwood, r. and d.  
*Tilton*, Michael F. Bruno, r.

\* Died.

## CARROLL COUNTY

*Bartlett*, Fred H. Washburn, r.  
*Conway*, Elmer H. Downs, r.  
 Leslie C. Hill, r.  
 Irene M. Lucy, r.  
*Effingham*, John G. Thompson, r.  
*Freedom*, Ralph S. MacGown, r.  
*Jackson*, Winifred G. Wild, r. and d.  
*Moultonborough*, Edith D. Banfield, r.

*Ossipee*, Charles G. Wiggin, r.  
*Sandwich*, Perley C. Knox, r.  
*Tamworth*, Earle H. Remick, r.  
*Tuftonboro*, Forrest W. Hodgdon, r.  
*Wakefield*, Ansel N. Sanborn, r.  
*Wolfeboro*, Harold H. Hart, r.  
 George F. Thibodeau, r. and d.

## MERRIMACK COUNTY

*Allenstown*, Alphonse Couture, d.  
*Andover*, Victor E. Phelps, d.  
*Boscawen*, Albert S. Hardy, r.  
*Bow*, Andrew M. Nicoll, r.  
*Bradford*, Reuben S. Moore, r. and d.  
*Canterbury*, Charles S. Rancour, r.  
*Chichester*, Shirley A. Marden, r.  
*Concord*,  
*Ward 1*, Charles P. Coakley, d.  
 James P. Ferrin, d.  
*Ward 2*, Harlan F. Besse, Sr., r.  
*Ward 3*, William J. Flynn, r.  
*Ward 4*, Clayton F. Colbath, r.  
 Harry H. Kennedy, r.  
 Nicholas A. Suosso, r. and d.  
*Ward 5*, George L. Hurd, r. and d.  
 George H. Nash, r.

*Ward 6*, George H. Corbett, r.  
 Donald W. Saltmarsh, r.  
 John C. Tilton, r.  
 Richard C. Venne†, r.  
*Ward 7*, John E. Buntin, r.  
 Marjorie M. Greene, r. and d.  
 Charles G. Roby, r.  
 Richard F. Upton, r. and d.  
*Ward 8*, John G. Blodgett, r. and d.  
*Ward 9*, Emmett A. Nawn, r. and d.  
 C. Murray Sawyer, d.  
*Danbury*, Roy K. Sargent, r.  
*Epsom*, Ralph E. Towle, r.  
*Franklin*,  
*Ward 1*, George W. Chase, r.  
*Ward 2*, James M. Burke, d.  
 Alcide LaBranche, d.  
*Ward 3*, Louis H. Douphinett\*, d.  
 Andrew Lorden, r.

† Resigned.

\* Died.

*Henniker*, Lester E. Connor, r.  
*Hooksett*, Edward M. Dudevoir, d.  
 Charles E. Mullaire, d.  
*Hopkinton*, Stewart E. Astles, r.  
*Loudon*, Forrest B. Kenney, r. and d.  
*New London*, Stanley A. Spiller, r. and d.  
*Northfield*, Albert A. Carr, r.

*Pembroke*, Edgar G. Bellerose, d.  
 George R. Lea, d.  
*Pittsfield*, Eralsey C. Ferguson, r.  
 Edmond J. Stapleton, r.  
*Salisbury*, Fred W. Holmes, r.  
*Sutton*, Benjamin H. Yerxa, r. and d.  
*Warner*, Fred A. Savory, r.  
*Webster*, Arthur C. Stebbins, r.

## HILLSBOROUGH COUNTY

*Amherst*, Charles A. Tracy, r.  
*Antrim*, Herbert E. Wilson, r. and d.  
*Bedford*, Gillis French, r.  
*Bennington*, Edward C. Black, r. and d.  
*Brookline*, Grover C. Farwell, d.  
*Deering*, Arthur O. Ellsworth, d. and r.  
*Francestown*, Clarence C. Jones, r. and d.  
*Goffstown*, A. Kenneth Hambleton, r.  
 Austin H. Reed, r.  
 Nathan A. Tirrell, r.  
*Greenfield*, Hobart M. Adams, r.  
*Greenville*, William H. Doonan, r. and d.  
*Hancock*, Robert English, r. and d.  
*Hillsborough*, George W. Boynton,  
 r. and d.  
 Merrick S. Crosby, r. and d.  
*Hollis*, Anne J. Goodwin, r. and d.  
*Hudson*, Fred T. Goodwin, Jr., r.  
 Ned Spaulding, r.  
*Litchfield*, John A. Reid, r.  
*Manchester*,  
 Ward 1, Marion B. Corliss, r.  
 Joel S. Daniels, Sr., r.  
 William J. Kennedy, Jr., r.  
 Ward 2, Harry J. Danforth, r.  
 Joseph H. Geisel, r.  
 John Pillsbury, r.  
 Ray S. Sawyer, r.  
 Ward 3, Walter B. Connor, d.  
 Michael J. Dwyer, d.  
 Louis Israel Martel, d.  
 John J. Sweeney, d.  
 Ward 4, William J. Fitzgerald, d.  
 Dominick J. Kean, d.  
 Thomas F. Nolan, d.

Ward 5, Stanley J. Betley, d.  
 Jeremiah B. Healy, d.  
 Alexander Kazakis, d.  
 John E. Malatras, d.  
 John C. O'Brien, d.  
 John Francis Shea, d.  
 Ward 6, Denis F. Casey, d.  
 Edward J. Cavanaugh, d.  
 Joseph F. Ecker, d.  
 Daniel J. Healy, d.  
 Henry P. Sullivan, d.  
 John Zyla, d.  
 Ward 7, Francis W. Downey, d.  
 Francis J. Heroux, d.  
 Charles J. Leclerc, d.  
 Robert A. O'Connor, d.  
 Michael T. Sullivan, d.  
 Ward 8, Eugene H. Delisle, Sr., d.  
 John J. Kane, d.  
 Peter H. Roy, d.  
 Emile Simard, d.  
 Ward 9, Fred Cary, d.  
 Henry J. Gagnon, d.  
 Ward 10, George S. Auger, d.  
 Oscar E. Getz, Sr., d.  
 Isabell C. McPhail, d.  
 Ward 11, John H. McShea, Sr.\*, d.  
 John M. Roche, d.  
 Joseph J. Roukey, d.  
 Ward 12, Ernest G. April, d.  
 George E. Laflamme, d.  
 Amelia Lareau, d.  
 Leon J. Vaillancourt, d.

\* Died.



## Hillsborough County—Continued

- Ward 13*, Rolland L. Chapdelaine, d.  
Paul H. Daniel, d.  
Lorenzo P. Gauthier, d.  
Arthur E. Thibodeau, d.
- Ward 14*, Michael J. Cannon, d.  
Michael S. Donnelly, d.  
Michael P. Wedick, d.
- Merrimack*, Bert L. Peaslee, r. and d.
- Milford*, Andrew C. Elliott\*, r.  
William M. Falconer, r.  
Fred T. Wadleigh, r.
- Mont Vernon*, Frederic H. Fletcher,  
r. and d.
- Nashua*,
- Ward 1*, Blaylock Atherton, r.  
Mabel Thompson Cooper,  
r. and d.  
Alice L. Ramsdell, r.
- Ward 2*, George F. Boire, d.  
Fred Landry, d.
- Ward 3*, Agenor Belcourt, d.  
Octave J. Goulet\*, d.
- Ward 4*, Cornelius M. Brosnahan, d.  
George D. Spalding, d.

- Ward 5*, Delphis E. Chasse, d.  
Emile E. Marquis, d.  
Albert Maynard, d.
- Ward 6*, John B. Dionne, d.  
Louis W. Paquette, d.  
Frank B. Shea, d.
- Ward 7*, Alfred Betters, d. and r.  
Adelard Dupont, d.  
William J. Lavoie, d.
- Ward 8*, Rodolphe Cormier, d.  
Alfred P. Grandmaison, d.  
Louis M. Janelle, d. and r.  
Leonard G. Velishka, d. and r.
- Ward 9*, Pierre F. Cote, d.  
Raymond E. Girouard, d.
- New Boston*, Albert E. Shedd, r.
- New Ipswich*, William T. Thompson, r.
- Pelham*, Ernest Q. Bigelow, r. and d.
- Peterborough*, Charles M. Cummings, r.  
George A. Myhaver, r.
- Weare*, Frank H. Peaslee\*, r.  
Alfred Osborne, r.
- Wilton*, David J. Barry, d.

\* Died.

## CHESHIRE COUNTY

- Alstead*, Morris S. Ring, Sr., r. and d.
- Chesterfield*, Wakefield Dort, r.
- Dublin*, Charles R. Thomas, r.
- Fitzwilliam*, Pauline H. Miller, r. and d.
- Hinsdale*, Frank W. Walker, r. and d.
- Jaffrey*, Carl C. Spofford, r. and d.  
James B. Perry, r.
- Keene*,
- Ward 1*, Ben O. Aldrich, r.  
Ira O. Willard, r.  
E. James Winslow\*, r.
- Ward 2*, Fred P. Amadon, Jr., r.  
Helen I. Landers, r.
- Ward 3*, Burleigh R. Darling, r.  
James M. Erwin, r.
- Ward 4*, Robert A. Smith, r.  
Gardner C. Turner, r.

- Ward 5*, Laurence M. Pickett, d.  
William G. Zimmerman, r.
- Marlborough*, Benjamin G. Hall, r. and d.
- Marlow*, Roxie A. Forbes, r. and d.
- Nelson*, Francis W. Tolman, r. and d.
- Richmond*, Walter H. Andrews, r.
- Rindge*, Harry E. Sherwin, r. and d.
- Swanzey*, Ralph A. Blake, r. and d.  
Joseph Kershaw, r.
- Troy*, Franklin L. Lang, d.
- Walpole*, Harold T. Killeen, r.  
E. Everett Rhodes, Jr., r.
- Westmoreland*, Oscar W. Billings,  
r. and d.
- Winchester*, Frederick H. Ingham, r.  
Alexander P. Thompson, r.

\* Died.

## SULLIVAN COUNTY

*Charlestown*, Howard H. Hamlin†, r.  
Carl A. Perkins, r.

*Claremont*,

*Ward 1*, George W. Angus, d. and r.  
Sydney B. Converse, r. and d.  
George E. Zopf, r. and d.

*Ward 2*, William F. Bissonnett, r.  
Perl Hutchins\*, r.  
William R. White, r. and d.

*Ward 3*, William P. Baron, d.  
Clifton Simms, d.  
Albert Stetson, d.

*Cornish*, John M. Tewksbury\*, r.  
*Croydon*, Leland L. Riley, d. and r.

*Goshen*, Walter R. Nelson, d. and r.  
*Grantham*, Allen W. Walker, d. and r.  
*Langdon*, George A. Holmes, r.  
*Lempster*, John A. Wirkkala, r.  
*Newport*, Maurice H. Cummings, d.  
Maurice J. Downing, d.  
Frank M. Farmer, d.  
Jesse R. Rowell, r.  
*Plainfield*, Lena A. Read, r. and d.  
*Springfield*, Edith B. Gardner, r.  
*Sunapee*, Tony O. Russell, r. and d.  
*Unity*, George S. Callum, r.  
*Washington*, David E. Williams, r. and d.

\* Died.

† Resigned.

## GRAFTON COUNTY

*Alexandria*, Orlo Erland Wadhams, r.  
*Ashland*, William A. Brown, d.  
*Bath*, Edwin P. Chamberlin, r.  
*Bethlehem*, Charles H. Whittier, r.  
*Bristol*, Glenn L. Wheeler, r. and d.  
*Campton*, Philip S. Willey, r.  
*Canaan*, George L. Eggleston, r.  
*Enfield*, Dorothea Dunbar, r.  
*Franconia*, J. Everett Grass, r. and d.  
*Grafton*, Elsie F. Williams, r. and d.  
*Hanover*, Edith P. Atkins, r.  
Robert J. Fuller, r.  
Charles A. Holden, r.  
*Haverhill*, Theodore Chamberlin, r.  
William J. Clough, r.  
George D. Perry, r.  
*Holderness*, H. Thomas Sommers, r.  
*Landaff*, Roscoe J. Oakes, d. and r.

*Lebanon*, Arthur F. Adams, r.  
Jerold M. Ashley, r.  
Forrest B. Cole, r.  
Lane Dwinell, r.  
Fred A. Jones, r.  
George H. Edson, d.  
*Lincoln*, Francis E. Madden, d.  
*Lisbon*, James E. Collins, r.  
Arthur L. Hamilton, r.  
*Littleton*, Van H. Gardner, r.  
Fred Kelley, r. and d.  
Albert J. Orr, r.  
*Lyman*, Arkade Dusik, d.  
*Lyme*, Henry S. Pushee, r. and d.  
*Orford*, Maurice A. Roberts\*, r. and d.  
*Plymouth*, Kenneth G. Bell, r.  
Ernest L. Silver\*, r.  
Suzanne Loizeaux, r.  
*Rumney*, Jesse A. Barney, r. and d.  
*Warren*, Fayne E. Anderson, r. and d.  
*Woodstock*, Harry D. Sawyer, d. and r.

\* Died.

## COOS COUNTY

*Berlin,*

- Ward 1,* Oliver A. Dussault, d.  
 Edward F. Hinchey, d.  
 Elisabeth H. Mason, d.  
 Henry M. Moffett, d.
- Ward 2,* Romeo Desilets, d. and r.  
 Harry L. Henderson, d.  
 Clara A. Lazure, d. and r.
- Ward 3,* Harry E. Bartlett, r. and d.  
 Hilda C. F. Brungot, r. and d.  
 Marie A. Christiansen,  
 r and d.
- Ward 4,* Arthur A. Bouchard, d.  
 Jennie Fontaine, d. and r.  
 Rebecca Gagnon, d.  
 Bernard J. Roy, d.
- Colebrook,* George B. Currier, r.  
 Fred H. Gould, r.

- Dalton,* Oriel R. Falkenham, r.
- Dummer,* Linwood O. Hamlin, r.
- Gorham,* James A. Fraser, d. and r.  
 Walter J. Malloy, d. and r.
- Jefferson,* Raymond G. Kimball, r. and d.
- Lancaster,* John B. Evans, r. and d.  
 Lester E. Moses, r. and d.
- Milan,* Emil W. Johnson, r.
- Millsfield,* Harold T. Baxter, r.
- Northumberland,*  
 Ismond D. Ellingwood, r.  
 Alton A. Potter, d. and r.
- Pittsburg,* Harvey H. Converse, r.
- Stark,* Grace M. Phelan, r. and d.
- Stewartstown,* Claude J. Baker, r.
- Stratford,* Burritt H. Hinman, r. and d.
- Whitefield,* Ada C. Taylor, r. and d.



**LAWS**  
OF THE  
**STATE OF NEW HAMPSHIRE**  
JANUARY SESSION OF 1949

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**CHAPTER 1.**

AN ACT PROVIDING TEMPORARY OPEN SEASON FOR TAKING  
PICKEREL.

*Be it Enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Temporary Open Season.** The open season for taking pickerel from certain waters which, by regulations promulgated by the director of the fish and game, would close on January 15, 1949 is hereby extended so that pickerel may be taken from said waters until January 25, 1949.

**2. Application of Statute.** Except in so far as may be permitted under the provisions of section 1 hereof, all provisions relative to taking pickerel as provided in fish and game laws shall apply.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved January 13, 1949.]

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**CHAPTER 2.**

AN ACT RELATIVE TO COMPENSATION OF JURORS FOR EXPENSES.

*Be it Enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Grand and Petit Jurors, Talesmen.** Amend section 26 of chapter 375 of the Revised Laws, as amended by chapters 117 and 200 of the Laws of 1947 by striking out said section and inserting in place thereof the following: **26. Compensation.** Grand and petit jurors shall be paid by the county for each day

or part of a day which is spent in actual attendance at court, five dollars each; for travel to and from court each day, each mile six cents; for each day in actual attendance at court, one dollar for expenses; talesmen shall receive compensation and allowances for travel and expenses in the same manner and amount as grand and petit jurors.

**2. Takes Effect.** This act shall take effect July 1, 1949.  
[Approved February 2, 1949.]

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### CHAPTER 3.

#### AN ACT RELATIVE TO EXEMPTION FROM JURY SERVICE.

**1. Jurors.** Amend chapter 375 of the Revised Laws by adding after section 27 the following new section: **28. Exemption.** If any person of the age of 70 years or over is selected as a juror he may at his discretion file with the court a written statement prior to the convening of court to the effect that he does not wish to act as a juror and he shall be discharged and another juror may be drawn in his stead.

**2. Takes Effect.** This act shall take effect upon its passage.  
[Approved February 2, 1949.]

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### CHAPTER 4.

#### AN ACT REPEALING PROVISIONS AS TO THE ELECTION OF ASSESSORS IN TOWNS.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

**1. Town Assessors.** Section 12, chapter 59, Revised Laws, providing for election of special town assessors, is hereby repealed.

**2. Takes Effect.** This act shall take effect upon its passage.  
[Approved February 2, 1949.]

**CHAPTER 5.**

AN ACT RELATIVE TO COMPENSATION OF MEMBERS OF THE STATE CLASSIFICATION PLAN AND RETIREMENT SYSTEM BOARDS.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1. **Classification Plan Board.** Amend section 5-b of chapter 145 of the Laws of 1943 as inserted by chapter 262 of the Laws of 1947 by striking out the words "Provided, however, that the per diem payments to employee member trustees shall terminate as of December 31, 1948," so that said section as amended shall read as follows: **5-b. Compensation.** The employee members shall receive the sum of four dollars, each, for each day they are actually employed in the performance of their duties on said board, in addition to any other compensation they may receive from the state, and the non-employee members shall receive the sum of eight dollars, each, for each day they are actually employed in the performance of their duties on said board, and all members shall be reimbursed their necessary expenses incurred in connection with their duties hereunder.

2. **Retirement System.** Amend paragraph III of section 11 of chapter 183 of the Laws of 1945 as amended by section 2, chapter 276 of the Laws of 1947, by striking out the words "provided, however, that the per diem payments to member trustees shall terminate as of December 31, 1948," so that said paragraph as amended shall read as follows: **III.** The non-member trustees shall receive the sum of eight dollars per day for each day they are actually employed in the performance of their duties under this chapter; and all trustees shall be reimbursed for their necessary expenses incurred in connection with their duties. The member trustees shall receive the sum of four dollars per day for each day they are actually employed in the performance of their duties under this chapter, in addition to any other compensation they may receive from the state.

3. **Takes Effect.** This act shall take effect as of January 1, 1949.

[Approved February 8, 1949.]

**CHAPTER 6.****AN ACT RELATING TO THE ATTENDANCE AT COUNTY CONVENTIONS  
BY SELECTMEN OF TOWNS NOT SENDING  
REPRESENTATIVES.**

*Be it Enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Notification of Selectmen.** Amend chapter 44 of the Revised Laws by inserting after section 5 the following new section: **5-a. Selectmen in Attendance; When.** The board of selectmen of any town not sending a representative to the general court shall be furnished a copy of the commissioners' statement and be notified by mail by the chairman of the county delegation of the meeting of the county convention held pursuant to the provisions of section 13-b of chapter 44 of the Revised Laws, as inserted by section 2 of chapter 142 of the Laws of 1947. Such notice shall be mailed at least five days prior to the meeting.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 8, 1949.]

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**CHAPTER 7.****AN ACT RELATING TO THE PENALTY FOR EMBEZZLEMENT.**

*Be it Enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Embezzlement, Public Officer.** Amend section 27 of chapter 450 of the Revised Laws by striking out all after the word "be" in fourth line and inserting in place thereof the words, fined not more than two thousand dollars, or imprisoned not more than five years, or both, so that said section as amended shall read as follows: **27. Public Officer.** If any public officer, being a receiver of public money, shall fraudulently convert the same to his own use, or shall pay or deliver the same to any person, knowing that such person is not entitled to receive it, he shall be fined not more than two thousand dollars, or imprisoned not more than five years, or both.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 8, 1949.]



**CHAPTER 8.**AN ACT RELATIVE TO PROHIBITING RELEASING FISH INTO  
CERTAIN WATERS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Prohibition.** Amend chapter 241 of the Revised Laws by inserting after section 13 the following new section: **13-a. Releasing Fish.** No person shall release into the waters of this state any living fish or the fry thereof from any other waters in the state without first procuring a permit from the director so to do.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 8, 1949.]

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**CHAPTER 9.**AN ACT RELATIVE TO DEFINITIONS UNDER THE FISH AND GAME  
LAWS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Definitions.** Amend section 1 of chapter 241 of the Revised Laws by inserting the following definition after the definition for angling: **Fly:** A hook dressed with feathers, hair, thread, tinsel or any similar material to which no spinner, spoon or similar device is added.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 8, 1949.]

**CHAPTER 10.**

AN ACT RELATING TO THE EXAMINATION OF SAW MILLS BY THE  
STATE FORESTER OR HIS AUTHORIZED AGENTS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Examination of Saw Mills.** Amend section 65 of chapter 233 of the Revised Laws by striking out the words "when immediate action is necessary the district chief" in the fourth line and inserting in place thereof the words, the said authorized agents, so that said section as amended shall read as follows: **65. Examination.** It shall be the duty of the state forester or his authorized agents to examine all such mills. If upon examination a mill is found operating in violation of the provisions of this subdivision the state forester, or the said authorized agents, may cancel the permit to operate said mill until such time as such provisions have been complied with.

**2. Takes Effect.** This act shall take effect upon its passage.  
[Approved February 8, 1949.]

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**CHAPTER 11.**

AN ACT RELATING TO EXPENSES OF THE STATE FORESTER IN  
REFORESTATION PLANS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Powers of State Forester.** Amend section 10, chapter 233 of the Revised Laws by striking out all after the word "tracts" in the fourth line and inserting in place thereof the words, on such terms as the forestry and recreation commission may approve, so that said section as amended shall read as follows: **10. Plans.** He shall, upon request and whenever he deems it essential to the best interests of the people of the state, co-operate with counties, towns, corporations and individuals in preparing plans for the protection, management

and replacement of trees, woodlots and timber tracts, on such terms as the forestry and recreation commission may approve.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 8, 1949.]

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## CHAPTER 12.

### AN ACT RELATING TO THE REVERSION TO TOWNS OF CERTAIN RIGHTS OF WAY.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Rights of Way.** Amend section 3, part 8, chapter 90 of the Revised Laws as inserted by chapter 188 of the Laws of 1945 by striking out the whole of said section and inserting in place thereof the following: **3. Reversion to Town.** Upon the filing of notice with the highway commissioner that such occasion exists, or, in the event that the selectmen fail to take any action or notify the highway commissioner in writing of their determination within sixty days after the receipt of notice from him, the right of way over such portion of land and title to any interest held by the state in such portion shall thereupon revert to or vest in such town, and the highway commissioner shall so certify in writing under oath to the selectmen, and the highway shall thereupon become a class V or class VI highway.

**2. Notice.** Amend section 4, part 8 of chapter 90 of the Revised Laws as inserted by chapter 188 of the Laws of 1945 by striking out the whole of said section and inserting in place thereof the following: **4. Notice of Discontinuance.** Upon the filing of notice with the highway commissioner that such occasion does not exist, the highway commissioner shall post notice in two public places in such town that such portion of highway is thereupon discontinued.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved February 8, 1949.]

**CHAPTER 13.****AN ACT RELATING TO THE DISCONTINUANCE OF CERTAIN CLASSES OF HIGHWAYS.**

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Highways.** Amend section 1 of part 9 of chapter 90 of the Revised Laws as inserted by chapter 188 of the Laws of 1945 by adding at the end thereof the words, and provided further that no owner of land shall, without his written consent, be deprived of access over such highway, at his own risk, so that said section as amended shall read as follows:

**1. Power to Discontinue.** Any class IV, V, or VI highway, or any portion thereof, in a town may be discontinued by vote of a town; provided, however, that any highway to public waters, or portion of such highway, laid out by a commission appointed by the governor and council, shall not be discontinued except with the consent of the governor and council and provided further that no owner of land shall, without his written consent, be deprived of access over such highway, at his own risk.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 8, 1949.]

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**CHAPTER 14.****AN ACT RELATING TO THE AUDIT OF SCHOOL DISTRICT ACCOUNTS.**

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. School District Officers.** Amend section 13, chapter 139, Revised Laws, by adding at the end thereof the following: provided, however, that school districts requesting an audit by the municipal accounting division of the state tax commission shall not be required to choose auditors for the year covered by said audit, so that said section as amended shall read as follows: **13. What to be Chosen.** The officers of every school district for which the law does not otherwise provide shall be a moderator, a clerk, a school board of three persons, a

treasurer, one or more auditors and such other officers and agents as the voters may judge necessary for managing the district affairs; provided, however, that school districts requesting an audit by the municipal accounting division of the state tax commission shall not be required to choose auditors for the year covered by said audit.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 10, 1949.]

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## CHAPTER 15.

### AN ACT NAMING THE JOHN STARK HIGHWAY.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Highway Named.** The New Hampshire highway described as follows, beginning on route 114 in West Manchester, continuing on said route through Goffstown, New Boston, Weare, Henniker, Warner to Bradford, then continuing on route 103 from Bradford through Newbury, Sunapee to Newport and on route 11 from Newport through Claremont to Charlestown, is hereby given the name of the John Stark Highway. The governor and council are authorized and directed to do all things necessary to suitably mark and designate the highway herein named.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 10, 1949.]

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## CHAPTER 16.

### AN ACT RELATIVE TO HAVING OR CARRYING LOADED GUNS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Loaded Guns.** Amend section 6 of chapter 241 of the Revised Laws, as amended by section 1, chapter 47, Laws of 1947, by striking out said section and inserting in place thereof

the following: **6. Prohibition.** No person shall take or attempt to take wild birds or wild animals from a motor vehicle, boat, aircraft or other craft propelled by mechanical power. No person shall have or carry, in or on, such motor vehicle, boat, aircraft or other craft, whether moving or stationary, a loaded rifle or loaded shotgun or a rifle or shotgun with a cartridge in the magazine or clip attached to the gun. This section shall not apply to law enforcement officers carrying guns in the line of duty.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 10, 1949.]

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## CHAPTER 17.

### AN ACT REPEALING THE PROVISION WHEREBY CONSERVATION OFFICERS MAY ACCEPT FINES IN THE FIELD.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Fish and Game Conservation Officers.** Paragraph X of section 25 of chapter 240 of the Revised Laws relative to authority of conservation officers to accept from violators the amount of their fines is hereby repealed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 10, 1949.]

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## CHAPTER 18.

### AN ACT RELATIVE TO TOWN ROAD AID.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Town Road Aid.** Amend section 1 of part 13, chapter 90 of the Revised Laws, as inserted by chapter 188 of the Laws of 1945, by striking out said section and inserting in place thereof the following: **1. Towns Entitled to Town Road Aid.** Any city, town or unincorporated place which has completed its

class II highways shall be entitled to town road aid for construction, maintenance, and reconstruction of rural post roads and class V highways. Any city, town or unincorporated place which has uncompleted portions of its class II highways, shall also be entitled to town road aid for construction, maintenance, and reconstruction of rural post roads and class V highways, for any one year, provided it shall raise and appropriate for the same year such sums for construction of its uncompleted class II highways as may be determined by the highway commissioner.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved February 10, 1949.]

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## CHAPTER 19.

AN ACT RELATING TO THE POWERS OF TRUST COMPANIES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Trust Companies.** Amend section 31 of chapter 313 of the Revised Laws, as amended by section 2, chapter 84, Laws of 1945, and by chapter 288, Laws of 1947, by striking out the word "fifty" in the tenth line and inserting in place thereof the word, seventy, so that said section as amended shall read as follows: 31. **In General.** Such corporation may be authorized and empowered to receive on deposit, storage or otherwise, money, securities, jewelry, documents, evidences of debt, and other personal property of a similar character, for safe keeping, upon such terms or conditions as may be agreed upon, which said deposits may be made by corporations and persons acting individually or in any fiduciary capacity; to collect and disburse the income and principal of said property when due; to advance or loan money or credits on personal security or property; to advance or loan not exceeding seventy per cent of its capital and surplus on notes secured by first mortgage of real estate situated in the New England states, but no such loan shall exceed seventy per cent of the value of the security except that in applying the foregoing limitations no consideration shall be given to such portion of any note as may

be guaranteed by the Administrator of Veterans' Affairs under Title III of the Servicemen's Readjustment Act of 1944, as the same may be amended from time to time or insured by the federal housing administrator provided that such insurance is payable in cash or in debentures guaranteed as to principal and interest by the United States; to advance or loan on notes wholly guaranteed by the Administrator of Veterans' Affairs under Title III of the Servicemen's Readjustment Act of 1944, as amended from time to time, or wholly insured by the federal housing administrator, provided that such insurance is payable in cash or in debentures guaranteed as to principal and interest by the United States; to negotiate, purchase, and sell stocks, bonds, and other evidences of debt; to do a general banking business; and to conduct a savings bank business.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 15, 1949.]

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## CHAPTER 20.

### AN ACT RELATIVE TO ANNUAL REPORT OF THE BANK COMMISSIONER.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Bank Commissioner.** Amend section 13 of chapter 307 of the Revised Laws by striking out the words "on or before September first in each year," in the second line and by striking out the words "officers' bonds" in the ninth line and inserting in place thereof the words, surety bonds covering officers and employees, so that said section as amended shall read as follows: **13. Commissioner's Reports.** The commissioner shall file with the secretary of state his annual report, which shall contain a statement of the resources and liabilities of each institution under his supervision, the amount of earnings of each institution for a twelve-month period, or for such period as he may select, and the disbursements for the same period for taxes, expenses, and other charges together with the rate and the amount of the dividends paid during the time. The report shall also give the names of the officers of each insti-



tution, the amount of the surety bonds covering officers and employees, the total salary and compensation paid to officers and employees, with such other information as he may deem necessary. He shall make such recommendations therein as he thinks will promote the public good.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 15, 1949.]

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## CHAPTER 21.

AN ACT PROVIDING FOR THE SETTLEMENT OF DISPUTES RESPECTING THE DOMICILE OF DECEDENTS FOR DEATH TAX PURPOSES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Settlement of Disputes Respecting the Domicile of Decedents for Death Tax Purposes.** Amend the Revised Laws by inserting after chapter 89 the following new chapter:

### Chapter 89-A

#### Settlement of Disputes Respecting the Domicile of Decedents for Death Tax Purposes

**1. Definitions.** When used in this chapter the following terms shall have the following meanings:

(a) "Executor," any executor of the will or administrator of the estate of a decedent, except an ancillary administrator;

(b) "Taxing official," the assistant attorney-general in this state, and in any other reciprocal state the officer or body designated in the statute of such state substantially similar to this chapter;

(c) "Death tax," any tax levied by a state on account of the transfer or shifting of economic benefits in property at death, or in contemplation thereof, or intended to take effect in possession or enjoyment at or after death, whether denominated an "inheritance tax," "transfer tax," "succession tax," "estate tax," "death duty," "death dues," or otherwise;

(d) "Interested person," any person who may be entitled to receive, or who has received any property or interest which

may be required to be considered in computing the death tax of any state involved.

**2. Election to Invoke Provisions of Chapter; Rejection of Election.** In any case in which this state and one or more other states each claims that it was the domicile of a decedent at the time of his death, and no judicial determination of domicile for death tax purposes has been made in any of such states, any executor, or the taxing official of any such state, may elect to invoke the provisions of this chapter. Such election shall be evidenced by the sending of a notice by registered mail, receipt requested, to the taxing officials of each such state and to each executor, ancillary administrator and interested person. Any executor may reject such election by sending a notice by registered mail, receipt requested, to the taxing officials involved and to all other executors within forty days after the receipt of such notice of election. If such election be rejected, no further proceedings shall be had under this chapter. If such election be not rejected, the dispute as to the death taxes shall be determined solely as hereinafter provided, and no other proceedings to determine or assess such death taxes shall thereafter be instituted in the courts of this state or otherwise.

**3. Agreement with Other Taxing Officials and Executors as to Death Tax, etc.** In any case in which an election is made as provided in section 2 and not rejected, the assistant attorney general may enter into a written agreement with the other taxing officials involved and with the executors, to accept a certain sum in full payment of any death tax, together with interest and penalties, that may be due this state; provided, that said agreement also fixes the amount to be paid the other state or states. If an agreement cannot be reached and the arbitration proceeding specified in section 4 is commenced, and thereafter an agreement is arrived at, a written agreement may be entered into at any time before such proceeding is concluded, notwithstanding the commencement of such proceeding. Upon the filing of such agreement or duplicate thereof with the state treasurer, an assessment shall be made as therein provided and such assessment, except as hereinafter provided, shall finally and conclusively fix and determine the amount of death tax due this state. In the event that the aggregate

amount payable under such agreement to the states involved is less than the maximum credit allowable to the estate against the United States estate tax imposed with respect thereto, the executor forthwith shall also pay to the state treasurer the same percentage of the difference between such aggregate amount and the amount of such credit, as the amount payable to this state under the agreement bears to such aggregate amount.

#### 4. Determination of Domicile in Absence of Agreement.

If in any such case it shall appear that an agreement cannot be reached as provided in section 3, or if one year shall have elapsed from the date of the election without such an agreement having been reached, the domicile of the decedent at the time of his death shall be determined solely for death tax purposes as follows:

(a) Where only this state and one other state are involved, the assistant attorney general and the taxing official of such other state shall each appoint a member of a board of arbitration, and the members so appointed shall select the third member of the board. If this state and more than one other state are involved, the taxing officials thereof shall agree upon the authorities charged with the duty of administering death tax laws in three states not involved, each of which authorities shall appoint a member of the board. The members of the board shall elect one of their number as chairman.

(b) Such board shall hold hearings at such places as are deemed necessary, upon reasonable notice to the executors, ancillary administrators, all other interested persons, and the taxing officials of the states involved, all of whom shall be entitled to be heard.

(c) Such board shall have power to administer oaths, take testimony, subpoena and require the attendance of witnesses and the production of books, papers and documents and issue commissions to take testimony. Subpoenas may be issued by any member of the board. Failure to obey a subpoena may be punished by a judge or justice of any court of record in the same manner as if the subpoena had been issued by such judge or justice or by the court in which such judge or justice functions.

(d) Such board shall apply, whenever practicable, the rules of evidence which prevail in federal courts under the federal rules of civil procedure at the time of the hearing.

(e) Such board shall, by majority vote, determine the domicile of the decedent at the time of his death. Such determination shall be final and conclusive, and shall bind this state and all of its judicial and administrative officials on all questions concerning the domicile of the decedent for death tax purposes.

(f) The reasonable compensation and expenses of the members of the board and employees thereof shall be agreed upon among such members, the taxing officials of the states involved, and the executors. In the event an agreement cannot be reached, such compensation and expenses shall be determined by such taxing officials, and, if they cannot agree, by the appropriate probate court of the state determined to be the domicile. Such amount shall be borne by the estate and shall be deemed an administration expense.

(g) The determination of such board and the record of its proceeding shall be filed with the authority having jurisdiction to assess the death tax in the state determined to be the domicile of the decedent and with the authorities which would have had jurisdiction to assess the death tax in each of the other states involved if the decedent had been found to be domiciled therein.

**5. Penalties and Interest for Nonpayment of Tax.** In any case where it is determined by the board of arbitration referred to in section 4 that the decedent died domiciled in this state, penalties and interest for nonpayment of the tax, between the date of the election and the final determination of the board, shall not exceed, in the aggregate, four per cent of the amount of the taxes per annum.

**6. Application of Chapter.** The provisions of this chapter shall apply only to cases in which each of the states involved has in effect a law substantially similar to this chapter.

**7. Chapter Controls in Case of Conflict.** If, in any case to which this chapter applies, the provisions of this chapter conflict with any other law of this state, this chapter shall control.

**2. Takes Effect.** This act shall take effect upon its passage and shall apply to the settlement of disputes among states with respect to death taxes which come within its scope without regard to whether the decedent died before or after the effective date hereof.

[Approved February 17, 1949.]

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## CHAPTER 22.

AN ACT RELATING TO THE DISPOSAL OF DOG LICENSE FEES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Town Moneys.** Amend section 17 of chapter 140 of the Revised Laws by striking out the words "applied to the support of the public schools, and shall be assigned to the districts as other school money," and inserting in place thereof the words, for the use of the town or city, and by striking out the words "April first" and inserting in place thereof the words, December thirty-first, so that said section as amended shall read as follows: **17. Dog Licenses.** All moneys arising from the licensing of dogs, remaining in the treasury of any town or city on December thirty-first, annually, which is not due to holders of orders given for loss of or damages to domestic animals by dogs, shall be for the use of the town or city.

**2. Takes Effect.** This act shall be effective as to the balance of dog license fees accruing on or after January 1, 1950.

[Approved February 17, 1949.]

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## CHAPTER 23.

AN ACT RELATING TO THE TIME FOR ACCOUNTING FOR BOUNTIES  
BY SELECTMEN.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Payment of Bounties.** Amend section 5 of chapter 180 of the Revised Laws by inserting after the word "January" in

the fifth line the words, and the month of July, so that said section as amended shall read as follows: **5. Account.** The selectman of a town or city clerk shall keep a true account of the money so paid, and the number of each species of animals and quantity of insects for which bounties have been paid, and upon presentation of such account, certified by a majority of such selectmen or by the city clerk to be just and true, to the state treasurer in the month of January and the month of July, the same shall be paid from the state treasury to such selectmen or city clerk, or upon their written order.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 23, 1949.]

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## CHAPTER 24.

### AN ACT RELATING TO PARI MUTUEL POOLS AT RACE MEETS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Pari Mutuel Pools.** Amend section 15 of chapter 171 of the Revised Laws, as amended by chapter 83, Laws of 1943 and chapter 117, Laws of 1945, by striking out the figure "1950" in the sixth line and inserting in place thereof the figure, 1956, so that said section as amended shall read as follows: **15. Pari Mutuel Pools.** Within the enclosure of any race track where is held a race or race meet licensed and conducted under this chapter, but not elsewhere, the sale of pari mutuel pools by the licensee under such regulations as may be prescribed by said commission is hereby permitted and authorized during the calendar years 1941 to 1956, inclusive. Commissions on such pools shall in no event and at no track exceed eleven and one-half per cent of each dollar wagered, plus the odd cents of all redistribution to be based on each dollar wagered exceeding a sum equal to the next lowest multiple of ten, known as "breakage," one half of which breakage shall be retained by the licensee and the balance shall be paid to the state treasurer for the use of the state in accordance with the

provisions of section 2. Said maximum shall include the five per cent tax hereinafter prescribed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 23, 1949.]

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## CHAPTER 25.

### AN ACT RELATIVE TO PRIVILEGED COMMUNICATIONS FROM PRISONERS OF STATE PRISON.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Prisoners.** Amend section 16 of chapter 464 of the Revised Laws by inserting after the word "trustees" in the second line, the words, or the attorney-general, so that said section as amended shall read as follows: **16. Communication with Trustees, etc.** Whenever a prisoner desires to communicate with the governor and council or the trustees or the attorney-general he shall be permitted to do so in a direct manner, and without any supervision being exercised over his letters by the prison officials or other persons.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 23, 1949.]

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## CHAPTER 26.

### AN ACT RELATIVE TO CREDIT UNIONS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Shares and Deposits.** Amend section 17, chapter 315 of the Revised Laws by striking out said section and inserting in place thereof the following: **17. Use of Funds.** While awaiting calls of its members for loans, it may deposit its money in any savings bank, trust company, or national bank in this state, or, by majority vote of the board of directors and with the approval of the commissioner, in any savings bank,

trust company, or national bank outside of the state. It may invest any surplus funds in the purchase of any securities that are approved by the commissioner.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 23, 1949.]

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## CHAPTER 27.

AN ACT RELATING TO COPIES OF PUBLIC RECORDS REQUIRED BY  
VETERANS ADMINISTRATION.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Fees.** Amend chapter 219-A of the Revised Laws as inserted by chapter 190 of the Laws of 1943 by inserting after section 4 the following new section: **5. Copies of Public Records.** When a copy of any public record is required by the veterans administration to be used in determining the eligibility of any person to participate in benefits made available by the veterans administration, the official custodian of such public record shall without charge provide the applicant for such benefits or any person acting on his behalf or the authorized representative of the veterans administration with a certified copy of such record.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 23, 1949.]

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## CHAPTER 28.

AN ACT RELATIVE TO THE BURIAL OF VETERANS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Veterans.** Amend section 16, chapter 124 of the Revised Laws as amended by chapter 102 of the Laws of 1943, chapter 88, Laws of 1945, and chapter 214, Laws of 1947, by striking out the same and inserting in place thereof the follow-



ing: **16. Burial Expenses.** Whenever any member or former member of the armed forces of the United States, who served in any war or armed conflict in which the United States has been engaged, for a total period of ninety days (unless sooner released from such service by reason of disability incurred in service) between April 21, 1898 and April 11, 1899 for Spanish War service; April 6, 1917 and July 2, 1921, World War I service; December 8, 1941 and December 31, 1946, World War II service, and whose services were terminated under conditions other than dishonorable, dies and the commander and adjutant of any recognized veterans organization of which he was a member, or the majority of the selectmen of the town or the mayor of the city in which such veteran dies, if he or she was not a member of such organization, shall certify under oath to the state veterans' council that such veteran did not leave sufficient estate to pay the expenses of his or her funeral, the governor shall draw a warrant in favor of the commander or adjutant, selectmen, or mayor, for a sum not exceeding one hundred dollars to defray such burial expenses, provided that the total amount of the funeral expense does not exceed four hundred dollars. Within one year from the time of burial of said veteran an account, verified by vouchers, of the sums so spent for burial expenses shall be sent to the state veterans' council by said commander, adjutant, selectmen, city council or mayor. Whoever neglects or refuses to furnish said account shall be fined ten dollars.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 24, 1949.]

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## CHAPTER 29.

### AN ACT TO ENLARGE THE POWERS OF SAVINGS BANKS IN MAKING LOANS TO VETERANS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Legal Investments; Loans Guaranteed by Veterans' Administration.** Amend paragraph III of section 3, chapter 310 of Revised Laws by inserting after the first sentence

thereof the following: In determining whether any loan exceeds the above specified percentages of the value of the real estate, no consideration shall be given to (1) that portion of the obligation which is guaranteed by the Administrator of Veterans' Affairs under Title III of the Servicemen's Readjustment Act of 1944 as amended from time to time or (2) an obligation wholly guaranteed under such title, so that as amended said paragraph III of said section 3 shall read as follows: **III. Other Real Estate.** Those directly secured by first mortgage on real estate situated without this state, but entirely within the United States, except as provided in paragraph I, which at the time of such investment is improved, occupied and productive; but not exceeding forty per cent of the deposits shall be so invested, and no such investment shall be in a loan that exceeds fifty per cent of the value of the real estate by which it is secured, unless the loan is further secured by a guaranty satisfactory to the commissioner, in which case it shall not exceed sixty per cent of the value of the real estate by which it is secured. In determining whether any loan exceeds the above specified percentages of the value of the real estate, no consideration shall be given to (1) that portion of the obligation which is guaranteed by the Administrator of Veterans' Affairs under Title III of the Servicemen's Readjustment Act of 1944 as amended from time to time or (2) an obligation wholly guaranteed under such title. The provisions of this paragraph shall not apply to bonds of railroad or public service corporations. No loan or investment shall be made under this paragraph upon real estate situated outside of New England except through or from an individual, partnership, association or corporation duly registered as a dealer in securities in this state, nor except upon written application showing the date, name of applicant, amount asked for and security offered and not more than thirty per cent of the deposits shall be loaned upon real estate situated outside of New England.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 24, 1949.]

## CHAPTER 30.

AN ACT RELATIVE TO UNEMPLOYMENT COMPENSATION BENEFITS  
AND BENEFIT ELIGIBILITY CONDITIONS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Increase in Benefits.** Amend subsection B, section 2 of chapter 218 of the Revised Laws, as amended by section 5, chapter 56 of the Laws of 1943, section 1, chapter 78 of the Laws of 1945, section 7, chapter 59 of the Laws of 1947, by striking out the whole of the same and inserting in place thereof the following: B. WEEKLY BENEFIT AMOUNT FOR TOTAL UNEMPLOYMENT AND MAXIMUM TOTAL AMOUNT OF BENEFITS PAYABLE DURING ANY BENEFIT YEAR.

(1) Each eligible individual who is totally unemployed in any week shall be paid with respect to such week benefits in the amount shown in column B of the schedule delineated in this paragraph on the line on which in column A there is indicated the individual's annual wage class except as otherwise provided in paragraph (2) of this subsection. The maximum total amount of benefits payable to any eligible individual during any benefit year shall be the amount shown in column C of the schedule delineated in this paragraph on the line on which in column A there is indicated the individual's annual wage class except as otherwise provided in paragraph (2) of this subsection.

A		B	C
Total Annual Earnings in Base Period		Weekly Benefit Amount	Maximum Benefits
\$200.00 —	\$299.99	\$6	\$138
300.00 —	349.99	7	161
350.00 —	399.99	8	184
400.00 —	499.99	9	207
500.00 —	599.99	10	230
600.00 —	699.99	11	253
700.00 —	799.99	12	276
800.00 —	899.99	13	299
900.00 —	999.99	14	322
1,000.00 —	1,099.99	15	345
1,100.00 —	1,199.99	16	368

A	B	C
Total Annual Earnings in Base Period	Weekly Benefit Amount	Maximum Benefits
1,200.00 — 1,299.99	17	391
1,300.00 — 1,399.99	18	414
1,400.00 — 1,499.99	19	437
1,500.00 — 1,599.99	20	460
1,600.00 — 1,699.99	21	483
1,700.00 — 1,799.99	22	506
1,800.00 — 1,899.99	23	529
1,900.00 — 1,999.99	24	552
2,000.00 — and over	25	575

(2) If at any time the fund shall fail to equal or fail to exceed twelve million dollars and shall be maintained at less than that figure for a period of two consecutive calendar months, each eligible individual who is totally unemployed in any week shall be paid with respect to such week benefits in the amount shown in column B of the schedule delineated in this paragraph on the line on which in column A there is indicated the individual's annual wage class. The maximum total amount of benefits payable to any eligible individual during any benefit year shall be the amount shown in column C of the schedule delineated in this paragraph on the line on which in column A there is indicated the individual's annual wage class. The schedule delineated in this paragraph shall take effect on the first day of the month immediately following the two-month period in this paragraph above mentioned.

A	B	C
Total Annual Earnings in Base Period	Weekly Benefit Amount	Maximum Benefits
\$200.00 — \$299.99	\$5	\$105
300.00 — 349.99	6	126
350.00 — 399.99	7	147
400.00 — 499.99	8	168
500.00 — 599.99	9	189
600.00 — 699.99	10	210
700.00 — 799.99	11	231
800.00 — 899.99	12	252
900.00 — 999.99	13	273

A	B	C
Total Annual Earnings in Base Period	Weekly Benefit Amount	Maximum Benefits
1,000.00 — 1,099.99	14	294
1,100.00 — 1,199.99	15	315
1,200.00 — 1,299.99	16	336
1,300.00 — 1,399.99	17	357
1,400.00 — 1,499.99	18	378
1,500.00 — 1,599.99	19	399
1,600.00 — 1,699.99	20	420
1,700.00 — and over	21	441

(3) It being further provided that in the event the provisions of paragraph (2) of this subsection become effective, the provisions of paragraph (1) of this subsection shall not again become effective for any benefit year thereafter unless the fund shall equal or exceed twelve million dollars during the two consecutive months immediately preceding the beginning of that benefit year.

**2. Benefit Eligibility Conditions.** Amend subsection D, section 3 of said chapter 218, as amended by section 4, chapter 56 of the Laws of 1943, section 8, chapter 138 of the Laws of 1945, section 11, chapter 59 of the Laws of 1947, and chapter 267 of the Laws of 1947, by striking out the whole of said subsection and inserting in place thereof the following: D. Prior to any week for which he receives benefits he has been totally unemployed (and for the purposes of this subsection an individual shall be deemed totally unemployed in any week with respect to which he earns no wages in excess of three dollars) for a waiting period of one week within the same benefit year and fulfilled the other requirements of this section; provided that this requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment because of a change in the benefit year, even though a change in the weekly benefit amount and maximum benefits is effected.

It is further provided that the period not to exceed one week of partial or total unemployment or the period not to exceed two weeks of partial unemployment immediately preceding the benefit year shall be deemed (for the purposes of this subsection) to be within such benefit year as well as within the preceding benefit year. For the purposes of this para-

graph, a week or weeks means the period of seven or fourteen calendar days immediately preceding the first day of the benefit year or the calendar week or weeks immediately preceding the benefit year. For the purposes of this subsection, two weeks of partial unemployment shall be deemed equivalent to one week of total unemployment. For the purposes of this subsection, no week shall be counted as a week of total unemployment for any individual: (1) If benefits have been paid with respect thereto; (2) Unless he has annual earnings of not less than two hundred dollars within the base period in accordance with subsection P (2) of section 1.

**3. Effective Date.** This act shall take effect as of April 1, 1949, provided that benefits for all payable weeks ending after the effective date of said act shall be paid and treated in all respects in accordance with the provisions of the unemployment compensation law as amended by this act.

[Approved February 24, 1949.]

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## CHAPTER 31.

### AN ACT RELATING TO INVESTMENTS BY GUARDIANS OF BENEFICIARIES OF VETERANS ADMINISTRATION.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Investments by Guardians.** Amend paragraph III of section 22 of chapter 342 of the Revised Laws by adding at the end thereof the words, provided, however, that no guardian of beneficiaries of the veterans administration shall invest any funds of his ward's estate under this paragraph without the written consent of the judge of probate having jurisdiction, except that he may invest without such prior consent in direct unconditional interest bearing obligations of this state or of the United States and in obligations the interest and principal of which are unconditionally guaranteed by the United States, so that said paragraph as amended shall read as follows: III. In such other stocks and bonds as are legal investments for savings banks in this state; provided, however, that no guardian of beneficiaries of the veterans administration shall invest any funds of his ward's estate under this paragraph

without the written consent of the judge of probate having jurisdiction, except that he may invest without such prior consent in direct unconditional interest bearing obligations of this state or of the United States and in obligations the interest and principal of which are unconditionally guaranteed by the United States.

**2. Restriction.** Amend paragraph V of section 22 of chapter 342 of the Revised Laws as inserted by chapter 30 of the Laws of 1945 by adding at the end thereof the words, and provided further that no guardian of a beneficiary of the veterans administration shall invest funds of his ward's estate under this paragraph, so that said paragraph as amended shall read as follows: V. In such bonds or stocks or other securities as a prudent man would purchase for his own investment having primarily in view the preservation of the principal and the amount and regularity of the income to be derived therefrom; provided, however, that not less than fifty per cent of the inventory or the cost value of the assets of the trust shall be invested in classes of property which qualify under paragraphs I, II, and III of this section, and provided further that no guardian of a beneficiary of the veterans administration shall invest funds of his ward's estate under this paragraph.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved February 25, 1949.]

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## CHAPTER 32.

AN ACT RELATING TO ROAD TOLL ON USERS OF FUEL OTHER THAN MOTOR FUEL.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. City, Town, School District, Village District.** Amend sub-paragraph (b) of paragraph II of section 19, chapter 120 of the Revised Laws as inserted by chapter 65 of the Laws of 1943 by inserting after the word "person" in the first line the words, except any city, town, school district or village district, so that said sub-paragraph as amended shall read as follows:

(b) "user" shall mean any person, except any city, town, school district or village district, who uses or consumes fuel as defined in this section, in this state in an internal combustion engine for the generation of power to propel motor vehicles on or over the public highways of this state; and

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 25, 1949.]

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### CHAPTER 33.

AN ACT RELATING TO SMOKING ON PUBLIC CARRIERS WHERE "NO SMOKING" SIGNS ARE DISPLAYED.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Smoking on Busses, etc.** Amend chapter 440 of the Revised Laws by adding after section 21 the following new section: **21-a. Smoking on Public Carriers.** No person shall, after being requested by the person in charge of a public conveyance not to do so, smoke in or upon such public conveyance if a sign is displayed therein prohibiting such smoking. Such offense shall be punishable by a fine of not more than five dollars.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 25, 1949.]

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### CHAPTER 34.

AN ACT RELATIVE TO MOTOR VEHICLE ACCIDENTS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Motor Vehicle Accidents.** Amend section 19 of chapter 118 of the Revised Laws by striking out said section and inserting in place thereof the following: **19. Conduct After Accident.** Any person operating a motor vehicle, knowing



that injury has been caused by him to a person or to property, shall forthwith bring his vehicle to a stop, return to the scene of the accident, give, to the operator of any other motor vehicle involved in said accident, and to the person, or the owner of the property, injured his name and address, the number of the driver's license, the registration number of the motor vehicle, and the name and address of each occupant thereof. If the owner of the property damaged is not available at the place of the accident the information required hereunder shall be given to a policeman at the nearest police station. Any person operating a motor vehicle which is in any manner involved in an accident in which any person is injured or killed, or resulting in damage to property in excess of fifty dollars, shall forthwith report in writing to the commissioner the facts required herewith together with a statement of the circumstances of the accident.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 25, 1949.]

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## CHAPTER 35.

### AN ACT RELATING TO APPOINTMENT AND TERMS OF THE MEMBERS OF THE COMMISSION ON INTERSTATE COOPERATION.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Membership of Commission.** Amend section 2 of chapter 145 of the Laws of 1935 by inserting after the word "state" in the fifth line the words, one of whom shall be a member of the commission on uniform state laws, so that said section as amended shall read as follows: **2. Membership.** The said commission shall be composed of fifteen members appointed as follows: Five members of the senate, to be appointed by the president of the senate, five members of the house of representatives, to be appointed by the speaker of the house, and five officials of the state, one of whom shall be a member of the commission on uniform state laws, to be appointed by the governor one of whom shall be designated by him as chairman of the commission.

**2. Appointments by Governor.** Amend chapter 145 of the Laws of 1935 by striking out section 3 and inserting in place thereof the following: **3. Terms of Office.** The state officials appointed as members of said commission shall serve for one, two, three, four and five years respectively and until their successors are appointed and qualified or until their term of office as a state official shall expire, whichever is earlier, and future appointments shall be made for a five-year term as the terms of the members expire. In case of vacancies appointments shall be made for the unexpired term. The members of the commission who are members of the senate and house of representatives shall serve during their term as such members of the senate and house of representatives and until their successors are appointed.

**3. Present Appointees.** The terms of office of the persons who are serving as such state official appointees at the time this act takes effect shall expire as of said date.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved March 1, 1949.]

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## CHAPTER 36.

### AN ACT RELATIVE TO CROSSING STATE LANDS BY PUBLIC UTILITIES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. License to Public Utility.** Amend chapter 294 of the Revised Laws by inserting after section 22 the following new section: **22-a. Exception.** The requirement for petition to and hearing by the public service commission as provided in section 22 shall not be required when the license is requested by the public utility for the exclusive purpose of furnishing facilities to the state, or any department or agency thereof.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 1, 1949.]

**CHAPTER 37.****AN ACT RELATING TO REGISTRATION OF MOTOR VEHICLES BY AMPUTEES.**

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Motor Vehicle Registration.** Amend paragraph XIII of section 1 of chapter 118 of the Revised Laws as inserted by section 2, chapter 107, Laws of 1947, by striking out said paragraph and inserting in place thereof the following: XIII. No fee shall be charged for registering a motor vehicle owned by a veteran of World Wars I or II who, because of being an amputee, has received said motor vehicle from the United States government, and no fee shall be charged for registering a motor vehicle with special equipment which said amputee may acquire to replace one received from the United States government.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 1, 1949.]

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**CHAPTER 38.****AN ACT ESTABLISHING A STATE SONG.**

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. State Emblem.** Amend chapter 13 of the Revised Laws by inserting after section 5 as inserted by chapter 148, Laws of 1945, the following new section: **6. State Song.** The song "Old New Hampshire" with words by Dr. John F. Holmes and music by Maurice Hoffmann is hereby declared to be the state song of New Hampshire.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 3, 1949.]

**CHAPTER 39.**

## AN ACT RELATIVE TO CHARITABLE TRUSTS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Charitable Trusts.** Amend chapter 24 of the Revised Laws, as amended by chapter 181 of the Laws of 1943, by chapter 92 of the Laws of 1945 and by chapter 94 of the Laws of 1947, by inserting after section 13-a the following new section: 13-aa. **Director.** A director of charitable trusts who shall be a member of the bar, shall be appointed by the governor, with the advice and consent of the council, for a term of five years and until his successor is appointed and qualified. Any vacancy shall be filled for the unexpired term. The governor and council may remove the director at any time for proper cause. The director, under the supervision of the attorney-general, shall have and exercise all the common law and statutory rights, duties and powers of the attorney-general in connection with the supervision, administration and enforcement of charitable trusts. He shall file with the attorney-general and the secretary of state a biennial report on December first of the year preceding each biennial session of the general court. His compensation shall be three thousand five hundred dollars per annum.

2. **Repeal.** Section 13-1 of chapter 24 of the Revised Laws, as inserted by chapter 181, Laws of 1943, relative to duties of the assistant attorney-general, is hereby repealed.

3. **Takes Effect.** This act shall take effect upon its passage.

[Approved March 3, 1949.]

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**CHAPTER 40.**

## AN ACT RELATING TO FIDUCIARIES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Fiduciaries.** Amend section 18 of chapter 363 of the Revised Laws as amended by section 4, chapter 264, Laws of 1947, by striking out said section and inserting in place thereof

the following: **18. Filing Account.** Every trustee shall file in the probate court an annual account of administration, unless upon petition he is excused by the judge of probate; but in no event shall he be excused for a period longer than three years, except that in cases where such filing may be impractical and may work financial hardship to the trust estate the judge of probate upon written approval of the attorney-general may extend said period not exceeding in the aggregate five years. Such annual account of administration provided for herein may be allowed by the judge of probate without publication unless he shall otherwise order. Before giving notice to settle a final account the trustee shall file it in the probate office and shall cause the fact of such filing to appear in the notice and shall at the same time file a statement of the names and residences of the beneficiaries in the trust state.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 3, 1949.]

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## CHAPTER 41.

### AN ACT RELATIVE TO EMPLOYMENT PREFERENCES FOR CERTAIN WIDOWS AND WIVES OF VETERANS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Public Employments.** Amend section 4-a of chapter 219 of the Revised Laws as inserted by chapter 148 of the Laws of 1947 by striking out said section and inserting in place thereof the following: **4-a. Widows.** The employment preferences provided for veterans under the provisions of section 4 as amended by section 4, chapter 190, Laws of 1943, are extended to include any unremarried widow whose husband at the time of his death was a citizen of this state and who served in the armed forces of the United States during any war in which the United States has been engaged, and also to any wife of a totally disabled veteran who is a citizen of the state and who served in the armed forces of the United States during any war in which the United States has been engaged.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 3, 1949.]

**CHAPTER 42.**

AN ACT RELATIVE TO TOWN APPROPRIATIONS FOR COASTING AND SKATING PLACES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Town Appropriations.** Amend paragraph XVII of section 4 of chapter 51, Revised Laws, by striking out the words “(not) exceeding five hundred dollars yearly” so that said paragraph as amended shall read as follows: XVII. **Playgrounds.** To establish and maintain suitable coasting and skating places and to establish, equip and maintain suitable places for public playgrounds.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 3, 1949.]

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**CHAPTER 43.**

AN ACT TO PROVIDE FOR A REORGANIZATION PLAN FOR THE DEPARTMENTS AND AGENCIES OF THE STATE GOVERNMENT.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Declaration of Purposes.** The governor is authorized to commence forthwith an examination of the organization of all agencies of the state government and to determine what changes are necessary therein to accomplish the following purposes:

(a) To reduce expenditures and promote economy to the fullest extent consistent with the efficient operation of the state government;

(b) To increase the efficiency of the operations of the state government to the fullest extent practicable within the revenues available to the state;

(c) To group, coordinate and consolidate agencies and functions of the state government as nearly as possible according to major purposes;

(d) To reduce the number of agencies by coordinating those having similar functions under a single head and to

abolish such agencies or functions thereof as may not be necessary for the efficient conduct and operation of the state government; and

(e) To eliminate overlapping and duplication of effort.

The general court declares that the public interest requires the carrying out of the purposes specified in this section and that such purposes may be accomplished more speedily and effectively under this act than by the enactment of specific, individual pieces of legislation covering each agency affected.

**2. Powers and Duties of Governor.** Whenever the governor during his examination finds that:

(a) The transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof to the jurisdiction and control of any other agency; or

(b) The abolition of all or any part of the functions of any agency; or

(c) The consolidation or coordination of the whole or any part of any agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; or

(d) The consolidation or coordination of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof; or

(e) The abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of the reorganizations specified in the reorganization plan, will not have any functions,—is necessary to accomplish one or more of the purposes of section 1, he shall prepare one or more reorganization plans (each bearing an identifying number) for the making of the transfers, consolidations, coordinations, and abolitions, as to which he has made findings and which he includes in the plan or plans, and transmit such plan or plans to the general court, together with a declaration that with respect to each transfer, consolidation, coordination, or abolition referred to in this section and specified in the plan or plans, he has found that such transfer, consolidation, coordination or abolition is necessary to accomplish one or more of the purposes of section 1 of this act. The delivery to both houses shall be on the same date, shall be made to each house while it is in session and may be transmitted to the present session of the general court, or an adjournment thereof or to a special

session. The governor in his message transmitting such reorganization plan or plans shall specify with respect to each abolition of an agency or function specified in a plan of reorganization the statutory authority for the existence of the agency or the exercise of such function. Each plan shall be in the form of a statute amending or repealing existing parts, chapters and sections of the Revised Laws, as amended, and shall be divided into parts designated by roman numerals, each part containing no more than one reorganization.

**3. Additional Contents of Plan.** Any reorganization plan transmitted by the governor under this act:

(a) May change, in such cases as he deems necessary, the name of any agency affected by a reorganization and the title of its head; and may designate the name of any agency resulting from a reorganization and the title of its head;

(b) May include provisions for the appointment, term of office, and compensation of the head and assistant heads of any agency (including an agency resulting from a consolidation or reorganization) if the governor finds, and in his message transmitting the plan declares, that by reason of transfers, consolidations and coordinations made by such plan, the responsibilities and duties of such head are of such nature as to require such action. The head so provided may be an individual or may be a commission or board with two or more members;

(c) May make provision for the transfer or other disposition of the records, property and personnel affected by any transfer, consolidation, coordination, or abolition, and the winding up of the affairs of any agency abolished;

(d) May make provision for the transfer of such unexpended balances of appropriations available for use in connection with any function or agency transferred, consolidated or coordinated, as he deems necessary by reason of the transfer, consolidation or coordination for use in connection with the transferred, consolidated or coordinated functions, or for the use of the agency to which the transfer is made, but such unexpended balances so transferred shall be used only for the purposes for which such appropriation was originally made.

**4. Effective Date.** The reorganizations specified in each plan shall take effect and become law in accordance with such plan upon the expiration of the first period of twenty-five



legislative days following the date on which such plan is transmitted to the general court; but only if, between the date of transmittal and the expiration of such twenty-five day period, there has not been passed by the two houses a concurrent resolution stating in substance that the general court does not favor the reorganization plan. The general court may also during such period pass a concurrent resolution stating in substance that the general court does not favor one or more parts of such plan (identified by roman numerals) in which case such plan shall take effect and become law in accordance with such plan, with the exception of the parts specified in said concurrent resolution. If the general court shall vote to adjourn or be prorogued sine die after the transmittal of a plan or plans to it but prior to the expiration of such twenty-five day period, such plan or plans shall take effect and become law in accordance with such plan or plans upon such adjournment or prorogation, with the exception of such plan, plans or parts of a plan as to which concurrent resolutions have been passed hereunder by the general court prior to such adjournment or prorogation. Any plan or part or provision thereof may, by its terms, be made operative at a time later than the date on which the plan, part, or provision shall otherwise take effect.

**5. Amended Plans.** If a plan or part thereof shall be disapproved by concurrent resolution, the governor may transmit to the general court an amended plan or part thereof, which upon its transmission shall be subject to the provisions of this act the same as an original plan.

**6. Definition of Agency.** As used in this act, the term "agency" means any executive department, commission, independent establishment, public corporation which is an instrumentality of the state, board, bureau, division, institution, service, office, officer, authority, administration or other establishment, in the executive branch of the government. Such term does not include officers elected by the general court; provided however, that the functions and duties of such officers may be increased by a reorganization plan.

**7. Effect on Pending Matters.** Any statute enacted and any regulation or other action made, prescribed, issued, granted or performed, in respect of or by any agency or function transferred to or consolidated or coordinated with any other agency or function under this act, before the effective

date of such transfer, consolidation or coordination, shall, except to the extent rescinded, modified or superseded or made inapplicable by or under authority of law, have the same effect as if such transfer, consolidation or coordination had not been made; but where any such statute, regulation or other action has vested functions in the agency from which the transfer is made under a plan, such functions shall, insofar as they are to be exercised after the transfer, be considered as vested in the agency to which the transfer is made under the plan. No suit, action or other proceeding lawfully commenced and pending at the effective date of a reorganization plan shall abate by reason of the provisions thereof, but the court may, on motion or supplemental petition, filed at any time within twelve months thereafter, allow the same to be maintained by or against the proper successor to any former agency, or if there be no such agency, by or against such successor as the governor may designate. The appropriations or portions of appropriations which are not transferred under a reorganization plan and are unexpended by reason thereof, shall not be used for any purpose but shall be impounded and returned to the treasury.

**8. Publication.** All reorganization plans or portions thereof which take effect shall be printed in the session laws as public acts.

**9. Reorganization Commission.** The governor with the advice and consent of the council shall forthwith appoint a reorganization commission to cooperate with and advise the governor in the preparation of reorganization plans under this act. The commission shall consist of seven qualified persons, not less than three of whom shall be members of the general court and one of whom shall be designated as chairman by the governor. The members of the commission shall serve without compensation but shall be allowed their necessary expenses while engaged in official business. The commission may employ such technical and other assistants as may be necessary and fix their compensation. The sum of seven thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated for carrying out the purposes of this act, and the governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

**10. Legislative Procedure.** As an exercise of the rule-making power of the senate and house of representatives, respectively, applicable only to the procedure to be followed by each house under this act and superseding other rules to the extent inconsistent herewith, and subject to the constitutional right of each house to change its rules, the following rules are adopted as part of the rules of each house, respectively:

(a) Concurrent resolution as used herein means only a concurrent resolution of the two houses of the general court, the matter after the resolving clause of which is as follows: "That the general court does not favor the reorganization plan numbered . . . . . transmitted to the general court by the governor on . . . . . 19. . . . ."; or "That the general court does not favor part (or parts) . . . . . of the reorganization plan numbered . . . . . transmitted to the general court by the governor on . . . . . 19. . . . ." A single concurrent resolution shall not refer to more than one reorganization plan but may refer to more than one part thereof.

(b) Such resolutions shall be referred to the appropriate committee in the house in which introduced, and joint public hearings shall be held by such committee together with the appropriate committee from the other house designated by its presiding officer. Such resolutions shall be given priority over all legislation.

(c) In all other respects, the rules of each house shall be applicable.

**11. Limit of Authority.** All authority vested in the governor and reorganization commission under this act shall expire July 30, 1950; but such expiration shall not affect the validity of reorganization plans which have become effective prior to such date.

**12. Takes Effect.** This act shall take effect upon its passage.

[Approved March 4, 1949.]

**CHAPTER 44.**

AN ACT RELATIVE TO AUTHORITY OF THE STATE TREASURER TO  
ISSUE SHORT TERM NOTES FOR THE NEW TOLL ROAD.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Toll Road.** Amend chapter 295 of the Laws of 1947 by inserting after section 5 the following new section: **5-a. Short Term Notes.** Prior to the issuance of the bonds hereunder the treasurer, with the approval of the governor and council, may for the purposes hereof borrow money from time to time on short term loans which may be refunded by the issuance of the bonds hereunder. Provided, however, that at no one time shall the indebtedness of the state on such short term loans exceed the sum of seven million five hundred thousand dollars.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 5, 1949.]

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**CHAPTER 45.**

AN ACT RELATING TO TELEVISION SETS IN MOTOR VEHICLES.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Motor Vehicles.** Amend chapter 119 of the Revised Laws by inserting after section 6 the following new section: **6-a. Television.** No person shall drive any motor vehicle equipped with any television viewer, screen or other means of visually receiving a television broadcast which is located in the motor vehicle at any point forward of the back of the driver's seat, or which is visible to the driver while operating the motor vehicle.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 9, 1949.]

**CHAPTER 46.**

AN ACT RELATIVE TO SPOT LAMPS FOR MOTOR VEHICLES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Motor Vehicle Equipment.** Amend section 8-a of chapter 119 of the Revised Laws as inserted by section 1, chapter 82, Laws of 1947 by striking out the word "one" in the second line and inserting in place thereof the word, two, so that said section as amended shall read as follows: **8-a. Spot Lamps and Auxiliary Lamps.**

I. Any motor vehicle may be equipped with not to exceed two spot lamps and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than one hundred feet ahead of the vehicle.

II. Any motor vehicle may be equipped with not to exceed three auxiliary driving lamps mounted on the front at a height not less than twelve inches nor more than forty-two inches above the level surface upon which the vehicle stands.

III. Every spot lamp and auxiliary driving lamp shall be approved by the motor vehicle commissioner. Application for the approval of such lamps as provided herein, accompanied by a fee of fifty dollars, may be made to the commissioner by any manufacturer thereof or dealer therein.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 9, 1949.]

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**CHAPTER 47.**

AN ACT RELATING TO THE DIRECTORS OF INSURANCE COMPANIES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Directors of Insurance Companies.** Amend the Revised Laws by inserting after section 16 of chapter 333-A thereof, as inserted by Laws of 1947, chapter 189, the following new sec-

tion: **16-a. Prohibitions.** Any domestic insurance company may have as a director a person who is also a director of another insurance company, which may be a foreign or domestic company, provided, however, that if the effect thereof is to substantially lessen competition generally in the insurance business or tends to create a monopoly therein, it shall be deemed a violation of this chapter. In the administration and enforcement of this section the commissioner shall have the powers and duties conferred and imposed upon him by other applicable sections of this chapter with respect to violations of it.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 10, 1949.]

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## CHAPTER 48.

### AN ACT RELATIVE TO THE INVESTMENTS OF DOMESTIC LIFE INSURANCE COMPANIES.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Domestic Life Insurance Companies.** Amend chapter 328 of the Revised Laws by adding after section 18 the following new section: **18-a. Other Investments.** Such companies may loan or invest their funds to an amount not exceeding in the aggregate five per cent of their total admitted assets in loans or investments not qualifying or not permitted under sections 15 and 16 above, subject, however, to the approval of the insurance commissioner.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 10, 1949.]

**CHAPTER 49.**

AN ACT RELATING TO INCOMPATIBILITY OF TOWN OFFICES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Town Offices.** Amend section 43, chapter 59, Revised Laws, by striking out the same and inserting in place thereof the following: **43. Incompatibility.** No person shall at the same time hold any two of the following offices: selectman, treasurer, collector of taxes, auditor and highway agent; no person shall at the same time hold any two of the following offices: town treasurer, selectman and head of any police department on full time duty; and no official handling funds of a town shall at the same time hold the office of auditor.

**2. Takes Effect.** This act shall take effect on the second Tuesday of March, 1950.  
[Approved March 10, 1949.]

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**CHAPTER 50.**

AN ACT RELATING TO CEMETERY RECORDS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Records, Fee.** Amend chapter 68 of the Revised Laws by inserting after section 3 the following new section: **3-a. Cemetery Records.** The selectmen, person, association commissioners, or other body charged with the responsibility of operation and administration of any cemetery, shall keep a record of every burial in any cemetery under their control, showing the date of burial and name of the person buried, when these particulars can be obtained, and the lot, plot, or part thereof, in which the burial was made. A copy of such record, duly certified, shall be furnished to any person on demand and payment of a fee of fifty cents. The fee shall be for the use of the person issuing the certificate.

**2. Takes Effect.** This act shall take effect upon its passage.  
[Approved March 10, 1949.]

**CHAPTER 51.**

AN ACT RELATIVE TO LEGAL INVESTMENTS OF SAVINGS BANKS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Legal Investments.** Amend section 3 of chapter 310 of the Revised Laws by inserting after paragraph II as amended by chapter 84, Laws of 1945, the following new paragraph: **II-a. Loans Insured by the United States Government Through the Secretary of Agriculture.** Those secured by mortgage on farm real estate within the state without respect to the value of such real estate if the secretary of agriculture has insured, or made commitment to insure, such notes or bonds, provided the laws of the United States entitle the mortgagee to receive payment of such insurance in cash. The authority to invest in loans described in paragraphs I, I-a, II and this paragraph shall be so exercised that the total amount invested in such loans shall not exceed seventy-five per cent of the deposits.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 10, 1949.]

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**CHAPTER 52.**

AN ACT RELATIVE TO POLICE POWERS OF CONSERVATION OFFICERS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Powers of Conservation Officers.** Amend paragraph VI of section 25, chapter 240 of the Revised Laws, as amended by chapter 165, Laws of 1947, by striking out said paragraph and inserting in place thereof the following: VI. To stop and to search without a warrant and to examine in the field, in the highway, at an airbase, or on the stream, any person, or any boat, conveyance, aircraft, vehicle, game bag, game coat, creel, crate, box, locker, or other receptacle, in the presence of the owner if reasonably possible, or any so-called fish house or bob house, in the presence of the occupant, for fish, game, or fur-



bearing animals, when he has reasonable cause to believe that any fish, game, or fur-bearing animals, or any illegal apparatus subject to forfeiture, are concealed thereon or therein;

2. **Penalty.** Amend chapter 241 of the Revised Laws by adding at the end thereof the following new section: **46. Disobeying Officer.** Any person who shall refuse or neglect to stop when signalled to stop by any conservation officer who is in uniform or who refuses on demand of such officer to produce his fish and game license or to permit such officer to take the license or certificate in hand for the purpose of examination shall be fined not less than twenty-five dollars nor more than one hundred dollars, or imprisoned for not more than six months, or both.

3. **Takes Effect.** This act shall take effect upon its passage.

[Approved March 11, 1949.]

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## CHAPTER 53.

### AN ACT RELATIVE TO ZONING REGULATIONS FOR CERTAIN PRIVATELY-OWNED AIRPORTS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Declaration of Purpose.** It is hereby found and declared that use by the public of certain privately-owned airports is necessary for the proper operation of the airport system in the state and therefore that airport hazards should be regulated.

2. **Airport Zoning.** Amend chapter 51 of the Revised Laws by adding after section 80 the following new section: **80-a. Privately-owned Airports.** The director is hereby empowered and directed to formulate and adopt, and from time to time as may be necessary revise, an airport approach plan for such airports as are privately owned but which have been licensed for commercial operation, have facilities available for public use and are necessary in the opinion of the director for the maintenance of an effective airway system in the state. Every privately-owned airport so designated by the director is hereby declared to be eligible for zoning protection and for the pur-

poses hereof shall be deemed to be a publicly-owned airport for the purposes of airport zoning, as provided in sections 78 to 87, inclusive.

3. **Takes Effect.** This act shall take effect upon its passage.

[Approved March 11, 1949.]

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## CHAPTER 54.

### AN ACT PROVIDING FOR THE APPOINTMENT OF TEMPORARY GUARDIANS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Mentally Incompetent Person.** Amend chapter 343 of the Revised Laws by inserting after section 3 the following new section: 3-a. **Temporary Guardian.** If the court finds that the welfare of a mentally incompetent person requires the immediate appointment of a guardian of his person or of his estate, or of both, it may, with or without notice, appoint a temporary guardian for the incompetent for a specified period not to exceed sixty days, and remove or discharge him or terminate the trust. The appointment may be to perform duties respecting specific property or to perform particular acts, as stated in the order of appointment. The temporary guardian shall make such report as the court shall direct, and shall account to the court upon termination of his authority. In other respects the provisions of this chapter concerning guardians shall apply to temporary guardians and an appeal may be taken from the order of appointment of a temporary guardian.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved March 11, 1949.]

## CHAPTER 55.

AN ACT GRANTING SCHOOL DISTRICTS TEMPORARY EMERGENCY  
EXEMPTION FROM CERTAIN PROVISIONS OF THE MUNICIPAL  
BONDS STATUTE.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Authority.** Any school district duly organized and existing under the provisions of law is hereby authorized and empowered to issue its serial bonds or notes for the purpose of construction of new school buildings or for the alteration of present structures, or for the enlargement and improvement of existing school facilities, to an amount not exceeding five per cent of the latest assessed valuation subject to taxation of the taxable property in such district. Existing indebtedness of such districts shall be included in determining net borrowing capacity hereunder.

2. **Bond Issues; Special Cases.** A school district may vote to issue bonds or notes for the purposes set forth in section 1 of this act in an amount in excess of five per cent of the latest assessed valuation subject to taxation but not in excess of eight per cent thereof, in accordance with the conditions set forth in sections 4, 5, 6 and 7 of this act. A certified copy of the record of the action of the school district shall be presented forthwith to the commissioner of education.

3. **Municipal Bonds Statute.** The issuance of serial notes or bonds by school districts under this act shall be governed by the provisions of chapter 72 of the Revised Laws as amended except for the debt limitations upon school districts imposed by sections 7 and 8 thereof. The debt of a school district created under the provisions of this act or under the provisions of chapter 156 of the Laws of 1947 shall be excluded in computing the debt limit of counties, towns, cities and village districts under the provisions of section 7 thereof.

4. **Board Designated.** There shall be a board of investigation composed as follows: The commissioner of education; a member of the tax commission to be selected by said commission; the chairman of the judiciary committee of the senate; the chairman of the committee on municipal and county government of the house of representatives, and one other person having knowledge of educational and financial

matters to be appointed by the governor. In the event that either the chairman of the judiciary committee of the senate or the chairman of the committee on municipal and county government of the house of representatives shall be unable to serve, the president of the senate or the speaker of the house of representatives or, in the absence or inability to act of either of them, the governor, shall designate some other member of the respective judiciary committee and committee on municipal and county government as a member of said board. The member of said board representing the tax commission shall serve as chairman thereof, and said board shall choose some other member thereof as clerk. The non-state-salaried members of said board shall receive compensation for their services at the rate of six dollars per diem and reasonable expenses, and said compensation, together with other expenses incurred by the board, shall be paid by the school district or school districts whose proposals are to be examined. Said committee shall make a complete stenographic record of its hearings.

**5. Meetings of Board.** Upon receipt of the record provided under section 2, the commissioner of education shall notify the chairman of said board of the receipt thereof and said chairman shall fix a time and place when all interested parties may be heard, giving notice thereof by registered mail to the chairman of the school board and the clerk of the school district presenting the proposal at least fourteen days prior to the date of the hearing and causing said notice to be published once prior to the date of the hearing in some newspaper of general circulation in said district. Such hearing may be adjourned at the discretion of the board.

**6. Findings of Board.** Said board shall consider the educational needs and financial condition of the district; and if it finds that the proposal is in the best interest of and within the financial capacity of said district, it shall certify its approval to the governor and council; but if it concludes that the proposal is inexpedient, it shall submit its disapproval forthwith in writing to the chairman of the school board and the clerk of said district, and thereupon the action of said district shall become null and void. The findings of said board shall be by majority vote of all members.

7. **Approval of Governor and Council.** Upon receipt of the approval of a proposal by the board, the same shall be examined by the governor and council; and if the same shall be approved by them, such approval shall be certified by the secretary of state to the chairman of the school board and the clerk of the district, whereupon said bond issue shall be regarded as authorized as though said issue were less than five per cent of the latest assessed valuation of said district.

8. **Extension of Bond Term.** Under the conditions of application, notice, hearing, approval and certification, as set forth in sections 2, 4, 5, 6 and 7 of this act, the terms of any bonds issued under the provisions of this act may be extended to a period of not more than thirty years.

9. **Duration of Board.** The authority vested in the board designated under the provisions of section 4 of this act shall terminate on January 1, 1951.

10. **Takes Effect; Expiration.** This act shall take effect upon its passage, provided that no action shall be taken hereunder by any school district after January 1, 1951. The foregoing limitation of this act shall not affect the validity of any bonds or notes issued by authority thereof.

[Approved March 11, 1949.]

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## CHAPTER 56.

### AN ACT RELATIVE TO FORM OF DECLARATIONS OF CANDIDACY FOR DELEGATES TO THE NATIONAL PRESIDENTIAL CONVENTIONS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Presidential Primary Ballots.** Amend section 6, chapter 38, Revised Laws, by striking out said section and inserting in place thereof the following: **6. Form.** Declarations of candidacy shall be in form as follows: "I ..... declare that I reside in ward ..... in the city (or town) of ....., county of ..... and state of New Hampshire, and am a qualified voter therein; that I am a member of the ..... party; that I am a candidate for election as delegate (or as alternate delegate or

delegate at large or alternate delegate at large) to the national convention of the ..... party next to be held for the nomination of candidates of said party for president and vice president of the United States. I request that my name be printed as such candidate on the official ballot of the ..... party to be used at the primary to be held on the second Tuesday of March next. I further declare that if elected as such delegate (or alternate delegate or delegate at large or alternate delegate at large) I will attend such convention unless I shall be prevented by sickness or other occurrence over which I have no control."

If the person desires to do so he may add to such declaration either of the following two statements: (1) "I am favorable to (insert the name of any person) as the candidate for said party for president, and I request that after my name upon the ballot shall be printed the words I am favorable to the nomination (naming the same person) for president." (2) "I pledge myself, if elected as such delegate (or alternate delegate or delegate at large or alternate delegate at large), to vote in said convention, whenever I shall vote, for the nomination of (inserting the name of any person) as the candidate for said party for president so long as he shall be a candidate before said convention, and I request that after my name upon the ballot shall be printed the words pledged to vote for the nomination of (naming the same person) for president." The words chosen by the candidate shall be printed upon the primary ballot following the name as requested. In the case of the second option, the pledge shall be printed upon the primary ballot as requested if such candidate for president files his written consent thereto with the secretary of state before the time for the filing of declarations expires, but not otherwise.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 11, 1949.]

**CHAPTER 57.**

## AN ACT RELATIVE TO LABOR CONTRACTS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Labor Contracts.** Amend section 21 of chapter 212 of the Revised Laws, as amended by section 1, chapter 195 of the Laws of 1947, by striking out said section and inserting in place thereof the following: **21. Union Membership.** No person shall coerce or compel, or attempt to coerce or compel, any person into an agreement, either written or verbal, not to join or become a member of any labor organization, as a condition of securing or continuing in any employment.

2. **Repeal.** Sections 21-a, 21-b, 21-c, 21-d of chapter 212 of the Revised Laws as inserted by chapter 195 of the Laws of 1947 relative to freedom in employment are hereby repealed.

3. **Takes Effect.** This act shall take effect upon its passage.

[Approved March 11, 1949.]

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**CHAPTER 58.**

## AN ACT RELATING TO LIENS FOR STORAGE OF AIRCRAFT.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Liens on Aircraft.** Amend section 38, chapter 264 of the Revised Laws by inserting after the word "garage" in the first line the words, or hangar; further amend by inserting after the word "vehicles" in the second line the words, or aircraft, and by inserting after the word "vehicle" in the fourth line the words, or aircraft, so that said section as amended shall read as follows: **38. For Storage.** Any person who maintains a public garage or hangar for the storage and care of motor vehicles or aircraft brought to his premises or placed in his care by or with the consent of the legal or equitable owner, shall have a lien upon such motor vehicle or aircraft so long as the same shall remain in his possession, for proper charges due him for the storage and care of the same.

**2. Repairs.** Amend section 39 of chapter 264 of the Revised Laws by inserting after the word "vehicle" in the third line the words, or aircraft; further amend by inserting after the word "vehicle" in the fourth line the words, or aircraft, so that said section as amended shall read as follows: **39. For Labor.** Any person who shall, by himself or others, perform labor, furnish materials, or expend money, in repairing, re-fitting or equipping any motor vehicle or aircraft, under a contract expressed or implied with the legal or equitable owner, shall have a lien upon such motor vehicle or aircraft, so long as the same shall remain in his possession, until the charges for such repairs, materials, or accessories, or money so used or expended have been paid.

**3. Charges.** Amend section 40, chapter 264 of the Revised Laws by inserting after the word "vehicle" in the third line the words, or aircraft, so that said section as amended shall read as follows: **40. Notice and Sale.** If any of the charges referred to in this subdivision shall remain unpaid for sixty days, the lien holder may sell such motor vehicle or aircraft at public sale, and the proceeds, after first paying the expense of sale, shall be applied in payment of the charges, the balance, if any, to be paid to the debtor. Notice of such sale shall be given and record made as provided in sections 7, 8 and 10.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved March 11, 1949.]

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## CHAPTER 59.

### AN ACT RELATIVE TO TOWN APPROPRIATIONS FOR POISON IVY ERADICATION.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Town Appropriations.** Amend chapter 51 of the Revised Laws by adding after Paragraph XXV of section 4 the following new paragraph: **XXV-a. Poison Ivy.** To eradicate poison ivy or other poisonous vines.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 11, 1949.]



## CHAPTER 60.

## AN ACT RELATIVE TO STATE FISH AND GAME REFUGES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. State Fish and Game Refuges.** Amend section 11 of chapter 246 of the Revised Laws by inserting after the word "time" in the sixth line the words, except as provided in section 12-c, so that said section as amended shall read as follows: **11. Establishment.** The director, in conjunction with the commissioner of agriculture, may establish and maintain state fish and game refuges for the protection and propagation of fish, game, and fur-bearing animals, on all or any portion of the state fish and game lands, wherein fish, game, and fur-bearing animals shall not be hunted, pursued, taken, disturbed, or molested at any time except as provided in section 12-c. They may also, with and by the consent of the proper authorities, establish and maintain such refuges on state forests, national forests, or otherwise publicly owned lands or waters within the state. They may also establish and maintain such refuges on privately owned lands with the consent of the owner and abutters, for such purposes. No such refuge shall exceed in area one half of the total area of the state or national forest on which it is located, nor shall it exceed twenty-five hundred acres in area, if not located on a state or national forest. No such refuge exceeding five hundred acres in area shall be established within ten miles of another such refuge.

**2. Special Provisions.** Amend chapter 246 of the Revised Laws by inserting after section 12-b, as inserted by section 2, chapter 152, Laws of 1947, the following new section: **12-c. Permission Granted.** Any game refuge may be open to the taking of any particular species of game, game bird or fur-bearing animal at any time and by any means under such regulations as may be prescribed by the director.

**3. Special Regulations.** Amend section 14 of chapter 246 of the Revised Laws by adding after the word "refuge" in the first line the words, except as may be permitted under section 12-c, so that said section as amended shall read as follows: **14. Penalty.** Any person found upon a state game refuge, except as may be permitted under section 12-c, or upon any land under the control of the director, which has been established by him as an area for the propagation of game, having

in his possession a loaded firearm, shall be fined not more than one hundred dollars or imprisoned not more than thirty days or both.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved March 11, 1949.]

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## CHAPTER 61.

### AN ACT RELATING TO INTEREST ON DELINQUENT TAXES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Taxes.** Amend section 11, chapter 77 of the Revised Laws as amended by section 1, chapter 55 of the Laws of 1943 by striking out the word "eight" in the second line and inserting in place thereof the word, six, so that said section as amended shall read as follows: **11. Interest.** Interest at six per cent shall be charged upon all taxes not paid on or before December first, after their assessment, from that date, which shall be collected with the taxes as incident thereto.

**2. Proceedings.** Amend section 27 of chapter 80 of the Revised Laws as amended by section 2, chapter 55 of the Laws of 1943, by striking out the word "ten" in the sixth line and inserting in place thereof the word, eight, so that said section as amended shall read as follows: **27. Redemption.** Any person interested in land so sold may redeem the same by paying or tendering to the collector, or in his absence, at his usual place of abode, at any time before a deed thereof is given by the collector, the amount for which the land was sold, together with costs for notifying mortgagees, if any, and with eight per cent interest upon the whole amount from the time of sale to the time of payment or tender, together with redemption costs incurred. In case the tax collector who sold the property in question shall have died, become incapacitated, been removed from office or removed from the town or city or shall have been discharged from his bond by the selectmen or assessors, then the person interested in redeeming the property may tender the aforesaid sums to the tax collector then in office of said city or town; and upon advice from the select-

men or assessors that the amount tendered is the correct amount due, the said tax collector shall accept said amount for the redemption of said property.

**3. Rate of Interest.** Amend section 30 of chapter 80 of the Revised Laws as amended by section 3, chapter 55 of the Laws of 1943 and section 2, chapter 187 of the Laws of 1947, by striking out the word "ten" in the fifteenth line and inserting in place thereof the word, eight, so that said section as amended shall read as follows: **30. Record of Payment.** The purchaser of land at any tax sale may pay to the collector any tax assessed upon the land subsequent to that for which it was sold, and the collector shall, within fifteen days after such payment, notify the register of deeds thereof, giving the date and the amount of such payment and the name of the person so paying. In said notice the collector shall also give the date of the tax sale, the name of the person taxed and a description of the property sold, all as given in the report of said sale to the registry of deeds. The collector shall at the same time send a like notice, by registered mail, to the mortgagee or mortgagees, if there be any. The notice to the register of deeds, when recorded, shall constitute an additional lien upon the real estate. Any amounts so paid on account of subsequent taxes, together with interest thereon at the rate of eight per cent per year from date of such payment shall, in addition to the purchase price at time of sale, with accrued interest and costs, be paid by the person making redemption. For every such notice sent to the register of deeds the collector forwarding the same shall be entitled to a fee of twenty-five cents and the register of deeds shall be paid a like fee for recording the same. For notice to a mortgagee of such payment after sale, the collector shall be entitled to a fee of fifty cents and the costs of sending such notice by registered mail. The fees and costs of notifying the register of deeds and the mortgagee and of recording such notices, if there be any, shall be added to the amount of the undischarged lien and shall be collectible when redemption is made.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved March 11, 1949.]

## CHAPTER 62.

AN ACT RELATING TO THE SOIL CONSERVATION COMMITTEE.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Committee and Advisory Board.** Amend section 3 of chapter 151 of the Laws of 1945 by striking out said section and inserting in place thereof the following: **3. State Soil Conservation Committee and Advisory Board.** There is hereby established to serve as an agency of the state, the state soil conservation committee which shall consist of the following five members: The commissioner of agriculture, the director of the state agricultural extension service, the director of the state agricultural experiment station, and two farmer members to serve one and two years respectively and until their successors are appointed, at least one of whom shall be a district supervisor and both of whom shall be appointed by the governor with the advice and consent of the council. In making said appointment the governor shall give consideration to names submitted by the sub-district supervisors. The committee so composed shall elect its own chairman. The following four members shall serve as an advisory board: The state highway commissioner, the state forester, the director of the fish and game department, and the executive director of the state planning and development commission. The members of said committee and board shall serve without compensation. The committee may adopt rules and regulations necessary for the execution of its functions hereunder and shall keep a record of its official actions. It may employ such employees as it requires and fix their compensation subject to the approval of the governor and council. It may also consult and advise with any local committees or groups.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 12, 1949.]

## CHAPTER 63.

## AN ACT PROVIDING FOR APPROVED BARBER SCHOOLS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Barber Schools.** Amend chapter 158 of the Revised Laws by adding after section 20 the following new section:  
**20-a. Approved School; Fees.** It shall be unlawful for any person, firm or corporation, whether as owner, manager or agent, to open, conduct or maintain a school of barbering without first having obtained from the board a certificate of registration for an approved school. Application for such school registration shall be made to the board in writing and shall state the name and address of the owner of the school, the city and town and street and number where the same is located, and contain such other information as may be required by the board. Upon receipt of such written application said board shall make an investigation with respect to the location, appointments, equipment and appliances suitable and sanitary for such purposes and if such investigation is satisfactory, the board shall issue to the applicant, upon payment of a fee of twenty-five dollars, a certificate of registration to conduct a school of barbering at such location until the first day of July following the date of such registration. Such certificate may, so long as such school continues to meet the approval of said board, be renewed for one-year periods upon the payment of a fee of twenty-five dollars for each such renewal. The board may revoke any such certificate at any time for cause; provided that notice shall be given to such school of said proposed action in order that the owner of said school may have an opportunity to request a hearing on such notification. In the event of a change of location of any approved school, notice shall be given to the board thereof and the board shall issue a transfer of certificate of registration of such school to its new location provided such new location shall meet the requirements of the board. No person shall instruct barbering in any school unless he has a certificate to practice barbering.

2. **Takes Effect.** This act shall take effect as of July 1, 1949.

[Approved March 15, 1949.]

## CHAPTER 64.

## AN ACT RELATIVE TO DEFINITION OF CONCENTRATED COMMERCIAL FEEDING-STUFF.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Commercial Foods.** Amend section 1 of chapter 226 of the Revised Laws by striking out the words "used for feeding farm livestock" in the second and third lines and by striking out the words "the place of manufacture," in the eighth and ninth lines, so that said section as amended shall read as follows: 1. **Labeling.** Every person who shall sell, offer or expose for sale or for distribution in this state any concentrated commercial feeding-stuff shall furnish with each car or other quantity shipped in bulk, and shall affix to every package of such feeding-stuff, in a conspicuous place on the outside thereof, a plainly printed statement clearly and truly certifying the number of net pounds in the package sold or offered for sale, the name or trademark under which the article is sold, the name of the manufacturer, shipper, or for whom the product is manufactured, the place of business, and a chemical analysis stating the minimum percentages only which it contains of crude protein (allowing one per cent of nitrogen to equal six and one-fourth per cent of protein), the minimum percentage only of crude fat, and the maximum percentage only of crude fibre, each constituent to be determined by the methods prescribed by the association of official agricultural chemists, and shall state in bold type upon the container or a tag attached thereto, if a compounded feed, the names of the several ingredients therein contained.

2. **Terms Defined.** Amend section 3 of chapter 226 of the Revised Laws by striking out said section and inserting in place thereof the following: 3. **Definition.** The terms "concentrated commercial feeding-stuff" or "feeding-stuff" as used in this chapter, shall include all commercial feeding-stuffs used for feeding wild animals and birds kept in captivity, domestic animals and poultry, except hay, straw, whole seed, unmixed meals made directly from the entire grains of wheat, rye, barley, oats, Indian corn, broom corn, buckwheat, and mixed grains the ingredients of which may be readily determined.

3. **Grain.** Amend section 13 of chapter 226 of the Revised Laws by striking out the words "livestock or poultry" in the third line and inserting in place thereof the words, wild animals and birds kept in captivity, domestic animals or poultry, so that said section as amended shall read as follows: **13. Labeling.** Every person who shall sell, offer or expose for sale in this state any corn, whole, ground or cracked, oats, rye, barley, wheat or buckwheat, used for feeding wild animals and birds kept in captivity, domestic animals or poultry, shall furnish with each car or other quantity shipped in bulk a plainly printed statement showing net weight and grade, as hereafter provided, and shall affix to each bag of grain a plainly printed statement or tag, showing the grade of goods and net weight contained therein, and the name and address of the dealer selling the same if the grain be below the following standards: Below No. 1 for clipped oats; below No. 2 for natural oats, rye, barley or buckwheat.

4. **Takes Effect.** This act shall take effect upon its passage.

[Approved March 15, 1949.]

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## CHAPTER 65.

### AN ACT RELATING TO DEFERRED POSTING BY BANKS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Banks.** Amend chapter 312 of the Revised Laws by inserting at the end thereof the following new subdivision:

#### **Deferred Posting by State Banks, Trust Companies and National Banks.**

20. **Deferred Posting by Banks.** In any case in which a bank receives other than for immediate payment over the counter a demand item payable by, at or through such bank and gives credit therefor before midnight of the day of receipt, the bank may have until midnight of its next business day after receipt within which to dishonor or refuse payment of such item. Any credit so given, together with all related entries on the books of the receiving bank, may be revoked by re-

turning the item, or if the item is held for protest or at the time is lost or is not in the possession of the bank, by giving written notice of dishonor, non-payment, or revocation; provided that such item or notice is dispatched by deposit in the mails or by other expeditious means not late than midnight of the bank's next business day after the item was received. For the purpose of determining when notice of dishonor must be given or protest made under the law relative to negotiable instruments, an item duly presented, credit for which is revoked as authorized by this subdivision, shall be deemed dishonored on the day the item or notice is dispatched. A bank, revoking credit pursuant to the authority of this subdivision, is entitled to refund of, or credit for, the amount of the item.

**21. Definitions.** For the purposes of this subdivision: (a) an item received by a bank on a day other than its business day, or received on a business day after its regular closing for that day or after the closing hour established by it for the majority of the days of its business week, shall be deemed to have been received at the opening of its next business day; (b) the term "credit" includes payment, remittance, advice of credit, or authorization to charge and, in cases where the item is received for deposit as well as for payment, also includes all records of deposits without regard to whether such records have been entered in the receiving bank's general ledger or posted to individual customers' ledgers; (c) the term "item" means any negotiable or non-negotiable instrument for the payment of money; and (d) the term "bank" means any state bank or trust company or any national bank duly organized and located within this state.

**22. Negotiable Instruments Law, Effect on.** Sections 102, 103, 104 and 155 of chapter 366 of Revised Laws relating to negotiable instruments shall remain in full force and effect, except insofar as the provisions of this subdivision may be inconsistent therewith with reference to any negotiable item.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 15, 1949.]



**CHAPTER 66.**

AN ACT RELATING TO THE GRADING AND MARKING OF POTATOES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Grading and Marking of Potatoes.** Amend the Revised Laws by inserting after chapter 223 the following new chapter:

**Chapter 223-A**

**1. Application of Law.** The provisions hereof shall apply to all shipments, packages, containers, or displays in which potatoes are packed, distributed, sold, offered or exposed for sale except as herein otherwise provided.

**2. Definitions.** I. The word "persons" as used herein shall include individuals, corporations, companies, societies and associations. The act, omission or failure of an officer, agent, or other person acting for or employed by a corporation, company, society or association, within the scope of his employment or office shall also be deemed to be the act, omission or failure of such corporation, company, society, or association.

II. "Grade" or "grades" shall mean the standards for potatoes established by the United States Department of Agriculture and promulgated by the commissioner of agriculture as the official grades on potatoes for New Hampshire under the authority of section 28, chapter 223 of the Revised Laws.

III. "Plainly and conspicuously" shall mean that the lettering used to cover information required by law on containers shall be legible enough so as not to be obscured by other markings or illustrations used. Printing or stamped terms shall be three-eighths inch or larger in height.

**3. Marks on Containers.** Every shipment, package, or container containing potatoes which are packed, sold, distributed, offered or exposed for sale or distribution in the state by any person shall be plainly and conspicuously marked with the name and address of the packer, or the person by whose authority the potatoes are packed or distributed, and the proper grade of the potatoes contained therein. The party possessing the potatoes at any time shall be deemed responsible for the proper marking of the potatoes. On display racks or bins from which potatoes are sold in retail quantities, the proper grade must be plainly and conspicuously shown, but

the provision as to markings of name and address or person by whose authority the potatoes were packed shall not apply.

**4. Exemptions.** Nothing herein shall be construed to prevent a grower from selling potatoes at his premises or his storage or delivering potatoes to a central packing house, processing plant, or storage without such marking except that any potatoes displayed or offered for sale at the roadside must be marked with the proper grade. Properly tagged certified seed potatoes are exempted from the provisions hereof.

**5. Advertising.** All radio, newspaper or display advertising of potatoes in which the price is given must state the grade or grades of potatoes being advertised.

**6. Enforcement; Rules and Regulations.** The commissioner shall enforce all of the provisions hereof. He, either in person or by a duly authorized representative, shall have free access, ingress and egress during business hours to any place or any building wherein potatoes are packed, stored, transported, sold, offered or exposed for sale or for transportation. He may also, in person or by duly authorized representative, open any box, barrel, or other container, and examine contents thereof, and may, upon tendering the market price, take samples therefrom. The commissioner shall make and publish uniform rules and regulations for carrying out the provisions hereof.

**7. Hearings.** When the commissioner of agriculture learns of any violation of any of the provisions hereof, he may cause notice thereof together with the copy of his findings, to be given the person or persons concerned. Persons so notified may be given a hearing under rules and regulations prescribed by the commissioner. Notice of such hearings shall declare the date, hour, and place of hearing.

**8. Penalty.** Any person violating any of the provisions of this chapter shall be fined not more than fifty dollars for the first offense and for each subsequent offense not more than two hundred dollars. All fines shall be paid to the commissioner of agriculture by the justice or court imposing the same, within ten days after their receipt, and shall be used for the enforcement of this chapter.

**2. Takes Effect.** This act shall take effect as of July 1, 1949.

[Approved March 15, 1949.]

**CHAPTER 67.****AN ACT RELATIVE TO PENALTY FOR HUNTING WHILE  
INTOXICATED.**

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Hunting Licenses.** Amend chapter 247 of the Revised Laws by adding after section 11 the following new section: **1-a. Intoxication.** Any person who shall be convicted of hunting or attempting to hunt while in possession of a loaded gun, while under the influence of intoxicating liquor, or any narcotic or habit-producing drug, shall be fined not more than five hundred dollars or imprisoned not more than six months, or both, his license shall be revoked and he shall be ineligible for a hunting and fishing license for one year thereafter.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 16, 1949.]

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**CHAPTER 68.****AN ACT RELATIVE TO SUSPENSION OF FISH AND GAME LICENSES.**

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Penalty.** Amend chapter 247 of the Revised Laws by adding after section 12 the following new section: **12-a. Ineligibility for License.** The director may in his discretion declare that a person who has been convicted of fishing, hunting or trapping without a license shall be ineligible to receive any license under the provisions of this title for a period of not more than one year from the date of such conviction.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 16, 1949.]

## CHAPTER 69.

AN ACT RELATIVE TO TAKING FISH FROM LAKES AND PONDS  
PARTLY IN ANOTHER STATE.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Special Regulations.** Amend chapter 245 of the Revised Laws by inserting before section 33 the following new section:  
32-a. **Lake or Pond Partly in Another State.** If, in the case of a lake or pond situated partly in this state and partly in another state, the laws of such other state permit fishing in that part thereof lying within such other state by persons licensed or otherwise entitled under the laws of this state to fish in that part of such lake or pond lying within this state, persons licensed or otherwise entitled under the laws of such other state to fish in the part of such lake or pond lying within such other state shall be permitted to fish in that part thereof lying within this state, and, as to such lake or pond, the operation of the laws of this state relative to open and closed seasons, limits of catch, minimum sizes of fish caught and methods of fishing shall be suspended upon the adoption and during the continuance in force of rules and regulations relative to those subjects and affecting that part of such lake or pond lying within this state, which rules and regulations the director is hereby authorized to make, and from time to time add to, alter and repeal. Before making, adding to, altering or repealing such rules and regulations, said director shall confer with the officer or board having like duties in such other state, in order to secure uniformity of law, rules and regulations as to the whole of such lake or pond, if practicable. Such rules and regulations shall prior to their effective date be printed and available for distribution at the office of the director and of the clerk of each city and town in this state in which any part of such lake or pond is situated or to which it lies adjacent.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved March 16, 1949.]

## CHAPTER 70.

AN ACT RELATING TO PROCLAMATION PROHIBITING SMOKING  
OR BUILDING OPEN FIRES NEAR WOODLAND.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Declaring Forests Closed.** Amend chapter 233 of the Revised Laws by adding after section 37 the following new section: **37-a. Declaring.** The governor and council, upon the recommendation of the state forester, when, in his opinion, there is danger of starting fires in the woodlands of the state due to a period of protracted drought or excessive dryness which requires extraordinary precautions, may, by official proclamation, prohibit smoking in or near woodland and prohibit the kindling of any open fire in or near woodland in any or all parts of the state for such time as they may designate. Whoever is found guilty of violating the provisions of this section shall be fined not more than twenty-five dollars.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved March 16, 1949.]

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CHAPTER 71.

AN ACT RELATIVE TO BONDS ON PUBLIC WORKS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Bonds on Public Works.** Amend section 26 of chapter 264 of the Revised Laws, as amended by section 1, chapter 182, Laws of 1943, by striking out said section and inserting in place thereof the following: **26. Bond Required.** Officers, public boards, agents or other persons who contract in behalf of the state or any political subdivision thereof for the construction, repair or rebuilding of public buildings, public highways, bridges or other public works shall if said contract involves an expenditure of ten thousand dollars, and may if it involves an expenditure of less amount, obtain as a condition precedent to the execution of the contract, sufficient security by bond or otherwise, in an amount equal to at least eighty per cent of the contract price, or of the estimated cost of the work if no aggre-

gate price is agreed upon, conditioned upon the payment by the contractors and subcontractors for all labor performed or furnished, for all equipment hired, including trucks, for all material used and for fuels, lubricants, power, tools, hardware and supplies purchased by said principal and used in carrying out said contract, and for labor and parts furnished upon the order of said contractor for the repair of equipment used in carrying out said contract. Said bond shall be negotiated for, procured from and the premium therefor paid to a resident agent of an insurance company registered and licensed to do business in this state. No such insurance company or resident agent, personally or by another, shall allow, give or pay, directly or indirectly, to any non-resident agent or non-resident broker any part of the commission on the sale of said bond. The insurance commissioner may suspend or revoke the license of any resident agent or insurance company violating the provisions hereof.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 16, 1949.]

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## CHAPTER 72.

### AN ACT RELATIVE TO DESTRUCTION OF PAPERS OF THE HEALTH DEPARTMENT.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Health Department.** Amend section 9 of chapter 147 of the Revised Laws by striking out the word "ten" in the second line and inserting in place thereof the word, six, so that said section as amended shall read as follows: **9. Destruction of Certain Records.** The state board of health may destroy, at the end of six years from the date of filing, reports, records and other documents in its office which in its opinion are no longer of any value to the state, provided that records relative to births, marriages, divorces, deaths, lunacy, feebleminded, and tuberculosis shall not be destroyed under the provisions hereof.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 16, 1949.]

**CHAPTER 73.**

AN ACT INCREASING THE SALARIES OF THE COMMISSIONERS OF  
COOS COUNTY.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Coos County.** Amend section 27 of chapter 47 of the Revised Laws, as amended by chapters 119, 150, 195 and 202 of the Laws of 1943, by chapters 66 and 163 of the Laws of 1945 and chapters 202 and 284 of the Laws of 1947, by striking out said section and inserting in place thereof the following:  
**27. Commissioners.** The annual salary of each commissioner of the following counties shall be as follows, payable monthly by the county:

In Rockingham, fifteen hundred dollars.

In Strafford, twelve hundred dollars.

In Belknap, twelve hundred dollars.

In Merrimack, fifteen hundred dollars.

In Hillsborough, twenty-seven hundred dollars.

In Cheshire, fifteen hundred dollars.

In Sullivan, ten hundred dollars.

In Grafton, ten hundred dollars.

In Coos, fifteen hundred dollars.

In Carroll county each commissioner, when employed in the business of the county, shall receive eight dollars a day, payable as hereinbefore provided. To the foregoing sums shall be added, in all the counties, a reasonable sum for all necessary expenses, upon order of the county auditors.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 16, 1949.]

**CHAPTER 74.**

## AN ACT NAMING THE MOOSILAUKE ROAD.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Highway Named.** The New Hampshire highway described as follows: Beginning at the intersection of the Daniel Webster Highway in the village of Plymouth with the so-called route 25, thence running by said route 25 through the Baker river valley and Oliverian valley and notch over the old Indian route to the Dartmouth College Highway (Route 10) in the town of Haverhill in the Connecticut Valley, touching the following towns, Plymouth, Rumney, Wentworth, Warren, Benton and Haverhill, is hereby given the name of The Moosilauke Road. The governor and council are authorized and directed to do all things necessary to suitably mark and designate the highway herein named.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 16, 1949.]

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**CHAPTER 75.**

## AN ACT RELATING TO OBTAINING TRANSPORTATION BY FRAUD.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Transportation by Fraud.** Amend section 7 of chapter 450 of the Revised Laws by striking out said section and inserting in place thereof the following: **7. Obtaining Transportation.** If any person, with intent to cheat or defraud, shall procure the transportation of himself, or of other persons, or of personal baggage or effects, by any hackman, carriage driver, taxi driver, bus driver, automobile driver, commercial aircraft operator, or expressman, without paying therefor, he shall be fined not more than twenty dollars, or imprisoned not more than three months.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 16, 1949.]



## CHAPTER 76.

AN ACT RELATING TO STENOGRAPHERS' FOR PROBATE COURT.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Probate Court.** Amend chapter 346 of the Revised Laws by adding at the end thereof the following new sections: 30. **Stenographer.** The judge of probate may employ a stenographer who shall make a stenographic record of any contested proceeding. 31. **Expenses.** Such stenographer when so employed shall be allowed twelve dollars and fifty cents per day and shall be reimbursed for his or her actual expenses when away from home, and the same shall be paid by the respective county.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved March 16, 1949.]

## CHAPTER 77.

AN ACT RELATIVE TO LEASING SEWAGE FACILITIES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Sewage Facilities.** Amend part 22 of chapter 90 of the Revised Laws, as inserted by chapter 188 of the Laws of 1945, by adding after section 5 the following new section: 5-a. **Leases.** The mayor and aldermen of any city may lease sewage facilities to or from any other city or town whenever they judge the same necessary for the public convenience and health.

2. **Application of Act.** The provisions of any city charter inconsistent with the provisions of this act are hereby repealed as to the extent of such inconsistency.

3. **Takes Effect.** This act shall take effect upon its passage.

[Approved March 16, 1949.]

**CHAPTER 78.**

AN ACT RELATING TO DEBT LIMITATIONS AS A RESULT OF CERTAIN REQUIRED INSTALLATIONS OF SEWERAGE SYSTEMS OR TREATMENT PLANTS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Bond Indebtedness.** Amend chapter 72 of the Revised Laws by inserting after section 7, the following new section:  
**7-a. Sewerage Systems and Sewage Treatment Works.** Municipalities which have received orders by the water pollution commission to install sewage treatment works under the provisions of chapter 166-A, Revised Laws as inserted by chapter 183, Laws of 1947, or by the state board of health to install a sewerage system or sewage treatment works under the provisions of section 21-a, chapter 166 of the Revised Laws as inserted by section 6, chapter 50, Laws of 1947, or under chapter 165 of the Revised Laws are hereby authorized to incur debts for the construction of such sewerage systems and treatment works outside the limit of indebtedness.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved March 16, 1949.]

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**CHAPTER 79.**

AN ACT RELATIVE TO USE OF TOWN ROAD AID OF THE CLASS IV HIGHWAY.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Town Road Aid.** Amend part 13, chapter 90 of the Revised Laws as inserted by chapter 188 of the Laws of 1945 by inserting after section 1 the following new section: **1-a. Application of Section.** Such portions of town road aid funds may be expended on class IV highways in cities and towns when in the opinion of the state highway commissioner such funds to which said cities and towns are entitled are not required for the construction, reconstruction and maintenance of class V highways.

2. **Application of Statutes.** Amend section 7, part 2 of chapter 90 of the Revised Laws as inserted by chapter 188 of the Laws of 1945 by adding at the end of said section the words, except as may be authorized by section 1-a, part 13, of this chapter, so that said section as amended shall read as follows: **7. Class IV Compact Section Highways.** All class IV highways shall be wholly constructed, reconstructed, and maintained by the city or town in which they are located, and no state funds shall be expended thereon except as may be authorized by section 1-a, part 13 of this chapter.

3. **Takes Effect.** This act shall take effect upon its passage.

[Approved March 16, 1949.]

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## CHAPTER 80.

### AN ACT RELATING TO THE LIEN FOR SEWER ASSESSMENTS AND SEWER RENTALS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Sewer Assessments.** Amend section 10, part 22 of chapter 90, Revised Laws, as inserted by chapter 188, Laws of 1945, by striking out the words "for one year after notice of the assessment is given to the owner of the land," in the third and fourth lines and inserting in place thereof the words, until one year from October first following the assessment; further amend said section by adding at the end thereof the words, whichever is later. Such assessments shall be subject to the interest and such other charges as are applicable to delinquent taxes; so that said section as amended shall read as follows: **10. Lien.** All assessments under the provisions of sections 7 and 8 shall create a lien upon the lands on account of which they are made, which shall continue until one year from October first following the assessment, and, in case an appeal has been taken and the assessment has been sustained in whole or in part upon such appeal, until the expiration of one year from such decision, whichever is later. Such assessments shall be subject to the interest and such other charges as are applicable to delinquent taxes.

2. **Cities.** Amend section 15, part 22 of chapter 90, Revised Laws, as inserted by chapter 188, Laws of 1945, by striking out the word "June" and inserting in place thereof the word October, so that said section as amended shall read as follows: **15. Installments.** The mayor and aldermen of any city may, in their discretion, in making any assessment under this part, assess the same to be paid in annual installments extending over a period not exceeding twenty years, and in such case their assessment so made shall create a lien upon the land on account of which it is made and the lien of each installment so assessed shall continue for one year from October first of the year such installment becomes due.

3. **Takes Effect.** This act shall take effect upon its passage.

[Approved March 16, 1949.]

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## CHAPTER 81.

AN ACT RELATING TO BRAKES ON ALL MOTOR VEHICLES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Brakes.** Amend chapter 119 of the Revised Laws by inserting after section 4 the following new section: **4-a. Brake Performance.** Every motor vehicle and every combination of motor vehicle with trailer or semi-trailer when operated upon the highways of the state shall at a speed of twenty miles per hour be capable, at all times and under all conditions of loading, of stopping on a dry, smooth approximately level pavement free from loose material, upon application of the foot or service brake, within a distance of thirty feet.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved March 16, 1949.]

## CHAPTER 82.

### AN ACT RELATIVE TO REGISTRATION OF SAW MILLS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Saw Mills.** Amend section 58 of chapter 233 of the Revised Laws by striking out said section and inserting in place thereof the following: 58. **Registration.** No person shall in any year operate or cause to be operated any portable mill or other mill sawing, planing or otherwise processing lumber or forest products, in or near woodlands as defined in section 31 of chapter 241, or where fire may be communicated to such land, except mills chiefly propelled by water power, until said shall be registered by the state forestry and recreation commission. Application for registration shall be in writing, giving the name of owner or owners, the location and type of mill, and such other pertinent information as the commission may require.

2. **Payment of Taxes.** Amend chapter 233 of the Revised Laws by inserting after section 60 the following new section: 60-a. **Suspension of Registration.** If notice is given to the commission that the owner of any mill registered hereunder has failed to pay the taxes assessed on said mill for the preceding year, the commission shall suspend such registration until evidence is furnished that such taxes have been paid.

3. **Takes Effect.** This act shall take effect upon its passage.

[Approved March 16, 1949.]

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## CHAPTER 83.

### AN ACT CHANGING THE NAME OF TODD POND IN THE TOWNS OF BRADFORD AND NEWBURY.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Todd Lake.** The body of water in the towns of Bradford and Newbury now known as Todd Pond shall hereafter be known and called Lake Todd.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved March 16, 1949.]

## CHAPTER 84.

AN ACT RELATIVE TO AUDITING ACCOUNTS OF  
AGRICULTURAL FAIRS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Race Meets.** Amend section 18 of chapter 171 of the Revised Laws as amended by chapter 206 of the Laws of 1947 by striking out said section and inserting in place thereof the following: **18. Agricultural Fairs.** The portion of the tax on pari-mutuel pools to be distributed for the promotion of agriculture, as provided in section 16, shall be distributed by the commissioner of agriculture in accordance with the following plan as to all agricultural fairs holding yearly exhibitions in the state and paying premiums of five hundred dollars or more annually. Each year a payment of one hundred dollars shall be paid to all such agricultural fairs. The balance of said fund shall be distributed pro rata to said fairs based on the amount of competitive or educational agricultural premiums paid in the preceding calendar year by said fair. In determining the premiums paid the commissioner shall take into consideration the premiums paid for contests, exhibits or displays of domestic livestock, household products, farm crops, and those made by 4-H clubs or other similar groups.

2. **Accounts.** Amend chapter 171 of the Revised Laws by inserting after section 18 the following new sections: **18-a. Rules and Regulations.** The commissioner of agriculture shall make such reasonable rules and regulations relative to the reports of premiums as he may deem necessary to enable him to determine the pro rata distributions to be made of the sums hereinbefore provided. **18-b. Audit by Tax Commission.** The tax commission shall annually at the cost and expense of each such fair audit all accounts of fairs receiving money under the provisions of this chapter, with the exception of pari-mutuel accounts, and the report of each such audit, when completed, shall be submitted to the president, treasurer and clerk of each fair so audited. The audit of the pari-mutuel receipts made under the authority of section 21 of chapter 171 of the Revised Laws as it applies to agricultural fairs, shall be made within thirty days and the state racing commission shall make such audits available to the state tax commission. **18-c.**

**Report of Audit.** A report of each audit shall be made to the commissioner of agriculture by the tax commission and shall be available to the public. **18-d. Keeping Books of Record.** Each such fair shall use the calendar year as its fiscal year and shall keep such books, records and reports of its fiscal officers and follow such reasonable accounting methods as may be, from time to time, prescribed by the tax commission which is hereby authorized to require the production of all such books, records, vouchers and other papers and documents as will enable it to make a full, accurate and complete audit. All such records shall be preserved for three years following the date of said audit. **18-e. Failure to Keep Accounts.** The failure to keep such books, records and papers and follow such approved methods shall be considered sufficient cause for the commissioner of agriculture to withhold the distribution of funds provided for hereunder to the fair or fairs otherwise entitled thereto until such books, records and papers are made available for audit and such audit made. Any funds remaining in the hands of the commissioner of agriculture which are not distributed because of continued failure to comply with the provisions of section 18-d, shall be distributed after a period of one year, to the fairs which complied with the provisions of said section for the year in question.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved March 17, 1949.]

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## CHAPTER 85.

### AN ACT REGULATING THE HEIGHT OF VEHICLES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Motor Vehicles.** Amend chapter 119 of the Revised Laws by inserting after section 38 the following new section:  
**38-a. Height.** No vehicle whose total height including load is greater than thirteen feet, six inches, shall be operated on the highways of this state.

**2. Prohibition.** Amend section 40 of chapter 119 of the Revised Laws by inserting after the word "whose" in the

second line the word, height, so that said section as amended shall read as follows: **40. Penalty.** Any person who shall operate or cause to be operated on the highways of this state a vehicle whose height, size or weight is in excess of that herein prescribed shall be fined not less than twenty-five nor more than two hundred dollars for the first offense, and not less than fifty nor more than five hundred dollars for any subsequent offense.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved March 17, 1949.]

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## CHAPTER 86.

AN ACT TO INCREASE THE MEMBERSHIP OF THE REORGANIZATION COMMISSION.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Two Additional Members.** Amend section 9, chapter 43, Laws of 1949, by striking out said section and inserting in place thereof the following: **9. Reorganization Commission.** The governor with the advice and consent of the council shall forthwith appoint a reorganization commission to cooperate with and advise the governor in the preparation of reorganization plans under this act. The commission shall consist of nine qualified persons, not less than five of whom shall be members of the general court, and one of whom shall be designated as chairman by the governor. The members of the commission shall serve without compensation but shall be allowed their necessary expenses while engaged in official business. The commission may employ such technical and other assistants as may be necessary and fix their compensation. The sum of seven thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated for carrying out the purposes of this act, and the governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 17, 1949.]



## CHAPTER 87.

## AN ACT RELATIVE TO PURCHASE AND SALE OF POULTRY.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Transportation.** Amend chapter 199 of the Revised Laws by adding after section 4 the following new section: **4-a. Additional Vehicles.** Whenever any licensee shall acquire additional, or shall exchange, vehicles used in such transportation he shall report the facts to the commissioner and pay the necessary fees for additional number plates or for transfer of existing plates to another vehicle.

**2. Certificate of Weight.** Amend chapter 199 of the Revised Laws by adding after section 5 the following new section: **5-a. Requirement.** Before any license or renewal thereof is issued hereunder the applicant shall file with the commissioner a certificate from the commissioner of weights and measures to the effect that the weights to be used in the business for buying and selling live poultry have been inspected and have been found correct or furnish the commissioner of agriculture with a declaration to the effect that all poultry purchased by him will be weighed on scales properly sealed by the department of weights and measures.

**3. Certificate of Transfer.** Amend section 6 of chapter 199 of the Revised Laws by striking out said section and inserting in place thereof the following: **6. Fees.** The fee for each license issued hereunder shall be two dollars, which shall entitle the licensee to one set of number plates. The price for each certified copy license and an additional set of number plates shall be one dollar. The fee for each certificate of transfer shall be one dollar.

**4. Powers of Commissioner.** Amend chapter 199 of the Revised Laws by adding after section 9 the following new section: **9-a. License Suspended.** The commissioner may order the suspension of the license of any person in his discretion after hearing and may order the license of any person delivered to him, whenever he has reason to believe the holder thereof is not responsible and entitled to confidence, but such suspension shall not be for a longer period than thirty days unless the commissioner, after investigation and hearing, so determines.

5. **Takes Effect.** This act shall take effect upon its passage.

[Approved March 17, 1949.]

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## CHAPTER 88.

### AN ACT RELATING TO LEGACY RECEIPTS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Receipt.** Amend section 20, chapter 360 of the Revised Laws by striking out the said section and inserting in place thereof the following: 20. **Minors not Under Guardianship.** Whenever any minor not being under legal guardianship shall be entitled to receive from any administrator or executor any distributive share as heir or next of kin, or any legacy, the full amount of which share or legacy is not more than seven hundred dollars, said administrator, or executor, upon petition to and approval of the probate court shall pay said sum to the parents of said minor, if both are living, or to the surviving parent, if one parent is deceased, or to the parent or other person, having custody of said minor, if the parents are divorced, or to a person standing in loco parentis to said minor, if both parents are deceased, and the receipt of said parents or parent or other person shall be filed and accepted by the probate court in discharge of the administrator's or executor's liability therefor in the same manner and effect as though said parents or parent or other person had been legally appointed guardian by the probate court. Publication of notice upon the petition to the probate court shall not be required unless ordered by the court.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved March 22, 1949.]

**CHAPTER 89.****AN ACT RELATING TO METHOD OF PAYMENT FOR FOREST FIRE  
EXPENSES.**

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Forest Fire Expenses.** Amend section 26 of chapter 233 of the Revised Laws by striking out said section and inserting in place thereof the following: **26. Duty of Warden.** Upon receipt of said statement the selectmen of towns and mayors of cities, if said bill is approved, shall draw an order upon the treasurer for payment to each person employed the amount of compensation due or to the warden for the total amount of the bill as approved, as the selectmen or mayor may determine. If payment is made to the warden he shall forthwith pay to each person employed the amount of compensation due. The account of the warden shall be audited and included in the town report.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 22, 1949.]

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**CHAPTER 90.****AN ACT RELATIVE TO SUSPENSION OR REVOCATION OF  
CERTIFICATES ISSUED UNDER NEW HAMPSHIRE  
AERONAUTICS ACT.**

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. State Registration Certificates.** Amend section 23 of chapter 306 of the Revised Laws by adding at the end thereof a new paragraph as follows: V. Is convicted of a violation of the law or rules or regulations of another state which are consistent with the then current federal law or rules or regulations relating to civil aeronautics. Provided, that suspension or revocation under this paragraph shall be only upon conviction of (a) careless or reckless operation so as to endanger the life or property of others or (b) a student pilot

carrying a passenger or (c) piloting an aircraft or serving as a member of the crew while under the influence of liquor or using any drug which affects his faculties in any manner contrary to safety; and that revocation shall be only after notice and opportunity for hearing, and that any suspension shall not be for a period in excess of thirty days without notice and opportunity for hearing. Provided further that if any person takes an appeal from such conviction the commission may suspend the certificate of such person pending the appeal.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved March 22, 1949.]

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## CHAPTER 91.

AN ACT RELATIVE TO NOTICE TO DIRECTOR BEFORE WATER IS  
DRAWN DOWN IN CERTAIN CASES.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Prohibition.** Amend chapter 245 of the Revised Laws by inserting after section 36 the following new sections: **36-a. Notice.** No person by means of opening gates or dams, other than in the ordinary use of an established water privilege, shall draw down or lower the water in any stream, lake or pond in the state to a degree which will endanger fish life therein until notice in writing has been given to the director of such intention two weeks prior to such drawing down or lowering so that the department may take out the fish in the waters to be so drawn down or lowered. **36-b. Exception.** The provisions of section 36-a shall not apply to privately owned lakes or ponds.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved March 22, 1949.]

## CHAPTER 92.

## AN ACT RELATING TO PUPILS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. School Pupils.** Amend section 1 of chapter 137 of the Revised Laws by striking out said section and inserting in place thereof the following: **1. Duty of Pupil.** Every child between eight and sixteen years of age shall attend the public school within the district or a public school outside the district to which he is assigned or an approved private school during all the time the public schools are in session, unless he is more than fourteen years old and has completed the studies prescribed for the elementary schools, or has been excused from attending on the ground that his physical or mental condition is such as to prevent his attendance or to make it undesirable.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 23, 1949.]

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CHAPTER 93.

## AN ACT RELATING TO THE APPORTIONMENT OF EXPENSES FOR MUNICIPALITIES IN FIGHTING FOREST FIRES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Expenses of Municipalities.** Amend section 24 of chapter 233 of the Revised Laws by striking out the words "total assessed valuation on such municipality for the preceding tax year" in the tenth line and inserting in place thereof the words, latest equalized locally assessed valuation on such municipality, so that said section as amended shall read as follows: **24. Apportionment.** The expenses of fighting forest and brush fires in towns, and other expenses lawfully incurred by wardens and deputy wardens of said towns in preventing forest fires, shall be borne equally by the municipality and the state, except as otherwise herein provided, and except that when in any one town or city fiscal year the net total of

sums required for the suppression and prevention of forest and brush fires, excluding the initial cost of fire-fighting equipment, to be so borne by such municipality, computed at rates within limits established by the forestry and recreation commission and the state forester, shall equal one-half of one per cent of the latest equalized locally assessed valuation on such municipality, expenses incurred in excess of such sum shall be borne entirely by the state on the basis of the rate limits above specified.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 23, 1949.]

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## CHAPTER 94.

AN ACT RELATING TO FINES COLLECTED BY A MUNICIPAL COURT.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Fines Collected.** Amend section 30 of chapter 118 of the Revised Laws as amended by chapter 65 of the Laws of 1945 by striking out the word "five" in the fifth line and inserting in place thereof the word, seven, so that said section as amended shall read as follows: **30. Disposal of Fees, etc.** All fees and fines received by any person under the provisions of any laws of the state relative to the use and operation of motor vehicles, shall be paid to the commissioner within seven days after the receipt thereof, and all moneys received by the commissioner shall be paid monthly to the state treasurer. Provided, however, that ten per cent of the amount of all such fines collected by a municipal court shall be deducted and the same shall be forwarded to the town treasurer of the town where said court is located. The sums so paid into the town treasury shall be used for the expenses of the municipal court and any balance thereof shall be for the use of the town.

**2. Payment to Motor Vehicle Commissioner.** Amend section 10 of chapter 145 of the Revised Laws by striking out the word "five" in the eleventh line and inserting in place thereof the word, seven, so that said section as amended shall read as follows: **10. Disposition of Rewards.** Any fee for

the performance of an act in line of duty or reward for the apprehension or the conviction of any person, or for the recovery of any property, received by or payable to any employee, shall be paid by him to the commissioner of motor vehicles who shall immediately forward the same to the state treasurer. All fines and costs assessed against any violator of law apprehended or prosecuted by a police employee, except such as may be assessed against persons committing or attempting to commit a felony and except such costs as may be assessed under section 20, chapter 376, shall be sent, except as hereinafter provided, by the court collecting the same from such law violator, to the commissioner of motor vehicles within seven days from their payment, and by him immediately paid into the state treasury. The commissioner of motor vehicles shall forward to the superintendent such information as he may direct relative to said fees, fines and costs. In case of fines collected hereunder by a municipal court which would under the provisions hereof be payable to the commissioner of motor vehicles the municipal court, shall, before forwarding, deduct therefrom ten per cent of said fines and shall forward the same to the town treasurer of the town wherein said court is located. The sums so paid into the town treasury shall be used for expenses of the municipal court and any balance thereof shall be for the use of the town.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved March 23, 1949.]

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## CHAPTER 95.

AN ACT INCREASING THE NUMBER OF COURT STENOGRAPHERS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Court Stenographers.** Amend section 26 of chapter 395 of the Revised Laws as amended by chapter 176 of the Laws of 1947, by striking out in the second line the word "six" and inserting in place thereof the word, seven, so that said section as amended shall read as follows: **26. Appointment.** The superior court may appoint not more than seven official state

court stenographers who shall report the proceedings of the superior court of any county to which they may from time to time be assigned by said court. Each court stenographer shall be sworn to the faithful discharge of his duties and shall receive from the state an annual salary of three thousand dollars. He shall take full notes of all oral testimony and other proceedings in the trial of causes either at law or in equity including the charge of the justice in all trials before a jury and all comments and rulings of said justice in the presence of the jury during the progress of the trial as well as all statements and arguments of counsel addressed to the court, and during the trial shall furnish for the use of the court or either of the parties a transcript of so much of his notes as the presiding justice may direct. He shall also furnish a transcript of so much of the evidence and other proceedings taken by him as either party to the trial may require, on payment therefor by such party at the rate fixed by the court as provided in section 29.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 23, 1949.]

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## CHAPTER 96.

### AN ACT RELATING TO THE APPOINTMENT AND TENURE OF DEPUTY CLERKS OF SUPERIOR COURTS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Deputy Clerks of Superior Courts.** Amend section 13 of chapter 374 of the Revised Laws by striking out the same and inserting in place thereof the following: **13. Appointment.** A clerk of court may appoint a deputy to perform the duties of his office while the clerk is absent or unable from any cause to act. The deputy clerk shall hold office during the incumbency or pleasure of the clerk.

**2. Term.** Amend section 14 of chapter 374 of the Revised Laws by striking out the words "and shall be for a term not exceeding two years" so that said section as amended shall read as follows: **14. Form of Appointment, etc.** Such



appointment shall be in writing and shall be approved by the clerk's bondsmen and by the justices of the court.

**3. Takes Effect.** This act shall take effect upon its passage, but shall not affect the functions and duties or the tenure of office of deputy clerks heretofore appointed.

[Approved March 23, 1949.]

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## CHAPTER 97.

AN ACT RELATIVE TO RECORDING DEATH CERTIFICATES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Death Certificates.** Amend section 50 of chapter 168 of the Revised Laws by striking out said section and inserting in place thereof the following: **50. Duplicates.** If the deceased resided in a town within the state other than the town in which the death occurred or if the deceased is to be buried in a town other than that in which the death occurred, the town clerk issuing the burial permit shall, within six days, forward a duplicate of the record of death to the clerk of the town where the deceased resided, if within the state, and a duplicate of the record of death to the clerk of the town where the interment is made, if other than the place of death or place of residence, who shall record the same; but no return of said duplicate record shall be made to the state registrar unless called for.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 23, 1949.]

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## CHAPTER 98.

AN ACT RELATIVE TO VITAL STATISTICS FORMS, AND RECORDING RECORDS OF STILLBIRTHS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Authority of State Department of Health.** Amend section 1 of chapter 337 of the Revised Laws by striking out the same and inserting in place thereof the following: **1.**

**Statistical Forms.** The state department of health shall make rules and regulations relative to facts which must be recorded relative to births, marriages, deaths and stillbirths. The registrar of vital statistics for the state shall furnish to sextons, to clergymen and others authorized to solemnize marriages, to physicians, town clerks and clerks of the society of Friends, a copy of this chapter and suitable blanks for recording facts as required by the state department of health hereunder.

2. **Births.** Amend section 4 of chapter 337 of the Revised Laws by striking out the words "parágraph I of section 1" in the fourth line and inserting in place thereof the words, rules of the state department of health, so that said section as amended shall read as follows: 4. **Report of Birth.** The attending physician, midwife or other person in charge, who shall attend, assist or advise at the birth of any child, living or stillborn, within the state, shall report to the clerk of the town within six days thereafter all the facts required by rules of the state department of health. In case the parents of the child reside in some other town than the place of birth, the clerk of the town within which the birth takes place shall thereupon send a copy of the birth record to the clerk of the town within which the parents reside, where the same shall be recorded; but only the clerk of the town of actual birth shall be required to transmit a copy to the state registrar.

3. **Marriages.** Amend section 22 of chapter 338 of the Revised Laws by striking out said section and inserting in place thereof the following: 22. **Notice of Intention.** All persons proposing to be joined in marriage within the state shall cause notice of their intentions with all facts required by rules of the state department of health as provided in chapter 337 to be entered in the office of the clerk of the town in which they or either of them dwell if either of them dwell in this state; otherwise in the town in which the marriage is celebrated. If there be no such clerk in the place of their residence the like entry shall be made with the clerk of an adjoining town. The clerk shall record the notice in a book to be kept for that purpose.

4. **Requirements.** Amend section 46 of chapter 168 of the Revised Laws by striking out said section and inserting in place thereof the following: 46. **Death Certificate.** Whenever a

person shall die, or a stillborn child shall be brought forth, the physician attending at the last sickness or bringing forth shall fill out and deliver to the funeral director, or to the town clerk, a certificate, duly signed, setting forth, as far as may be, the facts required by rules of the state department of health as provided in chapter 337.

5. **Stillbirths.** Amend section 49 of chapter 168 of the Revised Laws by inserting after the word "death" in the second line the words, or stillbirth, so that said section as amended shall read as follows: 49. **Burial Permits, Obtaining.** It shall be the duty of the funeral director to add to the death or stillbirth certificate the date and place of burial, and having signed the same, to forward it to the clerk of the town, and obtain a permit for burial. In case of a contagious or infectious disease the certificate shall be made and forwarded immediately.

6. **Takes Effect.** This act shall take effect upon its passage.

[Approved March 23, 1949.]

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## CHAPTER 99.

### AN ACT RELATIVE TO UNEMPLOYMENT COMPENSATION BENEFIT ELIGIBILITY CONDITIONS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Benefit Eligibility Conditions.** Amend subsection D, section 3 of chapter 218 of the Revised Laws, as amended by section 4, chapter 56 of the Laws of 1943, by section 8, chapter 138 of the Laws of 1945, by section 11, chapter 59 of the Laws of 1947, by chapter 267 of the Laws of 1947, and by section 2, chapter 30, Laws of 1949, by striking out the whole of said subsection and inserting in place thereof the following: D. Prior to any week for which he receives benefits he has been totally unemployed (and for the purposes of this subsection an individual shall be deemed totally unemployed in any one week with respect to which he earns no wages in excess of three dollars) for a waiting period of one week within the same benefit year and fulfilled the other requirements of this

section; provided that this requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment because of a change in the benefit year, even though a change in the weekly benefit amount and maximum benefits is effected. It is further provided that the period not to exceed one week of partial or total unemployment or the period not to exceed two weeks of partial unemployment immediately preceding the benefit year shall be deemed (for the purposes of this subsection) to be within such benefit year as well as within the preceding benefit year. For the purposes of this paragraph, a week or weeks means the period of seven or fourteen calendar days immediately preceding the first day of the benefit year or the calendar week or weeks immediately preceding the benefit year. For the purposes of this subsection, two weeks of partial unemployment shall be deemed equivalent to one week of total unemployment; it being provided, however, that if a week of partial unemployment is immediately followed by a week of total unemployment, then such week of partial unemployment shall be deemed equivalent to one week of total unemployment. For the purposes of this subsection, no week shall be counted as a week of total unemployment for any individual: (1) if benefits have been paid with respect thereto; (2) unless he has annual earnings of not less than two hundred dollars within the base period in accordance with subsection P (2) of section 1.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 23, 1949.]

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## CHAPTER 100.

### AN ACT RELATIVE TO RECOVERIES IN OLD AGE ASSISTANCE.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Old Age Assistance.** Amend section 19 of chapter 126 of the Revised Laws as amended by chapter 44 of the Laws of 1947 by striking out the second sentence thereof and inserting in place thereof the following new sentence: On the death of a recipient of old age assistance, the total amount of assistance

paid under this chapter shall be allowed as a claim against the estate of such person after payment of the expenses of administration, the necessary charges for the burial of the deceased and the payment of claims for the last sickness of the deceased, so that said section as amended will read: **19.**

**Recovery.** If at any time during the continuance of assistance the recipient thereof or the husband or wife of the recipient becomes possessed of any property or income in excess of the amount stated in the application, it shall be the duty of the recipient immediately to notify the commissioner of the receipt or possession of such property or income. On the death of a recipient of old age assistance, the total amount of assistance paid under this chapter shall be allowed as a claim against the estate of such person after payment of the expenses of administration, the necessary charges for the burial of the deceased and the payment of claims for the last sickness of the deceased. No claim shall be imposed against the real estate of a recipient of old age assistance while it is occupied as a home by a surviving spouse, or against any personal property of less than one hundred dollars in value. The federal government shall be entitled, as long as required as a condition to federal financial participation, to such proportion of the net amount collected from the estate of a recipient of old age assistance as the federal participation bears to the total amount of assistance granted said recipient.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 23, 1949.]

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## CHAPTER 101.

### AN ACT RELATIVE TO REQUIREMENTS FOR MANUFACTURE OF ICE CREAM.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Sugar Content.** Amend paragraph I of section 17 of chapter 164 of the Revised Laws by striking out the words "sugar (sucrose)" in the third line and inserting in place thereof the words, sugar, dextrose, invert sugar (paste or

syrup), corn syrup, dried corn syrup, maple syrup, maple sugar, honey, brown sugar, malt syrup, dried malt extract, molasses (other than blackstrap), so that said paragraph as amended shall read as follows: I. ICE CREAM. Ice cream shall consist of the pure, clean, frozen product containing no other substances than cream, milk or other suitable milk products, eggs, sugar, dextrose, invert sugar (paste or syrup), corn syrup, dried corn syrup, maple syrup, maple sugar, honey, brown sugar, malt syrup, dried malt extract, molasses (other than blackstrap), flavoring, with or without added coloring, and not more than one half of one per cent of wholesome edible stabilizer. It shall contain not less than fourteen per cent of milk fat, except that in the case of ice cream prepared with fruits, fruit juices, nuts, nut products, chocolate, or coffee, such fat content shall not be less than twelve per cent. Excepting in the case of sherbets as hereinafter specified, for the purpose of this section the words "ice cream" shall be construed as meaning and including any sweetened and flavored frozen products having the general appearance of ice cream and in the preparation of which a substantial amount of milk or of a milk product has been incorporated, regardless of the name by which such frozen product may be called or under which it may be sold, kept for sale, or offered for sale. Ice cream shall weigh not less than four and one-half pounds per gallon.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved March 23, 1949.]

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## CHAPTER 102.

### AN ACT RELATIVE TO BIOLOGICALS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **State Board of Health.** Amend chapter 147 of the Revised Laws by striking out the subdivision entitled antitoxin, being sections 20, 21 and 22 of said chapter, and inserting in place thereof the following:

**Biologicals.**

20. **Purchase, Distribution.** The state board of health may purchase antitoxins, other serums, vaccines and immunizing agents which it deems advisable in the interest of health and may distribute the same free of charge.

21. **Rules and Regulations.** The state board of health may make such rules and regulations as it may deem necessary for the free distribution of biologicals under the provisions of the preceding section.

22. **Penalty.** Any person selling or disposing of any biologicals purchased or distributed under the provisions of this subdivision, for personal gain, shall be fined not more than fifty dollars.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved March 23, 1949.]

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**CHAPTER 103.****AN ACT RELATING TO MARKING HIGHWAYS FOR MOTOR VEHICLE TRAVEL.**

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Motor Vehicles.** Amend chapter 119 of the Revised Laws by inserting after section 16 the following new section:  
**16-a. Highway Markings.** The state highway commissioner and, subject to his approval, the selectmen of any town or board of mayor and aldermen or group having similar powers of any city, having control of any highway may order such marking of highways by painted lines as is deemed necessary to the safe and efficient use of such highway. In ordering or approving such marking the highway commissioner insofar as is practicable shall conform to nationally accepted standards and any marking of the highway by painted lines shall *prima facie* be deemed to be approved or ordered by the highway commissioner. No operator of a motor vehicle shall, except in emergency while proceeding along a highway, drive any part of such vehicle to the left of nor across an unbroken

painted line marked along the highway by order of or with the approval of the highway commissioner.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 23, 1949.]

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## CHAPTER 104.

AN ACT RELATING TO THE GROSS WEIGHT OF MOTOR VEHICLES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Gross Weight of Motor Vehicles.** Amend section 37, chapter 119, Revised Laws, as amended by chapter 11 of the Laws of 1947, by striking out said section and inserting in place thereof the following: **37. Weight.** The operation on the highways of this state of the following is hereby prohibited:

I. A vehicle having two axles whose gross weight including load is more than thirty thousand pounds.

II. A vehicle having three axles except as hereinafter provided whose gross weight is more than forty thousand pounds.

III. A vehicle having three axles with drive on the two rear axles (the axles of such vehicle shall be not less than forty-eight inches apart and all wheels shall be equipped with adequate brakes) whose gross weight is more than forty-seven thousand five hundred pounds.

IV. A combination of vehicle and trailer or semi-trailer whose gross weight is more than fifty thousand pounds, provided no such combination shall have a greater gross weight of vehicle and load than the manufacturer's gross vehicle weight rating as certified to the commissioner by the manufacturer of the vehicle.

**2. Application of Provisions.** Amend chapter 119 of the Revised Laws by inserting after section 37 the following new sections: **37-a. Exceptions.** The provisions of section 37 shall not prohibit the operation of road rollers used in the construction or maintenance of highways. **37-b. Special Permits.** Any person wishing to move objects having a



weight, width, height or length greater than prescribed by this chapter, or wishing to move vehicle and load of which the weight, width, height, or length cannot be so distributed that it will meet the requirements of this chapter, may apply to the highway commissioner for a permit to move said object or said vehicle and load upon a highway. The highway commissioner with the approval of the motor vehicle commissioner may grant a permit for the moving of said object or vehicle and load upon a specified highway and at a specified time if in his opinion it will not be detrimental to the preservation of the said highway and the public use thereof. Provided, that the applicant, if required by said commissioners, shall file a bond to cover any possible damage to the highways or to the bridges over which the object or vehicle and load to be moved may pass and [shall] to fulfill such rules and regulations as may be prescribed by said commissioners; and further provided that the state highway commissioner or the motor vehicle commissioner may require a hearing before granting said permit. This section shall not be construed to limit the powers of the highway commissioner, selectmen of towns and city council of cities, to make rules and regulations for the protection and to prevent the abuse of highways and bridges as provided by section 7 of chapter 107, section 13 of chapter 66, and section 15 of chapter 59.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved March 23, 1949.]

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## CHAPTER 105.

### AN ACT RELATING TO LIMITATIONS UPON ACCOUNTS OF BUILDING AND LOAN ASSOCIATIONS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Building and Loan Associations.** Amend chapter 314 of the Revised Laws by adding after section 8 the following new section: **8-a. Limitations upon Accounts.** No account established under the preceding section may at any time be credited with shares in excess of twice the number or amount

permitted individuals under sections 5-b, 6, 32 and 35 of this chapter. A person shall be allowed to hold shares individually in accordance with said sections as well as jointly, but in no event shall the total number and amount of shares standing in his name, individually or jointly in any one co-operative bank or building and loan association at the same time exceed the number or amount permitted hereunder in a joint account. Any person, however, who has received shares in a co-operative bank or building and loan association by inheritance or devise under a will, or by the right of survivorship in a joint account, may continue to hold such shares notwithstanding that the total number of his shares thereby becomes greater than the limits provided in this section.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 24, 1949.]

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## CHAPTER 106.

### AN ACT RELATING TO NAME AND SHARES OF BUILDING AND LOAN ASSOCIATIONS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Building and Loan Associations.** Amend section 3 of chapter 314 of the Revised Laws by inserting after the word "co-operative" in the second line the words, bank or, so that said section as amended shall read as follows: **3. Name.** The name assumed by the corporation shall indicate that it is a co-operative bank or building and loan association, and shall not be one that is in use by any other corporation. It shall not be changed except by the legislature.

**2. Articles of Agreement.** Amend chapter 314 of the Revised Laws by inserting after section 4 the following new section: **4-a. Amendments to Articles.** The articles of agreement may be changed by an affirmative vote of fifty-one per cent or more of the votes cast at an annual or special meeting of said association called to consider such action and with the approval of the bank commissioner; and such changes shall be recorded in the same manner as the original articles of incorporation.

3. **Limitation.** Amend section 5-b of chapter 314 of the Revised Laws as inserted by chapter 43 of the Laws of 1947 by adding at the end thereof the words, or one half of one per cent of the total assets of said association, whichever is the greater, so that said section as amended shall read as follows: **5-b. Shares.** Such associations may issue savings shares in connection with accounts upon which payments may be made at the option of the shareholder. No person shall hold such savings shares in any one association with an aggregate participation value exceeding five thousand dollars, or one half of one per cent of the total assets of said association, whichever is the greater.

4. **Prohibitory Loans.** Amend section 11 of chapter 314 of the Revised Laws by inserting after the word "loan" in the third line the words, except share loans, so that said section as amended shall read as follows: **11. Loans to Officers and Directors.** It shall make no loan to any of its officers or directors nor accept any of its officers or directors as surety, endorser, or guarantor upon any loan except share loans unless all of the directors of the association have consented thereto in writing.

5. **Shares.** Amend section 31 of chapter 314 of the Revised Laws by striking out the words "share certificates" in the fourth line and inserting in place thereof the word, shares; further amend by striking out the word "certificates" in the ninth line and inserting in place thereof the word, shares, so that said section as amended shall read as follows: **31. Issue.** Whenever shares shall mature or become of the value of two hundred dollars each, or when the withdrawal of shares is enforced, the holder thereof may, if he chooses, and at the option of the board of directors, receive paid-up shares in denominations of two hundred dollars, or multiples thereof, bearing dividends at a rate not to exceed five per cent per annum, payable semi-annually, for such sum as may be left in said association, which dividends shall not be allowed to accumulate beyond the time of payment, but shall be paid semi-annually to the holder of such shares.

6. **Paid-up Shares.** Amend section 32 of chapter 314 of the Revised Laws by striking out the word "twenty" in the first line and inserting in place thereof the word, forty, so that

said section as amended shall read as follows: **32. Amount.** No person shall hold more than forty paid-up shares.

**7. Notice.** Amend section 33 of chapter 314 of the Revised Laws by striking out the words "share certificates" in the first, fourth and fifth lines and inserting in place thereof the word, shares, so that said section as amended shall read as follows:

**33. Withdrawal.** Any holder of paid-up shares may withdraw his money by giving at least thirty days' notice thereof; but the board of directors of the association may, if necessary, refuse to use more than one-half of the funds in the treasury for that purpose, and shall pay the shares in the order in which notices of withdrawal are received as fast as the funds in the treasury shall permit.

**8. Paid-up Shares.** Amend section 34 of chapter 314 of the Revised Laws by striking out the words "share certificates" in the first line and inserting in place thereof the word, shares, so that said section as amended shall read as follows:

**34. Retirement.** Paid-up shares may be paid off at any time at the option of the board of directors.

**9. Investment.** Amend section 35 of chapter 314 of the Revised Laws as amended by section 3, chapter 7 of the Laws of 1943 by striking out said section and inserting in place thereof the following: **35. Investment Shares.** For the purpose of obtaining funds for loans on New Hampshire homes such associations may issue investment shares bearing dividends at a rate not to exceed five per cent per annum payable semi-annually. No person shall hold more than four thousand dollars in these shares. Investment shares may be withdrawn or retired under the same conditions as provided for paid-up shares by sections 33 and 34.

**10. Takes Effect.** This act shall take effect upon its passage.

[Approved March 24, 1949.]

**CHAPTER 107.**AN ACT RELATING TO THE TENURE AND BOND OF THE  
STATE TREASURER.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. State Treasurer.** Amend section 1 of chapter 22 of the Revised Laws by adding at the end thereof the words, and shall hold office until a successor is elected, so that said section as amended shall read 'as follows: **1. Election.** The state treasurer shall be chosen biennially in the manner directed in the constitution and shall hold office until a successor is elected.

**2. Holding Over.** Amend section 2 of chapter 22 of the Revised Laws by striking out said section and inserting in place thereof the following: **2. Bond.** Before entering upon the duties of his office he shall give bond in the sum of fifty thousand dollars, with sufficient sureties, to be approved by the governor and council, conditioned for the faithful discharge of the duties of his office, which bond shall be deposited and safely kept in the office of the secretary. Upon the failure of the legislature to elect a state treasurer on the first Wednesday of the biennium the state treasurer previously elected shall give a new bond in the sum of fifty thousand dollars with sureties, to be approved by the governor and council, which bond shall be conditioned upon the satisfactory discharge of the duties of said office until a successor is elected, and shall be deposited and safely kept in the office of the secretary of state.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved March 24, 1949.]

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**CHAPTER 108.**AN ACT PROVIDING FOR A COST OF LIVING BONUS FOR STATE  
EMPLOYEES.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Cost of Living Bonus Temporarily Granted.** In consideration of the rise in the cost of living, all state employees

and officials in state service as of the date of the passage of this act, other than the members of boards, commissions or committees paid on a per diem basis, regularly employed in the state service, are hereby granted a temporary bonus to take effect as of July 1, 1948, and to continue until June 30, 1949.

**2. Computation of Amount.** The temporary bonus provided for in section 1 shall be three hundred dollars. Said amount shall not be subject to retirement deductions. Provided, further, that in the case of persons who have entered the state service subsequent to July 1, 1948, the bonus shall be a pro rata part of the temporary bonus based upon length of service.

**3. Payment to Estates.** The estates of those employees, as defined above, who were employed on July 1, 1948, and who have since died, shall be paid a pro rata portion of three hundred dollars from July 1, 1948 to the date of death of the employee.

**4. Appropriation.** For the purpose of providing funds necessary for the additional temporary bonus, there is hereby appropriated the sum of \$1,008,300. Of said sum, the sum of \$683,700 shall be a charge upon the general funds of the state and the balance shall be a charge upon special funds as follows:

Fish and game fund	\$33,600
Hairdressers' board special fund	300
Highway funds	247,500
Motor vehicle funds	22,500
Mt. Sunapee tramway special fund	5,400
Cannon Mt. tramway funds	10,200
Prison industries funds	5,100

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\$324,600

The governor is authorized to draw his warrant upon said funds for the payments necessary to provide the bonus hereby authorized.

**5. Method of Payment.** Each employee shall receive a pro rata portion of his three hundred dollars in one lump sum calculated from July 1, 1948, to the date of passage of this act, and from that date until June 30, 1949, shall receive a separate check each month for twenty-five dollars with any pro rata amount from the date of the passage of the act to the first of the following month added to the first check.

**6. Takes Effect.** This act shall take effect upon its passage.

[Approved March 24, 1949.]

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### CHAPTER 109.

AN ACT RELATING TO CHANGING THE NAME OF LONG POND IN HOLLIS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Name Changed.** The body of water in the town of Hollis in the county of Hillsborough now known as Long pond shall hereafter be known as Silver lake.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 30, 1949.]

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### CHAPTER 110.

AN ACT RELATING TO ZONING IN TOWNS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Enactment.** Amend section 53 of chapter 51 of the Revised Laws by adding at the end thereof the words, provided, however, that in cases where the legislative body is a town meeting notices and hearings as provided in the two preceding sentences shall not be required if the warrant for the town meeting at which the matter is to be considered shall contain an article stating what regulations, restrictions and boundaries are to be acted upon, so that said section as amended shall read as follows: **53. Method of Enactment.** The legislative body of such municipality shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established and enforced, and from time to time amended. No such regulation, restriction or boundary shall become effective or be altered until after a

public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen days' notice of the time and place of such hearing shall be published in a paper of general circulation, in such municipality; provided, however, that in cases where the legislative body is a town meeting notices and hearings as provided in the two preceding sentences shall not be required if the warrant for the town meeting at which the matter is to be considered shall contain an article stating what regulations, restrictions and boundaries are to be acted upon.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 30, 1949.]

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## CHAPTER 111.

### AN ACT RELATIVE TO THE PRACTICE OF OPTOMETRY.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Revocation of Certificate.** Amend section 22, chapter 253, Revised Laws, by striking out said section and inserting in place thereof the following: **22. Causes.** The board, after hearing, may refuse to issue a license, or may revoke any license issued under this act, if the licensee has been found guilty of any fraud in obtaining his certificate or in the practice of optometry, has been convicted of crime, is an habitual drunkard, is incompetent to practice optometry, or has been guilty of unprofessional, dishonorable or immoral conduct; or if the licensee in advertising his business has included in any newspaper, radio, display sign or other advertisement any statement of a character tending to deceive or mislead the public; or in advertising has included any statement claiming professional superiority; or has advertised in any way the performance of professional services in a superior manner; or has advertised definite or fixed prices for services and materials when the nature of the professional service rendered and the materials required must be variable; or has advertised by means of signs or printed advertisements or show cases con-



taining the representation of glasses, or photographs of any person or has continued to practice without annual registration.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved March 30, 1949.]

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## CHAPTER 112.

AN ACT RELATING TO VOLUNTARY COMMITMENT OF PATIENTS TO  
THE STATE HOSPITAL.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Patients at State Hospital.** Amend chapter 17 of the Revised Laws by striking out section 19 and inserting in place thereof the following: **19. Voluntary Commitment; Penalty.** Pursuant to rules and regulations established by the superintendent of the state hospital, the state hospital may receive and detain therein as a patient any person suitable for care and treatment, who voluntarily makes written application therefor on a form prescribed by the superintendent, or if such person be under twenty-one years of age such written application shall be made by the parent or legal guardian or person standing in *loco parentis* of such person. In the discretion of the superintendent of the state hospital such patient may be detained for the purpose of care and treatment until fifteen days after receipt of notice in writing from such patient of his intention or desire to leave the state hospital, or if such patient be under twenty-one years of age, until fifteen days after receipt of notice in writing, stating such intention or desire of the parent or legal guardian or person standing in *loco parentis* of such patient; provided, however, that such notice in writing shall in no event effect a release of such patient until sixty days from his admission to the state hospital. The charges for the support of such patient at the state hospital shall be governed by the provisions for the support of an insane person therein if the written approval of the commission of mental health shall be obtained. Any person violating the

provisions of this or the preceding sections shall be fined not more than one hundred dollars.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved March 30, 1949.]

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## CHAPTER 113.

### AN ACT RELATIVE TO REGISTRATION OF MOTOR VEHICLES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Motor Vehicle Registration.** Amend section 1 of chapter 116 of the Revised Laws as amended by section 1, chapter 44, Laws of 1945, by inserting after the word "maker" in the ninth line the words, the motor number, so that said section as amended shall read as follows: 1. **Application.** Application for the registration of motor vehicles may be made by the owner thereof by mail or otherwise to the commissioner, upon blanks prepared under his authority. The application shall contain, in addition to such other particulars as may be required by the commissioner, a statement of the name, residence, and street address of the applicant, with a brief description of the motor vehicle, including the name of the maker, the number, if any, affixed by the maker, the motor number, and the character of the motor power. Such application shall contain the words, "This application is signed under penalty of perjury." The proper fee shall be deposited before the application is granted.

2. **Takes Effect.** This act shall take effect April 1, 1950.  
[Approved March 30, 1949.]

## CHAPTER 114.

AN ACT RELATIVE TO OPERATION OF MOTOR VEHICLES WHEN  
APPROACHING SCHOOL BUSES, SCHOOL BUS SIGNS AND  
STOP SIGNALS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Operation of Motor Vehicles.** Amend chapter 119 of the Revised Laws by adding after section 21 the following new section: **21-a. Overtaking and Passing School Bus.** The driver of a motor vehicle upon a highway upon meeting or overtaking from either direction any school bus displaying flashing red lights which has stopped on the highway for the purpose of receiving or discharging any school children shall stop his motor vehicle before reaching such school bus and shall not proceed until such school bus resumes motion, or until flashing red lights cease to operate, or until signalled by its driver to proceed.

2. **When Signs to be Covered.** Amend section 13 of chapter 119 of the Revised Laws by adding at the end thereof the following: When a school bus is being operated upon a highway for purposes other than the transportation of school children, all designating marks thereon indicating school bus shall be covered or concealed, so that said section as amended shall read as follows: **13. School Buses.** No motor vehicle used for the purpose of transporting school children shall be operated upon the highways of the state unless it carries the designation "School Bus" in a conspicuous place in the rear thereof in lettering not less than six inches in height, and has such other distinguishing marks as the commissioner may prescribe. When a school bus is being operated upon a highway for purposes other than the transportation of school children, all designating marks thereon indicating school bus shall be covered or concealed.

3. **Required Equipment.** Amend chapter 119 of the Revised Laws by inserting after section 13 the following new section: **13-a. Stop Signals.** The motor vehicle commissioner may issue regulations requiring certain school busses to be equipped with four automatic flasher-type stop lights, two of which shall be located on the front and two of which shall

be located in the rear. Said stop lights shall be of such types and designs as approved by said commissioner. No school bus shall be operated upon the highways of the state which does not carry the equipment which may be required by the motor vehicle commissioner under the provisions of this section.

4. **Notification to Commissioner.** Amend section 14-a of chapter 119 of the Revised Laws as inserted by chapter 90 of the Laws of 1945 by adding after the word "certify" in the tenth line the words, and shall notify the motor vehicle commissioner of said certification, so that said section as amended shall read as follows: **14-a. Operator of School Bus.** The owner of any motor vehicle transporting ten or more school children to any public school shall submit to the school board in the town or city which pays for said transportation a list of the names of the persons who are to operate the busses to be used in such transportation. Such board shall make an investigation as to the motor vehicle operator's record, character and responsibility of each such person and if it finds him qualified to bear the responsibility of the transportation of such children shall so certify, and shall notify the motor vehicle commissioner of said certification. Such board may revoke any such certificate for just cause.

5. **Takes Effect.** This act shall take effect September 1, 1949.

[Approved March 30, 1949.]

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## CHAPTER 115.

AN ACT DESIGNATING ROUTE NO. 4 AND THE NEW TOLL ROAD  
CONNECTING ROUTE NO. 1 IN MAINE WITH ROUTE NO. 1  
IN MASSACHUSETTS AS THE BLUE STAR MEMORIAL  
HIGHWAY.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Highway Designated.** The United States route No. 4 and the new toll road, connecting United States route No. 1 in Maine with United States route No 1 in Massachusetts, shall be designated as the Blue Star Memorial highway as a

memorial in commemoration of the services of the men and women of this state who served in the armed forces of the United States in World War II and the state highway commissioner shall file with the secretary of state a description of the particular sections of United States highway No. 4, and of the new toll road, so designated as the Blue Star Memorial highway; and shall cause to be erected along said highway suitable markers.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 30, 1949.]

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## CHAPTER 116.

### AN ACT RELATIVE TO TAKING SALMON AND AUREOLUS IN LAKE SUNAPEE.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Aureolus and Salmon.** Aureolus and salmon may be taken from Sunapee lake from April first to May first by trolling only, may be taken from said lake from May first to August thirty-first in the usual legal manner and during the month of September by the use of artificial flies only.

**2. Application of Statutes.** Such parts of sections 4, 7, 9, and 22 of chapter 245 of the Revised Laws as amended by regulations adopted by the director of the fish and game as may be inconsistent with this act are hereby repealed to the extent of such inconsistencies. Except as otherwise provided herein all laws relative to taking salmon and aureolus under the provisions of the fish and game laws shall apply to the taking of salmon and aureolus from Lake Sunapee hereunder.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved March 31, 1949.]

## CHAPTER 117.

AN ACT RELATIVE TO MILEAGE ALLOWANCES FOR MEMBERS  
OF THE LEGISLATURE.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Mileage.** Amend section 15, chapter 9, Revised Laws, as amended by chapter 14, Laws of 1943, by striking out said section and inserting in place thereof the following: **15. Travel.** A member of the general court shall be allowed for mileage per mile of the round trip to and from his residence each day of attendance at the following rates, for the first forty-five miles thereof ten cents per mile, for the next twenty-five miles eight cents per mile, for the next twenty-five miles six cents per mile, and for all miles in excess of ninety-five miles five cents per mile. In case said round trip is less than one mile, the mileage allowance shall be computed on the basis of one mile. Each member of the house of representatives shall present evidence of his attendance by signing in person the roll provided for that purpose and by complying with such other regulations with respect thereto as the house may from time to time adopt. Any member of the general court absent for any cause from such attendance shall not be allowed mileage for the day he is so absent.

2. **Distance.** Amend section 16, chapter 9, Revised Laws, as amended by chapter 14, Laws of 1943, by striking out said section and inserting in place thereof the following: **16. Computation of Distance.** The distance traveled shall be computed by the nearest improved highway. The committee on mileage shall determine said distance and the amount of mileage to be allowed each member.

3. **Attaches.** Amend section 17, chapter 9, Revised Laws, as amended by chapter 214, Laws of 1943, by striking out said section and inserting in place thereof the following: **17. Employees.** Officers and employees of the senate and house of representatives shall be allowed such mileage as state employees are allowed.

4. **Takes Effect.** This act shall take effect as of January 1, 1949; provided that no member of the general court shall be entitled to additional mileage for the period from January 1

to the date of the approval of this act unless the committee on mileage shall be satisfied as to his actual attendance during said period.

[Approved April 5, 1949.]

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## CHAPTER 118.

### AN ACT RELATING TO DRAINAGE INTO HIGHWAYS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Discharges.** Amend chapter 165 of the Revised Laws by adding after section 13 the following new section: **13-a. Drainage.** No person shall discharge, leave, or cause to be discharged or left, within the limits of any public highway, any drainage or discharges from any privy, toilet, sink drain, cess-pool or septic tank, when such discharges or matter may enter or pass through any open highway ditch or drainage structure constructed and maintained for highway drainage purposes. It shall be the duty of the highway commissioner or selectmen who have control over such highways to report all violations of this section to the local or state health authorities. Any person neglecting or refusing to comply with the provisions of this section shall be fined not more than ten dollars for each day of neglect or refusal, after notice as provided in section 4.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 5, 1949.]

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## CHAPTER 119.

### AN ACT RELATIVE TO INSURANCE RATING ORGANIZATIONS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Insurance Rating Organizations.** Amend chapter 186 of the Revised Laws by inserting after section 1 the following

new section: **1-a. Exemption.** The provisions of section 1 shall not apply to rating organizations, advisory organizations, or any group, association or other organization of insurers which engage in joint underwriting or joint reinsurance which are referred to in, and subject to the provisions of, chapter 329-A of the Revised Laws as inserted by chapter 235 of the Laws of 1947.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 5, 1949.]

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## CHAPTER 120.

### AN ACT RELATIVE TO THE PAYMENT OF MUNICIPAL BONDS AND NOTES.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Municipal Bonds and Notes.** Amend section 3, chapter 72 of the Revised Laws, as amended by chapter 5 of the Laws of 1947, by striking out the same and inserting in place thereof the following: **3. Payment of Debt.** Municipalities and counties shall hereafter provide for the payment of all debts, except temporary loans in anticipation of taxes made as provided by law, in annual payments so that the amount of the annual payment of principal and interest in any year on account of any debt shall not be less than the amount of principal and interest payable in any subsequent year, by more than one per cent of the principal of the entire debt. The total amount of such payments shall be sufficient to extinguish the entire debt on account of which they are made at maturity. The first payment shall be made not later than two years and the last payment not later than twenty years after the date of the bonds or notes issued therefor, except that as to bonds or notes issued to finance the acquisition, construction, reconstruction or enlargement of water works and systems, sewerage systems and sewage disposal works, and gas and electric light plants, such last payment shall be made not later than thirty years after the date of issuance of such bonds or notes. The amount of each payment of principal together with the



interest on all debts shall, without vote of the municipality or county, be annually assessed and collected.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 5, 1949.]

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## CHAPTER 121.

### AN ACT RELATIVE TO PROHIBITED MARRIAGES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Prohibitions.** Amend section 10 of chapter 338 of the Revised Laws by adding at the end thereof the words, unless permitted by the state department of health, so that said section as amended shall read as follows: **10. Marriage.** No woman under the age of forty-five years, or man of any age, — except he marry a woman over the age of forty-five years, — either of whom is epileptic, imbecile, feeble-minded, idiotic or insane, shall hereafter intermarry or marry any other person within this state unless permitted by the state department of health.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 5, 1949.]

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## CHAPTER 122.

### AN ACT TO DISSOLVE CERTAIN RAILROAD CORPORATIONS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Corporations Dissolved.** The following-named corporations are hereby dissolved:

I. Boston, Concord and Montreal Railroad, a corporation created under the provisions of chapter 191 of the Laws of 1844 as amended by chapter 558 of the Laws of 1847, chapter 1033 of the Laws of 1850, chapter 1177 of the Laws of 1851,

chapter 1259 of the Laws of 1852, chapter 1900 of the Laws of 1856, chapter 69 of the Laws of 1869, chapter 77 of the Laws of 1871, chapter 101 of the Laws of 1872, chapter 110 of the Laws of 1879, chapter 152 of the Laws of 1885, chapter 232 of the Laws of 1887, chapter 5 of the Laws of 1889, chapter 46 of the Laws of 1889, chapter 3 of the Laws of 1891, chapter 178 of the Laws of 1895, chapter 186 of the Laws of 1899, chapter 151 of the Laws of 1905 and chapter 367 of the Laws of 1917.

II. Brookline Railroad, a corporation created under the provisions of chapter 74 of the Laws of 1871.

III. Brookline Railroad Company, a corporation created under the provisions of chapter 233 of the Laws of 1891.

IV. Brookline & Milford Railroad Company, a corporation created under the provisions of chapter 165 of the Laws of 1893.

V. Concord and Claremont Railroad, a corporation created under the provisions of chapter 659 of the Laws of 1848 as amended by chapter 1034 of the Laws of 1850, chapter 1035 of the Laws of 1850, chapter 1173 of the Laws of 1851, chapter 1347 of the Laws of 1852 (enacted January 8, 1853), chapter 95 of the Laws of 1875, chapter 179 of the Laws of 1881, chapter 198 of the Laws of 1887, chapter 5 of the Laws of 1889.

VI. The Concord & Montreal Railroad, a corporation created under the provisions of chapter 5 of the Laws of 1889 as amended by chapter 46 of the Laws of 1889, chapter 3 of the Laws of 1891, chapter 178 of the Laws of 1895, chapter 186 of the Laws of 1899, chapter 151 of the Laws of 1905 and chapter 367 of the Laws of 1917.

VII. Connecticut River Railroad Company, a corporation created under the provisions of chapter 661 of the Laws of 1848 as amended by chapter 775 of the Laws of 1848, chapter 910 of the Laws of 1849, chapter 243 of the Laws of 1903, chapter 337 of the Laws of 1911 and chapter 367 of the Laws of 1917.

VIII. Contoocook Valley Railroad, a corporation created under the provisions of chapter 660 of the Laws of 1848 as amended by chapter 1178 of the Laws of 1851 and chapter 1914 of the Laws of 1856.

IX. Contoocook River Railroad, a corporation created under the provisions of chapter 1914 of the Laws of 1856 as

amended by chapter 2168 of the Laws of 1858, chapter 2169 of the Laws of 1858 and chapter 4315 of the Laws of 1866.

X. Dover and Winnipissiogee Railroad, a corporation created under the provisions of chapter 18 of the Laws of 1839 as amended by chapter 2678 of the Laws of 1862, chapter 2793 of the Laws of 1863, chapter 309 of the Laws of 1887 and chapter 5 of the Laws of 1889.

XI. Kilkenny Lumber Company Railway, a corporation created under the provisions of chapter 199 of the Laws of 1887 as amended by chapter 189 of the Laws of 1891.

XII. Lake Shore Railroad, a corporation created under the provisions of chapter 214 of the Laws of 1883 as amended by chapter 221 of the Laws of 1887 and by chapter 5 of the Laws of 1889.

XIII. Nashua and Rochester Railroad, a corporation created under the provisions of chapter 89 of the Laws of 1867 as amended by chapter 110 of the Laws of 1868, chapter 25 of the Laws of 1870, chapter 75 of the Laws of 1871, chapter 139 of the Laws of 1873, chapter 125 of the Laws of 1879, chapter 239 of the Laws of 1883, chapter 272 of the Laws of 1889, chapter 245 of the Laws of 1893 and chapter 159 of the Laws of 1895.

XIV. The Peterborough and Hillsborough Railroad, a corporation created under the provisions of chapter 77 of the Laws of 1869, as amended by chapter 103 of the Laws of 1872, chapter 159 of the Laws of 1876 and chapter 5 of the Laws of 1889.

XV. Peterborough and Shirley Railroad Company, a corporation created under the provisions of chapter 393 of the Laws of 1846, as amended by chapter 1350 of the Laws of 1853, chapter 2161 of the Laws of 1858 and chapter 2558 of the Laws of 1861.

XVI. Portsmouth and Concord Railroad, a corporation created under the name of Portsmouth, Newmarket and Concord Railroad under the provisions of chapter 286 of the Laws of 1845, which became Portsmouth and Concord Railroad after uniting with Portsmouth, Newmarket and Exeter Railroad in accordance with section 10 of the Act of Incorporation, which said act was amended by chapter 451 of the Laws of 1846, chapter 665 of the Laws of 1848, chapter 1036 of the Laws of 1850, chapter 1037 of the Laws of 1850, chapter 1350 of the

Laws of 1853, chapter 1485 of the Laws of 1853 and chapter 1777 of the Laws of 1855.

XVII. Portsmouth, Newmarket and Exeter Railroad, a corporation created under the provisions of chapter 287 of the Laws of 1845.

XVIII. Profile and Franconia Notch Railroad, a corporation created under the provisions of chapter 128 of the Laws of 1878 as amended by chapter 220 of the Laws of 1883, chapter 5 of the Laws of 1889 and chapter 202 of the Laws of 1891.

XIX. Saco Valley Railroad, a corporation created under the provisions of chapter 260 of the Laws of 1891.

XX. Sugar River Railroad, a corporation created under the provisions of chapter 1772 of the Laws of 1855, as amended by chapter 79 of the Laws of 1869.

XXI. Sullivan Railroad Company, a corporation created under the provisions of chapter 395 of the Laws of 1846 as amended by chapter 555 of the Laws of 1847, chapter 1044 of the Laws of 1850, chapter 1781 of the Laws of 1855, chapter 1793 of the Laws of 1855 and chapter 4328 of the Laws of 1866.

XXII. Tilton & Belmont Railroad, a corporation created under the provisions of chapter 229 of the Laws of 1883 as amended by chapter 5 of the Laws of 1889 and chapter 194 of the Laws of 1889.

XXIII. The West Amesbury Branch Railroad, a corporation created under the provisions of chapter 72 of the Laws of 1868 as amended by chapter 99 of the Laws of 1872 and chapter 5 of the Laws of 1889.

XXIV. White Mountains Railroad, a corporation created under the provisions of chapter 772 of the Laws of 1848 as amended by chapter 1735 of the Laws of 1855 and chapter 2019 of the Laws of 1857.

XXV. Whitefield and Jefferson Railroad, a corporation created under the provisions of chapter 130 of the Laws of 1878 as amended by chapter 127 of the Laws of 1879, chapter 172 of the Laws of 1887, chapter 251 of the Laws of 1895 and chapter 5 of the Laws of 1889.

XXVI. The Wolfeborough Railroad, a corporation created under the provisions of chapter 82 of the Laws of 1868 as amended by chapter 5 of the Laws of 1889.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 5, 1949.]

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### CHAPTER 123.

#### AN ACT RELATING TO THE FELLING OF TREES ON BOUNDARY LINES.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Adjacent Land Owner.** Amend section 51 of chapter 233 of the Revised Laws by striking out said section and inserting in place thereof the following: **51. Felling Trees Adjacent to Another's Land.** When cutting is done adjacent to the land of another the trees shall be felled away from, and not toward, the property line of the abutting owner, so that the slash from said trees, when on the ground, shall be at least twenty-five feet from the property line.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 5, 1949.]

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### CHAPTER 124.

#### AN ACT RELATING TO PENALTY IN REGISTRATION OF SAW MILLS AND BRUSH DISPOSAL.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Continued Offense.** Amend section 69 of chapter 233 of the Revised Laws by adding at the end of said section the words, for the first thirty-day period and for each subsequent thirty-day period or part thereof not more than twenty-five dollars for each such continued violation, so that said section as amended shall read as follows: **69. Penalty.** Any person violating any of the provisions of this subdivision shall be fined not more than one hundred dollars for the first thirty-day

period and for each subsequent thirty-day period or part thereof of not more than twenty-five dollars for each such continued violation.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 5, 1949.]

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## CHAPTER 125.

### AN ACT RELATIVE TO REMOVAL OF SLASH AND STORAGE OF COMBUSTIBLES NEAR SAW MILLS

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Saw Mills.** Amend section 63 of chapter 233 of the Revised Laws by striking out said section and inserting in place thereof the following: **63. Removal of Slash and Storage of Combustibles.** No mill required to be registered under the provisions of this subdivision shall be operated unless the slash caused by wood and timber cuttings and other inflammable materials are located, and unless the sawdust pile and incinerator are located from each other and the mill, as may be provided by rules and regulations of the state forester.

**2. Power of State Forester.** Amend section 68 of chapter 233 of the Revised Laws by striking out said section and inserting in place thereof the following: **68. Rules and Regulations.** It shall be the duty of the state forester to make and adopt such reasonable rules and regulations as may be necessary to give effect to the provisions of this subdivision. In order to guard against fires the state forester may make and adopt regulations hereunder for the removal of slash, storage of inflammable material, the location of sawdust piles and incinerators.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved April 5, 1949.]

## CHAPTER 126.

## AN ACT RELATIVE TO CARE OF LUMBER SLASH.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Lumber Slash.** Amend section 50 of chapter 233 of the Revised Laws by striking out the same and inserting in place thereof the following: 50. **Near Property of Another.** Whoever as stumpage owner, operator, land owner or agent cuts or causes to be cut any timber, wood or brush on property adjacent to the right of way of any steam or electric railroad or public highway, or adjacent to the land of another, or adjacent to any occupied building except a temporary lumber camp, shall dispose of the slash caused by such cutting in such a manner that said slash shall not remain on the ground within sixty feet of the right of way of any steam or electric railroad, or within fifty feet of the nearest edge of the traveled part of any public highway, or within one hundred feet of any occupied building except a temporary lumber camp.

2. **Powers of Commission.** Amend section 52 of chapter 233 of the Revised Laws by inserting after the word "of" in the third line the word, lumber, so that said section as amended shall read as follows: 52. **Near Lumber Camps.** The commission, by notice in writing to both the operator and the owner, may also require the removal or disposal of lumber slash or other inflammable material within one hundred feet of lumber camps, when in the judgment of the commission such slash or inflammable material constitutes an unusual hazard endangering other property through the setting or spreading of forest fires.

3. **Subsequent Neglect.** Amend section 53 of chapter 233 of the Revised Laws by striking out said section and inserting in place thereof the following: 53. **Penalty.** Any stumpage owner, operator, land owner or agent who cuts or causes to be cut any such timber, wood or brush, or any owner of land where cutting is done, may be fined not more than twenty-five dollars for each one hundred linear feet or fraction thereof from which the slash is not properly removed or disposed of within thirty days from the time of such cutting, or, in case of material adjudged by the commission to be an unusual hazard as above provided, within such reasonable time as the

commission may determine, not exceeding thirty days from the date of service of the removal notice. If the person fined refuses or neglects to properly remove or dispose of the slash within the time provided he may be fined as provided in this section for each subsequent thirty-day period of refusal or neglect to so remove or dispose of such slash.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved April 6, 1949.]

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## CHAPTER 127.

AN ACT RELATIVE TO THE OPERATION OF A MOTOR VEHICLE USED  
IN TRANSPORTING INFLAMMABLE LIQUIDS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Motor Vehicle Operation.** Amend chapter 119 of the Revised Laws by inserting after section 48 the following new section: 48-a. **Inflammable Liquids.** Every motor vehicle used for the transportation of inflammable liquids in cargo tanks whether loaded or empty, shall, upon approaching any railroad grade crossing, be brought to a full stop not more than fifty feet and not less than ten feet from the nearest rail of such grade crossing, and shall not proceed until due caution has been taken to ascertain that the course is clear. Any person convicted of a violation of any provision of this section, shall be fined not more than twenty-five dollars for the first offense and not more than one hundred dollars for any subsequent offense committed during any calendar year, and for such conviction hereunder the commissioner may revoke his license to operate a motor vehicle and no new license shall be issued to such person for at least ninety days after the date of such revocation.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 6, 1949.]



## CHAPTER 128.

AN ACT RELATING TO THE INTRODUCTION OF BILLS AND TO THE  
PRINTING OF BILLS AND JOURNALS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Legislature.** Amend section 26, chapter 9, Revised Laws, by striking out said section and inserting in place thereof the following: **26. Proposed Bills.** Any senator-elect or representative-elect, on and after December first, may file with the secretary of state such bills as he desires to introduce. The secretary of state, at same convenient time during the month of November, shall notify each senator-elect and representative-elect of the provisions of this section and of the availability of bill drafting service in the office of the attorney general as provided in chapter 56 of the Laws of 1947. Such notice shall, if possible, be given coincidentally with the mailing of the roster of new members to each member-elect. Eleven hundred copies of each bill shall be printed and a copy furnished to any citizen who may apply therefor. The secretary of state shall cause the original type used in the composition of said bills to be retained until at least ten days after the convening of the general court, in the event that further copies of said bills may be necessary. Not later than the second day of the session, the secretary of state shall file the bills and all undistributed copies with the clerk of that branch of the legislature in which the respective bills are to be introduced.

2. **Number of Copies.** Amend section 3, chapter 10, Revised Laws, by striking out the words "seven hundred and fifty" in the third line thereof and inserting in their place the words, twelve hundred, so that the section as amended shall read as follows: **3. Journals.** The clerks of the senate and house of representatives shall cause to be printed in pamphlet form at the close of each legislative day twelve hundred copies of the journals of their respective bodies, and shall cause one copy of each to be distributed to each member of those bodies before the beginning of the session on the next legislative day. Fifty of such copies shall be delivered to the state library each day. At the close of the legislative session additional copies of such journals may be printed in such form and quantity as the secretary of state, with the approval of the governor and

council, may direct. The clerk of each house shall prepare an index of its journal.

3. **Printing.** Amend section 4, chapter 10, Revised Laws, by striking out the word "shall" in the second line and inserting in place thereof the word, may, and by striking out the words "seven hundred and fifty" in said second line and inserting in place thereof the words, eleven hundred, so that said section as amended shall read as follows: 4. **Bills and Resolutions.** The clerks of the senate and house of representatives may cause to be printed eleven hundred copies of every bill and joint resolution after its second reading, and shall cause one each of such copies to be distributed to each member of those bodies as soon as printed. Twenty-five copies of each shall be delivered to the state library.

4. **Takes Effect.** This act shall take effect upon its passage.

[Approved April 6, 1949.]

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## CHAPTER 129.

### AN ACT PROVIDING FOR GUARANTY TO DEALER RELATIVE TO ORIGINAL PACKAGES OF FOODS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Original Packages.** Amend section 10, chapter 164, Revised Laws, by striking out all of said section and inserting in place thereof the following: 10. **Guaranty to Dealer.** No dealer shall be convicted of a violation of the provisions of this chapter when he can establish a guaranty signed by a wholesaler, jobber, manufacturer or other party residing in the United States, from whom he received in good faith such articles, to the effect that the same in original or unbroken packages is not adulterated or misbranded within the meaning hereof, unless it shall appear that such dealer knew the same to be in fact adulterated or misbranded within the meaning hereof. The provisions of this section shall not apply in the case of food and drugs subject to deterioration if the court

finds that the adulteration has occurred after delivery to, and has resulted from negligence on the part of, the dealer.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 7, 1949.]

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### CHAPTER 130.

#### AN ACT IN RELATION TO NOTICE OF PETITIONS FOR RIGHT TO APPEAL FROM DECREES OF PROBATE COURTS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Decrees of Probate Court, Petition for Right to Appeal.** Amend Revised Laws, chapter 365, section 8 by striking out said section and by substituting therefor the following: **8. Notice.** Upon such petition, an order of notice shall be issued requiring notice by publication, the last publication to be at least thirty days before the return day, and such personal notice or notice by mail to interested parties as the court shall deem proper.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 7, 1949.]

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### CHAPTER 131.

#### AN ACT NAMING THE HORACE GREELEY HIGHWAY.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Highway Named.** The New Hampshire highway described as follows: beginning at the bridge over the Merrimack river on route 101 in Manchester, continuing on said route through Bedford, Amherst, Milford, Wilton, Temple, Peterborough, Dublin, Marlborough, to Keene, is hereby given the name of the Horace Greeley highway. The governor and

council are authorized and directed to do all things necessary to suitably mark and designate the highway herein named.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 7, 1949.]

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## CHAPTER 132.

### AN ACT RELATING TO COMMITMENT TO VETERANS ADMINISTRATION.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Insane Persons.** Amend the Revised Laws by inserting after chapter 219-A, as inserted by chapter 190, Laws of 1943, the following new chapter:

#### Chapter 219-B.

##### Commitment to Veterans Administration.

**1. Commitment to Institutions.** Whenever, in any proceeding under the laws of this state for the commitment of a person alleged to be of unsound mind or otherwise in need of confinement in a hospital or other institution for his proper care, it is determined after such adjudication of the status of such person as may be required by law that commitment to a hospital for mental diseases or other institution is necessary for safekeeping or treatment and it appears that such person is eligible for care or treatment by the veterans administration or other agency of United States government, the court, or other committing authorities, upon receipt of a certificate from the veterans administration or such other agency showing that facilities are available and that such person is eligible for care or treatment therein, may commit such person to said veterans administration or other agency. Upon commitment, such person, when admitted to any facility operated by any such agency within or without this state shall be subject to the rules and regulations of the veterans administration or other such agency. With respect to the person so committed the chief officer of such facility shall have the same power and control over said person as would the superintendent of the

state institution to which said person otherwise would have been committed. Jurisdiction is retained in the appropriate court of this state at any time to inquire into the mental condition of the person so committed, and to determine the necessity for continuance of his restraint, and all commitments pursuant to this chapter are so conditioned.

**2. Order of Commitment.** The judgment or order of commitment by a court of competent jurisdiction of another state or of the District of Columbia, committing a person to the veterans administration, or such other agency of the United States government for care or treatment shall have the same force and effect as to the committed person while in this state as in the jurisdiction in which is situated the court entering the judgment or making the order; and the courts of the committing state, or of the District of Columbia, shall be deemed to have retained jurisdiction of the person so committed for the purpose of inquiring into the mental condition of such person, and of determining the necessity for continuance of his restraint, as is provided in section 1 of this chapter with respect to persons committed by the courts of this state. Consent is hereby given to the application of the law of the committing state or district in respect to the authority of the chief officer of any facility of the veterans administration, or of any such institution operated in this state by any other such agency of the United States to retain custody, or transfer, parole or discharge the committed person.

**3. Certification of Available Facilities.** Upon receipt of a certificate of the veterans administration or such other agency of the United States, as provided in section 1, the superintendent of the institution may cause the transfer of such person to the veterans administration or other agency of the United States for care or treatment. Upon effecting any such transfer, the committing court or other committing authority shall be notified thereof by the transferring agency. No person shall be transferred to the veterans administration or other agency of the United States if he be confined pursuant to conviction of any felony or misdemeanor or if he has been acquitted of the charge solely on the ground of insanity, unless prior to transfer the court of other authority originally committing such person shall enter an order for such transfer after appropriate motion and hearing.

4. **Transfer Deemed Commitment.** Any person transferred as provided in this chapter shall be deemed to be committed to the veterans administration or other such agency of the United States pursuant to the original commitment.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved April 11, 1949.]

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### CHAPTER 133.

#### AN ACT RELATIVE TO PUBLIC DUMPS AND TOWN APPROPRIATIONS FOR COLLECTION AND REMOVAL OF GARBAGE AND OTHER WASTE MATERIALS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Removal of Nuisances.** Amend chapter 165 of the Revised Laws by adding at the end thereof the following new subdivision:

#### **Public Dumps.**

26. **Public Dumping Facilities.** Any town may provide and maintain public dumping facilities for the depositing of garbage or refuse. Any such dumping facilities provided shall be accessible to the public at least one day each week and on such other days and at such hours as the selectmen, board of health, or corresponding public officer may determine.

27. **Terms Defined.** As used in this subdivision the following words shall be construed as follows:

I. The term "public dumping facilities" means any reasonable provisions for the depositing or disposing of garbage or refuse by the public maintained by public funds, provided it shall not include a dump located on a person's own property used for the express purpose of depositing garbage and refuse from his own residence.

II. The term "garbage" means all waste animal, fish, fowl, fruit or vegetable matter produced from or resulting from the use or storage of food for human consumption.

III. The term "refuse" means all combustible rubbish, ashes and ordinary commercial wastes. Building or con-

struction wastes and industrial wastes are not included as refuse.

**28. Approval Required.** Before any public or private premises within the limits of a town shall be used for public dumping, written approval for location and the rules for maintenance shall be secured from the local board of health. Refuse may be employed for filling or grading the land, provided written permission is first secured from the board of health.

**29. Maintenance.** A town which maintains, or any person who permits the use of any land for public dumping shall provide for the proper covering or incineration of all animal and vegetable matter deposited thereon, and the disposition of other waste materials and rubbish in such a manner as not to create offensive odors, breeding places for insects and rodents, dissemination of dust or flies. No person, firm or corporation shall poison a dump for the purpose of rodent eradication unless granted permission to do so by the local board of health.

**30. Closure.** Upon complaint, or on its own motion, the state board of health may close any public dumping facilities after duly notifying the local boards of health as to its reasons for closure.

**31. Regulations.** The state board of health may make all necessary rules and regulations for the enforcement of this subdivision; and it shall be the duty of the local boards of health to assist in carrying out said regulations. Any person who violates any of the provisions of this subdivision or any rule or regulation hereunder shall be fined not more than twenty dollars.

**32. Precincts.** Any precinct or village district organized under general or special laws may, by vote under an article in the warrant for the meeting at which the action is taken, vote to adopt the provisions of this subdivision and appropriate money for the purposes hereof.

**2. Penalty.** Amend section 13 of chapter 165 of the Revised Laws by inserting after the word "health" in the fourth line the words, or deposits garbage or refuse on premises not designated as public dumping facilities in accordance with the provisions of sections 26 to 32, and by inserting after the word "removed" in the last line of said section the words, or cause to have removed, so that said section as amended shall read as

follows: **13. Offensive Matter.** If a person shall place, leave, or cause to be placed or left, in or near a highway, street, alley, public place or wharf, or shall allow to be exposed unburied, any animal or other substance liable to become putrid or offensive, or injurious to the public health or deposits garbage or refuse on premises not designated as public dumping facilities in accordance with the provisions of sections 26 to 32, he shall be fined not more than twenty dollars; and the health officer shall remove or cause to have removed the same.

**3. Town Appropriations.** Amend section 4 of chapter 51 of the Revised Laws as amended by chapter 34 of the Laws of 1943 by adding at the end thereof the following new paragraph: **XXXIII. Garbage and Waste Material.** To provide means for collection, removal and destruction of garbage and other waste materials.

**4. Town By-Laws.** Amend section 32 of chapter 51 of the Revised Laws by inserting after the word "require" in the eleventh line the following words, respecting the collection, removal and destruction of garbage and other waste materials, so that said section as amended shall read as follows: **32. Purposes and Penalties.** Towns may make by-laws for the care, protection, preservation and use of the public cemeteries, parks, commons, libraries and other public institutions of the town; for the prevention of the going at large of horses and other domestic animals in any public place in the town; for the observance of Memorial Day, whereby interference with and disturbance of the exercises for such observance, by processions, sports, games or other holiday exercises, may be prohibited; to regulate the use of mufflers upon boats and vessels propelled by gasoline or naphtha and operating upon the waters within the town limits; respecting the kindling, guarding and safekeeping of fires, and for removing all combustible materials from any building or place, as the safety of property in the town may require; respecting the collection, removal and destruction of garbage and other waste materials; to regulate the operation of vehicles, except by railways as common carriers, upon their streets; to regulate the conduct of public dances; to regulate the conduct of roller skating rinks; and for making and ordering their prudential affairs. They may appoint all such officers as may be necessary to carry the by-laws into effect, and may enforce their observance by suit-



able penalties not exceeding ten dollars for each offense, to enure to such uses as they may direct.

**5. Takes Effect.** This act shall take effect upon its passage.

[Approval April 12, 1949.]

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## CHAPTER 134.

### AN ACT RELATING TO INVESTMENTS OF TRUSTEES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Investment of Trustees.** Amend paragraph IV of section 17 of chapter 363 of the Revised Laws by inserting after the word "securities" in the first line the words, including the shares of any open-end or closed-end management type investment company or investment trust which is registered under the Federal Investment Company Act of 1940 as from time to time amended and which may be sold under the rules, regulations, and exemptions of the insurance department of the state of New Hampshire, so that said paragraph IV as amended shall read as follows: IV. In such bonds or stocks or other securities, including the shares of an open-end or closed-end management type investment company or investment trust which is registered under the Federal Investment Company Act of 1940 as from time to time amended and which may be sold under the rules, regulations, and exemptions of the insurance department of the state of New Hampshire, as a prudent man would purchase for his own investment having primarily in view the preservation of the principal and the amount and regularity of the income to be derived therefrom; provided, however, that not less than fifty per cent of the inventory or the cost value of the assets of the trust shall be invested in classes of property which qualify under paragraphs I, II, and III of this section.

Trustees shall be accountable for, and may be licensed to sell, stocks, bonds, and other written evidence of debt.

If any provision of the Revised Laws is inconsistent with this section, the latter shall govern.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approval April 12, 1949.]

## CHAPTER 135.

AN ACT RELATING TO THE FEES OF BAIL COMMISSIONERS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Bail Commissioners.** Amend section 31 of chapter 425 of the Revised Laws by striking out the words "one dollar" in the second line and inserting in place thereof the words, two dollars, and by striking out the words "three dollars" in the third line and inserting in place thereof the words, four dollars, so that said section as amended shall read as follows: **31. Fees.** The bail commissioners in such cases shall be entitled to a fee of two dollars when called between the hours of seven o'clock in morning and ten o'clock at night; and a fee of four dollars when called at any other time.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved April 12, 1949.]

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CHAPTER 136.

AN ACT RELATING TO PARKING OF MOTOR VEHICLES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Motor Vehicles.** Amend section 26 of chapter 119 of the Revised Laws by striking out said section and inserting in place thereof the following: **26. Parking.** No person shall park or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main traveled portion of any highway outside of a business or residence district or compact section except as hereinafter provided:

I. When the vehicle is so disabled that it must be temporarily left in such position.

II. When a law enforcement officer shall order the person to stop or leave his vehicle on said highway.

III. When the vehicle with no more than two wheels upon said paved or improved portion of the highway is left standing temporarily thereon for the purpose of leaving or taking on

passengers or for necessary loading or unloading or for making necessary minor repairs to the vehicle.

IV. On a class V highway when it is not practicable to park or leave such vehicle standing off that portion of such highway, provided that in no event shall any person so park or leave standing any vehicle on said highway unless a clear view thereof may be obtained from a distance of two hundred feet in each direction and unless a clear and unobstructed way of not less than ten feet upon the main traveled portion of said highway shall be left for free passage of other vehicles.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 12, 1949]

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## CHAPTER 137.

### AN ACT RELATING TO TOWN OFFICERS' ASSOCIATIONS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Membership Dues in Town Officers' Associations.** Amend section 8 of chapter 51 of the Revised Laws by striking out said section and inserting in place thereof the following: **8. Town Officers' Associations.** For the encouragement of equitable taxation and the education of public officials in tax problems and other matters pertaining to the proper and efficient discharge of the duties of their respective offices, each town and city shall pay annually to the Association of New Hampshire Assessors, the New Hampshire City and Town Clerks' Association and the New Hampshire Tax Collectors' Association, such amounts as shall be due for annual membership for its officials therein, provided that the amount paid for any one annual membership hereunder shall not exceed three dollars. Members of these several organizations in addition to the annual membership fee shall be entitled to receive their actual expenses incurred in attending the annual convention of their respective associations, the same to be audited by the selectmen of towns and the finance committee of cities and paid out of city and town funds.

**2. Repeal.** Sections 10 and 40 of chapter 59, Revised Laws, are hereby repealed.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved April 12, 1949.]

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## CHAPTER 138.

### AN ACT RELATIVE TO REGULATION OF SUBDIVISION OF LAND UNDER MUNICIPAL PLANNING.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Power to Regulate.** Amend section 19 of chapter 53 of the Revised Laws by striking out the words "after due establishment and recording of the official map of the municipality, as provided in section 17," in the second, third and fourth lines so that said section as amended shall read as follows: **19.**

**Grant of Power to Regulate.** A municipality may by ordinance or resolution authorize and empower the planning board to approve or disapprove, in its discretion, plats showing new streets, or the widening thereof, or parks, and the ordinance or resolution thus empowering the planning board shall make it the duty of the city clerk, town clerk, clerk of district commissioners, or other appropriate recording official to file with the register of deeds of the county in which the said municipality is situated a certificate or notice showing that the said planning board has been so authorized, giving the date of such authorization.

**2. Regulations.** Amend section 21 of chapter 53 of the Revised Laws by striking out the word "other" in the eleventh line so that said section as amended shall read as follows:

**21. Subdivision Regulations; General.** Before exercising the powers referred to in section 19 hereof, the planning board shall adopt regulations governing the subdivisions of land within its jurisdiction. Such regulations may provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, or other public services, or necessitate an excessive expendi-

ture of public funds for the supply of such services. Such regulations may provide for the harmonious development of the municipality and its environs; for the proper arrangement and co-ordination of streets within subdivisions in relation to other existing or planned streets or with features of the official map of the municipality; for open spaces of adequate proportions and for suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access of fire-fighting apparatus and equipment to buildings, and be co-ordinated so as to compose a convenient system. The regulations of the board may require in proper cases that plats showing new streets or narrowing or widening thereof submitted to it for approval shall show a park or parks suitably located for playground or other recreational purposes; they may require that proposed parks shall be of reasonable size for neighborhood playgrounds or other recreation uses, and that the land indicated on plats submitted shall be of such character that it can be used for building purposes without danger to health; they may prescribe minimum widths, depths, and areas of lots so as to avoid congestion of population and generally may include provisions which will tend to create conditions favorable to health, safety, convenience, or prosperity.

3. **Improvements; Streets.** Amend section 25 of chapter 53 of the Revised Laws by striking out the word "and" after the figure, 17, in the second line and inserting in place thereof the word, or; further amend by striking out the words "included in the official map" in the seventh line, so that said section as amended shall read: **25. Improvements in Unapproved Streets.** A municipality which has established and recorded an official map, as provided in section 17, or has conferred upon a planning board platting jurisdiction in accordance with section 19, shall not thereafter accept, lay out, open, improve, grade, pave, or light any street or lay or authorize the laying of water mains, sewers, connections, or other facilities or utilities in any street, within any portion of the municipality unless such street (a) shall have been accepted or opened as, or shall otherwise have received the legal status of a public street prior to the conferring of platting jurisdiction upon the planning board, or unless such street (b) corresponds in its location and lines with a street shown on the

official map or with a street shown on a subdivision plat approved by the planning board or with a street on a street plat made by and adopted by the board. Council may, however, accept, locate and construct any street not shown on or not corresponding with a street on the official map or on an approved subdivision plat or an approved street plat, provided the ordinance or other measure for the accepting, locating, and construction of such street be first submitted to the planning board for its approval and, if approved by the board, be approved by a majority vote of the entire membership of council or, if disapproved by the planning board, be approved by not less than two thirds of the entire membership of council in case of a city or by majority vote of the legal voters present and voting at a regular or special town or district meeting in the case of a town or district. A street approved as provided in this section shall thereupon have the status of an approved street as fully as though it had been originally shown on the official map or on a subdivision plat approved by the planning board, or had been originally platted by the planning board.

**4. Jurisdiction.** Amend section 26 of chapter 53 of the Revised Laws by striking out the words "covered by the official map" in the fourth line so that said section as amended shall read as follows: **26. Erection of Buildings.** From and after the time when a planning board shall expressly have been granted platting jurisdiction by a municipality, as described in section 19, no building shall be erected on any lot within any part of such municipality nor shall a building permit be issued therefor unless the street giving access to the lot upon which such building is proposed to be placed (a) shall have been accepted or opened as or shall otherwise have received the legal status of a public street prior to that time, or unless such street (b) corresponds in its location and lines with a street shown on the official map or with a street on a subdivision plat approved by the planning board or with a street on a street plat made by and adopted by the planning board or with a street located and accepted by council, after submission to the planning board, and in case of said planning board's disapproval, by the favorable vote required in section 25. Wherever the enforcement of the provisions of this section would entail practical difficulty or unnecessary hardship, and where the circumstances of the case do not require the building,

structure or part thereof to be related to existing or proposed streets, the applicant for such permit may appeal from the decision of the administrative officer having charge of the issue of permits to the board of adjustment in any municipality which has adopted zoning regulations, in accordance with chapter 51, or, in municipalities where no board of adjustment exists, to council, or to a board of appeals, whichever is appropriate, in accordance with the provisions of sections 32 and 33, including the requirement for a public hearing. In passing on such appeal the board of adjustment, council, or board of appeals may make any reasonable exception and shall have the power to authorize or issue a permit, subject to such conditions as it may impose, where the issuance of the permit would not tend to distort the official map or increase the difficulty of carrying out the master plan upon which it is based. Any such decision made in this connection by a board of adjustment, council or by a board of appeals pursuant to the provisions of this section and of sections 31, 32, and 33, shall be subject to review by certiorari in the manner described in section 34.

**5. Takes Effect.** This act shall take effect upon its passage.

[Approved April 13, 1949.]

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## CHAPTER 139.

AN ACT RELATING TO NONRESIDENT PUPILS IN SCHOOLS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. School Boards.** Amend section 24 of chapter 138 of the Revised Laws by striking out the words "fifty-five dollars a year" in the fifth line and inserting in place thereof the words, in any one year a sum based upon the costs as set forth in section 26, so that said section as amended shall read as follows: **24. Hearing.** The school board shall thereupon order a hearing within ten days thereafter, and, if it shall appear to the board that the claim is well-founded, the board shall make the order prayed for, and the district in which the pupil resides shall be liable to the school to which the pupil

is assigned for the pupil's tuition not to exceed in any one year a sum based upon the costs as set forth in section 26.

2. **High Schools.** Amend section 26 of chapter 138 of the Revised Laws by striking out said section and inserting in place thereof the following: **26. Tuition.** Any district not maintaining a high school or school of corresponding grade shall pay for the tuition of any pupil who with parents or guardian resides in said district or who, as a resident of said district, after full investigation by the state board of education is determined to be entitled to have his tuition paid by the district where he resides, and who attends an approved public high school or public school of corresponding grade in another district or an approved public academy. Except under contract as provided in section 21 the liability of any school district hereunder for the tuition of any pupil shall be limited to the state average cost per pupil of the current expenses of operation for the preceding school year of the receiving district for its high schools. This current expense of operation shall include all costs except capital outlay and debt obligations, provided that to the above may be added a rental charge of two per cent of the capital cost of such secondary school facilities as may be defined by the state board of education.

3. **School Attendance.** Amend section 3 of chapter 137 of the Revised Laws by striking out said section and inserting in place thereof the following: **3. Change; Excuse.** Any person having the custody of a child may apply to the state board of education for relief if he thinks it is not for the best interest of the child to attend the school to which he is assigned, and the board, after notice to the school board, may order such child to attend another school in the same district if such a school is available, or to attend school in another district. In case the child shall be assigned to attend school in another district the district in which such child resides shall pay to the district in which such child attends tuition computed as provided in section 3-a. The state board of education may also permit such child to withdraw from school attendance for such time as it may deem necessary or proper or make such other orders with respect to the attendance of such child at school as in its judgment the circumstances require.



4. **Liability for Tuition.** Amend chapter 137 of the Revised Laws by inserting after section 3 as hereinbefore amended the following new section: . 3-a. **Elementary Schools.** Any district shall be liable for the tuition of any child who as a resident of the district has been assigned to attend a public school in another district, provided, however, that the tuition for any child shall not exceed the state average cost per pupil of the current expenses of operation for the preceding school year for its elementary schools. This current expense of operation shall include all costs except those made for capital outlay and debt obligations as determined annually by the state board of education.

5. **Takes Effect.** This act shall take effect as of July 1, 1949.

[Approved April 13, 1949.]

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## CHAPTER 140.

### AN ACT RELATIVE TO LARCENY.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Grand Larceny.** Amend section 3 of chapter 452 of the Revised Laws by striking out the words "twenty dollars" and inserting in place thereof the words, fifty dollars, so that said section as amended shall read as follows: 3. **Over Fifty Dollars.** If any person shall steal, take, and carry away, of the property of another, any money, bank bills, goods, or chattels, or any writing containing evidence of an existing debt, contract, liability, promise, or ownership of property, of the value of fifty dollars, or of the receipt, payment, or discharge of the like amount, or any writings of a like kind, which together shall contain the like evidence, he shall be imprisoned not more than five years.

2. **Petit Larceny.** Amend section 4 of chapter 452 of the Revised Laws by striking out the word "ten" in the third line and inserting in place thereof the word, twenty, and by striking out the word "twenty" in the third line and inserting in place thereof the word, fifty, so that said section as amended shall read as follows: 4. **Over Twenty Dollars.** If any

person shall steal, take, and carry away any property of another, such as described in the preceding section, of the value or amount of twenty dollars and less than fifty dollars, he shall be imprisoned not more than one year, and fined not more than one hundred dollars.

3. **Change in Amount.** Amend section 5 of chapter 452 of the Revised Laws by striking out the word "ten" and inserting in place thereof the word, twenty, so that said section as amended shall read as follows: 5. **Under Twenty Dollars.** If any person shall steal, take, and carry away any property of another, such as is described in section 3, of a less amount or value than twenty dollars, he shall be imprisoned not more than six months, or fined not more than fifty dollars.

4. **Takes Effect.** This act shall take effect upon its passage.

[Approved April 13, 1949.]

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## CHAPTER 141.

AN ACT RELATIVE TO ADOPTION OF RULES AND REGULATIONS BY  
THE STATE BOARD OF FIRE CONTROL.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **State Board of Fire Control.** Amend section 5 of chapter 175-A of the Revised Laws, as inserted by chapter 251 of the Laws of 1947, by striking out said section and inserting in place thereof the following: 5. **Rules and Regulations.** The board is also empowered to adopt and promulgate reasonable standard rules and regulations for the effective administration of the board, and to adopt and promulgate such reasonable standard rules and regulations to accomplish the intent and purposes of this chapter as it shall deem necessary, not inconsistent with the provisions hereof or any law of this state. Such rules and regulations shall be adopted only after public hearing, notice of which shall be published in a paper of general circulation in the state at least fifteen days before holding such hearing. The rules authorized hereunder shall be in accordance with established practicable means for securing safety to persons and property from fire or fire

hazards and shall not be discriminatory in respect to persons engaged in like or similar businesses or industries. Notice containing a general statement of the contents of such rules and regulations adopted by the board shall be published at least twice in some newspaper of general circulation in the state, if their application is general, or in some newspaper of local circulation, if their application is local, as provided in section 12, together with information as to where the full text of such rules and regulations may be obtained by any person, and the board shall also give notice thereof by registered mail to each person interested therein who shall have registered with the board his name and address with a request to be so notified, and such rules and regulations shall become effective upon such date subsequent to the published notice, and notice to interested persons, required hereunder as may be specified by the board therein.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 14, 1949.]

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## CHAPTER 142.

### AN ACT RELATIVE TO THE PRACTICE OF DENTISTRY.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Dentistry.** Amend section 17 of chapter 251 of the Revised Laws by striking out said section and inserting in place thereof the following: **17. Practice.** A person shall be regarded as practicing dentistry within the meaning of this chapter who uses or permits to be used, directly or indirectly, for profit or otherwise, for himself or for any other person, in connection with his name, the word "dentist," or "dental surgeon," or the title "D.D.S." or "D.M.D." or any other words, letters, titles, or descriptive matter, personal or not, which directly or indirectly implies the practice of dentistry; or who owns, leases, maintains, or operates a dental business in any office or other room or rooms where dental operations are performed, or directly or indirectly is manager, proprietor, or conductor of the same; or who directly or in-

directly informs the public in any language, orally, in writing, or in printing, or by drawings, demonstrations, specimens, signs, or pictures that he can perform or will attempt to perform dental operations of any kind; or who undertakes, by any means or method, gratuitously or for a salary, fee, money, or other reward paid or granted directly or indirectly to himself or to any other person, to diagnose or profess to diagnose, or to treat or profess to treat, or to prescribe for or profess to prescribe for any of the lesions, diseases, disorders, or deficiencies of the human oral cavity, teeth, gums, maxilla, or mandible or adjacent associated structures; or who extracts human teeth, corrects malpositions thereof or of the jaws; or who, except on the written prescription of a duly licensed dentist and by the use of impressions or casts made by a duly licensed and practicing dentist, shall directly or indirectly by mail, carrier, personal agent, or by any other method, furnish, supply, construct, reproduce, or repair prosthetic dentures, bridges, appliances, or other structures to be used and worn as substitutes for natural teeth, or adjust the same; or who administers dental anesthetics, either general or local; or who engages in any of the practices included in the curricula of recognized dental colleges; provided that nothing herein shall prevent regularly licensed physicians or surgeons from treating or prescribing for lesions, diseases, disorders, or deficiencies of the human oral cavity, teeth, gums, maxilla, or mandible or adjacent associated structures, or from extracting human teeth or administering anesthetics, or using or prescribing drugs or other remedies; nor shall it prevent students from performing dental operations under the supervision of competent instructors within a dental school, college, or dental department of a university recognized by said board.

**2. Dental-Hygienists.** Amend section 18 of chapter 251 of the Revised Laws by inserting after the words, "clean teeth," in the tenth line of said section the words, and apply topically, fluorine, or any of its compounds, and any other chemical compound or combination of, or series of chemical compounds, which may be found to be effective and approved by the New Hampshire state dental board, in preventing caries in human teeth, so that said section as amended shall read as follows: **18. Eligibility; Examination; Registration.** Any person of good moral character and

eighteen years of age or over, who is a graduate of a training school for dental-hygienists requiring a course of not less than one academic year and approved by said board, or who is a graduate of a training school for nurses and has received three months' clinical training in dental hygiene in any such training school for dental-hygienists, may, upon the payment of ten dollars, be examined by said board in the subjects considered essential by it for a dental-hygienist, and, if his examination is satisfactory, shall be registered as a dental-hygienist and given a certificate allowing him to clean teeth and apply topically, fluorine, or any of its compounds, and any other chemical compound or combination of, or series of chemical compounds, which may be found to be effective and approved by the New Hampshire state dental board, in preventing caries in human teeth, under the direction of a registered dentist of this state, and in public or private schools or institutions, upon approval by the local board of health.

3. **Name.** Amend section 27 of chapter 251 of the Revised Laws by striking out said section and inserting in place thereof the following: **27. Business Name.** No person shall operate any dental office under any name other than the name of the dentist or dentists actually owning the practice. The provisions of this section shall not apply to any corporation which, upon the date of the passage of this act, was operating a dental office under a corporate title containing the name of the dentist or dentists actually owning the practice, so long as the corporate title shall continue to contain the name of the dentist or dentists from time to time actually owning the practice.

4. **Takes Effect.** This act shall take effect upon its passage.

[Approved April 14, 1949.]

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## CHAPTER 143.

### AN ACT RELATIVE TO OPERATION OF MOTOR VEHICLES BY AMPUTEES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Motor Vehicles.** Amend chapter 116 of the Revised Laws by inserting after section 12 the following new sections:

**12-a. Special Tags for Motor Vehicles of Amputees.** The commissioner shall furnish without charge for every motor vehicle owned by a veteran of World Wars I and II who, because of being an amputee, has received said motor vehicle from the United States government or whose vehicle is to replace one so received, a card or tag which may be attached to the visor or otherwise of said motor vehicle so that it may be read through the windshield when said motor vehicle is parked. The commissioner shall determine the form, shape and color of said identification tag or card and shall also determine the information to be contained on said card. **12-b. Parking.** Any motor vehicle carrying the identification tag or card provided for in section 12-a shall be allowed free parking time in any city or town so long as said motor vehicle is under the direct control of the owner.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 21, 1949.]

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## CHAPTER 144.

AN ACT AUTHORIZING THE SUPERIOR COURT TO APPOINT AUDITORS  
IN CERTAIN ACTIONS AT LAW.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Auditors, Appointment of, in Actions at Law.** Amend Revised Laws, chapter 395, section 1 by striking out said section and by substituting therefor the following: **1. Appointment.** Whenever in an action pending in the superior court an investigation of accounts or an examination of vouchers is necessary or the issues as to damages are complex and intricate, one or more auditors may be appointed to hear the parties, examine their vouchers and evidence, state the account or damages and report upon such matters therein as may be ordered by the court.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 21, 1949.]

## CHAPTER 145.

## AN ACT RELATIVE TO ALLEGATIONS OF MISCONDUCT IN DIVORCE PROCEEDINGS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Misconduct.** Amend chapter 339 of the Revised Laws by adding after section 33 the following new section: 34. **Third Parties.** Any person not a party to the proceedings who is accused of misconduct with the libelee in a libel or cross libel for divorce or petition or cross petition for legal separation shall be duly served seasonably with an attested copy of such libel or petition with the usual order of notice thereon. Such service shall not be required when it appears that said third party resides outside the state nor when said third party has been convicted of such misconduct with the libelee as charged in said libel or petition. Such third party, wherever he may reside, shall have the right to appear and be heard in said proceedings.

2. **Takes Effect.** This act shall take effect upon its passage but shall not apply to actions pending on the date of its passage.

[Approved April 21, 1949.]

## CHAPTER 146.

## AN ACT RELATING TO ENLARGING SCHOOLHOUSE LOTS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Schoolhouse Lots.** Amend section 16, chapter 141 of the Revised Laws by striking out said section and inserting in place thereof the following: 16. **Enlargement of Lot.** The school board may enlarge any existing lot used for school purposes upon such petition to it and proceedings thereon as are required to authorize it to determine the location for a schoolhouse.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved April 21, 1949.]

## CHAPTER 147.

AN ACT RELATING TO THE PURCHASE OF MILK OR CREAM FOR  
RESALE OR MANUFACTURE.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Purchase of Milk.** Amend section 1 of chapter 195 of the Revised Laws by striking out said section and inserting in place thereof the following: **1. License.** Every person who purchases milk or cream from producers within this state, to be either resold as milk or cream, or manufactured into other dairy products, shall first obtain a license and give security in accordance with sections 4 and 5; provided that no resident person, association or corporation, making such purchases and sales, shall be required to give security as long as payment for such purchases is made on or before the tenth day of each calendar month for milk and cream purchased and delivered during the first half of the previous month and on or before the twenty-fifth day of each calendar month for milk and cream purchased and delivered during the last half of the previous month; and provided further that satisfactory evidence of payment is filed with the commissioner on the tenth and twenty-fifth days of each calendar month; and provided further that the provisions of this section shall not apply to a producer-dealer making such purchases from not more than two producers within this state.

**2. Commissioner of Agriculture.** Amend section 8 of chapter 195 of the Revised Laws by striking out said section and inserting in place thereof the following: **8. Powers.** In administering this chapter the commissioner shall have the power to make rules and regulations, subpoena and examine, under oath, producers, distributors and any other person, their books, records, documents, correspondence and accounts, as he deems necessary to carry out the purposes and intent hereof.

**3. Failure to Make Payments.** Amend section 10 of chapter 195 of the Revised Laws by striking out said section and inserting in place thereof the following: **10. Forfeiture of Security.** If such licensee for the space of one day after the date upon which the payment of the several amounts due his vendors became due, fails to pay the amount due for milk or cream delivered or furnished by such creditor such licensee



shall by reason of such non-payment be in default as to all patrons whose accounts shall then remain unpaid, and the bond or other security hereinbefore provided for shall be forfeited to the extent of all sums then due from such licensee to his several patrons in this state and by virtue of such default the conditions of such bond or other securities shall be deemed to be broken.

**4. Authority of Commissioner.** Amend section 12 of chapter 195 of the Revised Laws by striking out said section and inserting in place thereof the following: **12. Proceedings for Recovery.** Upon breach of the condition of a bond, mortgage, or other security the commissioner may upon his own motion or upon application by a patron of a person whose account for products furnished such licensee remains unpaid as hereinbefore provided, institute appropriate proceedings thereon in his name as trustee for the benefit of all of the patrons of such licensee in this state to whom such licensee may be indebted at the time such proceedings shall be instituted. Such proceedings may be commenced in any county in this state where a patron of such licensee resides.

**5. Licenses.** Amend section 14 of chapter 195 of the Revised Laws by striking out said section and inserting in place thereof the following: **14. Suspension of License.** Upon breach of the condition of a bond, mortgage or other security, as provided in section 12, or failure to comply with the provisions of section 1 relative to furnishing satisfactory evidence of payments for purchases of milk or cream, the commissioner of agriculture may suspend the license of such licensee for such time as he may deem necessary.

**6. Further Requirements.** Amend section 9 of chapter 195 of the Revised Laws by striking out the word "therefor" in the first line and inserting in place thereof the words, for purchases of milk or cream, so that said section as amended shall read as follows: **9. Statements of Quantity.** At the time payment is made for purchases of milk or cream, such licensee shall furnish to each payee a statement of the quantity delivered or furnished by him during the period covered by the payment so made, together with the price allowed for the same.

**7. Takes Effect.** This act shall take effect upon its passage.

[Approved April 21, 1949.]

## CHAPTER 148.

AN ACT RELATIVE TO AIRPORT MANAGERS AND THEIR POWERS  
AND DUTIES.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Declaration of Purpose.** It is hereby found and declared that supervision and control of the operation of landing areas by an airport manager is necessary to protect and promote the public interest and safety in connection with the operation of aircraft.

**2. Airport Manager.** Amend chapter 306 of the Revised Laws by adding after section 17-b as inserted by section 6, chapter 281, Laws of 1947, the following new section: **17-c. Airport Manager.** The operation of any landing area licensed or registered under the provisions of this chapter shall be under the supervision and control of an airport manager and his authorized representatives approved by the commission. Said airport manager and his authorized representatives shall be deputized as law enforcement officers by appropriate officials in whose jurisdiction the landing area is located and shall have and exercise the powers and duties of such law enforcement officials in respect to all violations of law or rules and regulations occurring on or in the immediate vicinity of the landing area. The airport manager or his authorized representative shall have full power to close the airport against the takeoff of any aircraft when in his opinion the proposed flight cannot be conducted without endangering the life or property of others. Provided, that the power granted hereby shall not be used to prevent any flight which can be conducted in accordance with the then current federal and state regulations governing the operation of aircraft.

**3. Takes Effect.** This act shall take effect June 1, 1949.  
[Approved April 21, 1949.]

## CHAPTER 149.

AN ACT PROVIDING FOR ADDITIONAL APPROPRIATIONS FOR CERTAIN  
DEPARTMENTS FOR THE FISCAL YEAR ENDING  
JUNE 30, 1949.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Deficiency Appropriations.** The sum of three hundred twenty thousand seven hundred eighty-six dollars and seventy-one cents is hereby appropriated to meet deficits as follows: For forestry and recreation, forest fire bills to towns, twenty-seven thousand five hundred dollars; for state treasury, for bounties, ten thousand dollars, for highway division of the treasury for current expenses, two thousand dollars; for treasury general current expenses two thousand dollars; for longevity for state employees two thousand dollars; for employees retirement system, normal contribution, forty thousand nine hundred and fifty dollars; for adjutant general, eighteen thousand seven hundred dollars; for superintendent of buildings and grounds, seven thousand one hundred thirty-six dollars and seventy-one cents; for cancer commission, thirty-five thousand dollars; for state police, twenty thousand dollars; for comptroller, one thousand dollars; for executive department, emergency fund, one hundred forty-two thousand dollars; for constitutional convention, seven thousand five hundred dollars; for New Hampshire war records committee, five thousand dollars. Total deficiency appropriation, three hundred twenty thousand seven hundred eighty-six dollars and seventy-one cents. Two thousand dollars to be a charge upon the highway funds. Three hundred eighteen thousand seven hundred eighty-six dollars and seventy-one cents to be a charge upon funds not otherwise appropriated. The governor is hereby authorized to draw his warrant for the sums as above appropriated.

**2. Appropriation for Department of Agriculture.** The sum of three hundred eighty-one thousand dollars is hereby appropriated for the fiscal year ending July 1, 1949 and the additional sum of seventy thousand dollars for the said fiscal year. Said three hundred eighty-one thousand dollars is provided for the deficiency and said seventy thousand dollars is provided for supplemental needs of the department of agricul-

ture for indemnities in the eradication of Brucellosis (Bang's disease) and for bovine tuberculosis. The governor with the advice and consent of the council shall draw his warrant for the payment of this deficiency and for the supplemental needs of the department from the funds provided in section 3.

**3. Bonds and Notes Authorized.** To provide funds for the payment of the appropriation made under section 2, the state treasurer is hereby authorized, with the consent of the governor and council, to borrow such sums as are needed from time to time, not to exceed four hundred fifty-one thousand dollars, upon the credit of the state, and for that purpose may issue bonds or notes, in the name and on behalf of the state of New Hampshire, at a rate of interest to be payable semi-annually. Such bonds or notes shall be in such form and such denominations as the governor and council may determine, may be registerable as to both principal and interest, and shall be countersigned by the governor and shall be deemed a pledge of the faith and credit of the state.

**4. Records and Accounts.** The secretary of state and the state treasurer shall keep accounts of the bonds and notes issued under the provisions of section 3 as they are required to keep for the bonds and notes authorized by chapter 159 of the Laws of 1939 and chapter 137 of the Laws of 1945. The treasurer shall negotiate and sell such bonds or notes in the same manner as provided in said chapter 159, and chapter 137.

**5. Short-Time Notes.** Prior to the issuance of serial bonds or notes hereunder the treasurer, with the consent of the governor and council, for the purposes hereof may borrow from time to time on short-time loans which may be refunded by the issuance of bonds or notes hereunder provided, however, that at no time shall the indebtedness of the state on such short-time loans and said bonds or notes exceed the sum of four hundred and fifty-one thousand dollars.

**6. Takes Effect.** This act shall take effect upon its passage.

[Approved April 22, 1949.]

**CHAPTER 150.**

AN ACT RELATING TO PAYMENT OF POLL TAXES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Poll Taxes.** Amend section 3, chapter 116, Revised Laws, as amended by section 1, chapter 105, Laws of 1947, by striking out said section and inserting in place thereof the following: **3. Payment of Poll Tax Required.** No person shall be entitled to register a motor vehicle or to obtain an operator's license for the same, or to secure a hunting and fishing or trapping license, without showing to the issuing officer a tax collector's receipt for the payment of any poll tax for which he is liable for the preceding year, or making oath, or affirmation under the pains and penalties of perjury, that he has paid such taxes or has been lawfully relieved from such payment by reason of exemption or abatement; provided, however, that a permit or license may be issued if the selectmen or assessors certify that, in their opinion, the applicant should be granted such permit or license even though the taxes have not been paid.

2. **Repeal.** Section 4, chapter 247, Revised Laws, as amended by section 1, chapter 52, Laws of 1943, and section 3, chapter 117, Revised Laws, are hereby repealed.

3. **Takes Effect.** This act shall take effect upon its passage.

[Approved April 22, 1949.]

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**CHAPTER 151.**

AN ACT RELATING TO BINDER CHAINS ON LOADS OF LOGS,  
LUMBER AND TIMBER.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Motor Trucks, Trailers.** Amend chapter 119 of the Revised Laws by inserting after section 39 the following new section: **39-a. Binder Chains.** No motor truck, trailer or semi-trailer, while being used to transport a load of logs, lumber or timber, the height of which with load is greater

than eight feet and the length of whose load is greater than eight feet shall be operated on the highways of this state unless each such load on each such unit is bound by three chains and binders, said chains made of not less than three-eighths inch wire, and unless said chains and binders are held firmly in place and are properly spaced to secure the load.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 22, 1949.]

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## CHAPTER 152.

### AN ACT RELATIVE TO WORKMEN'S COMPENSATION, CLARIFYING FINANCIAL RESPONSIBILITY AND THE PAYMENT OF COMPENSATION.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Workmen's Compensation.** Amend section 8 of chapter 216 of the Revised Laws as inserted by chapter 266 of the Laws of 1947 by striking out in the sixth line the word "commission" and inserting in place thereof the word, commissioner; further amend said section by striking out in the seventh and eighth lines the words "notice of such insurance, together with a copy of policy declarations" and inserting in place thereof the words, such evidence of such coverage as he may determine, so that said section as amended shall read as follows: **8. Securing Compensation.** Employers subject to this chapter shall secure compensation to their employees in one of the following ways: **I.** By insuring and keeping insured, the payment of such compensation with a company licensed to write workmen's compensation insurance in the state and filing with the commissioner of labor, in a form prescribed by him, such evidence of such coverage as he may determine.

**II.** By furnishing to the commissioner of labor satisfactory proof of financial ability to pay direct the compensation in the amounts and manner and when due as herein provided.

**2. Compensation for Death.** Amend paragraph I, section 20, chapter 216 of the Revised Laws as inserted by chapter 266

of the Laws of 1947 by striking out the word "its" in the fourth line and inserting in place thereof the word, his, so that said section as amended shall read as follows: I. In all cases where compensation is payable to a widow or widower for the benefit of herself or himself and dependent child or children, the commissioner of labor shall have power to determine in his discretion what portion of the compensation shall be applied for the benefit of any such child or children and may order the same paid to a guardian.

**3. Computation.** Amend section 25, chapter 216 of the Revised Laws, as inserted by chapter 266, Laws of 1947, by striking out the word "sections" in the second line and inserting in place thereof the word, section, so that said section as amended shall read as follows: **25. Computation.** The compensation paid under the provisions of section 24 shall be in lieu of any and all compensation due under any other provisions of this chapter, except that if the total compensation to which the employee is entitled under the provisions of this chapter, exclusive of said section 24, exceeds the compensation provided under said section 24 said employee shall be entitled to such compensation in lieu of the compensation due under section 24.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved April 22, 1949.]

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### CHAPTER 153.

AN ACT EMPOWERING THE SUPERIOR COURT TO MAKE ORDERS FOR SUPPORT IN CERTAIN CASES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Non-Support.** Whenever a person residing in this state fails to provide for the support of any other person wherever resident to whom the duty of support is owed under any law of this state or would be owed if such other person were a resident of this state, the superior court, upon petition of the person to whom the duty is owed or of any public agency assisting in the support of such person, and such procedure

thereon as in divorce cases, may make such orders for support as justice may require.

**2. Non-Resident.** Whenever the person to whom the duty of support is owed resides in another state, the petition may be filed in the court of the state of residence having jurisdiction over petitions for support, and upon a certification by a judge thereof that the petitioner appears to be in need of support, the clerk of such court may send an attested copy of the petition to the clerk of the superior court for the county in this state in which the petitionee resides. The clerk of the superior court shall file the petition and shall forthwith notify the county solicitor thereof.

**3. Superior Court.** Whenever the person who owes the duty to support resides in another state, the petition may be filed in the superior court of the county in this state in which the petitioner resides, and upon a certificate by a judge thereof that the petitioner appears to be in need of support, the clerk of court shall send an attested copy of the petition to the clerk of the court of the state having jurisdiction of petitions for support, within whose jurisdiction the petitionee resides.

**4. Revision of Orders.** Upon motion, and notice to the petitionee and to the county solicitor, or upon a new petition by either party and like procedure thereon, the court may modify and revise its orders and decrees.

**5. Temporary Order.** At any time after the filing of a petition for support, and before final hearing, the court may, on satisfactory affidavits or other proofs, order a temporary allowance to be paid to or for the petitioner, pending a hearing on the merits of the petition.

**6. Attachment.** Upon such petition an attachment of the petitionee's property may be made as in the case of a libel for divorce and the court may make interlocutory orders therein as in divorce cases and its orders shall be enforced in like manner.

**7. Evidence.** The formal rules of evidence shall not be applicable, but the court may admit such evidence as in its reasonable discretion it deems proper. Ex parte affidavits or depositions may be admitted, but in such case upon the request of either party, depositions may be ordered by the court and the hearing continued for a reasonable time.



8. **Appeal.** Any order for support made by the court shall not be vacated by an appeal, but shall continue in effect until the appeal is decided, and thereafter if the appeal is denied, until changed by further order of the court.

9. **Nature of Remedy.** The remedies afforded by this act shall be cumulative.

10. **County Solicitor.** It shall be the duty of the county solicitor to represent the petitioner in any petition filed under this chapter, and all costs incurred shall be paid as ordered by the court.

11. **Construction.** This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

12. **Takes Effect.** This act shall take effect upon its passage.

[Approved April 23, 1949.]

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## CHAPTER 154.

### AN ACT RELATING TO THE PRACTICE OF EMBALMING AND FUNERAL DIRECTING.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Qualifications.** Amend section 13 of chapter 168 of the Revised Laws by striking out said section and inserting in place thereof the following: 13. **Embalmers.** No person shall embalm dead human bodies or engage or hold himself out as engaged in embalming whether on his own behalf or in the employ of another, unless he shall be at least twenty-one years of age, a citizen of the United States, be of good moral character, shall hold a diploma or certificate showing completion of a high school course or its equivalent, shall have completed a two-year course in apprenticeship under the supervision and instruction of a duly registered embalmer actively engaged in embalming in this state and shall have completed a full course of instruction in an embalming school maintaining at that time a standard satisfactory to the board, and pass such examinations as the board may deem proper to ascertain his efficiency and qualifications to engage in embalm-

ing, and obtain a certificate of registration from the board to that effect. Provided, however, that a one-year apprenticeship only shall be required of any person now registered as an apprentice or now attending an embalming school as aforesaid.

**2. Issuance of Certificates.** Amend section 15 of chapter 168 of the Revised Laws by striking out the same and inserting in place thereof the following: **15. Corporations, etc.** The board, after notice and hearing, may issue an embalmer's or funeral director's certificate, or both, to a corporation or a partnership when one or more of its officers or partners is actually engaged in the conduct of the business and is the holder of an embalmer's or funeral director's certificate, or both, and the officers of the corporation and the partners are financially responsible and of good moral character, and may revoke the certificate when the board is satisfied that the corporation or its officers or employees or the partners or their employees are not of good moral character or are guilty of incompetency or unprofessional conduct.

**3. Take Effect.** This act shall take effect upon its passage.

[Approved April 23, 1949.]

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## CHAPTER 155.

### AN ACT PROVIDING FOR NOTICE TO MORTGAGEE BY THE TAX COLLECTOR.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Collection of Taxes.** Amend section 25 of chapter 80 of the Revised Laws, as amended by chapter 187, Laws of 1947, by striking out the whole of said section and inserting in place thereof the following: **25. Notice to Mortgagee.** The purchaser of any real estate sold by a collector of taxes, within thirty days from the date of such sale, shall notify all persons holding mortgages upon such property as recorded in the office of the register of deeds. Whenever a town becomes such a purchaser and the selectmen thereof determine that one or more outstanding mortgages exist, they may direct the collector of

taxes to give such notice to any mortgagee, and the collector shall thereupon be entitled to receive the same fees as provided in section 30 for notifying any mortgagee of a payment after sale. Such notice shall give the date of the tax sale, the name of the delinquent taxpayer, the total amount for which said real estate was sold and the amount of costs for notifying mortgagees. As provided in section 30 of this chapter, the tax collector shall send a similar notice to any mortgagee within fifteen days of the time of payment of any subsequent tax thereon by the purchaser. Any tax sale of such encumbered real estate shall be void as against any mortgagee and no tax collector's deed based on said sale shall be valid unless the mortgagees shall have been notified in the manner provided in section 26, but the tax and any subsequent tax payments made upon the property by the purchaser, duly recorded under the provisions of section 30, shall be collectible and payment may be enforced by suit under the provisions of section 43.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 25, 1949.]

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## CHAPTER 156.

### AN ACT RELATIVE TO FACTORS LIENS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Factors Liens.** Amend section 1 of chapter 262-A of the Revised Laws as inserted by chapter 161, Laws of 1943, by striking out the words "There shall be placed and maintained on the door or in a conspicuous place at the main entrance of the store, loft or other premises in or at which such merchandise, or any part thereof, shall be located, kept or stored, a sign on which appears in legible English the name of the factor and a designation of said factor as factor; and provided further" in the twentieth to twenty-sixth lines; and further amend said section by inserting before the word "known" in the thirty-sixth line the word, is; and further amend said section by inserting after the word "time" in line

thirty-nine the words, whether definite or indefinite, so that said section as amended shall read as follows: **1. Factors Liens.** If so provided by any written agreement, all factors shall have a continuing general lien upon all merchandise from time to time consigned to or pledged with them, whether in their constructive, actual or exclusive occupancy or possession or not, and upon any accounts receivable or other proceeds resulting from the sale or other disposition of such merchandise, for all their loans and advances to or for the account of the person creating the lien (hereinafter called the borrower), together with interest thereon, and also for any commission, charges, and expenses properly chargeable against or due from said borrower and for the amount due upon any notes or other obligations given to or received by them for or on account of any such loans or advances, interest, commission, charges, and expenses, and such lien shall be valid from the time of filing the notice hereinafter referred to, and whether such merchandise shall be in existence at the time of the agreement creating the lien or at the time of filing such notice or shall come into existence subsequently thereto or shall subsequently thereto be acquired by the borrower; provided, that a notice of the lien is recorded, as hereinafter provided, stating:

a. The name of the factor, the name under which the factor does business, if an assumed name; the principal place of business of the factor within the state, or if he has no place of business within the state, his principal place of business outside of this state; and if the factor is a partnership or association, the names of the partners, and if a corporation, the state under whose laws it was organized.

b. The name of the borrower, and the interest of such person in the merchandise, as far as is known to the factor.

c. The general character of merchandise subject to the lien, or which may become subject thereto, and the period of time, whether definite or indefinite, during which such loans or advances may be made under the terms of the agreement providing for such loans or advances and for such lien. Amendments of the notice may be recorded from time to time specifying any changes in the information contained in the original or prior notices.

2. **Borrower.** Amend section 2 of said chapter 262-A by striking out all of said section and inserting in place thereof the following: 2. **Record.** Such notice shall be signed and verified under oath by the factor or his agent and by the borrower or his agent to the effect that the statements therein contained are true to the best of their knowledge. It shall be recorded in the office of the town clerk where the borrower resides, if the borrower is a resident of this state, otherwise in the office of the town clerk where such merchandise is located. The clerk of said town shall, when such notice is filed or left for record, endorse thereon a certificate of the date and time of day of its reception and shall record in a book kept for records of mortgages of personal property any such notice, amendments of notice, transfer or discharge thereof. The names of the factor and borrower shall be indexed in the same manner as, and along with, the index of mortgagors and mortgagees of personal property.

3. **Liens.** Amend said chapter 262-A by inserting after section 4 the following new section: 4-a. **Assignment, Foreclosure.** A lien on merchandise created in accordance with the provisions of this chapter may be assigned, redeemed or foreclosed in the same manner as mortgages of personal property or in such manner as is provided for in the written agreement between the factor and the borrower.

4. **Takes Effect.** This act shall take effect upon its passage.

[Approved April 26, 1949.]

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## CHAPTER 157.

AN ACT RELATING TO APPEALS FROM TAXES ASSESSED AGAINST  
INSURANCE COMPANIES BY THE INSURANCE  
COMMISSIONER.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Appeal From Taxes Assessed Against Insurance Companies.** Amend chapter 323 of the Revised Laws as amended by chapter 71 of the Laws of 1945 by inserting after section 61 the following new sections: 61-a. **Petition.** Any insurance

company authorized to do business in this state, having complied with the provisions of chapter 323 of the Revised Laws, as amended by chapter 71 of the Laws of 1945, which shall deem itself aggrieved by reason of any tax assessed against it by the insurance commissioner, may apply within one year after notice of any tax assessed against it, and not afterwards, by petition to the superior court in and for the county of Merrimack for an abatement of so much thereof as it may claim to have been unlawfully assessed against it. **61-b. Order by Court.** Such petition shall be entitled against the insurance commissioner and all orders of notice therein shall be served upon the insurance commissioner. In any such action the superior court after hearing shall make such order as justice may require and may order the insurance commissioner to credit the petitioner in any tax assessment thereafter made against the petitioner with any amount found to have been illegally assessed against and paid by the petitioner, with interest thereon at such rate as the court may deem just.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 26, 1949.]

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## CHAPTER 158.

### AN ACT TO PROVIDE FOR VOTING BY BALLOT ON TRANSFERRING POWERS OF COLLECTOR OF TAXES TO TOWN MANAGER.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Town Manager.** Amend chapter 55 of the Revised Laws by inserting after section 16, as inserted by section 2, chapter 236, Laws of 1947, the following new section: **17. Ballot Vote.** Any vote taken under the provisions of section 16 shall be by ballot. If the town wherein such action is to be taken has adopted an official ballot system, and has previously adopted the provisions of chapter 55, the clerk shall add to the ballot the following question: "Shall the powers and duties of the office of collector of taxes be trans-

ferred from said office to that of town manager?" The question shall be followed by two squares, above which shall appear the word "yes" and the word "no" respectively.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 26, 1949.]

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## CHAPTER 159.

AN ACT PROVIDING FOR REVOCATION OF ACCEPTANCE OF  
WORKMEN'S COMPENSATION IN CERTAIN CASES.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Workmen's Compensation.** Amend chapter 216 of the Revised Laws as inserted by chapter 266 of the Laws of 1947 by inserting after section 3 the following new section: **3-a. Revocation.** Any employer of less than five persons or of farm labor or domestic servants or any county, city, town, school district, or any other district established by law, may revoke his or its acceptance of the provisions of this chapter by filing a revocation with the labor commissioner which shall be effective thirty days after such filing and by posting a notice of such revocation in a conspicuous place on his or its premises.

**2. Takes Effect.** This act shall become effective July 1, 1949.

[Approved April 26, 1949.]

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## CHAPTER 160.

AN ACT RELATIVE TO WORKMEN'S COMPENSATION, CLARIFYING  
LIABILITY OF THIRD PERSON.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Liability of Third Person.** Amend section 12 of chapter 216 of the Revised Laws as inserted by chapter 266 of the Laws of 1947 by inserting after the word "compensation" in the tenth and the twenty-ninth lines the words, medical,

hospital or other remedial care, so that said section as amended shall read: **12. Liability of Third Person.** When an injury for which compensation is payable under the provisions of this chapter has been sustained under circumstances creating in some person other than the employer a legal liability to pay damages in respect thereto, the injured employee, in addition to the benefits of this chapter, may obtain damages from or proceed at law against such other person to recover damages; provided, however, that the employer shall have a lien on the amount of damages recovered by the employee, less the expenses and costs of action, to the extent of the compensation, medical, hospital or other remedial care already paid, or agreed or awarded to be paid by the employer under this chapter. No settlement by an employee of his claim for damages at law against such third person shall be binding until approved by the commissioner of labor, who shall make provisions for payment to the employer of the amount of his lien. If such settlement shall occur during the actual trial of an action at law, or the action shall go to judgment against such third person, the court before which such action is tried shall have and exercise all the powers of the commissioner of labor relative to the approval of such settlement and the making of necessary orders to insure payment to the employer of the amount of his lien. In any case in which the employee neglects to exercise his right of action by failing to proceed at law against such third person for a period of nine months after said injury, the employer may so proceed and shall be subrogated to the rights of the injured employee to recover against such third person, provided, if the employer recovers from such other person damages in excess of the compensation, medical, hospital or other remedial care already paid, or agreed or awarded to be paid under the provisions of this chapter, then any such excess shall be paid to the injured employee, less the employer's expenses and costs of action. The procedure for approval of settlements and safeguarding rights of the employee in such cases shall be the same as is provided for protecting rights of the employer in cases of settlements made or actions at law brought by the employee under this section.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 26, 1949.]



## CHAPTER 161.

AN ACT RELATIVE TO TOWN APPROPRIATIONS FOR HOSPITALS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Town Appropriations.** Amend paragraph VI of section 4 of chapter 51 of the Revised Laws by striking out said paragraph and inserting in place thereof the following: **VI. Hospitals, Clinics, Health Centers.** To aid hospitals or clinics or health centers in it or in a neighboring town, which neighboring town may be within or without the state.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved April 26, 1949.]

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CHAPTER 162.

AN ACT RELATIVE TO THE SALARIES OF THE COMMISSIONERS OF HILLSBOROUGH COUNTY.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Hillsborough County.** Amend section 27 of chapter 47 of the Revised Laws, as amended by chapters 119, 150, 195 and 202 of the Laws of 1943, by section 1 of chapters 66 and 163 of the Laws of 1945, by section 1 of chapters 202 and 284 of the Laws of 1947 and by chapter 73 of the Laws of 1949, by striking out said section and inserting in place thereof the following: **27. Commissioners.** The annual salary of each commissioner of the following counties shall be as follows, payable monthly by the county:

In Rockingham, fifteen hundred dollars.

In Strafford, twelve hundred dollars.

In Belknap, twelve hundred dollars.

In Merrimack, fifteen hundred dollars.

In Hillsborough, three thousand dollars.

In Cheshire, fifteen hundred dollars.

In Sullivan, ten hundred dollars.

In Grafton, ten hundred dollars.

In Coos, fifteen hundred dollars.

In Carroll county each commissioner, when employed in the business of the county, shall receive eight dollars a day, payable as hereinbefore provided. To the foregoing sums shall be added, in all the counties, a reasonable sum for all necessary expenses, upon order of the county auditors.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 26, 1949.]

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## CHAPTER 163.

### AN ACT RELATIVE TO TAXATION OF PROPERTY.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Taxation.** Amend section 5 of chapter 74 of the Revised Laws by inserting after the word "elsewhere" in the third line the words, in this state, so that said section as amended shall read as follows: **5. Removal of Property.** Any person going into any town in this state, and taking with him any property upon which a tax has not been assessed and paid elsewhere in this state for that year, and doing business therein with such property after April first and before December thirty-first of any year, shall be taxed on such property in such town as in the cases of persons who have escaped taxation.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 27, 1949.]

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## CHAPTER 164.

### AN ACT AUTHORIZING THE SALE OF CERTAIN PROPERTY OF THE STATE IN THE TOWN OF DORCHESTER.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Authority Conferred.** The governor and council on behalf of the state of New Hampshire are hereby authorized and

empowered to sell and convey to James A. Spead for the sum of fourteen hundred dollars all right, title and interest which said state of New Hampshire has acquired by escheat in and to the following described premises, to wit: Farm of sixty-five acres more or less with the buildings thereon in the town of Dorchester formerly belonging to the estate of Rose Champagne who died August 31, 1943. Said farm was formerly known as the Gilman-Dow farm. The proceeds from the sale of the above premises shall be turned into the state treasury to be available for the general revenue of the state.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 27, 1949.]

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## CHAPTER 165.

### AN ACT RELATIVE TO COMPETITIVE BIDDING FOR COUNTY PURCHASES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. County Purchases.** Amend section 8 of chapter 47 of the Revised Laws by striking out the word "fifty" where it occurs in the second and the eighth lines and inserting in place thereof the words, three hundred, so that said section as amended shall read as follows: **8. Competitive Bidding.** Any purchase of equipment or materials made by a county in an amount exceeding three hundred dollars shall be by competitive bidding, provided that the county commissioners by unanimous vote may waive the provisions for such bidding. In case the commissioners so vote a copy of such action shall be recorded in their offices with a statement of the reasons therefor and such record shall be open to public inspection. Orders for equipment or material to be delivered at different times where the single delivery may be less than three hundred dollars but the total order exceeds that amount shall be construed as coming within the provisions hereof requiring competitive bidding.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 27, 1949.]

## CHAPTER 166.

AN ACT RELATING TO THE NEW HAMPSHIRE MOTOR CARRIER ACT.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Definition of Terms.** Amend paragraph VII of section 2 of chapter 304 of the Revised Laws by striking out the words "seven passengers" in the fifth line and inserting in place thereof the words, four persons, so that said paragraph as amended shall read as follows: VII. The term "contract carrier of passengers" means any person engaged in the transportation of passengers by motor vehicle for compensation for a particular person or persons to or from a particular place under separate agreement or agreements in vehicles having a manufacturer's rated seating capacity of more than four persons.

**2. Taxicabs.** Amend section 2 of chapter 304 of the Revised Laws by adding at the end thereof the following new paragraph: XI. The term "taxicabs means any rubber-tired motor vehicle having a manufacturer's rated seating capacity of not more than seven persons, used in the call and demand transportation of passengers for compensation to or from points chosen or designated by the passengers and not operated on a fixed schedule between fixed termini or any such vehicle leased or rented, or held for leasing or renting; with or without drivers or operators.

**3. Exemptions.** Amend section 3 of chapter 304 of the Revised Laws by striking out said section and inserting in place thereof the following: **3. Exemptions.** There shall be exempt from the provisions of this chapter (1) motor vehicles while employed solely in transporting school children and teachers to or from the school for which such arrangements are within the supervision or control of the local or appropriate state school board authorities; or (2) taxicabs, and other motor vehicles having a manufacturer's rated seating capacity of not more than seven persons, unless, after investigation, the commission shall be of the opinion that the service provided is in competition with the schedules of a common carrier by highway or railroad; or (3) motor vehicles owned or operated by hotels which are used exclusively for the transportation of hotel patrons between hotels and local rail-

road or other common carrier stations; or (4) motor vehicles while engaged exclusively in work for any branch of the government of the United States or for any department of this state, or for any county, city, town or village; or (5) motor vehicles while engaged exclusively in the delivery of the United States mail.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved April 28, 1949.]

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## CHAPTER 167.

AN ACT RELATIVE TO SERVICE EXEMPTION FOR WAR VETERANS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. War Veterans.** Amend section 29, chapter 73 of the Revised Laws as amended by chapter 174, Laws of 1943, by chapter 4, Laws of 1944 and chapter 240, Laws of 1947, by striking out said section and inserting in place thereof the following: **29. Service Exemption.** Every resident of this state who served not less than ninety days in the armed forces of the United States in any of the following wars or armed conflicts, the Spanish War, Philippine Insurrection, Boxer Rebellion, World War I or World War II, as hereinafter defined, (except those dishonorably discharged from such service) or the spouse of such resident, or the widow of such resident, and every resident, or the spouse of such resident, whose services were terminated for a service-connected disability, and the widow of any resident who suffered a service-connected death, in consideration of such service, shall be exempt each year from taxation upon his or her taxable property as assessed by the selectmen, to the value of one thousand dollars, provided such person and spouse do not own taxable property in this state, exclusive of *bona fide* encumbrances of record thereon, to the value of more than five thousand dollars. The following terms as used in this section shall be construed as follows:

(1) "Spanish War" between April 21, 1898 and April 11, 1899.

(2) "Philippine Insurrection" between April 12, 1899 and July 4, 1902 extended to July 15, 1903 for service in the Moro Provinces.

(3) "Boxer Rebellion" between June 16, 1900 and May 12, 1901.

(4) "World War I" between April 6, 1917 and November 11, 1918 extended to April 1, 1920 for service in Russia, provided that reenlistment in military or naval service on or after November 12, 1918 and before July 2, 1921 where there was prior service between April 6, 1917 and November 11, 1918, shall be considered as World War I service.

(5) "World War II" between December 7, 1941 and December 31, 1946.

**2. Proration of Exemption.** Further amend said chapter 73 of the Revised Laws as inserted by chapter 240 of the Laws of 1947 by inserting in section 29-a after the word "therein" in the fourth line thereof the phrase, with other persons so entitled, so that the same shall read as follows: **29-a. Proration of Exemption.** If any entitled person or persons shall own a fractional interest in taxable property, each such entitled person shall be granted exemption in proportion to his interest therein with other persons so entitled, but in no case shall the total exemption exceed one thousand dollars, except as provided in section 29-b.

**3. State Tax Commission.** Further amend said chapter 73 of the Revised Laws as amended by chapter 240 of the Laws of 1947 by inserting after section 29-g the following new section: **29-h. Interpretations and Regulations.** The state tax commission is hereby authorized and empowered to make such reasonable interpretations and constructions of sections 29 through 29-g, subject to the approval of the attorney general, as will carry out the spirit and purpose of said sections and to make such reasonable rules and regulations as will insure a uniformity of observance and enforcement of said provisions throughout the state.

**4. Burial of Veterans.** Amend section 16, chapter 124 of the Revised Laws as amended by chapter 102 of the Laws of 1943, chapter 88, Laws of 1945, chapter 214, Laws of 1947, and chapter 28, Laws of 1949, by striking out the same and inserting in place thereof the following: **16. Burial Expenses.** Whenever any member or former member of the

armed forces of the United States, who served in any of the following wars or armed conflicts, the Spanish War, Philippine Insurrection, Boxer Rebellion, World War I or World War II, as defined in section 16-a, for a total period of ninety days (unless sooner released from such service by reason of disability incurred in service) and whose services were terminated under conditions other than dishonorable, dies and the commander and adjutant of any recognized veterans organization of which he was a member, or the majority of the selectmen of the town or the mayor of the city in which such veteran dies, if he or she was not a member of such organization, shall certify under oath to the state veterans' council that such veteran did not leave sufficient estate to pay the expenses of his or her funeral, the governor shall draw a warrant in favor of the commander or adjutant, selectmen, or mayor, for a sum not exceeding one hundred dollars to defray such burial expenses, provided that the total amount of the funeral expense does not exceed four hundred dollars. Within one year from the time of burial of said veteran an account, verified by vouchers, of the sums so spent for burial expenses shall be sent to the state veterans' council by said commander, adjutant, selectmen, city council or mayor. Whoever neglects or refuses to furnish said account shall be fined ten dollars.

5. **Wars.** Amend chapter 124 of the Revised Laws by inserting after section 16 the following new section: **16-a. Definition of Terms.** The following terms as used in section 16 shall be construed to mean service between the following dates:

I. "Spanish War" between April 21, 1898 and April 11, 1899.

II. "Philippine Insurrection" between April 12, 1899 and July 4, 1902 extended to July 15, 1903 for service in the Moro Provinces.

III. "Boxer Rebellion" between June 16, 1900 and May 12, 1901.

IV. "World War I" between April 6, 1917 and November 11, 1918 extended to April 1, 1920 for service in Russia, provided that reenlistment in military or naval service on or after November 12, 1918 and before July 2, 1921 where there

was prior service between April 6, 1917 and November 11, 1918, shall be considered as World War I service.

V. "World War II" between December 7, 1941 and December 31, 1946.

6. **Takes Effect.** This act shall take effect upon its passage.

[Approved April 28, 1949.]

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## CHAPTER 168.

### AN ACT RELATING TO CONVERSION BETWEEN STATE BUILDING AND LOAN ASSOCIATIONS AND FEDERAL SAVINGS AND LOAN ASSOCIATIONS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Building and Loan Associations.** Amend chapter 314 of the Revised Laws by adding at the end thereof the following new subdivision:

#### **Conversion.**

42. **Conversion Into Federal Savings and Loan Associations.** Any building and loan association or cooperative bank of this state either of which is hereinafter referred to as association, doing a home-financing business may convert itself into a federal savings and loan association in accordance with the provisions of section 5 of the Federal Home Owners' Loan Act of 1933, as now or hereafter amended, upon a vote of fifty-one per cent or more of the votes of the members present and voting at an annual meeting or at a special meeting called to consider such action; notice of such meeting to vote on conversion shall be mailed at least twenty and not more than thirty days prior to the date of the meeting to each member of record at his last known address as shown on the books of the association. A copy of the minutes of the proceedings of such meeting of the members, verified by the affidavit of the secretary or an assistant secretary, shall be filed in the office of the bank commissioner within ten days after the date of such meeting. Such certified copy of the proceedings of such meeting, when so filed, shall be presumptive evidence of



the holding and action of such meeting. Within three months after the date of such meeting, the association shall take such action in the manner prescribed and authorized by the laws of the United States as shall make it a federal savings and loan association.

**43. Filing of Charter.** There shall be filed with the bank commissioner a copy of the charter issued to such federal savings and loan association by the federal home loan bank board or a certificate showing the organization of such association as a federal savings and loan association, certified by the secretary or assistant secretary of the federal home loan bank board. A copy of the charter, or of such certificate, shall be filed by the association with the secretary of state and with the office of the clerk of the town in which the association conducts its business. Any failure to file any such instruments as aforesaid shall not affect the validity of such conversion. Upon the grant to any association of a charter by the federal home loan bank board, the association receiving such charter shall cease to be an association incorporated under this chapter and shall no longer be subject to the supervision and control of the bank commissioner.

**44. Corporate Existence Continued.** Upon the conversion of any association into a federal savings and loan association, the corporate existence of such association shall not terminate, but such federal association shall be deemed to be a continuation of the entity of the association so converted and all property of the converted association, including its rights, titles, and interests in and to all property of whatsoever kind, whether real, personal, or mixed, and things in action, and every right, privilege, interest, and asset of any conceivable value or benefit then existing, or pertaining to it or which would inure to it, shall immediately by act of law and without any conveyance or transfer and without any further act or deed remain and be vested in and continue and be the property of such federal association into which the state association has converted itself, and such federal association shall have, hold and enjoy the same in its own right as fully and to the same extent as the same was possessed, held and enjoyed by the converting association, and such federal association as of the time of the taking effect of such conversion shall continue to have and succeed to all the rights, obligations, and

relations of the converting association. All pending actions and other judicial proceedings to which the converting state association is a party shall not be deemed to have been abated or to have been discontinued by reason of such conversion, but may be prosecuted to final judgment, order, or decree in the same manner as if such conversion into such federal association had not been made and such federal association resulting from such conversion may continue such action in its corporate name as a federal association, and any judgment, order or decree may be rendered for or against it, which might have been rendered for or against the converting state association therefore involved in such judicial proceedings.

**45. Previous Conversion.** Any building and loan association or cooperative bank, which has heretofore converted itself into a federal savings and loan association under the provisions of the Federal Home Owners' Loan Act of 1933 and has received a charter from the federal home loan bank board, shall hereafter be recognized as a federal savings and loan association, and its federal charter shall be given full credence by the courts of this state to the same extent as if such conversion had taken place under the provisions of this subdivision; provided, however, that the foregoing requirements with respect to the filing with the bank commissioner of a copy of the federal charter or a certificate showing the organization of such association as a federal savings and loan association shall be complied with. All such conversions are hereby ratified and confirmed, and all the obligations of such an association which has so converted shall continue as valid and subsisting obligations of such federal savings and loan association, and the title to all of the property of such an association shall be deemed to have continued and vested, as of the date of the issuance of such federal charter, in such federal savings and loan association as fully and completely as if such conversion had taken place since the enactment of this subdivision pursuant thereto.

**46. Conversion into State-Chartered Association.** Any federal savings and loan association may convert itself into a building and loan association or a cooperative bank under this subdivision upon a vote of fifty-one per cent or more votes of members of such federal savings and loan association present and voting at an annual meeting or at any special meeting

called to consider such action; notice of such meeting to vote on conversion shall be mailed at least twenty and not more than thirty days prior to the date of the meeting to each member of record at his last known address as shown on the books of the associations.

**47. Filing of Minutes.** Copies of the minutes of the proceedings of such meeting of members, verified by the affidavit of the secretary or an assistant secretary, shall be filed in the office of the bank commissioner and mailed to the federal home loan bank board, Washington, D. C., within ten days after such meeting. Such verified copies of the proceedings of the meeting when so filed shall be presumptive evidence of the holding and action of such meeting. At the meeting at which conversion is voted upon, the members shall also vote upon the directors who shall be the directors of the state-chartered association after conversion takes effect. Such directors shall then execute two copies of the articles of agreement provided for in this chapter. The bank commissioner may insert in the articles of agreement the following: "This association is incorporated by conversion from a federal savings and loan association." The directors chosen for the association shall all sign and acknowledge the articles of agreement as subscribers thereto.

**48. Application.** The provisions of this chapter shall, so far as applicable, apply to such conversion.

**49. Regulations.** The bank commissioner may provide, by regulation, for the procedure to be followed by any such federal savings and loan association converting into a state building and loan association or cooperative bank under this subdivision.

**50. Federal Conversion.** Upon the conversion of a federal savings and loan association into a state building and loan association or cooperative bank, the corporate existence of such association shall not terminate, but such state association shall be deemed to be a continuation of the entity of the association so converted and all property of the converted association, including its rights, titles and interests in and to all property of whatsoever kind, whether real, personal, or mixed, and things in action, and every right, privilege, interest, and asset of any conceivable value or benefit then existing, or pertaining to it, or which would inure to it, shall immediately

by act of law and without any conveyance or transfer and without any further act or deed remain and be vested in and continue and be the property of such state association into which the federal association has converted itself, and such state association shall have, hold and enjoy the same in its own right as fully and to the same extent as the same was possessed, held and enjoyed by the converting association, and such state association as of the time of the taking effect of such conversion shall continue to have and succeed to all the rights, obligations, and relations of the converting association. All pending actions and other judicial proceedings to which the converting federal association is a party shall not be deemed to have been abated or to have been discontinued by reason of such conversion, but may be prosecuted to final judgment, order or decree in the same manner as if such conversion had not been made and such state association resulting from such conversion may continue such action in its corporate name as a state association, and any judgment, order or decree may be rendered for or against it, which might have been rendered for or against the converting federal association theretofore involved in such judicial proceedings.

**51. Power to Merge.** A state building and loan association or cooperative bank resulting from the conversion of a federal association may merge with another state association with the written approval and upon the terms prescribed by the bank commissioner.

**2. Repeal.** Section 38 of chapter 314 of the Revised Laws relative to meetings of officers of building and loan associations is hereby repealed.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved April 28, 1949.]

**CHAPTER 169.****AN ACT RELATING TO A ROAD USE TAX FOR CERTAIN  
OUT-OF-STATE VEHICLES.**

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Out-of-State Vehicles.** Amend chapter 120 of the Revised Laws as amended by chapter 65 of the Laws of 1943 by inserting after section 19 the following new section: **19-a. Imposition of Road Use Tax.** When under the laws of any other state any taxes, fines, penalties, licenses, fees, deposits or other obligations or prohibitions, additional to any imposed by this state upon any class of private or public motor vehicles not registered in such state are imposed upon any class of private or public motor vehicles registered in this state and their owners and operators traveling upon the public highways of such state, the same taxes, fines, penalties, licenses, fees, deposits or other obligations or prohibitions shall be imposed upon all similar classes of private or public motor vehicles registered in such state and traveling upon the public highways of this state so long as such laws shall remain in force. The commissioner may make such rules and regulations as are necessary to carry out the purposes of this act.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 3, 1949.]

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**CHAPTER 170.****AN ACT RELATING TO THE EXPIRATION OF LICENSES TO  
OPERATE MOTOR VEHICLES.**

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Licenses.** Amend section 8 of chapter 117 of the Revised Laws by striking out said section and inserting in place thereof the following: **8. Expiration.** All licenses to operate a motor vehicle which expire on March 31, 1950 shall continue in full force, effect and validity until the anniversary

of the date of birth of the license holder next following the date of March 31, 1950. All licenses to operate motor vehicles issued after March 31, 1950 shall expire annually on the anniversary of the license holder's date of birth. The anniversary of the date of birth of any license holder born on February 29 shall, for the purpose of this section during the years when there is no February 29, expire on March 1.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved May 3, 1949.]

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## CHAPTER 171.

### AN ACT RELATIVE TO THE BOARD OF PAROLE.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Board of Parole.** Amend section 28 of chapter 429 of the Revised Laws by striking out said section and inserting in place thereof the following: **28. State Board of Parole.** The board of trustees of the state prison shall constitute the state board of parole. Said board shall have the legal custody of all prisoners released upon parole until they receive their discharge or are remanded to prison, and shall make such rules and regulations relative to the performance of the duties of the parole officers as in its judgment are advisable. Each member of the board of parole, except the ex-officio members, shall be paid the sum of eight dollars a day for such time as he is engaged in his duties as a member of said board. Said board shall keep a record of all its doings, and shall report thereon to the governor and council quarterly and oftener when by them required.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved May 3, 1949.]

**CHAPTER 172.**

## AN ACT RELATING TO SUPERVISORY UNIONS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Supervisory Unions.** Amend chapter 135 of the Revised Laws by inserting after section 46 the following new section:  
**47. Budget.** At a meeting held before January first of each year the supervisory union board shall adopt a budget required for the expenses of the supervisory union for the next fiscal year, which budget may include the salary and expenses of supervisors of health, physical education, music, art and guidance, and any other employees, and expenses necessary for the operation of the supervisory union. The supervisory union board shall apportion the total amount of the budget among the constituent school districts on the following basis, provided that each district shall be required to pay for only those services in which they share. The basis for the apportionment shall be one-half on the average membership for the previous school year and one-half on the last assessed valuation of the district. Prior to January fifteenth in each year, the board shall certify to the chairman of the school board of each constituent school district the amount so apportioned. Each district within a supervisory union shall raise at the next annual district meeting the sum of money apportioned to it by the supervisory union board for the expenses of services which each district receives in connection with the union office. The provisions of this section shall not apply to supervisory unions comprising only one district. The supervisory union board, in adopting the budget, shall not add any new services to the budget of any constituent member district unless such member district has voted, at a duly called regular or special district meeting during the preceding year, to accept such new service. A vote to accept a new service shall not be construed as a vote to raise and appropriate money within the meaning of section 5, chapter 51, Revised Laws.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 3, 1949.]

## CHAPTER 173.

## AN ACT RELATING TO CLAIMS AND LIENS AGAINST ESTATES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Estates.** Amend section 32 of chapter 126 of the Revised Laws by striking out the same and inserting in place thereof the following new sections: 32. **Claims and Liens.** The estate of every recipient, and the estate of his or her spouse, residing with said recipient, if any, owned severally or as joint tenants, shall be holden for all assistance granted to the recipient. All such liens shall continue during the lifetime of the recipient and of the spouse of the recipient, if any, unless sooner released by the commissioner. Within thirty days after the first grant of assistance to a recipient, the commissioner shall file with the register of deeds of the county in which the recipient, or the spouse of the recipient, if any, owns real property and with the town clerk of the town in which the recipient and the spouse of the recipient, if any, resides, notice of the lien, together with the name of the recipient, and the spouse of the recipient, if any. The register of deeds and town clerk shall keep a suitable record of such notices without charging any fee therefor and enter thereon an acknowledgment of satisfaction upon written request from the commissioner. 32-a. **Condition.** The commissioner shall require as a condition to granting old age assistance in any case that the applicant, and the spouse of the applicant, if any, residing with the applicant, submit a properly acknowledged agreement to reimburse the federal government, the state and the county or town for all assistance granted. In such agreement such applicant, and the spouse of the applicant, if any, shall assign as collateral security for such assistance such part of his personal property as the commissioner shall demand. All funds recovered under the provisions of this and the preceding section, after any necessary reimbursement to the federal government as provided in section 19, shall be allocated to the county or town and to the state in the same proportion as the assistance paid by each. 32-b. **Existing Liens.** All liens for old age assistance existing at the time of



the passage of this act shall continue unaffected by this act until discharged by the commissioner.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 3, 1949.]

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## CHAPTER 174.

### AN ACT IN RELATION TO THE ASSESSMENT OF TAXES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Taxation of Property.** Amend section 17 of chapter 74 of the Revised Laws by striking out the words "as resident" in the third line thereof and the words "of residents" in the sixth line thereof, so that the same as amended shall read as follows: **17. Occupant Not Owner.** If any person not the owner is living on any farm or in any house on April first, and refuses to be taxed for it, it shall be taxed by the number of the lot, or such other description as it is commonly known by, with the name of the occupant as such; and estate so taxed shall be holden and liable to be sold in the same manner as real estate is holden and sold for taxes.

**2. Method of Taxation.** Amend section 18 of chapter 74 of the Revised Laws by striking out the words "as nonresident" in the fourth line thereof, so that the same as amended shall read as follows: **18. If No Occupant.** If no person is in possession or occupation of any building deemed by the selectmen to be tenantable, or of any other real estate improved as pasture, mowing, arable or otherwise, the same shall be taxed by such description as it may be readily known by, with the name of the owner, if known.

**3. How Taxed.** Amend section 19 of chapter 74 of the Revised Laws by striking out the words "as nonresident" in the fourth line thereof, so that the same as amended shall read as follows: **19. Part Owners.** If any tenant in common, or joint tenant in possession of any real estate of the kinds specified in the two preceding sections, refuses to be taxed beyond the shares claimed by him, and no other person is in

possession, the other shares shall be taxed with such description of the land as it may be readily known by, the name of the person in possession, and the names of the owners of the shares for which he refuses to be taxed, if such owners are known.

4. **Other Lands.** Amend section 20 of said chapter 74 by striking out in the first line the words "of nonresidents" so that said section as amended shall read as follows: **20. Unimproved Lands.** Unimproved lands shall be taxed in the name of the owner, if known; otherwise in the name of the original proprietor, if known; otherwise without any name, and by the number of lot and range, and the quantity thereof, if lotted; or by such other description as it may be readily known by.

5. **Takes Effect.** This act shall take effect upon its passage.

[Approved May 3, 1949.]

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## CHAPTER 175.

### AN ACT RELATIVE TO THE STAFF OF THE GOVERNOR AS COMMANDER-IN-CHIEF.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Amendment.** Amend section 21 of chapter 143 of the Revised Laws by inserting after the words "United States" in the fifth line the words, air forces, and by inserting after the words "United States" in the sixth line the words, air forces, so that said section as amended shall read as follows: **21. Staff.** The staff of the commander-in-chief shall consist of the adjutant-general, with the rank of brigadier-general, who shall be chief of staff, and twelve aides-de-camp, four of whom shall be detailed from the national guard and four appointed from those who served in the United States air forces, army, navy, or marine corps, in any war. The remaining four may be appointed from officers or ex-officers of the United States air forces, army, navy, or marine corps, or of the national guard, or of the various officers' reserve corps, or from civil life.

2. **Staff of Commander-in-Chief.** Amend section 22 of chapter 143 of the Revised Laws by inserting after the words "appointed from the" in the fourth line the words, air forces, and by inserting after the word "organizations" in the sixth line the words, except that if the rank last held by an ex-officer of the air force or of the army or the marine corps is lower than major, such ex-officer shall be commissioned in the rank of major; and that if the rank last held by an ex-officer of the navy is lower than lieutenant commander, such ex-officer shall be commissioned in the rank of lieutenant commander, so that said section as amended shall read as follows:

**22. Staff Officers' Rank.** Officers detailed from the national guard shall retain their existing rank, and shall remain subject to duty except as their services may be required by the governor as members of his staff. Officers or ex-officers appointed from the air forces, army, navy or marine corps, or from the various officers' reserve corps, shall be of the rank held or last held by them in these organizations except that if the rank last held by an ex-officer of the air forces or of the army or the marine corps is lower than major, such ex-officer shall be commissioned in the rank of major; and that if the rank last held by an ex-officer of the navy is lower than lieutenant commander, such ex-officer shall be commissioned in the rank of lieutenant commander. Officers appointed from civil life shall be commissioned in the rank of major, and shall not thereby be exempted from military duties under the terms of this title. The twelve aides-de-camp shall hold office during the pleasure and not exceeding the term of office of the governor.

3. **Takes Effect.** This act shall take effect upon its passage.

[Approved May 3, 1949.]

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## CHAPTER 176.

### AN ACT RELATIVE TO LIMITATION ON AMOUNT OF FRATERNAL BENEFIT SOCIETY PAYMENTS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Fraternal Benefit Societies.** Amend section 5 of chapter 333 of the Revised Laws as inserted by chapter 149 of the Laws

of 1945 and as amended by chapter 160 of the Laws of 1947, by striking out said section and inserting in place thereof the following: **5. Benefits.** Any such society authorized to do business in this state shall provide for the payment of death benefits, in a sum not exceeding ten thousand dollars to any person, including double indemnity in case of accidental death, and may issue to its members term, life, and endowment certificates and combinations thereof, including double indemnity in case of accidental death, and may provide for the payment of benefits in case of temporary or permanent disability as the result of disease or accident; and may grant loans, withdrawal equities, and such nonforfeiture options as its laws may permit, provided such grants shall in no case exceed in value the portion of the reserve to the credit of the certificate on which the same are made. Any such society may provide for monuments or tombstones to the memory of deceased members and may also provide for payment of funeral benefits in a sum not exceeding three hundred dollars to any person equitably entitled thereto by reason of having incurred expense by the burial of the member.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 3, 1949.]

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## CHAPTER 177.

AN ACT CONCERNING THE RECOGNITION OF A DIVORCE OBTAINED  
IN ANOTHER JURISDICTION AND TO MAKE UNIFORM  
THE LAW WITH REFERENCE THERETO.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Divorce Obtained in Another Jurisdiction.** Amend the Revised Laws by inserting after chapter 339 the following new chapter:

### Chapter 339-A

#### Uniform Divorce Recognition Law.

**1. Other States.** A divorce obtained in another jurisdiction shall be of no force or effect in this state, if both parties

to the marriage were domiciled in this state at the time the proceeding for the divorce was commenced.

2. **Evidence.** Proof that a person obtaining a divorce from the bonds of matrimony in another jurisdiction was (a) domiciled in this state within twelve months prior to the commencement of the proceeding therefor, and resumed residence in this state within eighteen months after the date of his departure therefrom, or (b) at all times after his departure from this state and until his return maintained a place of residence within this state, shall be *prima facie* evidence that the person was domiciled in this state when the divorce proceeding was commenced.

3. **Interpretation.** This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

4. **Citation.** This act may be cited as the Uniform Divorce Recognition Law.

2. **Repeal.** All acts or parts of acts which are inconsistent with provisions of this act are hereby repealed.

3. **Takes Effect.** This act shall take effect upon its passage.

[Approved May 3, 1949.]

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## CHAPTER 178.

AN ACT RELATING TO NEGLECT OF HUSBAND OR FATHER TO  
SUPPORT WIFE AND CHILDREN AND NEGLECT OF MOTHER.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Penalty.** Amend section 15 of chapter 340 of the Revised Laws by striking out said section and inserting in place thereof the following: **15. Neglect by Husband or Father.** If any husband or father shall neglect to maintain his wife or children when such wife or children are dependent upon his earnings for support, or neglects his employment or mispends his earnings so as not to provide for the support of his wife or children, he shall be imprisoned not more than six months, and fined not more than one hundred dollars, or both; such fine, if any, to be paid or applied in whole or in part to the support of the wife or children as the court may direct.

**2. Care of Children.** Amend chapter 340 of the Revised Laws by adding thereto the following section: **15-a. Neglect by Mother.** If any mother shall neglect to provide for her legitimate or illegitimate children she shall be imprisoned not more than six months, and fined not more than one hundred dollars, or both; such fine, if any, to be paid or applied in whole or in part to the support of such children as the court may direct.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved May 3, 1949.]

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## CHAPTER 179.

### AN ACT RELATIVE TO AID FOR HANDICAPPED CHILDREN.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Handicapped Children.** Amend section 43 of chapter 134 of the Revised Laws by striking out said section and inserting in place thereof the following: **43. Education Required.** Every handicapped child capable of being benefited by instruction shall attend school or other place for such instruction to which he may be assigned or shall be instructed in his home for at least two hours per week for such number of weeks as the state board of education may determine provided, however, that if a handicapped child capable of being benefited by instruction, of the age of twenty-one or over shall make application for continued educational facilities, such instruction shall be continued until such time as said handicapped child shall have acquired education equivalent to a high school education or attained the age of thirty-one years.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 3, 1949.]

## CHAPTER 180.

AN ACT RELATIVE TO UNEMPLOYMENT COMPENSATION  
RECIPROCAL ARRANGEMENTS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Unemployment Compensation.** Amend section 15 of chapter 218 of the Revised Laws, by striking out the whole of the same and inserting in place thereof the following: **15. Reciprocal Arrangements.** A. The commissioner is hereby authorized to enter into reciprocal arrangements with appropriate and duly authorized agencies of other states or of the federal government, or both, whereby:

(1) Services performed by an individual for a single employing unit for which services are customarily performed by such individual in more than one state shall be deemed to be services performed entirely within any one of the states (i) in which any part of such individual's service is performed, or (ii) in which such individual has his residence, or (iii) in which the employing unit maintains a place of business, provided there is in effect, as to such services, an election by an employing unit with the acquiescence of such individual, approved by the agency charged with the administration of such state's unemployment compensation law, pursuant to which services performed by such individual for such employing unit are deemed to be performed entirely within such state;

(2) Potential rights to benefits under this chapter may constitute the basis for the payment of benefits by another state or the federal government, and potential rights to benefits accumulated under the law of another state or the federal government may constitute the basis for the payment of benefits by this state. Such benefits shall be paid under such provisions of this chapter or under the provisions of the law of such other state or the federal government, or under such combination of the provisions of both laws, as may be agreed upon and which will be fair and reasonable as to all affected interests. No such arrangement shall be entered into unless it contains provision for reimbursement to the fund for such benefits as are paid on the basis of wages and service subject to the law of another state or the federal government, and provision for reimbursement from the fund for such benefits as

are paid by another state or the federal government on the basis of wages and service subject to this chapter. Reimbursements paid from the fund pursuant to this subsection shall be deemed to be benefits for the purposes of this chapter;

(3) Wages or services, upon the basis of which an individual may become entitled to benefits under an unemployment compensation law of another state or of the federal government, shall be deemed to be wages for insured work for the purpose of determining his rights to benefits under this chapter, and wages for insured work, on the basis of which an individual may become entitled to benefits under this chapter, shall be deemed to be wages or services on the basis of which unemployment compensation is payable under such law of another state or of the federal government, but no such arrangement shall be entered into unless it contains provisions for reimbursements to the fund for such of the benefits paid under this chapter upon the basis of such wages or services, and provisions for reimbursements from the fund for such of the compensation paid under such other law upon the basis of wages for insured work, as the commissioner finds will be fair and reasonable as to all affected interests;

(4) Contributions due under this chapter with respect to wages for insured work shall for the purposes of section 11 of this chapter be deemed to have been paid to the fund as of the date payment was made as contributions therefor under another state or federal unemployment compensation law, but no such arrangement shall be entered into unless it contains provisions for such reimbursement to the fund of such contributions as the commissioner finds will be fair and reasonable as to all affected interests.

B. Reimbursements paid from the fund pursuant to any reciprocal arrangements authorized by the provisions of this chapter shall be deemed to be benefits for the purposes of this chapter except that no charge shall be made to an employer's account under section 6 in excess of the maximum benefits payable under sections 2, 3 or 4, or when no benefits would have been payable to an individual, but for this section, because of the lack of wages for insured work necessary to qualify for benefits. In the event that no charge is to be made to an employer's account such as hereinabove provided, such reimbursements shall be charged against the fund. The com-



missioner is authorized to make to other state or federal agencies and to receive from such other state or federal agencies, reimbursements from or to the fund, in accordance with arrangements entered into pursuant to subsection A of this section.

C. If after entering into an arrangement under paragraph (2) or (3) of subsection A of this section the commissioner finds that the unemployment compensation law of any state or of the federal government participating in such arrangement has been changed in a material respect, the commissioner shall make a new finding as to whether such arrangement shall be continued with such state or states or with the federal government.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 3, 1949.]

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## CHAPTER 181.

### AN ACT RELATING TO CAPITAL RESERVE FUNDS FOR CITIES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Establishment of Reserves Authorized.** Any city may raise and appropriate money as provided by section 2 for the establishment of a capital reserve fund for the financing of all or part of the cost of (a) the construction, reconstruction or acquisition of a specific capital improvement, or the acquisition of a specific item or of specific items of equipment, or (b) the construction, reconstruction, or acquisition of a type of capital improvement or the acquisition of a type of equipment.

**2. Meetings.** The authority granted by section 1 shall be exercised by the city council only after a public hearing on the annual budget as required by chapter 62 of the Revised Laws, as amended by chapter 130 of the Laws of 1943, and by the adoption of a capital improvement budget and program. The public notice of said hearing shall include a statement distinctly stating the purposes for which such reserve is to be established.

### 3. Payments into Fund.

I. There may be paid into any such capital reserve fund such amounts as may from time to time be raised and appropriated therefor, within the limits as provided in section 4.

II. The city council may also by a favorable vote of three-quarters of its members, transfer to such fund after a public hearing with notice as provided in section 2, not more than one-half of its unencumbered surplus funds remaining on hand at the end of the fiscal year, within the limits as provided in section 4.

4. **Limitations on Appropriations.** No city shall raise and appropriate or transfer from any of its unencumbered surplus funds in any one year for such reserves a total amount in excess of one-quarter of one per cent of the last assessed valuation of the city.

5. **Investment.** The moneys in such fund shall be kept in a separate account and not intermingled with other funds of the city. Said capital reserve fund shall be invested only by deposit in some savings bank or trust company in this state, or in bonds, notes or other obligations of the United States government, or in bonds or notes of this state and when so invested in good faith the trustees hereinafter named shall not be liable for the loss thereof. Any interest earned or capital gains realized on the moneys so invested shall accrue to and become a part of the fund. Deposits in banks shall be made in the name of the city, and it shall appear upon the book thereof that the same is a capital reserve fund.

6. **Trustees of Funds.** The trustees of trust funds of the city shall have custody of all capital reserves. Said trustees shall give bond in such amount and in such form as the city council or board of aldermen shall prescribe, and any trustee who shall make payment of income or principal from any such capital reserve fund before the approval of his bond in writing by the city council or board of aldermen shall be personally liable to the city for any loss resulting from such payment, to be recovered by the city at the suit of any citizen. The expenses of said trustees in said capacity and the expense of their bonds shall be charged as incidental city charges.

7. **Payments from Surplus.** Whenever the city councils have voted in accordance with section 3 to transfer any accumulated surplus to the capital reserve fund, the city clerk

shall forward immediately to the city treasurer a certified copy of said vote; and the city treasurer on receipt of said copy shall transfer immediately to the trustees of trust funds of said city the amount specified in said vote.

**8. Appropriation.** Whenever the city councils legally vote to raise and appropriate any sum for the capital reserve fund, the same duties shall devolve upon the city clerk and city treasurer, as specified in section 7, except that said sum must be transferred on or before the end of the fiscal year in which said vote is made.

**9. Penalty.** Any of the above officers who shall fail to perform the duties above set forth, shall be fined not more than five dollars for every week said failure shall continue.

**10. Expenditures.** The trustees of trust funds holding said capital reserve funds in trust, as hereinbefore provided, shall hold the same until such time as the city councils shall name agents of the city to carry out the objects designated by the city councils as prescribed by section 2. Expenditures from said capital reserve funds shall be made only for or in connection with the purposes for which said fund was established, or as amended as provided by section 11.

**11. Change of Purpose.** After the purpose for which a capital reserve fund is established has been determined, no change shall be made in the purpose for which said fund may be expended unless and until such change has been authorized by a favorable vote of three-quarters of all members of the city councils or board of aldermen, for a specific capital improvement or specific item or type of equipment and such change shall be made only after a public hearing held pursuant to notice as provided in section 2.

**12. Audit; Records.** The accounts of the trustees of trust funds holding the capital reserve funds shall be audited annually by the city auditor, the securities shall be exhibited to said auditor, and said auditor shall certify the facts found by the audit and the list of all securities held. Said trustees holding said funds shall keep a record of all such capital reserve funds in a record book, which shall be open to public inspection.

**13. Prohibition.** No person holding in custody such capital reserve fund shall make any payment of income or principal or authorize the same to be done except in accordance with

the provisions hereof. Any person violating the provisions of this section shall be fined not more than five hundred dollars.

**14. Definition.** Where the words "trustees of trust funds" are used herein they shall be construed to mean the board in any city which is charged, by the city charter, with duties of town trustees of trust funds.

**15. Application of Act.** The provisions of any city charter inconsistent with the provisions hereof are hereby repealed to the extent of such inconsistency.

**16. Takes Effect.** This act shall take effect upon its passage.

[Approved May 3, 1949.]

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## CHAPTER 182.

### AN ACT RELATING TO THE LAYING OUT OF CLASS I AND II HIGHWAYS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Damages.** Amend section 12 of part 4 of chapter 90 of the Revised Laws as inserted by chapter 188 of the Laws of 1945 by inserting at the end thereof the words, or of the state highway department, so that said section as amended shall read as follows: **12. Tender.** No land or other property taken for a highway or alteration shall be appropriated or used for making the same until the damages assessed therefor are paid or tendered to the owner or his guardian or conservator by the commission in money or by check of the state treasurer or of the state highway department.

**2. Residence Outside State.** Amend section 13 of part 4 of chapter 90 of the Revised Laws as inserted by chapter 188 of the Laws of 1945 by striking out said section and inserting in place thereof the following: **13. Nonresident or Others.** When the owner does not reside or live within the state, or the resident owner is temporarily residing outside of the state, damages may be paid or tendered to him in person or by check of the state treasurer or of the state highway department sent by registered mail to his last known address.

**3. Tender of Damages.** Amend section 14 of part 4 of chapter 90 of the Revised Laws as inserted by chapter 188 of the Laws of 1945 by striking out said section and inserting in place thereof the following: **14. When Owner or Residence Unknown.** When the owner or person to whom damages are due is unknown or the identity of the person who may be entitled to damages or the amount thereof is uncertain, or his residence is unknown or uncertain, damages may be tendered to such owner or person by depositing with the state treasurer a sum of money equal to the damages assessed, and the state treasurer shall pay such sum without interest to such owner or person upon proof that he is the person entitled to such damages, and in case the state treasurer is not satisfied with the evidence that the claimant is the person entitled to such damages he may deposit the money for such damages with the clerk of the superior court for the county in which the land or property is situate, and the court, after due notice, shall determine whether such person is entitled to the damages. In the case of estates not settled where doubt exists as to the person or persons entitled to damages, or the amount thereof, a deposit with the state treasurer shall be deemed a tender to the owner and the state treasurer shall notify the judge of probate for the county in which such real estate lies.

**4. Duty of Commission.** Amend section 16 of part 4 of chapter 90 of the Revised Laws as inserted by chapter 188 of the Laws of 1945 by striking out said section and inserting in place thereof the following: **16. Certificate of Tender.** The commission shall file with the secretary of state a certificate that payment or tender of payment of the damages assessed by the commission has been made to each owner or, if the owner is unknown, or if the identity of the person who may be entitled to damages is uncertain, or the residence of such owner or person is unknown or uncertain, that tender of such damages has been made by deposit with the state treasurer, or if dispute has arisen, such tender has been made in the superior court, and the certificate of tender shall state the sum tendered to each landowner and his refusal or acceptance thereof.

**5. Nonresident Owner.** Amend section 15 of part 5 of chapter 90 of the Revised Laws as inserted by chapter 188 of the Laws of 1945 by inserting after the word "state" in the second line the words, or the resident owner is temporarily

residing outside of the state, so that said section as amended shall read as follows: **15. Nonresident.** When the owner does not reside or live within the state, or the resident owner is temporarily residing outside of the state, damages may be paid or tendered to him in person or by check of the town sent by registered mail to his last known address.

**6. Unknown.** Amend section 16 of part 5 of chapter 90 of the Revised Laws as inserted by chapter 188 of the Laws of 1945 by striking out said section and inserting in place thereof the following: **16. When Owner or Residence Unknown.** When the owner or person to whom damages are due is unknown or the identity of the person who may be entitled to damages or the amount thereof is uncertain, or his residence is unknown or uncertain, damages may be tendered to such owner or person by depositing with the town treasurer a sum of money equal to the damages assessed, and the town treasurer shall pay such sum without interest to such owner or person upon proof that he is the person entitled to such damages, and in case the town treasurer is not satisfied with the evidence that the claimant is the person entitled to such damages he may deposit the money for such damages with the clerk of the superior court for the county in which the land or property is situate, and the court, after due notice, shall determine whether such person is entitled to the damages. In the case of estates not settled or where doubt exists as to the person or persons entitled to damages, or the amount thereof, a deposit with the town treasurer shall be deemed a tender to the owner and the town treasurer shall notify the judge of probate for the county in which such real estate lies.

**7. Takes Effect.** This act shall take effect upon its passage.

[Approved May 3, 1949.]

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## CHAPTER 183.

### AN ACT RELATIVE TO THE SALARY OF THE SOLICITOR OF SULLIVAN COUNTY.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Salary of Solicitor of Sullivan County.** Amend section 20 of chapter 24 of the Revised Laws as amended by chapters 40

and 136 of the Laws of 1943, and by chapters 2, 27, 202, 213, 242, 263, 268, and 270 of the Laws of 1947, by striking out the word "twelve" in the eighth line and inserting in place thereof the word, fifteen, so said section as amended shall read as follows: **20. Salaries.** The annual salaries of the solicitors in the several counties shall be as follows:

In Rockingham, eighteen hundred dollars.

In Strafford, eighteen hundred dollars.

In Belknap, fifteen hundred dollars.

In Carroll, twelve hundred dollars.

In Merrimack, two thousand dollars.

In Hillsborough, twenty-eight hundred dollars.

In Cheshire, fifteen hundred dollars.

In Sullivan, fifteen hundred dollars.

In Grafton, eighteen hundred dollars.

In Coos, eighteen hundred dollars.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 3, 1949.]

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## CHAPTER 184.

AN ACT RELATIVE TO LIENS ON LOGS, LUMBER OR PULPWOOD FOR  
ADVANCES MADE.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Liens on Logs, Lumber or Pulpwood for Advances of Money.** Amend chapter 264 of the Revised Laws by adding after section 14 the following new section: **14-a. Procedure.** If a person, firm or corporation shall, by himself or itself, or others, make an advance or series of advances of money to the owner of, or person entitled to the possession of, any logs, lumber or pulpwood for the purpose of financing the cutting, hauling, yarding, piling, trucking, rafting, booming, driving or towing of the same, he or it shall have a lien for the amount of all such advances, which shall take precedence over all claims, except taxes, liens provided for in section 14 hereof and all other liens legally acquired and recorded prior to the placing of the registered mark thereon as herein provided,

upon all of such logs, lumber and pulpwood on which he or it has caused his or its registered mark to be placed and such lien with respect to each such advance shall continue for all advances for two years after the date of making the last advance, and may be enforced by attachment.

The term "registered mark" as used in the foregoing sentence of this section shall mean a mark described in a certificate of registration issued by the secretary of state pursuant to the provisions of the following paragraph hereof, and recorded in the registry of deeds for the county in which such logs, lumber or pulpwood were situated when such registered mark was placed thereon, in the manner provided for herein.

(a) Any person, firm or corporation desiring to appropriate for his or its own exclusive use any distinctive mark to be placed upon logs, lumber or pulpwood for identification, may file a copy of such mark, accompanied by a statement claiming the exclusive use thereof for such purpose, with the secretary of state, who, if satisfied that such mark is not the duplicate of, nor so closely resembling as to cause confusion, any such mark theretofore registered in his office, shall register such mark and issue to and in the name of such person, firm or corporation a certificate of registration of such mark. The person, firm or corporation in whose name such certificate of registration is issued shall be entitled to the exclusive use of the mark therein described for all purposes of this section. Upon request the secretary of state shall issue certified copies of such certificates of registration upon payment of the fees hereinafter provided therefor.

(b) A copy of any such certificate of registration, certified by the secretary of state, may be recorded in any registry of deeds.

(c) The fee for registering each such mark with the secretary of state, which fee shall include the issuance of the certificate of registration thereof, shall be five dollars. The fee for the issuance of each certified copy of such certificate, by the secretary of state, shall be one dollar. The fee for recording a certified copy of any such certificate of registration in any registry of deeds shall be one dollar.

(d) If requested in writing by anyone interested in any logs, lumber or pulpwood on which there is a lien as provided in this section, the lien holder shall give to such interested



party an account, within fifteen days, in writing and under oath; said account shall include all advances claimed to be secured by said lien up to the date of such notice; on failure to furnish such account, said lien shall be voided as against the party making said request. Mailing said account by registered mail postpaid to the party making the request shall be deemed full compliance with this provision.

2. **Exception.** Amend section 19 of chapter 264 of the Revised Laws by striking out said section and inserting in place thereof the following: **19. Duration.** The lien created by sections 12 to 17 inclusive shall continue for ninety days after the services are performed, or the materials, supplies or other things are furnished, unless payment therefor is previously made, and shall take precedence of all prior claims except liens on account of taxes, provided that the limitations herein provided shall not apply to liens created by section 14-a.

3. **Takes Effect.** This act shall take effect upon its passage.

[Approved May 10, 1949.]

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## CHAPTER 185.

### AN ACT RELATIVE TO UNEMPLOYMENT COMPENSATION.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Benefit Year.** Amend subsection C, section 1 of chapter 218 of the Revised Laws, as amended by chapter 16 of the Laws of 1945, by striking out the whole of said subsection and inserting in place thereof the following: C. "Benefit year" with respect to any individual means the year beginning with the first day of April of every calendar year and ending on the last day of March of the following calendar year.

2. **Employer.** Amend subsection H, section 1 of said chapter 218, as amended by sections 1 and 2, chapter 138 of the Laws of 1945, by striking out the whole of the same and inserting in place thereof the following: H. "Employer" means

(1) Any employing unit which in each of twenty different weeks, whether or not such weeks are or were consecutive, within either the current or the preceding calendar year, has

or had in employment, four or more individuals, irrespective of whether the same individuals are or were employed in each such week;

(2) Any other employing unit subject for either the current or preceding calendar year to the tax levied by the Federal Unemployment Tax Act as amended;

(3) Any employing unit (whether or not an employing unit at the time of acquisition) which acquired the organization, trade or business, or substantially all the assets thereof, of another which at the time of such acquisition was an employer subject to this chapter;

(4) Any employing unit (whether or not an employing unit at the time of acquisition) which acquired the organization, trade or business, or substantially all the assets thereof, of another employing unit (not an employer subject to this chapter) and which, if subsequent to such acquisition it were treated as a single unit with such other employing unit, would be an employer under paragraph (1) of this subsection;

(5) Any employing unit which, having become an employer under paragraph (1), (2), (3) or (4), has not, under section 7, ceased to be an employer subject to this chapter; or

(6) For the effective period of its election pursuant to section 7-C any other employing unit which has elected to become fully subject to this chapter.

**3. Employment.** Amend paragraph (1), subsection I, section 1 of said chapter 218, as amended by section 1, chapter 59 of the Laws of 1947, by striking out the whole of said paragraph and inserting in place thereof the following:

(1) Subject to the other provisions of this subsection means service, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, expressed or implied, together with service performed within the state which constitutes "employment" under the provisions of the Federal Unemployment Tax Act. Notwithstanding any other provisions of this subsection, the term employment shall also include all service performed after January 1, 1947 by an officer or member of the crew of an American vessel on or in connection with such vessel, provided that the operating office, from which the operations of such vessel operating on navigable waters within or within and without the United States is ordinarily and regularly supervised, managed,

directed and controlled, is within this state. The term "employment" shall include an individual's entire service, performed within or both within and without this state, if:

(a) The service is localized within the state (i. e., performed either entirely within the state or performed both within and without the state if the service performed without is incidental to that performed within); or,

(b) If the service cannot be considered as localized in any state but some of the service is performed in the state and (i) the individual's base of operations, or if there is no base of operations, then the place from which such service is directed or controlled, is in the state; or (ii) the individual's base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed but the individual's residence is in this state.

**4. Total and Partial Unemployment.** Amend paragraph (2), subsection N, section 1 of said chapter 218, by striking out in the third line of said paragraph the word "for" and inserting in place thereof the words, with respect to, so that said paragraph as amended shall read as follows: (2) An individual shall be deemed to be "partially unemployed" in any week of less than full-time work if the wages computed to the nearest dollar payable to him with respect to such week fail to equal his weekly benefit amount.

**5. Disqualifications for Benefits.** Amend paragraph (3), subsection D, section 4 of said chapter 218, by striking out the whole of said paragraph and inserting in place thereof the following: (3) The stoppage of work was due solely to a lock-out or the failure of the employer to live up to the provisions of any agreement or contract of employment entered into between the employer and his employees.

**6. Disqualifications for Benefits.** Amend subsection E, section 4 of said chapter 218, as amended by section 10, chapter 138 of the Laws of 1945, and section 13, chapter 59 of the Laws of 1947, by striking out the whole of the same and inserting in place thereof the following: E. For any week with respect to which he is receiving or has received remuneration in the form of:

- (1) Wages in lieu of notice; or
- (2) A sickness or separation allowance; or
- (3) Compensation for temporary partial disability under

the workmen's compensation law of any state or under a similar law of the United States; or

(4) Any payments, upon his discharge from military service, from either the state or federal government, or both; Provided that if such remuneration is less than the benefits which would otherwise be due under this chapter, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration.

**7. Claims for Benefits.** Amend subsection A, section 5 of said chapter 218, by striking out the last two sentences therein, so that said subsection as amended shall read as follows: A. **FILING.** Claims for benefits shall be made in accordance with such regulations as the commissioner may prescribe.

**8. Initial Determination.** Amend subsection B, section 5 of said chapter 218, as amended by section 11, chapter 138 of the Laws of 1945, and section 14, chapter 59 of the Laws of 1947, by striking out the whole of the same and inserting in place thereof the following: B. **INITIAL DETERMINATION.** A representative designated by the commissioner, and hereinafter referred to as a deputy, shall promptly examine the claim of an individual, and on the basis of the facts found by him, shall either determine whether or not such claim is valid, and if valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and the maximum duration thereof, or shall refer such claim or any question involved therein to an appeal tribunal, which shall make its decision with respect thereto in accordance with the procedure described in subsection C of this section. The deputy shall promptly notify the claimant and any other interested parties of the decision and the reasons therefor. The deputy may for good cause reconsider his decision or any part thereof and shall promptly notify the claimant and such other interested parties of the denial of such application or of the change and the reasons therefor, as the case may be. No such redetermination shall be made after six months from the date of the original determination. Unless the claimant or any such interested party, within five calendar days after the delivery of the deputy's notification, or within seven calendar days after such notification was mailed to his last known address, files an appeal from such decision, such decision shall be final and benefits shall be paid or denied in accordance therewith; pro-

vided, however, that if sufficient grounds to justify or excuse a delay in filing an appeal within the time limit herein set forth are found by the commissioner, the time for filing said appeal may be extended. If an appeal is duly filed, benefits with respect to the period prior to the final decision of the appeal tribunal shall be paid only after such decision; provided that if an appeal tribunal affirms a decision of a deputy allowing benefits, such benefits shall be paid regardless of any appeal which may thereafter be taken, but if such decision is finally reversed, no employer's account shall be charged with benefits so paid. Furthermore, if such an appeal is duly filed, benefits with respect to weeks of unemployment not in dispute and benefits payable pursuant to a determination or reconsidered determination in any amount not in dispute shall be paid promptly regardless of any appeal.

**9. Appeals.** Amend the first paragraph of subsection C, section 5 of said chapter 218, as amended by section 12, chapter 138 of the Laws of 1945, by striking out the whole of the same and inserting in place thereof the following: C. APPEALS. Unless such appeal is withdrawn, an appeal tribunal, after affording the parties reasonable opportunity for fair hearing, shall affirm, modify, set aside or reverse the findings of fact and decision of the deputy. The parties shall be duly notified of such tribunal's decision, together with its reasons therefor. Such decision shall be deemed to be the final decision of the commissioner, unless within ten days after the date of notification or mailing of such decision, further appeal is initiated pursuant to subsection G of this section. If the appellant fails to appear or prosecute the appeal or request a postponement thereof, the appeal tribunal may dismiss the proceedings or take such other action as it may deem advisable. Provided, however, that if sufficient grounds to justify or excuse an appellant from appearing, prosecuting his appeal, or requesting a postponement thereof, are found by the commissioner, the commissioner shall, in order to protect the rights of interested parties, direct the appeal tribunal to hold a further hearing in the case.

**10. Appeal Tribunals.** Amend subsection D, section 5 of said chapter 218, by striking out the word "eight" and inserting in place thereof the word, ten, so that said subsection as amended shall read as follows: D. APPEAL TRIBUNALS. To

hear and decide disputed claims, the commissioner shall appoint one or more impartial appeal tribunals consisting in each case of either a salaried examiner, or a body consisting of three members, one of whom shall be a salaried examiner, who shall serve as chairman, one of whom shall be a representative of employers and the other of whom shall be a representative of employees; each of the latter two members shall serve at the pleasure of the commissioner and be paid a fee of not more than ten dollars per day of active service on such tribunal plus necessary expenses. No person shall participate on behalf of the commissioner in any case in which he is an interested party. The commissioner may designate alternates to serve in the absence or disqualification of any member of an appeal tribunal. The chairman shall act alone in the absence or disqualification of any other member and his alternates. In no case shall the hearings proceed unless the chairman of the appeal tribunal is present.

**11. General Experience Rating.** Amend the fifth paragraph of subsection D, section 6 of said chapter 218, as amended by section 14, chapter 138 of the Laws of 1945, and section 17, chapter 59 of the Laws of 1947, by striking out the words "eight million" and inserting in place thereof the words, twelve million, so that said paragraph as amended shall read as follows: No employer shall be entitled to an experience rating under this subsection for any calendar year unless and until the balance in the unemployment compensation fund as of January 1 of such calendar year equals or exceeds twelve million dollars; and further provided that no employer shall be entitled to the experience rating granted under this section unless and until there shall have been three consecutive calendar years immediately preceding the computation date throughout which the account of such employer was chargeable with benefits.

**12. Establishment and Control of Unemployment Compensation Fund.** Amend subsection A, section 8, of said chapter 218, as amended by section 18, chapter 59 of the Laws of 1947, by striking out the whole of the same and inserting in place thereof the following: A. ESTABLISHMENT AND CONTROL. There is hereby created the unemployment compensation fund to be administered by the commissioner, subject to audit by the comptroller without liability on the part of the state be-

yond the amounts paid into and earned by the fund. This fund shall consist of all contributions collected under this chapter; all interest earned upon any moneys in the fund; any properties or securities acquired through use of moneys or securities belonging to the fund; all earnings of such properties or securities; and all other moneys received for the fund from any other source. All moneys in the fund shall be mingled and undivided.

**13. Records and Reports.** Amend subsection G, section 9 of said chapter 218, as amended by section 20, chapter 138 of the Laws of 1945, by inserting after the first paragraph thereof the following paragraph: No action for slander or libel, either criminal or civil, shall be predicated upon information furnished by any employer or any employee to the commissioner in connection with the administration of any of the provisions of this chapter, so that said subsection as amended shall read as follows: G. RECORDS AND REPORTS. Each employing unit shall keep true and accurate work records, for such periods of time and containing such information as the commissioner may, by regulation, prescribe. Such records shall be open to inspection and be subject to being copied by the commissioner or his authorized representatives at any reasonable time and as often as may be necessary. The commissioner may, at his discretion, notify any employer of the prospective benefit rights of any employee. The commissioner and the chairman of any appeal tribunal may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, which either of them deems necessary for the effective administration of this chapter. Information thus obtained or obtained from any individual pursuant to the administration of this chapter shall be held confidential and shall not be published or be open to public inspection (other than to employers and public employees in the performance of their public duties) in any manner revealing the individual's or employing unit's identity, but any claimant (or his legal representative) at a hearing before an appeal tribunal or the commissioner shall be supplied with information from such records to the extent necessary for the proper presentation of his claim. Any employee or member of an appeal tribunal or any employee of the commissioner who violates any provision of this section shall be fined not less than twenty dollars nor

more than two hundred dollars, or imprisoned for not more than ninety days, or both.

No action for slander or libel, either criminal or civil, shall be predicated upon information furnished by any employer or any employee to the commissioner in connection with the administration of any of the provisions of this chapter.

The commissioner may cause to be made such summaries, compilations, photographs, duplications, or reproductions of any records, reports, or transcripts thereof as he may deem advisable for the effective and economical preservation of the information contained therein, and such summaries, compilations, photographs, duplications, or reproductions, duly authenticated, shall be admissible in any proceeding under this chapter if the original record or records would have been admissible therein.

The commissioner may by regulation order the destruction, after reasonable periods, of any and all records, reports, transcripts or reproductions thereof or other papers kept pursuant to the administration of the unemployment compensation law which are not considered by him as necessary to the administration of this chapter.

**14. Reimbursement of Fund.** Amend subsection B, section 10 of said chapter 218, as amended by section 22, chapter 59 of the Laws of 1947, by striking out the whole of the same and inserting in place thereof the following: B. REIMBURSEMENT OF FUND. If any moneys received after June 30, 1941, from the social security administration under title III of the Social Security Act, or any unencumbered balances in the unemployment compensation administration fund as of that date, or any moneys granted after that date to this state pursuant to the provisions of the Wagner-Peyser Act, or any moneys made available by this state or its political subdivisions and matched by such moneys granted to this state pursuant to the provisions of the Wagner-Peyser Act, are found by the social security administration, because of any action or contingency, to have been lost or been expended for purposes other than, or in amounts in excess of, those found necessary by the social security administration for the proper administration of this chapter, it is the policy of this state that such moneys shall be replaced by moneys in the contingent fund established by section 10-C, or by moneys appropriated for such purpose from



the general funds of this state to the unemployment compensation administration fund for expenditure as provided in section 10-A. Upon receipt of notice of such a finding by the social security administration, and in the event that there are insufficient funds in the contingent fund, as provided in subsection C of this section, the commissioner shall promptly report the amount required for such replacement to the governor, and the governor shall at the earliest opportunity submit to the legislature a request for the appropriation of such amount. This subsection shall not be construed to relieve this state of its obligation with respect to funds received prior to July 1, 1941, pursuant to the provisions of title III of the Social Security Act.

**15. Contingent Fund.** Amend section 10 of said chapter 218, as amended by section 22, chapter 59 of the Laws of 1947, by inserting at the end thereof the following new subsection: C. CONTINGENT FUND. There is hereby created in the state treasury a special fund to be known as the contingent fund. All interest, fines and penalties collected under the provisions of this chapter, after the effective date of this subsection, shall be paid into this fund. Said moneys shall not be expended or available for expenditure in any manner which would permit their substitution for (or a corresponding reduction in) federal funds which would, in the absence of said moneys, be available to finance expenditures for the administration of this chapter. But nothing in this chapter shall prevent said moneys from being used as a revolving fund, to cover expenditures (necessary and proper under the law) for which federal funds have been duly requested but not yet received, subject to the charging of such expenditures against such funds when received. The moneys in this fund shall be used by the commissioner for the payment of costs of administration which are found not to have been properly and validly chargeable against federal grants (or other funds) received for or in the unemployment compensation administration fund on or after the effective date of this subsection. The moneys in this fund are hereby specifically made available to replace, within a reasonable time, any moneys received by this state pursuant to section 302 of the federal Social Security Act, as amended, which, because of any action or contingency, have been lost or have been expended for purposes other than, or in amounts in

excess of, those necessary for the proper administration of this chapter. This fund shall be administered and disbursed in the same manner and under the same conditions as other special funds of the state treasury. The moneys in this fund shall be continuously available to the commissioner for expenditure in accordance with the provisions of this subsection and shall not lapse at any time or be transferred to any other fund except as herein provided. Provided, however, that on June 30 of each year all moneys in excess of one thousand dollars in this fund shall be transferred to the unemployment compensation fund. In the event that a refund of interest, a fine or a penalty is found necessary, and such interest, fine or penalty has been deposited in the contingent fund, such refund shall be made from the contingent fund.

**16. Interest on Past-Due Contributions.** Amend subsection A, section 11, of said chapter 218, by striking out the last sentence therein and inserting in place thereof the following: Interest collected pursuant to this subsection shall be paid into the contingent fund provided in subsection 10-C, so that said subsection as amended shall read as follows: A. INTEREST ON PAST-DUE CONTRIBUTIONS. Contributions unpaid on the date on which they are due and payable, as prescribed by the commissioner, shall bear interest at the rate of one per centum per month from and after such date until payment plus accrued interest is received by the commissioner. Interest collected pursuant to this subsection shall be paid into the contingent fund provided in subsection 10-C.

**17. Collection of State Contributions.** Amend subsection H, section 11 of said chapter 218, by striking out the whole of the same and inserting in place thereof the following: H. COLLECTION OF STATE CONTRIBUTIONS. Wherever used in this section, unless the context shall otherwise require, or unless otherwise specifically provided, the word "contribution" shall include not only the principal of any contribution but also all interest, penalties, fees and other charges added thereto by law; and the term "serving officer" shall include any sheriff, deputy sheriff, constable or other officer authorized to serve any civil process. Upon the failure of any person to pay any contribution due to the state within thirty days from its due date, the commissioner or his duly authorized representative charged by law with its collection shall add thereto such

penalty or interest or both as shall be prescribed by law. The attorney general may collect any such contribution by a civil action, or the commissioner or his duly authorized representative charged by law with the collection of such contribution may make out and sign a warrant directed to any serving officer for distraint upon the goods, realty or body of such person. Each serving officer so receiving a warrant shall make return to the party making out such warrant within a period of thirty days from its receipt by him. To each warrant placed in the hands of any serving officer shall be attached an itemized bill, certified by the party making out such warrant to be a true and correct statement of the total amount of contribution due from such person. Any serving officer deputed to serve a warrant drawn under the provisions of this law shall, so far as such warrant is concerned, have, *mutatis mutandis*, all the powers vested in tax collectors and sheriffs under the provisions of chapter 80; shall proceed pursuant to the terms of one or more of said statutes; shall make return to the party making out such warrant within ten days of the completion of service and shall collect from such person, in addition to the amount shown on such warrant, his fees and charges, which shall be those authorized by statute for serving officers, as in all other civil actions.

**18. Effective Date.** This act shall take effect upon its passage.

[Approved May 11, 1949.]

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## CHAPTER 186.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

AN ACT TO PROVIDE FOR A PRESIDENTIAL PREFERENCE PRIMARY.

**1. Presidential Preference Primary.** Amend the Revised Laws, by inserting after chapter 38 the following new chapter:

### Chapter 38-A

#### Presidential Preference Primary

**1. Primary.** On the same date and at the same time as the election of delegates to national conventions, as provided in

chapter 38, there shall be held in each town and ward a presidential preference primary, as hereinafter provided, for each political party. The secretary of state shall prepare and distribute for use at such primary an official ballot for each political party and shall insert the necessary columns for balloting on the same ballot as is prepared under the provisions of section 4 of chapter 38.

**2. Voting Preference.** Every qualified voter, eligible to vote in the election of his party as provided in chapter 38, shall have opportunity at such presidential preference primary to vote his preference, on the ballot of his party, for his choice for one person to be the candidate of his political party for president of the United States and one person to be the candidate of his political party for vice president of the United States, either by writing the names of such persons in blank spaces to be left in said ballot for that purpose, or by marking a cross opposite the printed names of the persons of his choice, as in the case of other primaries.

**3. Nomination Petition.** The names of any persons to be voted upon for candidates for president and vice president shall be printed on the ballots solely on petition of New Hampshire voters of the same political party as the prospective candidates. The time limits for filing such petitions with the secretary of state shall be not more than sixty days nor less than forty days before the primary. In order to qualify the name of any person to appear on such ballot, a petition in support of his candidacy must be signed by at least fifty qualified voters of each congressional district of the state. The petitions shall be in such form as may be prescribed by the secretary of state and shall contain an affirmation under the penalties for perjury that each signer is a qualified voter in his congressional district and is a member of the same political party as the proposed candidate. A separate petition shall be presented from each congressional district. The decision of the secretary of state as to the regularity of petitions shall be final.

**4. Notification of Candidate.** Whenever the secretary of state shall receive petitions which appear to qualify the name of a candidate for president or vice president to be placed on such ballot, he shall forthwith notify the prospective candidate by the most expeditious means of communication and

shall advise such prospective candidate that unless he withdraws his name from the ballot within ten days after receipt of such notice, his name will appear on the ballot of his party at such presidential preference primary. If a candidate signifies his desire to withdraw his name within the above time limit, the secretary of state shall not print his name on the ballot.

**5. Form of Ballot.** There shall be one column on the ballot of each political party for president and one column for vice president. The column shall be headed "Candidate of the (insert name of party) Party for President (or Vice President) of the United States." Underneath this heading there shall appear the words: "I hereby declare my preference for candidate for the office of President (or Vice President) of the United States to be as follows." Below these words, there shall be printed the names of candidates with the usual boxes at the right. There shall always be one blank space left for writing in the name of a candidate.

**6. Effect of Primary.** The results of the presidential preference primary shall be advisory in nature for the delegates elected under chapter 38.

**7. Counting and Declaration of Result.** The ballots shall be counted and the returns made and canvassed as provided in chapter 38. The secretary of state shall publish the result in some newspaper of general circulation in the state.

**8. Provisions Applicable.** The appropriate provisions of chapter 33 shall apply to presidential preference primaries held under the provisions of this chapter, unless clearly inconsistent herewith.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 11, 1949.]

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## CHAPTER 187.

### AN ACT DEFINING "WHOLESALE" AND "SUB-JOBBER" UNDER THE TOBACCO TAX ACT SO-CALLED.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Wholesalers of Tobacco Products Defined.** Amend section 1, paragraph V of chapter 79, Revised Laws, as

amended by chapter 133, Laws of 1947, by striking out said paragraph and inserting in place thereof the following: V. "Wholesaler," any person in this state having an established regular place of business who shall purchase his tobacco products stock direct from a manufacturer and who shall sell all of his tobacco products stock to sub-jobbers, vending machine operators or retailers.

**2. Sub-jobber of Tobacco Products Defined.** Amend section 1, paragraph VII of chapter 79, Revised Laws, as amended by chapter 133, Laws of 1947, by striking out said paragraph and inserting in place thereof the following: VII. "Sub-jobber," any person, other than a wholesaler, having an established regular place of business in this state, (a) who shall sell all of his tobacco products to vending machine operators and to retailers; provided, however, that any such person must sell to fifty or more vending machine operators or retailers, or (b) who by the nature of the national character of his business shall be a direct buyer from manufacturers of tobacco products, or (c) who shall operate twenty or more retail stores in this state.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved May 12, 1949.]

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## CHAPTER 188.

### AN ACT DEFINING THE WORDS "MOTOR VEHICLE" UNDER THE MOTOR VEHICLE LIABILITY INSURANCE LAW.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Motor Vehicle Liability Insurance.** Amend section 1 of chapter 122 of the Revised Laws by adding at the end thereof a new paragraph to read as follows: IX. "Motor vehicle," any self-propelled vehicle not operated exclusively upon stationary tracks, except farm tractors and crawler type tractors.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 12, 1949.]

## CHAPTER 189.

AN ACT RELATIVE TO OPERATORS' AND COMMERCIAL OPERATORS'  
LICENSES.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Commercial License.** Amend section 1 of chapter 115 of the Revised Laws by striking out paragraph IV and inserting in place thereof the following: IV. "Commercial Operator" every person who operates a bus or motor truck as defined in this section.

2. **Definition.** Amend section 1, chapter 115 of the Revised Laws by striking out paragraph XIX and inserting in place thereof the following: XIX. "Operator," any person who operates a motor vehicle except vehicles as defined in paragraphs I and XV.

3. **Motor Cycle.** Amend section 7 of chapter 117 of the Revised Laws by striking out the word "chauffeur's" in the first and second line and inserting in place thereof the words, commercial operator's, so that said section as amended shall read as follows: 7. **Operating Motor Cycle.** A person to whom an operator's or commercial operator's license has been issued, unless such license contains a special limitation or restriction, may operate any registered motor cycle.

4. **Operators.** Amend section 10 of chapter 117 of the Revised Laws by striking out said section and inserting in place thereof the following: 10. **Exception.** The provisions of the preceding section shall not prevent the operation of a motor vehicle by unlicensed persons, while being taught to operate, when accompanied by a person holding a commercial operator's license or an operator's license who is actually occupying the seat beside the person who is being taught to operate, excepting only persons who have been licensed and whose licenses have been suspended for cause and persons less than sixteen years of age; but said persons holding commercial operators' licenses or operators' licenses shall be liable for the violation of any provision of this title or any regulations made in accordance therewith committed by such unlicensed operator.

5. **Examiners.** Amend section 12 of chapter 117 of the Revised Laws by striking out the word "chauffeurs" in the

first line and inserting in place thereof the words, commercial operators, so that said section as amended shall read as follows: **12. Examiners Not Liable.** Examiners of commercial operators and operators in the employ of the commissioner, when engaged in their official duties, shall not be liable for the acts of any person who is being examined.

**6. Operators.** Amend section 15 of chapter 117 of the Revised Laws by striking out said section and inserting in place thereof the following: **15. Commercial Operator's License.** No person shall operate a bus or motor truck, except one owned by himself, as defined in paragraphs I and XV of section 1 of chapter 115 of the Revised Laws, unless specially licensed as a commercial operator by the commissioner and such license shall cover the operation of any motor vehicle.

**7. Age Limitation.** Amend section 16 of chapter 117 of the Revised Laws by striking out said section and inserting in place thereof the following: **16. Limitation.** Commercial operators' licenses shall be issued to any person who has passed a commercial operator's examination; but no such license shall be issued to any person less than eighteen years of age.

**8. Hiring.** Amend chapter 117 of the Revised Laws by striking out section 17 and inserting in place thereof the following: **17. Employing Commercial Operator.** No person in control of a bus or motor truck shall allow any other person to operate such bus or motor truck unless such operator holds a commercial operator's license.

**9. Fees.** Amend paragraph I of section 9 of chapter 118 of the Revised Laws by striking out said paragraph and inserting in place thereof the following: I. For each operator's original license and examination, three dollars; for each commercial operator's original license and examination, five dollars, except, when the applicant has held a chauffeur's license for the previous year in which case the fee shall be two dollars; and for all subsequent renewals of operator's, and commercial operator's licenses, two dollars each.

**10. Takes Effect.** This act shall take effect as of April 1, 1950.

[Approved May 12, 1949.]



## CHAPTER 190.

AN ACT RELATIVE TO PARI MUTUEL POOLS AT RACE MEETS AT  
AGRICULTURAL FAIRS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Horse Racing.** Amend section 15 of chapter 171 of the Revised Laws as amended by chapter 83 of the Laws of 1943 and chapter 117 of the Laws of 1945 and by chapter 24 of the Laws of 1949 by striking out said section and inserting in place thereof the following: **15. Pari Mutuel Pools.** Within the enclosure of any race track where is held a race or race meet licensed and conducted under this chapter, but not elsewhere, the sale of pari mutuel pools by the licensee under such regulations as may be prescribed by said commission is hereby permitted and authorized during the calendar years 1941 to 1956, inclusive. Commissions on such pools shall in no event and at no track, excepting at tracks or race meets conducted solely for harness racing by agricultural fairs where the commissions shall be fifteen per cent, exceed eleven and one-half per cent of each dollar wagered, plus the odd cents of all redistribution to be based upon each dollar wagered exceeding a sum equal to the next lowest multiple of ten, known as "breakage," one-half of which breakage shall be retained by the licensee and the balance shall be paid to the state treasurer for the use of the state in accordance with the provisions of section 2. Said maximum shall include the five per cent tax hereinafter prescribed. For the purpose of the exception set forth in this section, an "agricultural fair" shall be deemed to be such an association as does provide for and pay premiums of five thousand dollars, or more, annually as is determined by the commissioner of agriculture in accordance with section 18 of this chapter.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved May 12, 1949.]

## CHAPTER 191.

AN ACT RELATIVE TO THE VALIDATION OF CERTAIN INSTRUMENTS  
OF CONVEYANCE.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Real Estate.** Amend chapter 259 of the Revised Laws by inserting after section 15 the following new section: **15-a. Deeds Lacking Statement of Consideration or Seals, Validated.** When any instrument of writing shall have been on record in the office of the register of deeds in the proper county for the period of ten years, and there is a defect in such instrument because it omitted to state any consideration therefor or because it was not sealed by the grantors or any of them, such instrument shall, from and after the expiration of ten years from the filing thereof for record, be valid as though such instrument had, in the first instance, stated the consideration therefor or had been sealed by all of the grantors in full compliance with requirements of law, and such instrument shall, after the expiration of ten years from the filing of the same for record, impart to subsequent purchasers, incumbrancers and all other persons whomsoever, notice of such instrument of writing so far as and to the same extent that the same then be recorded, copied or noted in such books of record, notwithstanding such defect. Provided that nothing herein contained shall be construed to affect any rights acquired by grantees, assignees or incumbrancers subsequent to the filing of such instrument for record and prior to the expiration of ten years from the filing of such instrument for record; and provided further, that this section shall not apply to conveyances or other instruments of writing, the validity of which is brought in question in any suit now pending in any of the courts of this state.

2. **Mortgages.** Further amend chapter 259 of the Revised Laws by inserting after section 15-a the following new section: **15-b. Informal Discharges, Validated.** Every duly recorded satisfaction piece or instrument heretofore executed with intent to cancel and discharge or assign a mortgage of real estate, fully identifying the mortgage so intended to be canceled and discharged or assigned, but not drawn in formal

accordance with statutory requirements, shall be held a valid discharge or assignment of such mortgage and a release or assignment of the mortgaged interest in such real estate; provided that this section shall not apply to such satisfaction pieces or instruments, the validity of which is brought in question in any suit now pending in any of the courts of this state.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved May 12, 1949.]

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## CHAPTER 192.

AN ACT RELATING TO INTEREST ON DELINQUENT TAXES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Effective Date.** Amend section 4 of chapter 61 of the Laws of 1949 by striking out the whole thereof and inserting in place thereof the following: **4. Effective Date.** This act shall take effect April 1, 1949, and shall apply only to taxes levied on or after that date.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 12, 1949.]

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## CHAPTER 193.

AN ACT RELATING TO CONTRACTS BY MARRIED WOMEN.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Married Women.** Amend section 2 of chapter 340 of the Revised Laws by striking out the same and inserting in place thereof the following: **2. Wife's Contracts, etc.** Every married woman shall have the same rights and remedies, and shall be subject to the same liabilities in relation to property held by her in her own right, as if she were unmarried, and

may make contracts, and sue and be sued, in all matters in law and equity, and upon any contract by her made, or for any wrong by her done, as if she were unmarried; provided that no contract or conveyance by a married woman as surety or guarantor for her husband, nor any undertaking by her for him or in his behalf, shall be binding on her, unless such contract or conveyance or undertaking be signed by her before a notary public or justice of the peace and out of the presence of her husband.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 12, 1949.]

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## CHAPTER 194.

AN ACT RELATIVE TO PROTECTION OF ILLEGITIMATE CHILDREN.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Vital Statistics.** Amend chapter 337 of the Revised Laws by inserting after section 4 the following new section:  
**4-a. Prohibition.** In the case of an illegitimate child or a child born out of wedlock, the name of the putative father shall not be entered in or upon the birth certificate or birth record of such child without the written consent of the putative father, unless the paternity of the child has been adjudicated. When, from information appearing upon a birth certificate, it is discernible that the record is that of an illegitimate child or a child born out of wedlock no copy of such record shall be transmitted to the city or town within which the parents reside nor shall a report of such a birth be published in any town or county report.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 12, 1949.]

## CHAPTER 195.

AN ACT RELATIVE TO TRANSFER TAX ON CERTAIN BUILDINGS  
IN THE TOWN OF HAMPTON.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Amendment.** Amend section 4 of chapter 89 of the Revised Laws by adding at the end thereof the following: nor to buildings on land at Hampton in the county of Rockingham owned by lessees (or sub-lessees) of real estate owned by the town of Hampton and leased by said town to the Hampton Beach Improvement Company and directly to other lessees, so that said section as amended shall read as follows: **4.**

**Exceptions.** The provisions of this chapter shall not apply to the stock or obligations of a corporation organized under New Hampshire laws, and owned by a nonresident, if, at the time of the death of the owner, all the business conducted by the corporation under the authority of its charter (except stockholders' or directors' meetings and the duties performed by the clerk with reference thereto) is actually carried on outside of the state; nor to the deposits of a nonresident decedent at the time of his death in any bank or trust company within the jurisdiction of this state; nor to buildings on land at Hampton in the county of Rockingham owned by lessees (or sub-lessees) of real estate owned by the town of Hampton and leased by said town to the Hampton Beach Improvement Company and directly to other lessees.

**2. Taxation of Real Estate.** Amend chapter 87 of the Revised Laws as amended by chapter 3 and chapter 144 of the of the Laws of 1945 by inserting after section 1 the following new section to read as follows: **2. Hampton Real Estate.** For the purposes of this chapter buildings on land at Hampton in the county of Rockingham owned by lessees (or sub-lessees) of real estate owned by the town of Hampton and leased by said town to the Hampton Beach Improvement Company and directly to other lessees shall be construed to be real estate.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved May 12, 1949.]

**CHAPTER 196.****AN ACT RELATING TO APPOINTMENT OF PROBATION OFFICERS  
IN LARGE TOWNS AND CITIES.**

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Probation Officers.** Amend section 5 of chapter 379 of the Revised Laws as amended by chapter 8 of the Laws of 1943 by inserting after the word "towns" in line five the words, and cities, and by striking out the word "five" in line six and inserting in place thereof the word, fifty, so that said section as amended shall read as follows: **5. Probation Officers Selected and Assigned.** State probation officers shall be appointed by the board upon recommendation of the director from a list found qualified by the board. Such officers shall be assigned to and reside in counties or districts of the state to be designated by the board. Municipal courts in towns and cities having a population of over fifty thousand shall and other courts may appoint one or more qualified probation officers for their respective courts. No municipal probation officer shall qualify for office until his appointment thereto has been approved by the board and all such officers shall be subject to supervision by the board and each shall hold his office during the pleasure of the board.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 12, 1949.]

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**CHAPTER 197.****AN ACT RELATIVE TO MOTORIZED BICYCLES OR SCOOTERS.**

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Definition.** Amend paragraph XIII of section 1, chapter 115 of the Revised Laws by striking out said paragraph and inserting in place thereof the following: XIII. "Motor cycle" shall include motor vehicles having but two wheels in contact with the ground and with pedals and saddle on which the

driver sits astride, and also motorized bicycles and motor scooters having but two or three wheels in contact with the ground.

**2. Motor Cycle Operation.** Amend chapter 119 of the Revised Laws by adding after section 25 the following new section: **25-a. Motor Cycle.** No person operating a motor cycle shall permit any other person to ride on said motor cycle unless it is suitably equipped and designed to safely transport another person.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved May 18, 1949.]

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## CHAPTER 198.

### AN ACT RELATIVE TO CONSTRUCTION AND RECONSTRUCTION OF PRIMARY AND SECONDARY HIGHWAYS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Appropriation.** The sum of three million dollars is hereby appropriated for the purpose of the construction and reconstruction of primary and secondary highways in the state. The sum hereby appropriated shall be expended under the direction of the highway department.

**2. Bond Issue Authorized.** In order to provide the funds for the payment of the appropriation authorized by section 1, the state treasurer is hereby authorized under the direction of the governor and council to borrow upon the credit of the state a sum not exceeding three million dollars and for that purpose may issue bonds or notes in the name and on behalf of the state. Such bonds or notes shall be deemed a pledge of the faith and credit of the state.

**3. Form; Proceeds of Sale.** The governor and council shall determine the form of such bonds or notes, their rate of interest, the dates when interest shall be paid, the dates of maturity, the places where principal and interest shall be paid, and the time or times of issue. Such bonds or notes shall be signed by the treasurer and countersigned by the governor.

The treasurer may sell such bonds or notes under the direction of the governor and council provided all such bonds or notes shall be sold (1) at public sealed bidding, (2) only after an advertisement calling for bids has been published at least once in each of two successive calendar weeks in a newspaper of general circulation in New Hampshire, the first publication being not less than thirty days prior to the day the bids will be received, and (3) to the highest responsible bidder. Out of the proceeds of the sale of said bonds or notes the governor is authorized to draw his warrants for the sum hereinbefore appropriated for the purposes of this act alone.

**4. Accounts.** The secretary of state shall keep an account of all such bonds or notes countersigned by the governor showing the number and amount of each bond or note, the time of countersigning, the time when payable, and the date of delivery to the treasurer. The treasurer shall keep an account of each bond or note, showing the number and amount thereof, the name of the person to whom sold, the amount received for the same, the date of the sale, and the time when payable.

**5. Short-Term Notes.** Prior to the issuance of the bonds hereunder, and in anticipation of the collection of revenue hereunder, the treasurer, under the direction of the governor and council, may for the purposes hereof borrow money from time to time on short-term loans to be refunded by the issuance of the bonds hereunder, provided, however, that at no one time shall the indebtedness of the state on such short-term loans exceed the sum of three million dollars.

**6. Motor Vehicle Road Toll.** Beginning with the final payment of the bonds provided for by chapter 41 of the Laws of 1929, as amended by chapter 151 of the Laws of 1933, chapter 1, Laws of 1936, section 11, chapter 137, Laws of 1939 and chapter 239, Laws of 1947, the additional road toll of one cent per gallon, provided for in section 8 of said chapter 41, shall be continued in full force and effect until the final payment of the bonds and notes provided for by this act. Such additional motor vehicle road toll shall be collected in the manner now provided. A separate account of such additional motor vehicle road toll shall be kept by the state treasurer to which he shall add from time to time, at the direction of the governor acting with the advice and consent of the council, such sums from the separate account provided for by said



chapter 41 as are not reasonably necessary for the payment of the bonds provided for by said chapter. The funds so held shall be used at the discretion of the governor, with the approval of the council, to pay the interest and principal of the bonds and notes provided for by this act. To the extent that said funds are insufficient, at any time, to pay the interest and principal due on any bonds and notes provided for by this act the governor shall draw his warrant upon the general highway fund for the payment thereof. Upon the final payment of the bonds and notes which may be issued under the authority of this act the governor and council shall forthwith by proclamation terminate the further collection of the additional motor vehicle road toll hereby provided.

**7. Takes Effect.** This act shall take effect upon its passage.

[Approved May 18, 1949.]

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## CHAPTER 199.

### AN ACT PROVIDING FOR THE CLASSIFICATION OF CERTAIN SURFACE WATER.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Classification.** On and after the effective date of this act the following surface waters shall be classified in accordance with the provisions of chapter 166-A of the Revised Laws as inserted by chapter 183, Laws of 1947, as follows: I. Saco River and its tributaries, in the towns and places of Bartlett, Bethlehem, Livermore, Hart's Location, Nash and Sawyer Location, Bean's Grant, Cutt's Grant, New Hampshire State Forest Reserve, Sargent's Purchase, Chandler's Purchase, and Hadley's Purchase, from their sources to a point on the main stream at Hart's Location—Bartlett town line, Class B-1.

II. Dry Brook and an unnamed brook and their tributaries, in the town of Albany, both brooks being used as sources of supply for the public water supply system for the village of Conway, from their sources to the water supply dams, Class A.

III. Swift River and its tributaries located in the towns of Conway, Albany, Bartlett, Waterville and Livermore, except those portions of Dry Brook and an unnamed brook given in subsection II above, from their sources to the down stream edge of the Boston and Maine Railroad river crossing at Conway, Class B-1.

IV. Wildcat River (or Brook) and its tributaries, in Bean's Purchase and the town of Jackson, from their sources to the confluence with the Ellis River, Class B-1.

V. Meserve Brook and its tributaries, a tributary to the Ellis River, in the town of Jackson, from their sources to the lower dam of the Jackson public water supply system, Class A.

VI. Ellis River and its tributaries, in the towns and places of Bartlett, Jackson, Thompson and Meserve Purchase, Sargent's Purchase, Pinkham's Grant and Bean's Purchase, except those portions of Meserve Brook provided in paragraph V from their sources to the confluence with the Saco River, Class B-1.

VII. North Branch Gale River and its tributaries located in the towns of Bethlehem, and Franconia, from their sources to the intake dam of the Littleton public water supply system, Class A.

VIII. South Branch Gale River and its tributaries located in the town of Franconia from their sources to the intake dam of the Bethlehem public water supply system, Class A.

IX. Gale River and its tributaries located in the towns of Bethlehem, Franconia, Lincoln, Easton, and Lisbon, except those portions of the North Branch Gale River and the South Branch Gale River provided in paragraphs VII and VIII, from their sources to the confluence with the Ammonoosuc River, Class B-1.

X. Boyce Brook and its tributaries located in the town of Lincoln from their sources to the intake dam of the Lincoln public water supply system, Class A.

XI. Pemigewasset (Middle Branch) River and its tributaries located in the towns of Woodstock, Lincoln and Franconia, except those portions of Boyce Brook provided in paragraph X, from their sources to the dam on the main stream immediately above North Woodstock Village, Class B-1.

XII. Loon Pond, Little Loon Pond and Loon Pond Brook and their tributaries in the town of Lincoln, from their sources

to the intake dam of the Lincoln public water supply system, Class A.

XIII. East Branch Pemigewasset River and its tributaries located in the towns of Lincoln, Franconia and Bethlehem, from their sources to the Marcalus Manufacturing Company's dam located on the main stream approximately two and four tenths miles upstream from the Lincoln-Woodstock town line, Class B-1.

XIV. Peabody River and its tributaries located in the towns and places of Shelburne, Gorham, Bean's Purchase, Martin's Location, Green's Grant, Randolph, Pinkham's Grant, Sargent's Purchase, Thompson and Meserve's Purchase, and Low and Burbank's Grant, from their sources to the National Forestry boundary line, to a point located approximately one and seventy-five one hundredths miles from the confluence with the Androscoggin River, Class B-1.

XV. Wild River and its tributaries, in the towns and place of Shelburne, Bean's Purchase and Jackson, from their sources to the Maine-New Hampshire state boundary line, Class B-1.

XVI. Swift Diamond and Dead Diamond Rivers and their tributaries, in the towns and places of Stewartstown, Colebrook, Clarksville, Dixville, Dix's Grant, Wentworth's Location, Second College Grant, Pittsburg and Atkinson and Gilman Academy Grant, from their sources to the confluence with the Magalloway River, Class B-1.

XVII. Moose River and its tributaries, in the towns and places of Randolph, Gorham, Low and Burbank's Grant and Thompson and Meserve's Purchase, from their sources to the down stream side of the state highway bridge located on U. S. Route 2 in Gorham Upper Village, Class B-1.

XVIII. Moose Brook and its tributaries located in the towns of Randolph and Gorham, from their sources to the east-erly boundary of the Moose Brook State Park, Class B-1.

XIX. Mill Brook and its tributaries located in Kilkenny and the town of Stark, from their sources to the confluence with the Upper Ammonoosuc River, Class B-1.

XX. Nash Stream and its tributaries in the towns of Columbia, Stratford, Odell and Stark, from their sources to the confluence with the Upper Ammonoosuc River, Class B-1.

XXI. Phillips Brook and its tributaries, in the towns and places of Erving's Grant, Millsfield, Dixville, Columbia, Odell, Dummer and Stark, from their sources to the confluence with the Upper Ammonoosuc River, Class B-1.

XXII. Upper Ammonoosuc River and its tributaries, in the towns and places of Stark, Dummer, Milan, Kilkenny, Berlin and Randolph, from their sources to the confluence with Phillips Brook, Class B-1.

XXIII. Indian River or Stream and its tributaries in the town of Pittsburg, from their sources to the confluence with the Connecticut River, Class B-1.

XXIV. Perry Stream and its tributaries, in the town of Pittsburg, from their sources to the confluence with the Connecticut River, Class B-1.

XXV. Beebe River and its tributaries, in the towns of Campton, Holderness and Sandwich, from their sources to the down stream side of the concrete-arched highway bridge on the eastside river road in Campton Hollow, Class B-1.

XXVI. Mad River and its tributaries, in the towns of Campton, Sandwich, Thornton, Waterville, and Livermore, from their sources to the outlet of Campton Pond, Class B-1.

XXVII. Winter Brook and its tributaries in the town of Campton, from their sources to the intake dam of the Campton public water supply system, Class A.

XXVIII. Moosilauke Brook and its tributaries, in the town of Woodstock, from their sources to the confluence with Gordon Pond Brook, Class B-1.

XXIX. Gordon Pond Brook and its tributaries, in the towns of Woodstock and Lincoln, from their sources to the intake dam of the North Woodstock public water supply system, Class A.

XXX. Zealand River and its tributaries, in the town of Bethlehem, from their sources to the intake dam of the Bethlehem public water supply system, Class A.

XXXI. Little River and its tributaries, in the towns of Bethlehem, Livermore, and Franconia, from their sources to the intake dam of the Twin Mountain public supply system, Class A.

XXXII. Ammonoosuc River and its tributaries, in the towns and places of Bethlehem, Carroll, Low and Burbank's Grant, Thompson and Meserve's Purchase, Chandler's Pur-

chase, Bean's Grant, Sargent's Purchase, Crawford's Purchase, Nash and Sawyer's Location and New Hampshire State Forest Reserve, except those portions given in paragraph XXX and XXXI, from their sources to the down stream side of Pierce Bridge in the town of Bethlehem, Class B-1. Any order for abatement of pollution in the streams mentioned in this paragraph shall be deemed to be complied with if the pollution is abated in a period of fifteen years from the date of order, anything to the contrary in paragraph II of section 7, chapter 166-A of the Revised Laws notwithstanding.

**2. Duties of the Commission.** Amend paragraph VI of section 4, chapter 166-A of the Revised Laws as inserted by chapter 183 of the Laws of 1947 by adding at the end thereof the following new sentence, Those who have already incurred expense in order to comply with a classification adopted by the legislature or made under section 9 hereof, shall be equally eligible to receive any federal or other moneys with those who have not incurred but who are required to incur expense by reason of any such classification, so that said paragraph as amended shall read: VI. To investigate and approve the applications of those municipalities, industries or other persons of the state as may request state or federal aid that may at any time be made available in the interest of pollution control. To this end the commission shall be the state agency designated to receive or to make agreements on behalf of the state for any federal or other moneys as may be allotted for such purposes. Those who have already incurred expense in order to comply with a classification adopted by the legislature or made under section 9 hereof, shall be equally eligible to receive any federal or other moneys with those who have not incurred but who are required to incur expense by reason of any such classification.

**3. Procedure Under Pollution Act.** Amend paragraph I, section 7, chapter 166-A of the Revised Laws as inserted by chapter 183 of the Laws of 1947 by adding at the end thereof the following new sentence, In any instance when the commission shall set a time limit for abatement of pollution under paragraph II, there shall be no prosecutions under this paragraph until after such time limit shall have expired, so that said paragraph as amended shall read as follows: I. After adoption of a given classification for a stream, lake, pond, tidal

water, or section thereof, the commission shall enforce such classification by appropriate action in the courts of the state, and it shall be unlawful for any person or persons, to dispose of any sewage, industrial, or other wastes either along or in conjunction with any other person or persons, in such a manner as will lower the quality of the waters of the stream, lake, pond, tidal water, or section thereof below the minimum requirements of the adopted classification. In any instance when the commission shall set a time limit for abatement of pollution under paragraph II, there shall be no prosecutions under this paragraph until after such time limit shall have expired.

**4. Extension of Time.** Amend paragraph II, section 7, of chapter 166-A of the Revised Laws as inserted by chapter 183 of the Laws of 1947 by striking out said paragraph and inserting in place thereof the following: II. If, after adoption of a classification of any stream, lake, pond, tidal water, or section thereof, including those classified by section 9, it is found that there is a source or sources of pollution, which lowers the quality of the waters in question below the minimum requirements of the classification so established, the person, or persons responsible for the discharging of such pollution shall be required to abate such pollution, within a time to be fixed by the commission. If such pollution be of municipal or industrial origin, the time limit set by the commission for such abatement shall be not less than two years nor more than five years. For good cause shown the commission may from time to time extend any time limit established under this paragraph. Orders of the commission establishing or extending time limits or refusing to do so shall be subject to appeal as provided in section 12.

**5. Application to Court.** Amend chapter 166-A of the Revised Laws as inserted by chapter 183 of the Laws of 1947 by inserting after section 7 the following new section: **7-a. Variances.** Within six months after adoption of a given classification by the legislature, any person chargeable with the responsibility of abating pollution as a result of such classification may apply to the superior court in and for the county in which such pollution is occurring by sworn petition praying for a variance in such classification as applied to his specific case. In such petition the state

shall be named as defendant and service shall be made on the attorney general. After hearing the court may enter a decree authorizing such variance from the classification in the specific case before it as will not be contrary to the public interest, giving consideration to the public advantages that will accrue from such abatement, the financial hardship to the petitioner occasioned by such abatement, and such other conditions as may lead the court to believe that the literal enforcement of the classification will result in substantial injustice to the petitioner unless such variance is granted.

**6. Takes Effect.** This act shall take effect upon its passage.

[Approved May 18, 1949.]

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## CHAPTER 200.

### AN ACT RELATING TO INSURERS NOT AUTHORIZED TO TRANSACT BUSINESS IN THIS STATE.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Amendment.** Amend the Revised Laws by inserting after chapter 325 the following new chapter:

#### **Chapter 325-A.**

**1. Purpose of Act.** The purpose of this act is to subject certain insurers to the jurisdiction of courts of this state in suits by or on behalf of insureds or beneficiaries under insurance contracts.

**2. Service of Process Upon Unauthorized Insurer. I.** Any of the following acts in this state, effected by mail or otherwise, by an unauthorized foreign or alien insurer: (a) the issuance or delivery of contracts of insurance to residents of this state or to corporations authorized to do business therein, (b) the solicitation of applications for such contracts, (c) the collection of premiums, membership fees, assessments or other considerations for such contracts, or (d) any other transaction of business, is equivalent to and shall constitute an appointment by such insurer of the insurance commissioner and his successor or successors in office, to be its true and law-

ful attorney, upon whom may be served all lawful process in any action, suit or proceeding instituted by or on behalf of an insured or beneficiary arising out of any such contracts of insurance, and any such act shall be signification of its agreement that such service of process is of the same legal force and validity as personal service of process in this state upon such insurer.

II. Such service of process shall be made by delivering to and leaving with the insurance commissioner or some person in apparent charge of his office two copies thereof and the payment to him of a fee of two dollars. The insurance commissioner shall forthwith mail by registered mail one of the copies of such process to the defendant at its last known principal place of business, and shall keep a record of all process so served upon him. Such service of process is sufficient, provided notice of such service and a copy of the process are sent within ten days thereafter by registered mail by plaintiff or plaintiff's attorney to the defendant at its last known principal place of business, and the defendant's receipt, or receipt issued by the post office with which the letter is registered, showing the name of the sender of the letter and the name and address of the person to whom the letter is addressed, and the affidavit of the plaintiff or plaintiff's attorney showing a compliance herewith are filed with the clerk of the court in which such action is pending on or before the date the defendant is required to appear, or within such further time as the court may allow.

III. Service of process in any such action, suit or proceeding shall in addition to the manner provided in subdivision II of this section be valid if served upon any person within this state who, in this state on behalf of such insurer is (a) soliciting insurance; (b) making, issuing or delivering any contract of insurance; (c) collecting or receiving any premium, membership fee, assessment or other consideration for insurance; and a copy of such process is sent within ten days thereafter by registered mail by the plaintiff or plaintiff's attorney to the defendant at the last known principal place of business of the defendant, and the defendant's receipt or the receipt issued by the post office with which the letter is registered, showing the name of the sender of the letter and the name and address of the person to whom the letter is addressed,



and the affidavit of the plaintiff or plaintiff's attorney showing a compliance herewith are filed with the clerk of the court in which such action is pending on or before the date the defendant is required to appear, or within such further time as the court may allow.

IV. No plaintiff or complainant shall be entitled to a judgment by default under this section until the expiration of thirty days from date of the filing of the affidavit of compliance.

V. Nothing in this section contained shall limit or abridge the right to serve any process, notice or demand upon any insurer in any other manner now or hereafter permitted by law.

**3. Defense of Action by Unauthorized Insurer.** I. Before any unauthorized foreign or alien insurer shall file or cause to be filed any pleading in any action, suit or proceeding instituted against it, such unauthorized insurer shall either (a) deposit with the clerk of the court in which such action, suit or proceeding is pending cash or securities or file with such clerk a bond with good and sufficient sureties, to be approved by the court, in an amount to be fixed by the court sufficient to secure the payment of any final judgment which may be rendered in such action, provided, however, that the court may in its discretion make an order dispensing with such deposit or bond where the insurer makes a showing satisfactory to such court that it maintains in a state of the United States funds or securities, in trust or otherwise, sufficient and available to satisfy any final judgment which may be entered in such action, suit or proceeding; or (b) procure a certificate of authority to transact the business of insurance in this state.

II. The court in any action, suit or proceeding, in which service is made in the manner provided in paragraphs II or III of section 2, may, in its discretion, order such postponement as may be necessary to afford the defendant reasonable opportunity to comply with the provisions of paragraph I of this section and to defend such action.

III. Nothing in paragraph I of this section is to be construed to prevent an unauthorized foreign or alien insurer from filing a motion to quash a writ or to set aside service thereof made in the manner provided in paragraphs II or III of section 2 hereof on the ground either (a) that such unauthorized

insurer has not done any of the acts enumerated in paragraph I of section 2, or (b) that the person on whom service was made pursuant to paragraph III of section 2 was not doing any of the acts therein enumerated.

**4. Attorney Fees.** In any action against an unauthorized foreign or alien insurer upon a contract of insurance issued or delivered in this state to a resident thereof or to a corporation authorized to do business therein, if the insurer has failed for thirty days after demand prior to the commencement of the action to make payment in accordance with the terms of the contract, and it appears to the court that such refusal was vexatious and without reasonable cause, the court may allow to the plaintiff a reasonable attorney fee and include such fee in any judgment that may be rendered in such action. Such fee shall not exceed twelve and one-half per cent of the amount which the court or jury finds the plaintiff is entitled to recover against the insurer, but in no event shall such fee be less than twenty-five dollars. Failure of an insurer to defend any such action shall be deemed prima facie evidence that its failure to make payment was vexatious and without reasonable cause.

**5. Exceptions.** The provisions of this act shall not apply to any action, suit or proceeding against any non-admitted foreign or alien insurer arising out of any contract of insurance (a) affected in accordance with section 25 of chapter 325, Title XXVII of the Revised Laws of New Hampshire, or (b) covering ocean marine, aircraft or railway insurance risks, or (c) against legal liability arising out of the ownership, operation or maintenance of any property having a permanent situs outside this state, or (d) against loss of or damage to any property having a permanent situs outside this state, where such contract of insurance contains a provision designating the commissioner and his successor or successors in office to be the true and lawful attorney of such non-admitted insurer upon whom may be served all lawful process in any action, suit or proceeding instituted by or on behalf of an insured or beneficiary arising out of any such contract of insurance or where the insurer enters a general appearance in any such action, suit or proceeding.

**6. Constitutionality.** If any provision of this act is declared unconstitutional or the application thereof to any per-

son or corporation is held invalid, the validity of the remainder of the act and the application of such provision to other persons or corporations and circumstances shall not be affected thereby.

**7. Short Title.** This act may be cited as the Unauthorized Insurers Process Act.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 18, 1949.]

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## CHAPTER 201.

### AN ACT RELATIVE TO UNEMPLOYMENT COMPENSATION ADJUSTMENTS AND REFUNDS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Adjustments and Refunds.** Amend subsection F, section 11 of chapter 218 of the Revised Laws, as amended by section 22, chapter 138 of the Laws of 1945, by striking out the whole of the same and inserting in place thereof the following: F. Adjustments and Refunds. If not later than three years from the last day of the period with respect to which a payment of any contributions or interest thereon was made, or one year from the date on which such payment was made, whichever shall be the later, an employing unit or employer who has paid such contribution or interest thereon, shall make application for an adjustment thereof in connection with subsequent contribution payments, or for a refund thereof because such adjustment cannot be made, and the commissioner shall determine that such contributions or interest or any portion thereof was erroneously collected, the commissioner shall allow such employing unit or employer to make an adjustment thereof, without interest, in connection with subsequent contribution payments by him, or if such adjustment cannot be made, the commissioner shall refund said amount, without interest, from the fund, unless such payments are to be refunded from the contingent fund as provided in section 10-C. For like cause and within the same period, adjustment or refund may be so made on the commissioner's own initiative. Nothing in

this chapter or in any part thereof, shall be construed to authorize any refund or credit of moneys due and payable under the law and regulations in effect at the time such moneys were paid.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 18, 1949.]

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## CHAPTER 202.

### AN ACT PROVIDING FOR AN INCREASE IN THE AMOUNT OF WEEKLY COMPENSATION UNDER THE WORKMEN'S COMPENSATION LAW.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Workmen's Compensation.** Amend section 20 of chapter 216 of the Revised Laws as inserted by chapter 266 of the Laws of 1947 and as amended by chapter 152 of the Laws of 1949 by striking out the word "twenty-five" in the seventh line and inserting in place thereof the word, thirty, so that said section as amended shall read: **20. Compensation for Death.** If death results from the injury, the employer shall pay to, or for the dependent or dependents of the deceased employee, as defined in section 1, for a period not exceeding three hundred weeks, a weekly compensation equal to sixty-six and two-thirds per cent of the deceased employee's average weekly wages, but not less than fifteen nor more than thirty dollars per week; provided that the total amount payable on account of a single death shall not exceed the sum of seventy-five hundred dollars.

I. In all cases where compensation is payable to a widow or widower for the benefit of herself or himself and dependent child or children, the commissioner of labor shall have power to determine in his discretion what portion of the compensation shall be applied for the benefit of any such child or children and may order the same paid to a guardian.

II. In the case of remarriage of a widow without dependent children compensation payments shall cease.

III. In case of remarriage of a widow who has dependent children the unpaid balance of compensation which would otherwise become her due shall be payable to the mother, guardian, or such other person as the commissioner of labor may order, for the use and benefit of such children during dependency.

IV. If the deceased employee leaves no dependents, the employer shall pay the expenses of burial not exceeding three hundred dollars.

2. **Benefits Increased.** Amend section 21 of chapter 216 of the Revised Laws as inserted by chapter 266 of the Laws of 1947 by striking out the word "twenty-five" in the eighth line and inserting in place thereof the word, thirty, so that said section as amended shall read: **21. Compensation for Temporary Total Disability.** Where the injury causes total disability for work at any gainful occupation the employer, during such disability, but not including the first seven days thereof, unless such disability continues for seven days or longer, shall pay the injured employee a weekly compensation equal to sixty-six and two-thirds per cent of the employee's average weekly wages, but not less than ten dollars nor more than thirty dollars per week, unless the injured employee's average weekly wages as defined herein are less than ten dollars per week, in which case the compensation shall be the full amount of said average weekly wages. Payments shall not continue after the disability ends nor longer than three hundred weeks, and in case the total disability begins after a period of partial disability, the period of partial disability shall be deducted from such total period of three hundred weeks.

3. **Change in Amount.** Amend section 28 of chapter 216 of the Revised Laws as inserted by chapter 266 of the Laws of 1947 by striking out the word "twenty-five" in the fourth line and inserting in place thereof the word, thirty, so that said section as amended shall read: **28. Maximum Benefits.** In no case, except as provided in sections 20, 22, 24 and 27, shall the weekly compensation payable under this chapter exceed sixty-six and two-thirds per cent of the average weekly wages, or exceed thirty dollars per week in amount, nor shall the total compensation exceed the sum of seventy-five hundred dollars; nor shall any payments extend over a period of more than three hundred weeks from the date of the injury.

4. **Takes Effect.** This act shall become effective July 1, 1949.

[Approved May 18, 1949.]

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## CHAPTER 203.

### AN ACT ESTABLISHING DISTRICT DEPARTMENTS OF HEALTH.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Authority Granted.** Any town by vote at town meeting and any city by vote of the city councils may unite with any other town or city to form a district department of health. The affairs of any such district department of health shall be managed by a board as hereinafter provided.

2. **Board.** The selectmen of each town and the city councils of each city, which has so voted to become a part of any such district, shall appoint annually two persons to be members of such board. Provided that any town or city having a population of more than five thousand inhabitants, as determined by the last completed United States census, shall be entitled to one additional representative on said board for each five thousand population or part thereof.

3. **Organization.** Each board annually shall elect a chairman and a district treasurer and shall determine the relative amount of service to be performed in each town or city within the district by persons employed by the board and shall furnish the necessary offices and equipment to enable it to carry out its duties. The fiscal year of each district department of health shall be from July first to June thirtieth and, during the month of June in each year, the board shall estimate the amount of money required to pay the costs and expenses of the district during the ensuing fiscal year.

4. **Payments.** From time to time the board shall draw upon the treasurer of each town or city within the district for such funds as may have been apportioned to each to pay the costs of operating the district. Such apportionment shall be based upon the population of the towns and cities in the district.

5. **Health Officer.** The board shall appoint some discreet person, possessing the qualifications hereinafter specified, to be health officer for such district. If the district health officer shall not be elected within sixty days from the formation of any such district, or in case a vacancy in said office shall continue to exist for sixty days or more, such officer shall be appointed by the state board of health. Upon the appointment of a health officer under the provisions of this section, the terms of office of the health officers of the towns or cities forming such district shall terminate.

6. **Qualifications for District Health Officer.** The district health officer shall be a doctor of medicine and hold a degree in public health as a result of having at least one year's special training in public health or, in lieu of said degree, shall meet the qualifications prescribed by the state department of health. He shall serve during good behavior and be removed only for cause after a public hearing by the board on charges preferred of which reasonable notice shall have been given. He shall devote his entire time to the performance of such duties as are required of health officers by the general laws of the state and as the board shall determine and shall act as secretary of the board provided he shall not have a right to vote.

7. **District Treasurer.** The district treasurer shall disburse the money received from the towns and cities in the district and from other sources upon warrants approved by a majority of the board and signed by the chairman and secretary. The treasurer shall give bond to the district for the faithful performance of his duties as treasurer in such sums and upon such conditions as the board may require.

8. **Employees.** The district health officer shall be the executive officer of the district department of health and shall appoint all necessary assistants or clerks subject to the approval of the board. Such employees shall perform such duties as shall be prescribed by the district health officer and receive such compensation as shall be fixed by the board.

9. **Appropriations.** Any town, or city councils of any city, at any legal meeting, may grant and vote such sums of money as it shall judge necessary for the purpose of paying the apportionment of said town or city as a member of any district department of health.

**10. Withdrawal From District.** Any town or the city council of any city, which has voted to unite with another town or city to form a district department of health, may vote to withdraw from the district. Such withdrawal shall not become effective until the first day of July following such vote of withdrawal.

**11. Additional Funds.** Any district department of health organized hereunder is authorized to use any additional funds which the state department of health may secure from federal agencies or other official agencies and which it may allot to such district department of health.

**12. Takes Effect.** This act shall take effect upon its passage.

[Approved May 20, 1949.]

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## CHAPTER 204.

### AN ACT RELATING TO OPERATION OF MOTOR VEHICLES WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Operation of Motor Vehicles.** Amend chapter 118 of the Revised Laws by adding thereto the following new section:  
**16-a. Evidence of Intoxication.** Upon complaint, information, indictment or trial of any person charged with the violation of section 16, the court may admit evidence of the amount of alcohol in the defendant's blood at the time alleged, as shown by a chemical analysis of his breath, urine, or other bodily substance. Evidence that there was, at the time alleged, five-hundredths per cent, or less, by weight of alcohol in his blood, is *prima facie* evidence that the defendant was not under the influence of intoxicating liquor. Evidence that there was, at the time alleged, from five-hundredths per cent to fifteen-hundredths per cent by weight of alcohol in his blood is relevant evidence but is not to be given *prima facie* effect in indicating whether or not the defendant was under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. Evidence that there was, at the time alleged,



fifteen-hundredths per cent, or more, by weight of alcohol in his blood, is *prima facie* evidence that the defendant was under the influence of intoxicating liquor. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of intoxicating liquor.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 20, 1949.]

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## CHAPTER 205.

### AN ACT RELATIVE TO NOTICES REQUIRED BY INSURANCE CARRIERS IN CERTAIN CASES RELATING TO WORKMEN'S COMPENSATION.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Insurance Carriers.** Amend chapter 216 of the Revised Laws as interest by chapter 266 of the Laws of 1947 by inserting after section 8 the following new section: **8-a. Notices Required to be Filed.** I. A policy of workmen's compensation insurance covering the liability of an employer under the provisions of this chapter shall not be cancelled within the time limited in such policy for its expiration until at least thirty days after a notice of intention to cancel such policy on a date specified in such notice has been filed in the office of the commissioner and also served on the employer.

II. An insurance carrier who does not intend to renew a policy of workmen's compensation insurance covering the liability of an employer under the provisions of this chapter, thirty days prior to the expiration of such policy shall give notice of such intention to the commissioner of labor and to the covered employer. An insurance carrier who fails to give such notice shall continue the policy in force beyond its expiration date for thirty days from the day such notice is received by the commissioner. Provided, however, that this latter provision shall not apply if prior to such expiration date the insurance carrier has offered to continue the insurance beyond such date

by delivery of a renewal contract or otherwise or if the employer notifies the insurance carrier that he does not wish the insurance continued beyond such expiration date or if the employer complies with the provisions of paragraph II of section 8 on or before the expiration date of the existing insurance or if the employer replaces said insurance with another carrier.

2. **Takes Effect.** This act shall become effective July 1, 1949.

[Approved May 20, 1949.]

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## CHAPTER 206.

AN ACT RELATING TO REGISTRATION OF FOREIGN CORPORATIONS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **New Chapter.** Amend chapter 280 of the Revised Laws by striking out the same and inserting in place thereof the following:

### Chapter 280

#### Registration of Foreign Corporations

1. **Fee; Appointment of Agent.** Every foreign corporation (except foreign insurance companies, to whom this chapter shall not apply, and except holders of certificates of approval issued under the provisions of sections 78 and 79 of chapter 170 of Revised Laws and corporations otherwise specifically required to register with and consent to service of process upon a state official) desiring to do business in this state, shall pay a registration fee of twenty-five dollars and shall pay an annual maintenance fee of twenty-five dollars payable to the secretary of state on the first business day of January following the date of registration and on the first business day of each January thereafter, and continuously maintain in this state

(a) a registered office which may or may not be the same as its place of business in this state; and

(b) a registered agent, which agent may be the secretary of state and his successor or successors in office or an individual resident in or a corporation authorized to do business

and act as such agent in this state, whose office is identical with such registered office.

(c) The secretary of state shall in December each year, notify all corporations registered hereunder of the fees to become due hereunder on the first business day of the January following; and shall in April notify all corporations who may have failed to pay the fees required hereunder.

**2. Application for Certificate of Authority.** All applications of foreign corporations for authority to do business in this state shall be made on forms prescribed or furnished by and filed in the office of the secretary of state, shall be executed by the corporation by an executive officer, under the seal of the corporation, and attested by the clerk or secretary or assistant clerk or assistant secretary and shall set forth

(a) the name of the corporation, the state or country under the laws of which it is organized and the post office address, with street and number if any, of its principal office in such state or country;

(b) a statement registering an office and agent in this state and the address, including street and number if any, of such registered office in this state and the name of such registered agent in this state at such address; and shall be accompanied by

(c) a true copy of the vote authorizing the application and registration of an office and agent in this state, certified under the seal of the corporation by its clerk or secretary or assistant clerk or assistant secretary, which certificate shall show that said vote has not been revoked and is in full force and effect. On compliance with the provisions of this section, the secretary of state shall forthwith issue a certificate of authority to do business in this state. Copies of applications and all certified copies of votes so filed, certified by the secretary of state, shall be sufficient evidence thereof.

**3. Change of Registration; Fee.** A foreign corporation may from time to time change the address of its registered office and shall change its registered agent if the office of registered agent shall become vacant for any reason or if its registered agent becomes disqualified or incapacitated to act or if it revokes the appointment of its registered agent. Such change or changes shall become effective when such corporation shall have filed in the office of the secretary of state, on

forms prescribed or furnished by him, a statement signed by an executive officer of the corporation, under the seal of the corporation, and attested by the clerk or secretary or assistant clerk or assistant secretary, setting forth

(a) the name of the corporation, the state or country under the laws of which it is organized and the post office address, with street and number if any, of its principal office in such state or country;

(b) the address, including street and number if any, of its then registered office in this state and the name and identical address of its then registered agent;

(c) if the address of its registered office be changed, the address, including street and number if any, to which the registered office is changed;

(d) if its registered agent be changed, the name of its successor registered agent, and such agent's address, which shall be identical with the address of its registered office to be thereafter maintained; and shall be accompanied by

(e) a true copy of the vote authorizing the change or changes of registration, certified under the seal of the corporation by its clerk or secretary or assistant clerk or assistant secretary, which certificate shall show that said vote has not been revoked and is in full force and effect; and

(f) a filing fee of five dollars.

**4. Service of Process.** Service of process in any suit, action or proceeding, or service of any notice or demand required or permitted by law to be served on a foreign corporation, may be made on such corporation as otherwise provided by law or by service thereof on the registered agent of such corporation. Service of any such process or of any such notice or demand upon a registered agent as registered agent may be made

(a) by serving a copy thereof on its president, a vice president, the clerk, the secretary or an assistant clerk or an assistant secretary, if such registered agent is a corporation, or

(b) by leaving an attested copy of such process, notice or demand in the registered office of the registered agent during regular business hours, or

(c) as otherwise provided by law. Whenever any foreign corporation authorized to transact, or transacting business in this state shall fail to appoint or maintain in this state a

registered agent upon whom service of legal process or service of any such notice or demand may be had, or whenever service on any such registered agent cannot with reasonable diligence and promptness be made as above provided, or whenever the certificate of authority of any foreign corporation shall be forfeited, then and in every such case the secretary of state shall be and hereby is irrevocably authorized as the agent and representative of such foreign corporation to accept service of any process or service of any notice or demand required or permitted by law to be served upon such corporation.

**5. Service on Secretary of State.** If service is made on the secretary of state under this chapter,

(a) service shall be made by leaving a copy of the process, notice or demand and a fee of two dollars in the hands or in the office of said secretary;

(b) the fee of two dollars shall be taxed to the plaintiff's costs if he prevails in the suit;

(c) the secretary shall keep a record of the day and hour of the service of such process; and

(d) whenever such service has been made, the secretary shall immediately give notice thereof by mail, postage prepaid, to the corporation at its home office as it appears in the records of the secretary of state, or to such other person or address as the corporation shall have directed by writing filed in the office of the secretary of state and shall within two days after such service send in like manner a copy of the process, notice or demand. If any such corporation shall not have registered as required by law, the notice herein required and the copy of the process, notice or demand shall be forwarded to the address furnished by the person in whose behalf such process is served. The certificate of the secretary of state that he has forwarded notice and copies by mail as herein required shall be evidence of the fact of forwarding to the address stated in such certificate and of the time of forwarding.

**6. Withdrawal from State; Fee.** A foreign corporation authorized to do business in this state may withdraw from this state at any time. Such withdrawal shall become effective when such corporation shall have filed in the office of the secretary of state, on forms prescribed or furnished by him, signed by the corporation by an executive officer, under the seal of the corporation and attested by the clerk or secretary or assistant

clerk or assistant secretary, a statement of withdrawal which shall set forth

(a) the name of such corporation, the state or country under the laws of which it is organized, and the post office address, with street and number if any, of its principal office in such state or country;

(b) the address, including street and number if any, of its registered office in this state and the name of its registered agent in this state at such address;

(c) a statement that it surrenders its authority to do business in this state;

(d) that it revokes the authority to make service of process on its then registered agent and consents that service of process in any suit, action or proceeding based upon any cause of action arising within or without the state prior to the effective date of the withdrawal may thereafter be made on such corporation by service thereof on the secretary of state; and shall be accompanied by

(e) a true copy of the vote authorizing the withdrawal, certified under the seal of the corporation by the clerk or secretary or assistant clerk or assistant secretary; and

(f) a filing fee of five dollars.

**7. Trustee Process.** Foreign companies or corporations established by the law of any other state or country, and having a place of business or doing business within this state, may be summoned as trustees, and trustee process may be served upon them as other writs are, and when so summoned they shall be liable in the same manner as domestic corporations.

**8. Other Service.** The method of service provided by this chapter is not exclusive, and service on such corporations may be made in any other manner provided by law.

**9. New Registration Fee.** If any such corporation fails for two consecutive years to make the annual returns required by sections 104 and 105 of chapter 274, its right to conduct business in this state shall be suspended until a new registration fee of twenty-five dollars shall have been paid.

**10. Non-compliance; Penalty.** Any such corporation which refuses to comply with the requirements of this chapter may be restrained from further prosecution of business in this state by proceedings in equity brought by the attorney general

in the county of Merrimack and shall be fined not more than five hundred dollars.

**11. Effect.** Failure to comply with the registration provisions of this chapter shall not affect the validity of any contract with such corporation; but no action shall be maintained or recovery had in any of the courts of this state by any such foreign corporation so long as it fails to comply with the requirements of this chapter.

**12. Change in Name; Fee.** Any such corporation which has amended its charter by changing the name under which it is registered in this state shall within thirty days file with the secretary of state a certificate of such change, under the seal of the corporation, signed and sworn to by the clerk or secretary or assistant clerk or assistant secretary of the corporation and shall pay a filing fee of five dollars.

**2. Effective Date.** This act shall take effect upon its passage, except that foreign corporations heretofore authorized to do business in this state shall have six months thereafter within which to register under the provisions of section 2 of chapter 280 of the Revised Laws as amended hereby and the filing fee therefor shall be five dollars. Notice of liability to register and registration forms shall be forwarded by the secretary of state within four months after the passage of this act to each such corporation or its manager or other person heretofore designated by such corporation as the person to whom service of process shall be forwarded, as provided by section 6 of chapter 280 of the Revised Laws.

[Approved May 23, 1949.]

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## CHAPTER 207.

### AN ACT RELATIVE TO DEPOSIT OF CITY FUNDS IN BANKS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Change in Limitations.** Amend section 15, chapter 65 of the Revised Laws, by inserting after the word "surplus" in the fifth line the words, except that a city with a population in excess of forty thousand is authorized to deposit funds in a solvent bank in excess of sixty per cent of the paid-up capital

and surplus of said bank, so that said section as amended shall read as follows: **15. Deposit of City Funds.** The city treasurer shall deposit all money belonging to the city in solvent banks in the state, except that a city near the state boundary may, with the approval of the bank commissioner, deposit city funds in banks outside the state. The amount deposited in any bank shall not exceed sixty per cent of its paid-up capital and surplus, except that a city with a population in excess of forty thousand is authorized to deposit funds in a solvent bank in excess of sixty per cent of the paid-up capital and surplus of said bank.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 23, 1949.]

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## CHAPTER 208.

### AN ACT PERTAINING TO JAIL SENTENCES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Jail Sentences.** Amend section 13 of chapter 429 of the Revised Laws by striking out said section and inserting in place thereof the follows: **13. Place; Reduction in Sentence.** Persons liable to commitment to jail for any offense may be committed to the jail or to any house of correction in the discretion of the court. The keeper of said jail or superintendent of said house of correction may issue a permit to any prisoner, whose record of conduct shows that he has faithfully observed all the rules of said jail or house of correction, to be at liberty at a time in advance of the expiration of the term or sentence imposed by the court, to be computed by deducting therefrom not more than three days for each month of the term of sentence.

**2. Takes Effect.** This act shall take effect sixty days from the date of its passage.

[Approved May 23, 1949.]



## CHAPTER 209.

AN ACT RELATING TO INVESTMENTS OF SAVINGS BANKS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Savings Banks.** Amend paragraph VII of section 3 of chapter 310 of the Revised Laws by striking out said paragraph and inserting in place thereof the following: VII. DEPOSIT BOOKS. Notes secured by any book of deposit issued by any savings bank, or by any savings department of a state or national bank, existing under the laws of and located in any New England state or notes secured by the shareholder's account in any federal savings and loan association located in this state or any building and loan association of this state, provided that the investment in the case of banks, federal savings and loan associations and building and loan associations located in New Hampshire shall not be in excess of one hundred per cent and in the case of banks located in the other New England states shall not be in excess of ninety per cent of the withdrawal value of the deposit evidenced thereby.

2. **Fire Insurance Stock.** Amend paragraph XV of section 12 of chapter 310 of the Revised Laws by striking out the words "having a total capital stock of not less than two million dollars and surplus of not less than one and one-half times the amount of the unearned premiums" where they appear therein and inserting in place thereof the following: having a total capital stock of not less than two million dollars and having combined capital stock and surplus of not less than the amount of its unearned premiums, so that said paragraph XV as amended shall read as follows: XV. FIRE INSURANCE STOCK. The dividend-paying capital stock of senior preference of any fire insurance company incorporated in the United States outside of New Hampshire, and licensed to do business as a fire insurance company under the laws of this state, having a total capital stock of not less than two million dollars and having combined capital stock and surplus of not less than the amount of its unearned premiums; provided that such company has been doing business at least ten years and has paid a dividend in each of the five years next preceding such investment. If any such company has only one class of stock outstanding that

class shall be considered stock of senior preference for the purposes hereof.

**3. Investment Trust Shares.** Amend section 12 of chapter 310 of the Revised Laws by adding immediately after paragraph XVII thereof, a new heading entitled, Investment Trust Shares, and by adding the following new paragraph thereafter:

#### **Investment Trust Shares**

XVIII. INVESTMENT TRUST SHARES. The shares of any management type investment company or investment trust which is registered as an "open-end company" under the Federal Investment Company Act of 1940 as from time to time amended and which is also authorized for sale by the insurance commissioner of the state of New Hampshire, if said company or trust (a) shall have been in existence for at least ten years and (b) shall have net assets of not less than ten million dollars at the date of purchase and (c) shall have outstanding no bonds, debentures, notes or other evidences of indebtedness or any stock having priority over the shares being purchased either as to distribution of assets or payment of dividends and (d) shall have paid annual dividends from investment income in each of the ten years next preceding said purchase and (e) shall not have made during the two years next preceding said purchase, any distribution from realized capital gains except during the last month of the federal taxable year of said trust or company, and (f) shall not permit the maximum load or commission to be charged upon the sale of its shares, to exceed seven and one-half per cent of the sum of its asset value per share, plus the load or commission charged, adjusted to the nearest full cent; provided, however, that not more than five per cent of the deposits of any savings bank shall be invested in such shares and not more than one per cent of the deposits of any savings bank shall be invested in the shares of any one investment company or trust and further provided that the total amount of such shares which may be held by any savings bank as an investment and as collateral security for loans shall not exceed five per cent of the total assets of such investment company or investment trust.

**4. Limitations.** Amend section 13 of chapter 310 of the Revised Laws by striking out the word and figure "and XIII" and inserting in place thereof the word and figures, XIII, XV,

XVI, and XVII, and further amend said section by striking out the word and figure "paragraph XIV" and inserting in place thereof the words and figures, paragraphs XIV and XVIII, so that said section as amended shall read as follows: **13. Impaired Assets.** Unless the guaranty fund of a bank is full and unimpaired, and the value of its assets as determined by the commissioner shall exceed the amount of the deposits by at least five per cent, it shall be unlawful for it to invest in any stocks described in paragraphs VI, VIII, IX, XI, XIII, XV, XVI, and XVII of section 12, or in any securities described in paragraphs XIV and XVIII of said section, without the written permission of the commissioner.

**5. Takes Effect.** This act shall take effect upon its passage.

[Approved May 25, 1949.]

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## CHAPTER 210.

### AN ACT RELATIVE TO ALLOWANCES TO WIDOW FROM DECEASED HUSBAND'S ESTATE.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Allowances to Widows.** Amend section 1 of chapter 359 of the Revised Laws by striking out the words "she not being mentioned in the will, or waiving provision made for her therein" in the second and third lines so that said section as amended shall read as follows: **1. Making; Account.** The judge may make to the widow of a person deceased, intestate or testate, a reasonable allowance out of the personal estate, for her present support; and, in the decree of distribution of the personal estate, the whole, or such part thereof as the judge may deem reasonable, shall be accounted as part of her distributive share; and shall be so accounted when she elects to take one third or one half of the real estate, under the provisions of section 11.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 25, 1949.]

## CHAPTER 211.

AN ACT RELATING TO WINTER MAINTENANCE OF HIGHWAYS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Winter Maintenance.** Amend section 8, part 10 of chapter 90 of the Revised Laws as inserted by chapter 188 of the Laws of 1945 by adding at the end thereof the words, the highway commissioner may designate all or any part of class I, class II, or class III highways for winter maintenance, so that said section as amended shall read as follows: **8. Expenditures.** With the approval of the governor and council the highway commissioner may use the funds accruing to the department for construction and reconstruction and maintenance of class I highways and bridges thereon, for aid in construction and reconstruction of class II highways and bridges thereon, for maintenance and reconstruction of class II highways and bridges thereon, for maintenance and reconstruction of class III highways, for aid in construction, reconstruction, and maintenance of class V highways and aid in the construction of bridges thereon, for the providing and maintenance of buildings, equipment, and supplies, for highway purposes, for the costs of administration, and for such other purposes as may be provided by law. The highway commissioner may designate all or any part of class I, class II or class III highways for winter maintenance.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 25, 1949.]

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## CHAPTER 212.

AN ACT DEFINING THE RIGHTS OF PEDESTRIANS AT CROSSWALKS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Operation of Motor Vehicles.** Amend Revised Laws, chapter 119 by inserting after section 22 a section as follows: **22-a. Pedestrians, Right-of-Way at Crosswalks.** When

traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the highway within a crosswalk when the pedestrian is upon the half of the highway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the highway as to be in danger, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the highway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

**2. Crosswalk Defined.** Amend Revised Laws, chapter 115, section 1 by inserting after paragraph IV a new paragraph as follows: **IV-a.** "Crosswalk," that part of a highway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable highway; any portion of a highway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved May 25, 1949.]

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## CHAPTER 213.

AN ACT RELATIVE TO EXEMPTIONS FROM JURY SERVICE FOR MEMBERS OF THE GENERAL COURT, AND DELEGATES TO A CONSTITUTIONAL CONVENTION.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Jurors.** Amend chapter 375 of the Revised Laws by inserting after section 29 the following new section: **29-a. Exemption.** If any member of the general court or delegate to a constitutional convention is selected as a juror during any time when the general court or a constitutional convention is in

session he may file with the court a written statement to the effect that he does not wish to act as juror and he shall be discharged and another juror may be drawn in his stead from the same town or ward.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 25, 1949.]

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## CHAPTER 214.

### AN ACT RELATIVE TO ALIENS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Supervisors of Check-list.** Amend chapter 32 of the Revised Laws by inserting after section 11 the following new section: **11-a. Evidence to be Presented.** When determining the qualifications of an applicant under the provisions hereof, the supervisors shall require said applicant to present his birth certificate or other evidence of the fact that he was born in this country, or his naturalization papers if he is a naturalized citizen. The supervisors may refuse to add the name of an applicant to the check-list if he fails to present the evidence required by the provisions of this section.

**2. Right to Hold Public Office.** Amend chapter 43 of the Revised Laws by inserting at the end thereof the following new section: **4. Aliens.** No person is eligible to hold any municipal office, elective or appointive, who is not a citizen of the United States.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved May 26, 1949.]

**CHAPTER 215.**

AN ACT RELATIVE TO ALLOTMENTS OF FUNDS TO TOWNS FOR THE  
MAINTENANCE OF CLASSIFIED HIGHWAYS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Highway Funds.** Amend section 9, part 13, chapter 90, Revised Laws, as inserted by chapter 188, Laws of 1945, and as amended by section 2, chapter 174, Laws of 1947, by striking out said section and inserting in place thereof the following: **9. Use of Allotments.** The sums so allotted shall be used for the care and maintenance of class V highways, and for no other purpose, under the supervision of, and on locations approved by, the highway commissioner and shall be expended in accordance with specifications provided by the commissioner under the direction of a person or persons appointed by the selectmen of the town.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 26, 1949.]

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**CHAPTER 216.**

AN ACT RELATIVE TO MOTOR VEHICLES TRAVELING IN LINE.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Motor Vehicle Operation.** Amend Revised Laws, chapter 119 by inserting after section 15 a section as follows: **15-a. Following Too Closely.** The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway. The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a highway outside of a business or residential district and which is following another motor truck or motor vehicle drawing another vehicle shall whenever conditions permit leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, ex-

cept that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle. Motor vehicles being driven upon any highway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 26, 1949.]

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## CHAPTER 217.

### AN ACT PROVIDING FOR ANNUAL REPORTS BY SMALL LOAN LICENSEES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Small Loans.** Amend chapter 319 of the Revised Laws by inserting after section 14 the following new sections: **14-a. Annual Report.** Each licensee shall file annually during October of each year a report under oath with the bank commissioner setting forth such relevant information as he reasonably may require concerning the condition of the business as of June thirtieth for each licensed place of business conducted by such licensee within the state. Among other things, such report shall identify the licensee and licensed place of business and set forth a list of all assets used and useful in conducting the business, both tangible and intangible, the gross income and expenses including all taxes for the year, the earnings of the year and the rate thereof in relation to all assets. The income and expenses may be reconciled to the surplus account. The report shall also set forth the number and dollar size of loans made during the year and outstanding at the beginning and end of the year; loans shall be classified by size and collateral; it shall require a summary of delinquency and seizure of chattels in use by the borrower and court actions shall be given. Such report shall be in the form prescribed by



the commissioner who shall make and publish annually an analysis and recapitulation of such reports for the entire state.

**14-b. False Statements.** Any person who shall make any false statements in the annual report required by section 14-a shall be subject to the penalties of perjury.

**2. Penalties.** Amend section 28 of chapter 319 of the Revised Laws by inserting after the word "prohibition" in the first line the words, or fails to file the annual report required by 14-a, so that said section as amended shall read as follows:

**28. Fine; Imprisonment.** Whoever violates the foregoing prohibitions, or fails to file the annual report required by 14-a, shall be fined not more than one hundred dollars, or imprisoned not more than six months, or both.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved May 26, 1949.]

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## CHAPTER 218.

### AN ACT RELATING TO THE TAKING OF BEAVER.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Beaver.** Amend section 6 of chapter 244 of the Revised Laws as amended by section 1, chapter 64 of the Laws of 1943 and chapter 46 of the Laws of 1945 by striking out the words "during any part of the months of March and April" in the second line and inserting in place thereof the words, the period from February eighteenth to February twenty-eighth, so that said section as amended shall read as follows: **6. Open Season.** In any county, or part thereof, during the period from February eighteenth to twenty-eighth, the director, with the approval of the commission, may declare an open season on beaver if he deems that beaver are detrimental to fishing or hunting or to lumber operations, or if he receives written complaint from a water company or a landowner that beaver are polluting a water supply or doing actual and substantial damage to property.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 26, 1949.]

## CHAPTER 219.

AN ACT TO PROVIDE FOR THE REGISTRATION OF TRADE-MARKS,  
LABELS, BRANDS, DESIGNS, DEVICES, SYMBOLS AND FORMS  
OF ADVERTISEMENTS.

*Be it Enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Trade-Mark Law.** Amend the Revised Laws by inserting after chapter 207 the following new chapter:

## Chapter 207-A

## New Hampshire Trade-Mark Law

**1. Definitions.** I. The term "trade-mark" as used herein includes any word, name, symbol, or device or any combination thereof adopted and used by a manufacturer or merchant to identify his goods and distinguish them from those manufactured or sold by others.

II. The word "person" as used herein includes an individual, firm, partnership, association, organization, union of workmen or corporation.

**2. Registration.** Every person who adopts and uses any trade-mark for the purpose of designating, making known and distinguishing any merchandise, goods, wares or other products of labor, manufactured, produced, compounded, sold, or offered for sale in this state may, subject to the limitations hereafter set forth, file for record in the office of the secretary of state a statement setting forth:

I. The name and address of the person applying for such registration;

II. The class of merchandise and a particular description of the goods comprised in each class to which such trade-mark has been appropriated and the mode in which it is used, the general nature of the applicant's business, and the use of subject of registration;

III. The date when such trade-mark hereunder was first used or adopted, and that no other person has the right to such use, either in the identical form, or having such near resemblance thereto as may be calculated to deceive, or that would be liable to be mistaken therefor;

IV. A facsimile, copy or counterpart of such trade-mark shall be incorporated in or annexed to such statement, and a

duplicate shall be filed therewith. Such statement shall be signed by the applicant in whose behalf it is filed, or by his or its agent or duly authorized officer, and the person so signing shall make oath or affirm that all the statements therein contained are true, to the best of his knowledge and belief.

**3. Certificate of Registration and Filing Fee; Receipt.** There shall be paid to the secretary of state for the filing of such statement a fee of ten dollars. The secretary of state shall deliver to the person filing such statement or causing the same to be filed, a certificate of registration under his signature and state seal, showing the name and address of the person claiming ownership of the trade-mark registered, the date of such filing, a general description of the trade-mark to be registered, and a receipt showing the payment of the filing fee therefor. The fee for renewal of any registration shall be ten dollars.

**4. Certificate of Registration and Copies as Evidence.** Any certificate of registration issued by the secretary of state under the provisions hereof, or a copy thereof duly certified by the secretary of state, shall be admissible in evidence as competent and sufficient proof of the registration of such trade-mark in any action or judicial proceeding in any of the courts of this state.

**5. Duration and Renewal.** Registrations recorded under the provisions of this chapter shall be effective for twenty years and shall be renewable for like periods upon application to the secretary of state and payment of the fee specified in section 3. Registrants of trade-marks recorded hereunder shall be notified by the secretary of state of the necessity of renewal within the one-year period next preceding the expiration of the twenty years from the date of registration. Trade-marks previously registered under sections 1 to 7 of chapter 207 of the Revised Laws shall expire six months after January 1, 1950, or twenty years from the date of their registration, whichever date is later, and applications for re-registration may be made within the six-month period preceding the expiration of the original registration. The fee for a re-registration under the provisions of this section shall be ten dollars. The secretary of state shall seasonably notify all prior registrants of the necessity for renewal of registration hereunder.

**6. Assignments.** Title to any trade-mark and its registration hereunder may be transferred and assigned to any person together with the goodwill of the business to which such trade-mark pertains or with that part of the goodwill of the business connected with the use of and symbolized by the mark. Written assignments shall be recorded by the secretary of state upon payment of the fee of ten dollars. When such assignment is recorded, a new certificate of registration shall be issued in the name of the assignee.

**7. Cancellation and Abandonment.** The secretary of state shall cancel from his register all registrations more than twenty years old and not renewed in accordance with section 5, and also any registration to the extent to which the final judgment in any court of competent jurisdiction shall find that the trade-mark has been abandoned or that the registrant does not have the right to the exclusive use thereof.

**8. Classification.** All applications for registration of a trade-mark and renewals or assignments thereof shall be on forms prescribed by the secretary of state. The secretary of state shall establish classes of merchandise for the purpose of trade-mark registration, and shall determine the particular descriptions of goods comprised in each class. On a single application for registration of a trade-mark, the trade-mark may be registered, at the option of the applicant, for any or all goods upon which the trade-mark has actually been used comprised in a single class of merchandise.

**9. What Shall not be Registered.** I. The secretary of state shall not register a trade-mark which consists of or comprises immoral, deceptive, or scandalous matter; or matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, or disrepute, or consists of or comprises the flag or coat of arms or other insignia of the United States, or of any state or municipality, or of any foreign nation, or any simulation thereof.

II. The secretary of state shall not register as a trade-mark the portrait of any living individual, except with the consent of such individual evidenced by an instrument in writing, or a merely geographical name or term, or any trade-mark which is identical with any trade-mark theretofore used or registered by any other person which when applied

to the goods of the applicant is likely to cause confusion or mistake or to deceive purchasers, or which so nearly resembles such trade-mark as to be likely to cause confusion or mistake in the minds of the public or to deceive purchasers, or any trade-mark which consists merely in the name of any person, not written, printed, impressed or woven in a particular or distinctive manner or in association with a portrait of such individual, or which consists merely in words which are descriptive of the merchandise with which they are used or the character or quality of such merchandise.

III. The secretary of state shall not register a group of trade-marks in a single application except upon proof that such trade-marks are used collectively and not separately and if used separately a separate application shall be required for each trade-mark.

**10. Fraudulent Registration.** Any person who shall for himself, or on behalf of any other person, procure the filing and registration of any trade-mark in the office of the secretary of state, under the provisions hereof, by making any false or fraudulent representations or declarations, verbally, or in writing, or by any fraudulent means, shall be liable to pay all damages sustained in consequence of any such filing, to be recovered by or on behalf of the party injured thereby, in any court having jurisdiction, and shall be fined not exceeding five hundred dollars or imprisoned not exceeding one year or both.

**11. Civil Rights.** Every person who has adopted and registered a trade-mark as aforesaid, may proceed by suit to enjoin the manufacture, use, display, or sale of any counterfeits or imitations thereof, and all courts of competent jurisdiction may grant injunctions to restrain such manufacture, use, display, or sale, as may be by the said court deemed just and reasonable, and may require the defendants to pay to such person all profits derived from such wrongful manufacture, use, display or sale; and such court may also order that any such counterfeits or imitations in the possession or under the control of any defendant in such case, be delivered to an officer of the court, or to the complainant, to be destroyed.

**12. Violations.** Subject to the provisions of section 15 hereof, no person shall: I. Falsely make, counterfeit, imitate, sell, offer for sale, or in any way utter or circulate any trade-

mark which has been registered in accordance with the provisions of this act; or

II. Affix to any article of merchandise a false or counterfeit or imitation trade-mark, or the genuine trade-mark of another which has been registered in accordance with the provisions of this act, without the latter's consent; or

III. Sell, keep, or offer for sale an article of merchandise, to which is affixed a false or counterfeit trade-mark or the genuine trade-mark, or an imitation of the trade-mark of another which has been registered in accordance with the provisions of this act, without the latter's consent; or

IV. Have in his possession a counterfeit trade-mark or a die, plate, brand, or other thing for the purpose of falsely making or counterfeiting a trade-mark which has been registered in accordance with the provisions of this act; or

V. Make or sell, or offer to sell or dispose of, or have in his possession with intent to sell or dispose of, an article of merchandise with a trade-mark which has been registered in accordance with the provisions of this act by another, which indicates falsely the quantity, quality, character, place of manufacture or production, or person manufacturing, producing or sponsoring the article; or

VI. Sell, keep, or offer for sale an article of merchandise, to which is affixed any trade-mark, either in identical form thereof or that bears any such near resemblance thereto as may be calculated to deceive, or that would be liable to be mistaken therefor, which has been registered by another, in compliance with this act, and which registration has not been revoked or cancelled by order of any court of competent jurisdiction in this state.

**13. Penalty.** Subject to the provisions of section 15 hereof, any person who shall violate any of the provisions of section 12 shall be fined not more than five hundred dollars or imprisoned for not more than one year, or both.

**14. Prosecution.** In all cases of prosecution under this chapter, it shall be the duty of the solicitor of the county in which the infringement takes place, upon request of the registrant, to take action for the enforcement of the penalties herein provided.

**15. Prior Rights.** Nothing herein shall adversely affect

the rights or the enforcement of rights in marks acquired in good faith at any time at common law.

**16. Agents.** In all cases where any association or union is not incorporated, suits hereunder may be commenced and prosecuted by an officer, or member of the association or union, on behalf of, and for the use of such association or union.

**17. Construction of Act.** Subject to the provisions of section 15 hereof, this act shall be construed by all courts at all times in all suits, actions and proceedings, in the most liberal manner for effecting the objects and purposes thereof and protecting the claims, rights, interests and use of every person in and to any trade-mark registered pursuant to the provisions of this act. If any provision hereof, or the application of such provision to any person or circumstance is held unconstitutional or invalid, the remainder hereof shall not be affected thereby.

**2. Repeal.** Sections 1 to 7 inclusive of chapter 207 of the Revised Laws relative to the registration of labels and trade-marks are hereby repealed.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved May 26, 1949.]

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## CHAPTER 220.

### AN ACT RELATIVE TO RETIREMENT BENEFITS UNDER THE FIREMEN'S RETIREMENT SYSTEM.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Firemen.** Amend section 15 of chapter 220 of the Revised Laws by striking out the same and inserting in place thereof the following: **15. Retirement Benefits.** Any permanent fireman who retires or is dismissed from active service as provided in section 13, and who shall have complied with all provisions of this chapter and with the rules and regulations of the board, shall be entitled to receive from said board for each year during the remainder of his natural life retirement benefits based upon his average final salary, as defined hereinafter, at the rates in the following table:

Age at Retirement	Retirement Benefit (per cent of average final salary)
60	36.7
61	39.0
62	41.5
63	44.1
64	46.9
65 and over	50.0

The "average final salary" shall mean the average annual earnable compensation of a member during his last five years of service prior to the date of retirement or dismissal, as determined by the board, provided that said average final salary shall in no case exceed two thousand five hundred dollars, except as hereinafter provided, which amount shall be the maximum assessable annual salary. Provided that the maximum assessable annual salary shall not apply to those members who, as of the date when this section becomes effective, earned a yearly salary above two thousand five hundred dollars and were applicants for the chapter at that time; their retirement benefits shall be based as above upon one-half their total salary earned during the last five years of service to the date of their retirement. The retirement benefits shall be paid to the retired member on the first business day of each calendar month in as nearly equal monthly installments as possible. No permanent fireman who has retired under the provisions of this chapter shall be paid for any service performed in the fire department during the time of his retirement unless it be for specific duty during a period of public emergency. The board shall have the right to further modify the actuarial table of rates of retirement benefits accruing to members retiring on account of age, between the ages of 60 to 64 inclusive, based upon periodic actuarial valuations of the retirement system made every third year beginning July 1, 1949.

2. **Change in Age.** Amend section 13 of chapter 220 of the Revised Laws by striking out the word "sixty-five" where it occurs and inserting in place thereof the word, sixty, so that said section as amended shall read as follows: **13. Retirement.** No voluntary retirements hereunder may take place before July 1, 1942. Any permanent fireman who accepts the provisions hereof may retire from active service at the age of



sixty provided he has served as a permanent fireman for a period of twenty years. All permanent firemen who accept the provisions hereof and who have served as permanent firemen for twenty years shall retire from active service at the age of seventy. Upon the recommendation of his chief and the recommendation of the association that any permanent fireman, who has accepted this chapter, is capable of further rendering satisfactory service, the retirement board may extend the age of compulsory retirement for such fireman for five years. Any permanent fireman accepting the provisions hereof and having served for twenty years, who shall be dismissed from service after having reached the age of sixty, shall be entitled to the benefits of this chapter. Upon retirement a permanent fireman shall no longer be obligated to pay assessments to the retirement fund. Call firemen who become permanent firemen may have one-half of their term of service as call firemen counted as part of their term of service as permanent firemen, provided that the five years immediately preceding retirement shall have been permanent service. The probationary periods of permanent firemen shall be counted as part of their term of service.

**3. Additional Benefits.** Amend chapter 220 of the Revised Laws by inserting after section 15 the following new section: **15-a. Optional Retirement Benefits.** Until the first payment on account of a retirement allowance becomes normally due, any member may elect to convert the retirement allowance otherwise payable on his account under section 15, into a retirement allowance of equivalent actuarial value under one of the optional forms named below; provided, however, that no election of an optional benefit shall be effective until sixty days after the date of the filing of the election thereof with the retirement board, or until sixty days after retirement, whichever is the later, and if the member dies before such election becomes effective, the benefits payable on his account shall be the same as though his election had not been filed and he had not been retired. **Option 1:** A reduced retirement allowance payable during the retired member's life, with the provision that it shall continue after his death for the life of the beneficiary, nominated by him by written designation duly acknowledged and filed with the retirement board at the time of retire-

ment. The joint annuitant or beneficiary must be related in the following order:

- (1) Legal wife co-habiting with member retiring;
- (2) If there is no wife, then totally dependent son or daughter.

Option 2: A reduced retirement allowance payable during the retired member's life with the provision that it shall continue after his death at one-half the rate paid to him and be paid for the life of the beneficiary, nominated by him by written designation duly acknowledged and filed with the retirement board at the time of retirement.

If either of the above two options is elected the following conditions and restrictions shall apply:

I. If the designated joint annuitant should die before the member's attainment of his retirement age, the election shall become inoperative and annuity payments, if and when commenced, will be on the normal retirement benefit basis, under section 15, as though an optional form of annuity had never been elected;

II. If the member should die before attainment of his retirement age, the joint annuitant shall not be entitled to receive any annuity payments;

III. The designation of any person as a joint annuitant shall not constitute such person a beneficiary with respect to any other benefit provided under this chapter, unless such person is specifically designated as a beneficiary under other provisions hereof.

4. **Takes Effect.** This act shall take effect upon its passage.

[Approved May 27, 1949.]

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## CHAPTER 221.

### AN ACT RELATING TO MANUFACTURER'S PERMITS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Manufacturer's Permits.** Amend section 71 of chapter 170 of the Revised Laws, as amended by section 2 of chapter 139 of the Laws of 1945, by striking out the words "for each

manufacturer's permit two thousand dollars" and inserting in place thereof the following, for each manufacturer's permit five hundred dollars, so that said section as amended shall read as follows: **71. Fees.** The annual fees required for permits issued pursuant to the provisions of this subdivision shall be as follows: For each on-sale permit one hundred dollars and for each off-sale permit fifty dollars, provided that the commission may in its discretion remit such part of said annual fee as it shall determine to permittees operating only during the summer season; for each manufacturer's permit five hundred dollars; for each wholesaler's permit five hundred dollars; for each solicitor's permit five dollars; for each vehicle permit one dollar, which shall cover all rolling stock and vehicles of such permittee; for each carrier permit twenty-five dollars, which shall cover all rolling stock and vehicles of such permittee; for each vessel permit twenty-five dollars; for each dining-car permit one hundred dollars, which shall be issued to the railroad corporation and for each special permit one dollar. The required fee shall accompany the application. A permit, other than a special permit, shall expire May thirty-first unless sooner revoked for cause by the commission. Permits shall not be transferred except with the consent of the commission and each permit, except a solicitor's permit, shall designate the place of business for which it is issued.

**2. Takes Effect.** This act shall take effect May 31, 1949. [Approved May 27, 1949.]

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## CHAPTER 222.

AN ACT PROVIDING FOR THE MANUFACTURE OR SALE OF COLORED OLEOMARGARINE.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Oleomargarine.** Amend section 43 of chapter 194 of the Revised Laws by striking out said section and inserting in place thereof the following: **43. Definition.** For the purposes of this chapter the name oleomargarine, as hereby defined, shall be construed to apply to and include all substitutes for butter, by whatever names called, which embody an edible

oleaginous compound the fatty or oily constituents of which are not exclusively derived from the milk of cows, and which fatty or oily constituents, as ingredients, have been churned or otherwise so manipulated as to have had incorporated therewith some milk, cream, water, or watery matter, with or without added salt, and whether any coloration be artificial, or natural to the oleaginous ingredients,—such that the resulting compound is susceptible to use in the manner of butter.

**2. Permitted Manufacture and Sale.** Amend section 44 of chapter 194 of the Revised Laws by striking out said section and inserting in place thereof the following: **44. Labeling Substitutes.** No person, by himself or his agents or servants, shall render or manufacture, sell, offer for sale, expose for sale or have in his possession with intent to sell, any article, product or compound made wholly or partly out of any fat, oil, oleaginous substance, or compound thereof, not produced from unadulterated milk or cream from the same, which shall be in imitation of yellow butter produced from pure, unadulterated milk or cream of the same, or in imitation of cheese produced from unadulterated milk or cream of the same, unless the same is contained in tubs, firkins, boxes or other packages, each of which has upon it, to indicate the character of its contents, the words Adulterated Butter, Oleomargarine, or Imitation Cheese, as the case may be, in plain Roman letters not less than one-half inch high, and so made, placed or attached that they can readily be seen and read, and cannot be easily defaced; and, if the substance or compound is a substitute for cheese, unless the cloth surrounding it has a like inscription. Nothing herein provided shall be construed to prohibit the manufacture or sale of colored oleomargarine which bears the labeling required by the United States commissioner of internal revenue.

**3. Color Permitted.** Amend section 45 of chapter 194 of the Revised Laws by striking out the words “free from any coloration or ingredient that causes it to look like butter” so that said section as amended shall read as follows: **45. Broken Packages.** When any such substance or compound is sold in less quantities than the original packages contain, the seller shall deliver to the purchaser with it a label bearing the words indicating its character as above, in like letters; provided, that nothing in this subdivision shall be construed to

prohibit the manufacture and sale of oleomargarine in separate and distinct form, and in such manner as will advise the consumer of its real character.

4. **Prohibitions.** Amend section 47 of chapter 194 of the Revised Laws by striking out said section and inserting in place thereof the following: 47. **Serving Colored Oleomargarine.** No person shall serve colored oleomargarine or colored margarine at a public eating place, whether or not any charge is made therefor, unless (1) each separate serving bears or is accompanied by labeling identifying it as oleomargarine or margarine, or (2) each separate serving thereof is triangular in shape.

5. **Takes Effect.** This act shall take effect upon its passage.

[Approved June 1, 1949.]

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## CHAPTER 223.

### AN ACT RELATING TO SHOOTING HUMAN BEINGS WHILE HUNTING.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Shooting.** Amend section 35 of chapter 241 of the Revised Laws as amended by chapter 63 of the Laws of 1945 by striking out said section and inserting in place thereof the following: 35. **Shooting Human Beings.** Any person who shall shoot at a human being in mistake for game while hunting and through such shooting shall wound or kill such human being may be fined not more than five hundred dollars or imprisoned not more than twelve months, or both, and in addition thereto his license shall be revoked. At the discretion of the director and the commission his license may be returned or a special license for fishing only may be issued to said person upon payment of the same fee as for a hunting and fishing license.

2. **Additional Penalties.** Amend chapter 241 of the Revised Laws by inserting after section 35 as hereinbefore amended the following new section: 35-a. **Abandoning a Wounded or Killed Human Being.** Any person who shall have

shot or killed a human being in mistake for game shall forthwith render necessary assistance to the injured person and report immediately to the nearest law enforcement officer. Upon conviction of violation of the provisions of this section the guilty person shall be fined not more than two thousand dollars or imprisoned not more than five years or both, and his hunting and fishing license shall be revoked for life. The penalty for conviction under this section shall be in addition to any penalty imposed under section 35.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved June 1, 1949.]

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## CHAPTER 224.

### AN ACT RELATIVE TO NONRESIDENT STUDENTS AT THE UNIVERSITY OF NEW HAMPSHIRE.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Nonresident Students.** Amend section 23 of chapter 222 of the Revised Laws by striking out said section and inserting in place thereof the following: **23. Percentages.** The number of students enrolled in the University of New Hampshire from residences outside the state in any year shall not exceed fifteen per cent of the maximum capacity for regular undergraduate students at the university as determined by the board of trustees.

**2. Limitations.** Amend chapter 222 of the Revised Laws by inserting after section 23 the following new sections: **23-a. Suspension.** The limitation on out-of-state enrollment at the university may be suspended by vote of the board of trustees of the university whenever said trustees find that such suspension will benefit the state and the university without impairing the opportunity for qualified students of the state of New Hampshire to attend the university, provided, however, that such suspension shall be made for not more than one year at a time, but may be continued from year to year upon vote of said trustees. **23-b. Exceptions.** The limitation on out-of-

state enrollment at the university as established in sections 23 and 23-a shall not apply to the following divisions of the university: Applied farming, summer school and graduate school.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved June 1, 1949.]

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### CHAPTER 225.

AN ACT RELATIVE TO THE EMOTIONALLY OR MENTALLY ILL.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. State Hospital.** Amend section 1 of chapter 17 of the Revised Laws by striking out said section and inserting in place thereof the following: **1. Name.** The asylum for the insane and for emotionally or mentally ill persons at Concord is a corporation under the name of the New Hampshire State Hospital.

**2. Voluntary Commitment.** Amend chapter 17 of the Revised Laws by inserting after section 19 as amended by chapter 112 of the Laws of 1949 the following new section: **19-a. Emotionally or Mentally Ill.** Pursuant to rules and regulations established by the superintendent of the state hospital, the state hospital may receive and detain therein as a patient any person who is emotionally or mentally ill. Said person shall be committed therein under the provisions of section 19 as amended by chapter 112 of the Laws of 1949.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved June 1, 1949.]

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### CHAPTER 226.

AN ACT RELATIVE TO THE STATE RACING COMMISSION AND RULES AND REGULATIONS OF SAID COMMISSION.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Horse Racing.** Amend section 2 of chapter 171 of the Revised Laws by striking out said section and inserting in

place thereof the following: **2. Racing Fund.** The state treasurer shall keep a separate account to be known as the racing fund, to which shall be credited the tax on contributions to pari mutuel pools, as provided for in this chapter, together with all fines, fees and forfeitures levied or obtained under the rules and regulations as established by the commission. Said fund shall, after paying the expenses of collection thereof and all other expenditures provided for herein, be covered at intervals of three months into the special fund constituted by chapter 126 of the Laws of 1931.

**2. Racing Commission.** Amend section 8 of chapter 171 of the Revised Laws, as amended by section 3, chapter 280, Laws of 1947, by striking out said section and inserting in place thereof the following: **8. Rules and Regulations.** Said commission shall make rules and regulations for the holding, conducting and operating of all running or harness horse races or meets for public exhibition and for the operation of race tracks on which any such race or meet is held. No person, association, or corporation shall conduct, hold or operate any running or harness horse race or meet for public exhibition, at which pari mutuel pools are sold, without a license from the commission. No such race or meet shall be permitted on Sunday.

**3. Repeal.** Section 9 of said chapter 171 is hereby repealed.

**4. Applications.** Amend section 10 of said chapter 171 by inserting after the word "exhibition" in the second line the words, at which pari mutuel pools are to be sold, so that said section as amended shall read as follows: **10. License.** Any person, association, or corporation desiring to hold a running or harness horse race or meet for public exhibition, at which pari mutuel pools are to be sold, shall apply to said commission for a license to do so. The application shall be signed and sworn to by the person or executive officer of the association or corporation and shall contain the following information:

(a) The full name and address of the person, association, or corporation.

(b) If an association, the names and residences of the members of the association.

(c) If a corporation, the name of the state under which



it is incorporated with its principal place of business and the names and addresses of its directors and stockholders.

(d) The exact location where it is desired to conduct or hold races or race meets.

(e) Whether or not the racing plant is owned or leased, and if leased, the name and residence of the fee owner, or if a corporation, of the directors and stockholders thereof.

(f) A statement of the assets and liabilities of the person, association, or corporation making such application.

(g) Such other information as the commission may require.

5. **Licensees.** Amend section 12 of said chapter 171 by striking out the words "under this chapter" in the second and third lines and inserting in place thereof the words, under the provisions of the preceding sections hereof, so that said section as amended shall read as follows: **12. Bond.** Every person, association, or corporation licensed under the provisions of the preceding sections hereof, shall, before said license is issued, give a bond to the state in such reasonable sum not exceeding fifty thousand dollars, as may be fixed by the commission, with a surety or sureties to be approved by the commission, conditioned to faithfully make the payments prescribed hereby and to keep its books and records and make reports as herein provided and to conduct its racing in conformity with this chapter and with the rules and regulations prescribed by the commission.

6. **Additional Regulations.** Amend chapter 171 of the Revised Laws by inserting after section 12 the following new sections: **12-a. Rules of Racing.** Said commission shall have the power to make and adopt rules of racing including regulations providing for the licensing, supervising, disciplining, suspending, fining and barring from racing, on any tracks under the jurisdiction of the commission, of horses, owners, breeders, authorized agents, sub-agents, nominators, trainers, jockeys, jockey apprentices, jockey agents, and any other persons, organizations, associations, or corporations, the activities of whom affect the conduct and operation of running or harness horse races at race tracks under the jurisdiction of the commission. At such tracks no person shall enter a horse or participate in any running or harness horse race or meet as an owner, agent, nominator, trainer, jockey, jockey

apprentice, or jockey agent within the state without having first procured from the commission a license so to act, and paying such fees as the commission may determine to be reasonable and proper therefor. Such licenses may be revoked by the commission at any time for cause. **12-b. Stewards.** There shall be at least three stewards to supervise each running or harness horse race or meet, conducted under the provisions of this chapter, at which pari mutuel pools are sold. One of such stewards shall be the official steward of the state racing commission, and the remaining stewards shall be appointed by the person, association or corporation conducting the race or meet, subject to the approval of the commission. Said stewards shall exercise such powers and perform such duties at each race meet as may be prescribed by the rules and regulations of the commission.

**7. Prohibitions.** Amend section 13 of said chapter 171 by striking out said section and inserting in place thereof the following: **13. Penalty.** Except in cases when another penalty is provided in this chapter, any person, association, or corporation holding or conducting, or any person or persons aiding or abetting in the holding or conducting, of any running or harness horse race or meet for public exhibition, at which pari mutuel pools are sold, without a license duly issued by said commission, or any person, association, or corporation who violates any of the provisions of this chapter or who violates any of the rules and regulations prescribed by the commission, shall be fined not more than five thousand dollars or imprisoned for not more than one year, or both.

**8. Administration.** Amend section 25 of said chapter 171 by striking out said section and inserting in place thereof the following: **25. Supervision and Hearings.** The commission shall have the power to conduct hearings at which all matters pertaining to the administration of the affairs of the commission and all activities conducted under its jurisdiction may be investigated and determined and, under the hand of its chairman, to issue subpoenas for the attendance of witnesses at such hearings. Any member of the commission may administer oaths and affirmations and may examine witnesses. Disobedience of such subpoenas or false swearing before the commission shall be attended with the same penalties as if such disobedience or false swearing occurred in an action in the

superior court. The commission shall have the power and authority to regulate, supervise and check the making of pari mutuel pools and the distributions therefrom. It shall have the further power and authority to investigate as to the direct and indirect ownership and control of any licensee, and any expense incurred by the commission in so doing shall be at the expense of such licensee or of the applicant for a license. Any party aggrieved by any final decision entered in proceedings before the commission may, within ten days after such decision is entered, appeal to the superior court in the same manner as parties aggrieved by a decision of a municipal court.

**9. Takes Effect.** This act shall take effect upon its passage.

[Approved June 1, 1949.]

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## CHAPTER 227.

AN ACT RELATIVE TO PURCHASES BY THE PURCHASING AGENT.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Purchasing Agent.** Amend chapter 14-A of the Revised Laws as inserted by chapter 21 of the Laws of 1943 by striking out sections 4 to 7 inclusive and inserting in place thereof the following: **4. Definitions.** As used herein the following terms shall be construed as follows:

I. "Supplies" shall mean and include all materials, equipment, printing, furniture, furnishings, and books, of every name and nature.

II. "Agency" shall mean and include the general court, any board, department, commission, hospital, sanitarium, home, library, school, college, prison or other institution conducted or operated by or for the state of New Hampshire.

III. "Purchase" shall mean and include all contracts for the purchase of supplies, as well as the act of purchasing.

IV. "Emergency" shall mean and include any situation requiring the immediate purchase of supplies arising from any unavoidable casualty or disaster.

V. "Governing board" shall mean and include the board, commission, board of trustees, department head or other administrative body responsible for the conduct of any agency.

5. **Duties.** Except as otherwise specifically provided in this chapter, the purchasing agent shall

(a) purchase all supplies for all agencies of this state;

(b) formulate rules and regulations for the administration of his department, including procedure for the conduct of competitive bidding, which rules and regulations shall become effective when approved by the governor and council;

(c) promptly furnish to any agency and to the comptroller, a copy of any purchase order executed by him for supplies for the said agency;

(d) insofar as practicable, purchase all supplies in such quantities and in such manner as shall be most economical for the state;

(e) require competitive bidding before making any purchase for the state pursuant to the provisions of this chapter, except (1) when the purchase involves a total expenditure of less than two hundred dollars, and when the best interests of the state would be served thereby, (2) when, after reasonable investigation by the purchasing agent, it appears that any required unit or item of supply, or brand of such unit or item, is procurable by the state from only one source, (3) when, after reasonable investigation by the purchasing agent, it appears that any required unit or item of supply, or brand of such unit or item, has a fixed market price at all sources available to the state, (4) when, in the opinion of the governor and council, an emergency exists of a nature which requires the immediate procurement of supplies; provided, however, that whenever the governor shall determine that an emergency exists and where he also deems it inexpedient to convene the council, he alone may authorize the purchasing agent to make a purchase without competitive bidding.

6. **Non-Competitive Purchases.** Except where competitive bidding has been employed, no purchase involving an expenditure of two hundred dollars or more shall be made by the purchasing agent without the written approval of the comptroller. In requesting such approval the purchasing agent shall first state in writing his reasons for not employing competitive bidding. If the comptroller refuses to approve any such non-competitive purchase, the purchasing agent may appeal to the governor for such approval and the governor shall approve or disapprove such purchase in writing.

**7. Delegation of Purchasing Authority.** I. The purchasing agent, in his discretion, may upon written application of the governing board of any agency, authorize such governing board, or one or more individuals designated by such board, to purchase supplies for the said agency directly from vendors by the use of field purchase orders, provided, however, that no such field purchase order shall be used where a total expenditure of more than fifty dollars is involved. The form and use of such field purchase orders shall be prescribed by the purchasing agent in the rules and regulations formulated pursuant to section 5 (b) of this chapter.

II. Upon the joint recommendation of the purchasing agent and the governing board of any agency, the governor and council in their discretion may authorize such governing board, or one or more individuals designated by such governing board, to purchase supplies for the said agency directly from vendors in such quantities and for such sums as the governor and council shall prescribe; provided, however, that any such authority shall be subject to the limitations of the amounts appropriated and the purposes authorized by the legislature for the said agency, and provided further that all such delegations of purchasing authority as provided herein shall expire on December thirty-first of the even numbered years. Whenever such purchasing authority is so delegated to any agency, the requirements of paragraphs (c) (d) and (e) of section 5 and the requirements of section 6 of this chapter, as prescribed for the purchasing agent, shall apply to the governing board or the authorized agent thereof exercising such delegated authority.

**8. Exceptions.** To the extent indicated in this section, the following agencies and purchases are excepted from the provisions of this chapter. All purchases so excepted shall be made in accordance with the existing laws governing such purchases:

I. University of New Hampshire. The university of New Hampshire shall not be required to make any purchases through the purchasing agent. However, the purchasing agent shall cooperate in the purchase of supplies for the university whenever requested to do so by the president of the university or his authorized agent, and in making such pur-

chases the purchasing agent shall be governed by the provisions of this chapter.

II. State liquor commission. The purchasing powers now vested in the state liquor commission by Revised Laws, chapter 170, sections 9, 14 and 15 shall remain in effect. All other purchases for the said commission shall be subject to the provisions of this chapter.

III. Courts and state library. The supreme court, the superior court and the state reporter are excepted entirely from the provisions of this chapter. The state library is excepted in the matter of the purchase of books and periodicals only; in respect to all other purchases it shall be subject to the provisions of this chapter.

IV. Purchase of federal surplus property. This chapter shall not apply to purchases by the purchasing agent pursuant to chapter 116, Laws of 1945.

V. Purchase of supplies by contractors. This chapter shall not apply to any contracts made or entered into by the purchasing agent or any agency whereby contractors with the state purchase their own supplies upon their own credit.

**9. Additional Purchases.** In addition to the foregoing duties the purchasing agent may purchase supplies for any county, city, town, school district, special district or precinct or any other governmental subdivision whenever the governing body thereof so desires and the purchasing agent deems that he can make such purchases advantageously.

**2. Revocation of Existing Purchasing Authority.** The provisions of this act shall supersede any existing statutes pertaining to the purchasing authority of any agency of the state except as otherwise provided herein. Any statutes inconsistent with the provisions of this act are hereby repealed to the extent of such inconsistency.

**3. Repeal.** Chapter 11 of the Revised Laws relative to public printing is hereby repealed.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved June 1, 1949.]

## CHAPTER 228.

AN ACT RELATING TO THE MUNICIPAL BUDGET LAW AND THE  
DUTIES OF OFFICIALS THEREUNDER.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Municipal Budget Law.** Amend section 2, chapter 52, Revised Laws by striking out said section and inserting in place thereof the following: **2. Budget Committee.** The budget committee shall consist of three, six, nine or twelve members-at-large as the meeting adopting the provisions hereof shall by vote determine, and one member chosen by the school board of each school district wholly within said town, and one member of the board of commissioners of each village district wholly within said town to be designated by said board, and one member of the board of selectmen to be designated by said board. The members-at-large may either be appointed by the moderator or elected by the town meeting as any annual meeting may by vote determine, under a proper article in the warrant for said meeting, provided, however, that no selectman, town manager, member of the school board or village district commissioner shall serve as a member-at-large. The majority of the members-at-large shall be property taxpayers and one of said members-at-large shall be elected by the budget committee as chairman. If said members-at-large are elected at the town meeting it shall be by majority vote by ballot or acclamation of those present and voting. Where said members-at-large are appointive such appointments shall be made within thirty days after the annual town meeting. One third of the members-at-large shall hold office for one year, one third for two years, and one third for three years and until their successors are elected or appointed and qualified. Vacancies in the membership-at-large shall be filled by appointment by the moderator and such appointments shall be made within five days from the creation of the vacancy. Such appointees shall hold office until the next annual town meeting. The members selected by the school board, the village district commissioners and the selectmen shall hold office for one year and until their successors are qualified.

**2. Reports.** Amend chapter 52, Revised Laws, by inserting after section 3-a as inserted by chapter 192, Laws of 1947,

the following new section: 3-b. **Reports.** Upon completion of the budgets, as provided in sections 3 and 3-a of this chapter, the chairman of the budget committee shall forward to the state tax commission a copy of each budget as approved by the budget committee. The clerk of the town, the school district, or the village district, as the case may be, shall forward to the state tax commission a certified copy of every vote taken looking to the appropriation of money; provided, however, that if any adjournment of such meeting be taken, the report of such action shall be forwarded within seven days of the date of taking such action.

3. **Emergencies.** Amend section 5 of chapter 52 of the Revised Laws by striking out said section and inserting in place thereof the following: 5. **Exceeding Appropriations.** In towns adopting the provisions of this chapter, no board of selectmen, school board, commissioners of a village district wholly within said town, or other expending agency shall pay or agree to pay any money or incur any liability involving the expenditure of money for any purpose for which an appropriation has not been made, or in excess of any appropriation or allotment made to it, except for the purpose of paying judgments rendered against the town or school district or said village district, provided, however, that in case of sudden and unexpected emergency the selectmen or village commissioners on application to the tax commission and the school board on application to the state board of education, after hearing, may be given a certificate of emergency authorizing them to make such expenditure or incur such liability, provided that no such certificate of emergency shall be granted unless the budget committee of the town has approved the expenditure. In cases arising during the year following the annual meeting where changes occur which make it unnecessary to use the amount appropriated for a specific purpose, an unexpended balance may be transferred by the board of selectmen or the school board or the village commissioners of such village district from one appropriation to another, provided the total amount expended for all purposes does not exceed the total amount appropriated at the town, school or village district meetings for all purposes.

4. **Duties of Town, School District, and Village District Officials and of the Budget Committee.** Further amend said chapter 52 of the Revised Laws by inserting after section 6 the



following new sections: **7. Duty of Officials.** Upon request by the budget committee the selectmen, town manager, school board, or village district commissioners shall forthwith submit to said budget committee a statement of all expenditures by them made in such detail as the budget committee may require.

**8. Initiation of Removal Proceedings.** Upon receipt of the reports provided for by section 7 hereof, the budget committee shall examine the same promptly, and if it shall be found that the selectmen, town manager, school board or village district commissioners have failed to comply with the provisions of section 5 hereof a majority of said committee, at the expense of the town, may petition the superior court for removal as provided in section 6 of this chapter.

**5. Takes Effect.** This act shall take effect January 1, 1950. [Approved June 1, 1949.]

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## CHAPTER 229.

### AN ACT RELATIVE TO STATE BRIDGE AID.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. State Bridge Aid.** Amend section 9 of part 14 of chapter 90 of the Revised Laws as inserted by chapter 188 of the Laws of 1945 by striking out all of paragraph I after the figures, \$3,200, in the twelfth line; further amend said section by striking out all of paragraph II after the figures, \$4,000, in the twelfth line; further amend by striking out all of paragraph III after the figures, \$5,333, in the ninth line; further amend by striking out all of paragraph IV after the figures, \$8,000, in the sixth line; and by striking out all of paragraph V after the word "bridges" in the third line, so that said section as amended shall read as follows: **9. Cost; How Borne; State Bridge Aid.** When public convenience and necessity require the construction or reconstruction of any bridge on a class II highway the cost thereof shall be borne as follows:

I. In towns whose valuation does not exceed \$250,000: the town shall pay one-third and the state two-thirds for bridges whose cost does not exceed \$3,000; the town shall pay one-fourth and the state three-fourths for bridges whose cost is

more than \$3,000 and does not exceed \$6,000 provided that the town's share shall not be less than \$1,000; the town shall pay one-fifth and the state four-fifths for bridges whose cost is more than \$6,000 and does not exceed \$16,000 provided that the town's share shall not be less than \$1,500; the town shall pay one-sixth and the state five-sixths for bridges whose cost exceeds \$16,000 provided that the town's share shall not be less than \$3,200.

II. In towns whose valuation is more than \$250,000 and not more than \$500,000: the town shall pay one-half and the state one-half for bridges whose cost does not exceed \$3,000; the town shall pay one-third and the state two-thirds for bridges whose cost is more than \$3,000 and does not exceed \$6,000 provided that the town's share shall not be less than \$1,500; the town shall pay one-fourth and the state three-fourths for bridges whose cost is more than \$6,000 and does not exceed \$16,000 provided that the town's share shall not be less than \$2,000; the town shall pay one-fifth and the state four-fifths for bridges whose cost exceeds \$16,000 provided that the town's share shall not be less than \$4,000.

III. In towns whose valuation is more than \$500,000 and not more than \$1,000,000: the town shall pay one-half and the state one-half for bridges whose cost does not exceed \$6,000; the town shall pay one-third and the state two-thirds for bridges whose cost is more than \$6,000 and does not exceed \$16,000 provided that the town's share shall not be less than \$3,000; the town shall pay one-fourth and the state three-fourths for bridges whose cost exceeds \$16,000 provided that the town's share shall not be less than \$5,333.

IV. In towns whose valuation is more than \$1,000,000 and not more than \$1,500,000: the town shall pay one-half and the state one-half for bridges whose cost does not exceed \$16,000; the town shall pay one-third and the state two-thirds for bridges whose cost exceeds \$16,000 provided that the town's share shall not be less than \$8,000.

V. In towns whose valuation is more than \$1,500,000: the town shall pay one-half and the state one-half for all bridges.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 1, 1949.]

## CHAPTER 230.

AN ACT RELATIVE TO MAINTENANCE OF RECREATIONAL ROADS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Classification of Highways.** Amend section 6 of part 2 of chapter 90 of the Revised Laws as inserted by chapter 188 of the Laws of 1945 and as amended by section 2, chapter 215, Laws of 1947, by striking out said section and inserting in place thereof the following: **6. Class III Recreational Roads.** The state highway department shall assume full control of reconstruction and maintenance of roads designated by the forestry and recreation commission and highway commissioner within the following state reservations and rights of way thereto, and such roads shall be known as recreational roads; Belknap State Reservation in the town of Gilford; Cathedral Ledge State Reservation in the towns of Conway and Bartlett; Pillsbury State Reservation in the town of Washington; White Lake State Park in the town of Tamworth; Pawtuckaway State Reservation in the towns of Nottingham and Deerfield; Milan Hill State Park in the town of Milan; Cardigan State Reservation in the town of Orange; Kearsarge State Reservation in the town of Wilmot; Mt. Sunapee State Park in the town of Newbury; Rhododendron State Reservation in the town of Fitzwilliam; Bear Brook State Reservation in the towns of Deerfield, Hooksett, Allenstown and Candia; and the road formerly known as the Kearsarge Mountain Toll road in the town of Warner, extending from the original toll gate location to its terminus near the summit of Kearsarge Mountain; and Monadnock State Forest Reservation in the town of Jaffrey. The cost of reconstruction and maintenance shall be a charge upon the highway funds. This section shall not be construed as affecting the control of the forestry and recreation department over parking areas or other facilities within said reservations.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved June 1, 1949.]

**CHAPTER 231.****AN ACT RELATING TO RESTRICTED INSTRUCTION PERMIT FOR  
MOTOR VEHICLE OPERATORS.**

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Operation of Motor Vehicles.** Amend chapter 117 of the Revised Laws by inserting after section 4 the following new section: **4-a. Restricted Instruction Permit.** The commissioner upon receiving proper application may, in his discretion, issue a restricted instruction permit, effective for a school year or more restricted period, to an applicant who is enrolled in a driver-training program approved by the motor vehicle department provided that the applicant is at least fifteen years of age. Such instruction permit shall entitle the permittee when he has such permit in his immediate possession to operate a motor vehicle on a designated highway only or within a designated area but only when an approved instructor is occupying a seat beside the permittee. Said instructor shall be approved by the motor vehicle commissioner.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 1, 1949.]

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**CHAPTER 232.****AN ACT RELATING TO TURNING MOVEMENTS BY MOTOR VEHICLES  
ON PUBLIC HIGHWAYS.**

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Operation of Motor Vehicles.** Amend chapter 119 of the Revised Laws by inserting after section 18 the following new sections: **18-a. Turning Movements and Required Signals.** No person shall turn a vehicle at an intersection or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a highway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the

event any other traffic may be affected by such movement. A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal. **18-b. Signals by Hand and Arm or Signal Device.** Any stop or turn signal when required herein shall be given either by means of the hand and arm or by a signal lamp or lamps or mechanical signal device of a type approved by the commissioner, but when a vehicle is so constructed or loaded that a hand-and-arm signal would not be visible both to the front and rear of such vehicle then said signals must be given by such a lamp or lamps or signal device. **18-c. Method of Giving Hand-and-Arms Signals.** All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

- (1) Left turn—hand and arm extended horizontally.
- (2) Right turn—hand and arm extended horizontally, rotate hand.
- (3) Stop or decrease speed—hand and arm extended downward.

**2. Takes Effect.** This act shall take effect October 1, 1949.

[Approved June 1, 1949.]

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## CHAPTER 233.

### AN ACT DEFINING "HIGHWAY BUILDING EQUIPMENT" UNDER THE MOTOR VEHICLE LAWS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Motor Vehicle Law Definitions.** Amend paragraph XI of section 1 of chapter 115 of the Revised Laws by inserting after the word "tractors" in the fourth line the words, and such other items of equipment which in the opinion of the commissioner have no usefulness upon the highways except for

the building, repair or maintenance of highways, so that said paragraph as amended shall read as follows: XI. "Highway building equipment" shall include all bulldozers, rollers, scrapers, graders, spreaders, pavers, bituminous mixers, re-treading machines, compressors, power shovels, excavators, wagons, concrete mixers, bucket loaders, snow loaders, rooters, scarifiers and tractors, and such other items of equipment which in the opinion of the commissioner have no usefulness upon the highways except for the building, repair or maintenance of highways, while being used in connection with the building, repair or maintenance of highways or while being transported or moved over the highways under a permit from the board or officer having charge of such highway, or, in the case of a state highway or highway determined by the state highway department to be a through route, from the state highway commissioner, and such permit may limit the time within which it shall be in force and the highways which may be used and may contain any provisions or conditions necessary for the protection of such highways from injury. Road oilers, bituminous distributors and heavy duty platform trailers and semi-trailers are expressly excepted from this definition.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 1, 1949.]

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## CHAPTER 234.

### AN ACT RELATIVE TO CRUDE PETROLEUM.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Repeal.** Sections 28, 29 and 30 of chapter 193 of the Revised Laws relative to storage, licenses, and penalty respectively, of crude petroleum or any of its products are hereby repealed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 1, 1949.]

**CHAPTER 235.**AN ACT FOR AID IN THE DEVELOPMENT OF THE PORT OF  
PORTSMOUTH.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Planning and Development Commission.** Amend chapter 27 of the Revised Laws by inserting after section 43 the following new section: **43-a. Port of Portsmouth.** The commission is authorized and directed to appoint an advisory committee of five persons to work with and assist the commission in establishing plans for the development of the Port of Portsmouth along lines consistent with clear economic trends. Two of the members of said advisory committee shall be residents of the city of Portsmouth and three members shall be residents of the seacoast area.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 1, 1949.]

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**CHAPTER 236.**AN ACT RELATING TO THE APPOINTMENT OF A SPECIAL  
CONSULTANT TO THE HIGHWAY COMMISSIONER.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Appointment.** A special consultant to the highway commissioner, who shall be specially qualified to act as a consultant upon questions of policy affecting the organization and work of the highway department, may be appointed and commissioned by the governor for a term beginning July 1, 1949 and ending October 9, 1950. He shall receive the same salary as the commissioner and shall be reimbursed for his actual expenses incurred in the performance of his duties. Said salary and expenses shall be charged upon the funds of the highway department.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 7, 1949.]

## CHAPTER 237.

AN ACT RELATING TO THE TAKING OF STRIPED BASS AND  
PROHIBITING THE SALE OF OYSTERS FROM CERTAIN  
WATERS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Regulations.** Amend section 59-a of chapter 245 of the Revised Laws as inserted by chapter 67 of the Laws of 1945 by adding at the end thereof the words: No person shall take striped bass less than sixteen inches in length measured from the apex of the fork of the tail to the farthest extremity of the head, so that said section as amended shall read as follows: 59-a. **Striped Bass.** No person shall take striped bass by the use of a seine, weir or net. No person shall take striped bass less than sixteen inches in length measured from the apex of the fork of the tail to the farthest extremity of the head.

2. **Oysters.** Amend chapter 245 of the Revised Laws by inserting after section 61 the following new section: 61-a. **Sale Prohibited.** No person shall at any time sell or take for sale oysters from Great Bay or its tributaries, Little Bay or Durham River, or from the Piscataqua River.

3. **Takes Effect.** This act shall take effect upon its passage.

[Approved June 7, 1949.]

## CHAPTER 238.

AN ACT RELATIVE TO THE SALARIES OF THE COMMISSIONERS OF  
ROCKINGHAM COUNTY.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Rockingham County.** For each of the periods from January 1, 1949 to January 1, 1950 and from January 1, 1950 to January 1, 1951 each county commissioner of the county of Rockingham shall be allowed and paid by the county the sum of three hundred dollars which said temporary compensation shall be in addition to the salary provided for said com-



missioners by section 27 of chapter 47 of the Revised Laws as amended. The additional compensation provided by this act shall be payable as provided in said section 27.

**2. Takes Effect.** This act shall take effect as of January 1, 1949.

[Approved June 7, 1949.]

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### CHAPTER 239.

#### AN ACT RELATING TO NOTICE OF TAX SALES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Tax Sales.** Amend chapter 80 of the Revised Laws by inserting after section 26 the following new section: **26-a. Real Estate Subject to Liens for Old Age Assistance.** No tax sale of real estate upon which there is a lien for old age assistance recorded in the registry of deeds shall be valid as against the state of New Hampshire unless the purchaser at the tax sale shall notify in writing the commissioner of public welfare, within thirty days from the date of such sale. Such notice shall contain the date of the tax sale, the name of the delinquent taxpayer, the total amount for which the real estate was sold and amount of costs for notifying the commissioner of public welfare. Such costs shall be the same as for notifying mortgagees.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 7, 1949.]

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### CHAPTER 240.

#### AN ACT RELATING TO SEPARATE MAINTENANCE.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Pending Divorce Proceedings.** Amend section 14 of chapter 339 of the Revised Laws by striking out the same and inserting in place thereof the following: **14. Temporary**

**Orders.** After the filing of a libel for divorce, the superior court, or any justice thereof, may restrain either party from imposing any restraint upon the person or liberty of the other, or from entering the tenement wherein the other resides during the pendency of the libel and, during such pendency, may order a temporary allowance to be paid for the support of the other, and may make such orders respecting the custody and maintenance of the minor children of the parties as shall be deemed expedient and for the benefit of the children.

**2. Separate Maintenance.** Amend section 29 of chapter 339 of the Revised Laws by striking out the same and inserting in place thereof the following: **29. Orders for Support.** Whenever either party is insane, or whenever a cause is in existence which is, or if continued will be, a cause for divorce, the superior court, upon petition and such procedure thereon as in divorce cases, may restrain either party from interfering with the personal liberty of the other and from entering the tenement wherein the other resides, may grant temporarily or permanently the custody, care, education and maintenance of their minor children, if any, and may make reasonable allowance for support, all subject to such limitations and conditions as the court shall deem just.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved June 7, 1949.]

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## CHAPTER 241.

### AN ACT RELATIVE TO COMMUNICABLE DISEASES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. New Chapter.** Amend chapter 156 of the Revised Laws by striking out the same and inserting in place thereof the following:

#### Chapter 156

#### Communicable Diseases

**1. Reporting of Communicable Disease.** Any physician, the superintendent or other person in charge of any hospital, dispensary or other institution, or any other person having

under his care or observation a person affected with a communicable disease, or any other condition required by the state board of health to be reported shall report the same immediately to the local board of health of the town in which the disease is found, or to the state department of health, as may be required by regulation of the state board of health, and the report shall include the name, age, address, and occupation of the patient.

**2. Report Forms.** Upon the appearance of any disease required by law or by the state board to be reported, the local board or others so required shall make reports to the state department of health at such intervals and in such manner as the state board may prescribe.

**3. Quarantine or Isolation.** A health officer, whenever it shall come to his knowledge that a case or presumptive case of infectious or contagious disease exists within his jurisdiction, shall enforce as minimum requirements the provisions of all regulations established by the state board of health relating to the isolation and quarantine of cases, carriers, or suspected cases or carriers as may be necessary to prevent the spread of such disease, and may immediately cause any person infected with such disease to be removed to some suitable place if in the opinion of the health officer or state health officer, such person can be so removed without endangering the life of the person; if such infected person cannot be removed without danger to his life, the health officer shall impose such isolation and quarantine measures upon the infected person as may be deemed necessary to prevent the spread of disease to others and thereby protect the public health. Any person having or suspected of having a communicable disease, any person who is a communicable disease carrier or contact or any person who is suspected of being a communicable disease carrier or contact shall, when directed by a health officer, submit to an examination for the purpose of determining the existence of a communicable disease. Such persons shall submit specimens of body secretions, excretions, body fluids, and discharges for laboratory examinations when so directed by a health officer or his agent.

**4. Public Assistance.** Whenever any person or family is placed in quarantine by a board of health to protect the public, it shall be the duty of said board to assist such person

or family while in quarantine, in such manner as in the judgment of the board may be deemed wise or necessary.

**5. Effect.** All expenses thus incurred, or such part thereof as the board may determine, shall be deemed a legitimate expenditure for the protection of the public health, and shall be charged to the account of incidental expenses, but not to any indigent or pauper account; nor shall such expenditure be a public aid to the person or persons so quarantined and assisted, unless such person or persons are already paupers.

**6. Quarantine Cards.** The state board shall cause to be printed, for the use of local boards, quarantine cards or notices containing such orders or instructions as may be deemed necessary or advisable. No person shall remove, deface or destroy a quarantine card or notice when posted by the local board, and said card shall remain in place until its removal is authorized by the local board.

**7. Disinfection.** At a proper time after the convalescence or death of the infected person, the local board shall cause the infected premises to be thoroughly disinfected and cleansed, so as effectually to destroy all contagion, said work to be carried out according to methods indorsed and recommended by the state board, after which the premises may be released from quarantine.

**8. Conferences.** It shall be the duty of a health officer, or a representative of a local board, to attend a meeting of the state board, when requested by the latter, for consultation on the restriction and prevention of contagious and infectious diseases, or for the consideration of other important sanitary matters.

**9. Common Cup.** The state board of health may prohibit in such public places, vehicles or buildings as it may designate the providing of a common drinking cup, and may establish rules and regulations for this purpose.

**10. Common Towel.** The use of the common towel is hereby prohibited in all public places, vehicles or buildings. The state board of health shall enforce this provision.

**11. Venereal Disease.** The state board of health through its duly appointed licensed physicians, as agents, is authorized to require the examination, detention, quarantine and treatment of any person reasonably suspected of having been exposed to, or of having exposed, or of exposing, another person

or persons to a venereal disease and to make rules and regulations for such examination, detention, quarantine and treatment.

**12. Mode of Treatment.** Nothing in this act shall be construed to empower or authorize a health officer or his designated agent to restrict in any manner the individual's right to select the mode of treatment of his choice nor to require any physical examination or medical treatment of a patient who in good faith relies upon spiritual means or prayer for healing, nor shall such reliance or treatment be considered a danger or menace to others under any provisions of this act, provided that the sanitary and quarantine laws, rules and regulations relating to infectious, contagious and communicable diseases are complied with.

**13. Penalty.** Any person who shall violate, disobey, refuse, omit or neglect to comply with any of the provisions of this chapter or of the rules and regulations established by the state board of health hereunder shall be fined not less than twenty-five dollars nor more than one thousand dollars, or imprisoned not exceeding twelve months.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 9, 1949.]

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## CHAPTER 242.

### AN ACT AMENDING PROVISIONS RELATIVE TO ROAD USE TAX ON CERTAIN OUT-OF-STATE VEHICLES.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Out-of-State Vehicles.** Amend section 19-a of chapter 120 of the Revised Laws as inserted by chapter 169 of the Laws of 1949 by striking out said section and inserting in place thereof the following: **19-a. Additional Tax or Toll.** When under the laws of any other state any tax or toll, additional to that imposed by this state, is imposed upon the use of any motor fuel not purchased within such other state by motor vehicles registered in this state and not registered in such other state, an additional tax or toll, computed and applied in

the same manner as the additional tax or toll of such other state but based upon the road toll provided by section 6 of chapter 120 of the Revised Laws as now or hereafter amended, shall be imposed by this state upon the use of motor fuel by motor vehicles registered in such other state and not registered in this state, so long as the additional tax or toll of such other state shall remain in force. Penalties and remedies for violations of the provisions of this section shall be the same as those imposed by such other state for violations of the provisions relative to its additional tax or toll. The commissioner may make such rules and regulations as are necessary to carry out the provisions of this section.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 9, 1949.]

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## CHAPTER 243.

AN ACT LICENSING CHILD-PLACING AND CHILD-CARING AGENCIES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Public Welfare.** Amend chapter 130 of the Revised Laws, as amended by section 2 of chapter 48 of the Laws of 1947 and chapter 17 of the Laws of 1943, by striking out said chapter and inserting in place thereof the following:

### Chapter 130

#### Child-Placing and Child-Caring Agencies

**1. Child-Placing Agency.** A child-placing agency is defined for the purposes of this chapter as any person, firm, corporation or association who places or assists in the placement of any child under the age of sixteen other than his own in homes of persons other than relatives by blood or marriage for adoption or foster care.

**2. Child-Caring Agency.** A child-caring agency is defined for the purposes of this chapter as any person, firm, corporation or association who operates or maintains a boarding house or foster home for children or who receives for foster care, control or custody one or more children under the age of

sixteen not related by blood or marriage and separated from parent or guardian, except children committed by any court. The term "child-caring agency" shall not apply to *bona fide* summer camps, hospitals, day nursery schools or to any school in which graded education is given.

**3. Prohibition.** It shall be unlawful for any person, firm, corporation or association to establish, maintain, operate or serve as a child-placing agency or child-caring agency unless licensed to do so by the commissioner of public welfare. Provided, that this section shall not apply to state, county and town officials performing authorized welfare functions, nor shall it apply to any person having the care, custody or control of a child which child has been placed in such person's home by a licensed child-placing agency or by such child's parent or guardian, with a view to adoption.

**4. License.** The commissioner of public welfare shall have power to grant a license, for a term of one year, to a child-placing or child-caring agency which the commissioner, after investigation, finds to be needed for the public good and which he finds to be qualified both to perform the services proposed to be rendered and to conform to the provisions of this chapter and the applicable rules and regulations prescribed by the board of public welfare. Application for the license sought shall be in writing upon forms prescribed by the board of public welfare. Such license may be renewed from year to year upon such terms and conditions as the commissioner may prescribe. Provisional license which shall not be renewable except for good cause shown may be granted for a period not exceeding six months to agencies whose services the commissioner finds are needed but which are temporarily unable to conform to the qualifications for an annual license.

**5. Revocation and Hearing.** The commissioner of public welfare shall have the power to revoke, refuse to grant or renew any license issued pursuant to this chapter for the violation of any provision of this chapter, or any rule or regulation issued by the board. Notice in writing, stating the grounds of the revocation or refusal to grant or renew a license, shall be sent by registered mail to the licensee or applicant together with a statement of the right of the licensee or applicant to request a hearing before the board of public welfare. Within seven days from the receipt of such notice

the licensee or applicant may file with the board a request for a hearing before the board, which shall be held not less than seven days nor more than twenty-one days after receipt of such request. At such hearing the licensee or applicant shall have the right to be represented by counsel, present testimony and confront witnesses, and the common law rules of evidence shall not apply. The board shall within ten days of such hearing render its decision in writing setting forth its reasons.

**6. Appeal.** Any agency aggrieved by any decision of the board of public welfare may apply for a rehearing or appeal to the supreme court in accordance with the provisions of chapter 414 of the Revised Laws.

**7. Rules and Regulations.** The board of public welfare shall make and establish adequate standards of child care for child-placing agencies and child-caring agencies and shall prescribe suitable rules and regulations to govern the activities of such agencies. Such rules and regulations shall become effective after they shall have been filed in the office of the secretary of state and shall thereupon have the force and effect of law.

**8. Record.** The department of public welfare shall keep a record of licenses issued by the commissioner under the provisions of this chapter. When a license is issued to a child-caring agency, said department shall give notice to the board of health of the city or town in which the licensee is located stating the granting of such license and its terms. A like notice shall be given of any revocation of such license.

**9. Visitation.** The commissioner of public welfare and boards of health of cities and towns shall annually, and may at any time, visit and inspect, or designate a person to visit and inspect premises so licensed. Such premises shall be also subject to visitation and inspection at any time by the solicitor of the county, the selectmen, and police officers of the city or town.

**10. Notice of Death.** In the case of death of any child under the control of any licensed child-caring agency, the licensee shall give notice thereof to the department of public welfare within twenty-four hours thereafter stating the date and cause of death, duration of the last illness and the names and addresses of the attending physician and undertaker.



**11. Cruelty.** If facts shall come to the attention of any physician, undertaker, officer authorized to issue burial permits, or other person, indicating that any child kept at a child-caring agency is being cruelly treated or that its life or health is endangered by lack of suitable nourishment, care, nursing or medical attendance, or that the death of any child at such an agency may have been occasioned by such cruelty or neglect, such person shall forthwith under penalty of a fine of ten dollars for each day's failure, give notice thereof to the department, to the county solicitor, or police authorities.

**12. Prosecution.** Upon receipt of such notice, the department of public welfare may, and said solicitor or police authorities shall, immediately investigate the case and it shall be the duty of said solicitor or police authorities to cause the custodian of such child to be prosecuted if probable cause therefor appears.

**13. Notice of Placing.** Whoever receives under his care or control, and whoever places under the care or control of another, for a period of more than thirty days, a child under the age of sixteen not related by blood or marriage to the person receiving such child, whether for adoption or otherwise, shall within two days thereafter give notice thereof, and of the terms upon which such child was received, to the department of public welfare with the name, age, and residence of the child, the parents and the persons from whom and by whom the child was received.

**14. Investigation.** The commissioner may investigate such cases and make such recommendations as he deems expedient, and at any time previous to a decree of adoption may take any child into his custody, if in his judgment the public interest and the protection of the child so require.

**15. Application to Court.** If such recommendations are not complied with, the commissioner may apply to any justice of the superior court, or to the judge of probate in the county where the child is, who after notice to the parents of such child or to the persons delivering and receiving it, may make and enforce appropriate orders for the care, custody, protection and maintenance of such child, and upon notice may from time to time revise said orders.

**16. Placing of Children.** The parents, surviving parent, or guardian of a child under the age of sixteen, if unable to

support it, may by an instrument in writing place such child in the commissioner's charge or in the charge of any licensed child-placing agency and if the commissioner or such agency considers such action for the public interest, they may receive such child and shall thereupon have its custody to the extent of the provisions of chapter 127, section 15 of the Revised Laws as amended.

**17. Illegitimates.** The mother of an illegitimate child under the age of sixteen who is a resident of this state may by an instrument in writing, signed by her, and with the consent of the commissioner or any licensed child-placing agency, give up such child for adoption to the commissioner or any of said agencies, and either of them may, if the action is deemed for the public interest, receive such child and provide therefor on such conditions as they may impose. Such surrender by the mother shall operate as a consent by her to any adoption subsequently approved by the commissioner or such agency.

**18. Penalty.** Whoever violates the provisions of this chapter, or any rule or regulation of the board of public welfare pursuant thereto, shall be fined not more than one hundred dollars, or imprisoned not more than one year, or both.

**2. Takes Effect.** This act shall take effect January 1, 1950. [Approved June 13, 1949.]

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## CHAPTER 244.

### AN ACT RELATING TO FOREST FIRES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Fire Prevention.** Amend section 4 of chapter 233 of the Revised Laws as inserted by section 2 of chapter 184 of the Laws of 1945, by inserting after paragraph I the following new paragraph: I-a. The director of forestry shall be responsible for the overall prevention and control of forest and brush fires throughout the state except within the boundaries of the White Mountain National Forest.

**2. Fire Employees.** Amend chapter 233 of the Revised Laws by striking out section 5 and inserting in place thereof the following: **5. Co-operation.** The director of forestry

shall direct, aid and co-operate with all district chiefs, forest fire wardens and other employees of the state, as provided for herein, and see that they take such action as is authorized by law to prevent and extinguish forest fires and do other work which the commission may undertake for the protection, improvement and extension of forests. He may delegate to the district chief or other assistants the responsibility of suppressing any forest fire wherever he deems such action necessary to the public welfare. He shall plan and direct an annual program of instruction and training for wardens and other forest fire personnel.

**3. Districts.** Amend chapter 233 of the Revised Laws by striking out section 12 and inserting in place thereof the following: **12. District Chiefs.** He may appoint a district chief in each district and such other assistants as the situation in any district may warrant. They shall serve at the will of the state forester and shall be allowed such wages and expenses as may be fixed by the commission within the limitation of funds available.

**4. Duties.** Amend section 20 of chapter 233 of the Revised Laws by inserting after the word "town" in the second line the words, or elsewhere when so directed by the state forester or his authorized agent; further amend by striking out the words "wagons, tools, horses or other" in the fourth line and inserting in place thereof the words, vehicles or other equipment and, so that said section as amended shall read as follows: **20. Fires.** It shall be the duty of the wardens and deputy wardens to extinguish all brush and forest fires occurring in their town, or elsewhere when so directed by the state forester or his authorized agent, and either of them may call such assistance as he deems necessary to aid him in so doing, may require the use of vehicles or other equipment and property for that purpose and may order any road or highway closed to any motor vehicle or horse-drawn vehicle if it becomes necessary in order to safeguard the proper extinguishing of such fire; but such authority shall not interfere with the authority of chiefs of city fire departments.

**5. Takes Effect.** This act shall take effect upon its passage.

[Approved June 13, 1949.]

**CHAPTER 245.**

AN ACT RELATIVE TO NONRESIDENT FISHING LICENSES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Nonresident Fishing Licenses.** Amend paragraph IV of section 6 of chapter 247 of the Revised Laws as amended by section 3 of chapter 217 of the Laws of 1947 by striking out the words "one dollar" in the seventh line and inserting in place thereof the words, two dollars, so that said paragraph as amended shall read as follows: IV. If the applicant is a nonresident and wishes to take fresh water fish or salt water smelt only, five dollars, and the agent shall thereupon issue a nonresident fishing license which shall entitle the licensee to kill, take and transport fresh water fish and salt water smelt under the restrictions of this title, provided that if said applicant wishes to take said fish or smelt for three consecutive days, two dollars and fifty cents, and the agent shall thereupon issue a nonresident fishing license for said time only, under the restrictions of this title.

**2. Takes Effect.** This act shall take effect as of January 1, 1950.

[Approved June 13, 1949.]

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**CHAPTER 246.**

AN ACT RELATING TO A COST OF LIVING BONUS FOR STATE EMPLOYEES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Funds.** Amend section 4 of chapter 108, Laws of 1949 by striking out all of said section after the figures \$1,008,300 and inserting in place thereof the following: Of said sum, the sum of \$658,100 shall be a charge upon the general funds of the state and the balance shall be a charge upon special funds as follows:

Fish and game fund	\$34,800
Hairdressers' board special fund	300
Highway funds	273,000
Motor vehicle funds	23,200
Mt. Sunapee tramway funds	4,000
Cannon Mt. tramway funds	10,200
Prison industries fund	4,700
	<hr/>
	\$350,200

The governor is authorized to draw his warrant upon said funds for the payments necessary to provide the bonus hereby authorized, so that said section as amended shall read as follows: 4. **Appropriation.** For the purpose of providing funds necessary for the additional temporary bonus, there is hereby appropriated the sum of \$1,008,300. Of said sum, the sum of \$658,100 shall be a charge upon the general funds of the state and the balance shall be a charge upon special funds as follows:

Fish and game fund	\$34,800
Hairdressers' board special fund	300
Highway funds	273,000
Motor vehicle funds	23,200
Mt. Sunapee tramway funds	4,000
Cannon Mt. tramway funds	10,200
Prison industries fund	4,700
	<hr/>
	\$350,200

The governor is authorized to draw his warrant upon said funds for the payments necessary to provide the bonus hereby authorized.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved June 13, 1949.]

## CHAPTER 247.

## AN ACT PROVIDING FOR THE CLASSIFICATION OF CERTAIN SURFACE WATERS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Classification.** On and after the effective date of this act the following surface waters shall be classified in accordance with the provisions of chapter 166-A of the Revised Laws as inserted by chapter 183, Laws of 1947, as follows:

I. Wild Ammonoosuc river and its tributaries, in the towns of Easton, Benton, Woodstock and Landaff, from their sources to the intake dam of the Woodsville public water supply system, Class A.

II. Wild Ammonoosuc river and its tributaries, in the towns of Landaff, Bath, Haverhill and Benton, from the intake dam of the Woodsville public water supply system to the confluence with the Ammonoosuc river, Class B-1.

III. Garland Brook and its tributaries, in the towns and places of Lancaster, Kilkenny, Berlin, Randolph and Jefferson, from their sources to the intake dam of the Lancaster public water supply system, Class A.

IV. Israel river and its tributaries, in the towns and places of Lancaster, Jefferson, Whitefield, Carroll, Low and Burbank's Grant, Chandler's Purchase, Thompson and Meserve's Purchase, Randolph, Kilkenny, Stark and Northumberland, except that portion of Garland Brook given in paragraph III, from their sources to the Jefferson-Lancaster town line, Class B-2.

V. All tributaries to the Johns river, in the towns of Dalton, Lancaster, Whitefield, Jefferson, Carroll and Bethlehem, from their sources to the confluence with the Johns river, Class B-1.

VI. Clear Stream and its tributaries, in the towns and places of Errol, Wentworth's Location, Dixville, Erving's Location and Millsfield, from their sources to a point approximately 2500 feet upstream from the highway bridge on Route No. 16, Class B-1.

VII. Main portion of the Blackwater river, in the towns of Wilmot and Andover, from the outlet of Tannery pond to the Andover-Salisbury town line, Class B-2.

VIII. Blackwater river and all its tributaries, in the towns of Hopkinton, Webster, Sutton, New London, Wilmot, Danbury, Hill, Springfield, Warner, Andover and Salisbury, excluding that portion of the main river from the outlet of Tannery pond to the Andover-Salisbury town line given in paragraph VII, from their sources to the confluence with the Contoocook river, Class B-1.

IX. Smith river and its tributaries, in the towns of Hill, Bristol, Alexandria, Orange, Grafton, Springfield, Danbury, Wilmot and Andover, from their sources to the confluence with the Pemigewasset river, Class B-1.

2. **Amendment.** Amend chapter 166-A of the Revised Laws as inserted by chapter 183, Laws of 1947, by inserting after section 4 the following new section: 4-a. **State Guarantee.** In view of the general public benefits resulting from the elimination of pollution from the public waters of the state, the governor and council are authorized in the name of the state of New Hampshire to guarantee unconditionally, but at no time in excess of the total aggregate sum for the entire state of five million dollars, the payment of all or any portion, as they may find to be in the public interest, of the principal of and interest on any bonds or notes issued by any municipality, town, city, county, or district for construction of sewage systems, sewage treatment and disposal plants, or other facilities necessary, required or desirable for pollution control, and the full faith and credit of the state are pledged for any such guarantee. The state's guarantee shall be endorsed on such bonds or notes by the state treasurer; and all notes or bonds issued with state guarantee shall be sold (1) at public sealed bidding, (2) after publication of advertisement for bids, (3) to the highest bidder. Any and all such bids may be rejected and a sale may be negotiated with the highest bidder. In the event of default in payment of any such notes or bonds, the state may recover any losses suffered by it by action against the town as provided in chapter 402 of the Revised Laws.

3. **Takes Effect.** This act shall take effect upon its passage.

[Approved June 15, 1949.]

## CHAPTER 248.

AN ACT RELATING TO THE ATLANTIC STATES MARINE  
FISHERIES COMMISSION.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Atlantic States Marine Fisheries Compact.** Amend chapter 135 of the Laws of 1941 by inserting after section 1 the following new section: **1-a. Amendment to Compact.** The state of New Hampshire hereby enters into an amendment of the Atlantic States Marine Fisheries Compact with any one or more of the states of Maine, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, South Carolina, Georgia, and Florida and such other states as may become party to that compact for the purpose of permitting the states that ratify this amendment to establish joint regulations of specific fisheries common to those states through the Atlantic States Marine Fisheries Commission and their representatives on that body. Notice of intention to withdraw from this amendment shall be executed and transmitted by the governor and shall be in accordance with Article XII of the Atlantic States Marine Fisheries Compact and shall be effective as to this state with those states which similarly ratify this amendment. The states consenting to this amendment agree that any two or more of them may designate the Atlantic States Marine Fisheries Commission as a joint regulatory agency with such powers as they may jointly confer from time to time for the regulation of the fishing operations of the citizens and vessels of such designating states with respect to specific fisheries in which such states have a common interest. The representatives of such states on the Atlantic States Marine Fisheries Commission shall constitute a separate section of such commission for the exercise of the additional powers so granted provided that the states so acting shall appropriate additional funds for this purpose. The creation of such section as a joint regulatory agency shall not deprive the states participating therein of any of their privileges or powers or responsibilities in the Atlantic States Marine Fisheries Commission under the general compact.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 15, 1949.]



## CHAPTER 249.

AN ACT PERTAINING TO CONDUCT OF OPERATORS OF MOTOR  
VEHICLE AFTER ACCIDENT.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Motor Vehicle Accidents.** Amend section 19 of chapter 118 of the Revised Laws as amended by chapter 34 of the Laws of 1949 by adding at the end of said section the following: Provided, however, that voluntary intoxication shall not constitute a defense in the matter of knowledge under the provisions of this section, so that said section as amended shall read as follows: **19. Conduct After Accident.** Any person operating a motor vehicle, knowing that injury has been caused by him to a person or to property, shall forthwith bring his vehicle to a stop, return to the scene of the accident, give, to the operator of any other motor vehicle involved in said accident, and to the person, or the owner of the property, injured his name and address, the number of the driver's license, the registration number of the motor vehicle, and the name and address of each occupant thereof. If the owner of the property damaged is not available at the place of the accident the information required hereunder shall be given to a policeman at the nearest police station. Any person operating a motor vehicle which is in any manner involved in an accident in which any person is injured or killed, or resulting in damage to property in excess of fifty dollars, shall forthwith report in writing to the commissioner the facts required herewith together with a statement of the circumstances of the accident. Provided, however, that voluntary intoxication shall not constitute a defense in the matter of knowledge under the provisions of this section.

3. **Takes Effect.** This act shall take effect upon its passage.

[Approved June 15, 1949.]

## CHAPTER 250.

## AN ACT RELATING TO THE APPOINTMENT OF ASSISTANT HIGHWAY COMMISSIONERS AND A CHIEF ENGINEER.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Appointment.** Amend section 5 of part 10 of chapter 90 of the Revised Laws as inserted by section 1 of chapter 188 of the Laws of 1945 by striking out said section and inserting in place thereof the following new sections: **5. Assistant Commissioner; Planning.** The commissioner shall nominate and the governor, with the advice of the council, shall appoint and commission, an assistant commissioner to determine and execute all matters relating to highway planning and development, personnel and business and financial management of the department. In case of the absence or disability of the commissioner or in case of a vacancy in the office of commissioner and until such vacancy is filled, he shall have all the powers and perform the duties of the highway commissioner.

**5-a. Assistant Commissioner; Information.** The commissioner may nominate and the governor with the advice of the council may appoint and commission, an assistant commissioner in charge of public relations, information and complaints. At the request of the commissioner in charge of planning, he shall draft such legislation as may be necessary for the economic and efficient operation of the department.

**5-b. Chief Engineer.** The commissioner shall nominate and the governor with the advice and consent of the council shall commission and appoint a chief engineer for the highway department. Said engineer shall be in charge of all engineering, the construction and maintenance of highways and bridges, rights of way, and acquisition of land, laboratories, material and research and operation of the highway department garage and sign shop.

**5-c. Assistant Highway Commissioners; Chief Engineer; Qualifications and Duties.** All persons appointed under the provisions of the three preceding sections shall be specially qualified by previous experience to perform all duties as may be assigned to them by the commissioner to whom they shall be directly responsible.

2. **Salaries.** Amend section 4 of part 10 of chapter 90 of the Revised Laws as inserted by section 1 of chapter 188 of the Laws of 1945 by striking out said section and inserting in place thereof the following: 4. **Salaries.** The annual salaries of the highway commissioner, the assistant highway commissioners and the chief engineer as hereinafter provided shall be determined by the governor and council. No one of said officials shall be included in any state employees' classification plan.

3. **Repeal.** Such provisions of chapter 250 of the Laws of 1947 as provide minimum and maximum salaries of the highway commissioner and assistant highway commissioner are hereby repealed.

4. **Takes Effect.** This act shall take effect as of July 1, 1949.

[Approved June 15, 1949.]

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## CHAPTER 251.

### AN ACT RELATIVE TO MERIT RATINGS UNDER THE UNEMPLOYMENT COMPENSATION SYSTEM.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **General Experience Rating.** Amend the fifth paragraph of subsection D, section 6 of chapter 218 of the Revised Laws, as amended by section 14, chapter 138 of the Laws of 1945, and by section 17, chapter 59 of the Laws of 1947, and by section 11, chapter 185 of the Laws of 1949, by striking out said paragraph and inserting in place thereof the following: No employer shall be entitled to an experience rating under this subsection for any calendar year unless and until the balance in the unemployment compensation fund as of January 1 of such calendar year equals or exceeds twelve million dollars; and further provided that no employer shall be entitled to the experience rating granted under this section unless and until there shall have been three consecutive calendar years immediately preceding the computation date throughout which the account of such employer was chargeable with benefits; it being further provided that the time the operation of a busi-

ness of an employer was suspended because of the employer's service in the armed forces during World War II, shall be considered as if the business had been actively and continuously operating during such period.

2. **Merit Ratings.** Amend paragraph (1), subsection E, section 6 of chapter 218 of the Revised Laws, by striking out said paragraph and inserting in place thereof the following: (1) Each employer's rate shall be the amount determined under subsection D of this section except as otherwise provided in the following provisions. No employer's rate shall be less than the amount determined in accordance with subsection D of this section unless and until there shall have been three consecutive calendar years immediately preceding the computation date throughout which the account of such employer was chargeable with benefits; it being further provided that the time the operation of a business of an employer was suspended because of the employer's service in the armed forces during World War II, shall be considered as if the business had been actively and continuously operating during such period.

3. **Takes Effect.** This act shall take effect upon its passage.

[Approved June 15, 1949.]

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## CHAPTER 252.

### AN ACT PROVIDING FOR REGULATION OF OPEN-AIR MOTION PICTURE THEATRES.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Towns.** Amend chapter 51 of the Revised Laws by inserting after section 32-a, as inserted by chapter 146, Laws of 1943, the following new sections: 32-b. **Open-Air Motion Picture Theatres.** Towns shall have the power to make by-laws relating to the regulation and licensing of open-air motion picture theatres within the limits of the town, and may fix reasonable fees for the operation of said theatres, and may enforce the observance of such by-laws by suitable penalties not

exceeding twenty-five dollars for each offense, to inure to such uses as said towns may direct.

**32-c. Regulation by Selectmen.** Prior to the adoption of by-laws by a town under the provisions of section 32-b the selectmen may regulate the operation of open-air motion picture theatres within the limits of the town and fix reasonable fees for such operation, provided that such regulations made by the selectmen shall only be effective until the next annual town meeting and provided further that nothing herein contained shall be deemed to prohibit the town from adopting by-laws in accordance with the provisions of said section 32-b, at any special town meeting, which shall supersede any regulations made by the selectmen.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 15, 1949.]

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## CHAPTER 253.

### AN ACT RELATING TO THE USE OF THE NAMES OF NATURAL PARENTS OF ADOPTED CHILDREN IN CERTAIN CASES AND CHANGING METHOD OF REPORTING RECORDS OF ADOPTIONS AND DIVORCES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Adoption of Children.** Amend section 4 of chapter 345 of the Revised Laws as amended by section 5, chapter 127 of the Laws of 1943 by adding after the words "intents and purposes" the words, The decrees and the certificates of adoption shall not state the names of the natural parents of the adopted child, so that said section as amended shall read as follows: **4. Waiting Period; Final Decree; Exception.** If the requirements of the preceding sections have been complied with, and the judge is satisfied with the identity and the relationship of the parties, and that the petitioner is of sufficient ability to bring up and properly educate the child, and that it is fit and proper that the adoption should take effect, he shall make an order granting temporary custody of said child to the petitioners for a period of one year from the

date of said order, except that in his discretion where he deems it for the best interests of the child he may reduce the period of temporary custody to such length of time as he may see fit. During said period the department of public welfare shall make, or cause to be made at its direction, visits in the home of the petitioners, and shall have such mental and physical tests made of the child as the department deems necessary, and shall send a report to the court. If, at the end of said period, the judge is of the opinion that the petition for adoption should be granted, he shall thereupon make a decree setting forth the facts and ordering that the child shall be the child of the petitioners to all legal intents and purposes. The decrees and the certificates of adoption shall not state the names of the natural parents of the adopted child. Within seven days after the final decree is filed, the register of probate shall send to the town clerk of town of birth and to the commissioner of public welfare by mail a report of the adoption. The department of vital statistics shall provide suitable forms for such reports.

2. **Divorces.** Amend chapter 339 of the Revised Laws by striking out sections 22 and 23 thereof and inserting in place thereof the following: **22. Return of List.** The clerk of the superior court for each county, at the end of each term of court, shall return to the registrar of vital statistics a full and correct list of all changes of names that have been decreed hereunder by the court since the last return.

3. **Probate Courts.** Amend section 13 of chapter 347 of the Revised Laws by striking out the whole thereof and inserting in place thereof the following: **13. Return of Names Changed.** In the months of January and July in each year the register of probate for each county shall return to the registrar of vital statistics a full and correct list of all changes of names that have been made by the judge of probate since the last return.

4. **Registrar of Vital Statistics.** Amend section 9 of chapter 337 of the Revised Laws by striking out said section and inserting in place thereof the following: **9. Preservation of Returns.** The state registrar shall cause the returns made to him in pursuance of the preceding sections, together with the returns of divorces made by the clerks of court, and changes of names made by the registrars of probate to be arranged.

alphabetic indexes of all the names contained therein to be made and the whole to be bound in convenient volumes and preserved in his office. Records of births, marriages, deaths, divorces and changes of names shall be kept separately.

5. **Secretary of State.** All lists of changes of names returned to the secretary of state for publication in the session laws of 1949 shall be sent by him to the registrar of vital statistics, and such lists shall not be published in said session laws.

6. **Takes Effect.** This act shall take effect upon its passage.

[Approved June 15, 1949.]

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#### CHAPTER 254.

AN ACT RELATING TO DAMAGES UNDER THE DEATH STATUTE.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Limitations.** Amend section 13 of chapter 355 of the Revised Laws by inserting after the word "thousand" in line 2 the words, five hundred; and by striking out the word "ten" in line 4 and inserting in place thereof the word, fifteen, so that said section as amended shall read as follows: **13. Limitation.** The damages recoverable in any such action shall not exceed seven thousand five hundred dollars, except in cases where the plaintiff's decedent has left either a widow, widower, or minor children or a dependent father or mother, when the damages recoverable shall not exceed fifteen thousand dollars.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved June 16, 1949.]

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#### CHAPTER 255.

AN ACT RELATING TO REPORTS BY REGISTERS OF DEEDS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Register of Deeds.** Amend section 12 of chapter 49 of the Revised Laws by striking out the same and inserting in

place thereof the following: **12. List of Conveyances for Tax Purposes.** Every register shall send to the selectmen of each town in his county, between the first and fifth days of April in each year, a list of all deeds, mortgages, and other conveyances of real estate which have been recorded in the registry during the preceding tax year; and the register shall send a similar list of conveyances to the assessors of each city in his county quarterly, each year, between the first and fifth days of January, the first and fifth days of April, the first and fifth days of July and the first and fifth days of October.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 16, 1949.]

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## CHAPTER 256.

### AN ACT RELATING TO OBSCENE LITERATURE, PICTURES AND ARTICLES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Obscene Matter.** Amend chapter 441 of the Revised Laws by striking out section 14 and inserting in place thereof the following: **14. Publications, Possession, etc.** No person shall print, sell, lend, give or show to any other person, nor have in his possession or control with intent to sell, lend, give to, show to, any other person, any obscene or lewd or lascivious thing, object, book, pamphlet, magazine, newspaper, print or picture and no person shall circulate, display or post any advertisement of any such thing, object, literature or picture or cause it to be done.

**2. Minors.** Amend section 15 of chapter 441 of the Revised Laws by inserting after the word "such" in the second line the words, thing, object, so that said section as amended shall read as follows: **15. Hiring Minors.** No person shall in any manner hire, employ, or use any minor to sell or give away, or in any manner to distribute any such thing, object, literature, picture, or advertisement.

**3. Duties.** Amend section 16 of chapter 441 of the Revised Laws by inserting after the word "such" where it occurs the



second time in the second line the words, thing, object, so that said section as amended shall read as follows: **16. Duty of Custodians of Minors.** No person having the care or control of a minor child shall permit such child to sell or give away any such thing, object, reading matter or advertisement.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved June 16, 1949.]

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## CHAPTER 257.

AN ACT RELATIVE TO FIRE EMERGENCIES OF MILITARY ORIGIN.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Emergency Fire Fighting.** Amend the Revised Laws by inserting after chapter 146 the following new chapter:

### 146-A

#### Emergency Fire Assistance

**1. Definitions.** The following words and phrases as used in this chapter shall have the following meaning unless the context clearly requires otherwise:

I. "Fire emergency" shall mean actual or threatened bombing, shelling or other form of military action which in the judgment of the governor may result in a disastrous fire, and which has been proclaimed by the governor to be a fire emergency.

II. "Emergency fire assistance" shall mean assistance during a fire emergency, as defined in paragraph I.

III. "Chief executive municipal officer" shall mean the mayor of a city, the board of selectmen of a town, or the board of commissioners of a village district.

IV. "State director of civil defense" shall mean the state director of the state civil defense agency, provided such an agency is created by the general court. If no such agency is created by the general court, then the state adjutant-general shall perform such duties as would be required of the state director of civil defense under the provisions of this chapter.

V. "Fire department personnel" shall mean regular full-

time and call members of a municipal fire department but not including the members of a fire department auxiliary.

VI. "Local fire departments" shall include the fire department of cities and towns, precincts and fire districts.

VII. "Municipality" shall mean any city, town, precinct, village or fire district.

**2. Proclamation of Fire Emergency.** The provisions of this chapter shall be effective during, and only during, periods proclaimed by the governor to be fire emergencies of military origin.

**3. Inter-Community Fire Assistance.** Any municipality may, by law or ordinance, authorize and permit the chief or head of its fire department to extend assistance in time of fire emergency to any other municipality, subject to such restrictions and conditions as may be imposed by such law or ordinance.

**4. Powers, Rights, Privileges and Immunities.** Whenever, pursuant to the authority granted under this chapter, the members of a local fire department are engaged in assisting another municipality in combatting a fire emergency in such other municipality, such local fire department personnel shall possess the same powers, and have the same duties, rights, privileges and immunities they would have if they were performing the said duties for the municipality or municipalities to whose fire department they are normally attached.

**5. Loss, Damage or Expense.** In case any piece of municipally-owned fire-fighting apparatus or equipment is damaged or lost, or in the event that any expense is incurred in connection therewith in answering a call for assistance made by another municipality, by reason of a fire emergency in another municipality, such loss, damage or expense, together with the cost of any materials or supplies used in connection with meeting such call, shall be a charge against and shall be paid by such other municipality which issued the call for assistance. No claim for any such loss, damage, or expense shall be allowed unless, within sixty days after the loss, damage or expense is sustained or incurred, an itemized notice of such claim, authenticated under oath, is served, personally, or by registered mail return receipt requested, by the duly authorized representative of the fire department concerned.

upon the principal executive officer of the municipality to which said fire assistance was rendered.

**6. Liability for Acts or Omissions.** No municipality whose fire-fighting forces, pursuant to the provisions of this chapter, are rendering emergency fire assistance to another municipality or state, shall be liable by reason of any act or omission on the part of such fire-fighting forces while so engaged; or on account of the maintenance or use of any equipment or supplies used in connection with the rendering of such assistance; nor shall any fire commissioner, fire chief, or other superior officer of a fire department, a fire company or any unit of municipal fire-fighting force, acting pursuant to the provisions of this chapter, be liable by reason of any act or omission on the part of any of his subordinates when they are rendering emergency fire assistance, under the command of an officer other than himself, in a municipality other than that in which they normally are employed.

**7. Reimbursement for Salaries and Expenses.** Any state, other than the state of New Hampshire, or any municipality within or outside of the state of New Hampshire, which receives emergency fire assistance pursuant to the provisions of this chapter, shall reimburse the municipality which furnishes such aid for the compensation which was paid to fire-fighting employees engaged in such assistance; for actual travel and maintenance expense for such employees while rendering such aid; and for all payments to or on behalf of injured employees or to representatives of deceased employees, in case any employees sustain injury or are killed while rendering assistance pursuant to this chapter in municipalities other than those to whose fire departments they are attached.

**8. Donation of Services.** Nothing contained herein shall prevent any municipality which renders assistance to another municipality, whether within or outside the state, from assuming such loss, damage, expense, or other cost, or from loaning fire-fighting equipment, or from donating the services of such personnel and such equipment without charge or cost to the municipality requiring assistance.

**9. Reciprocal Arrangement With Other States.** The provisions of this chapter shall apply with respect to fire-fighting forces and equipment of other states of the United States which render services to municipalities in the state and to municipalities therein which respond to a call for emergency

fire assistance, provided that the laws of such other state or states contain substantially similar provisions, as certified by the secretary of state of each such other state or states, with respect to fire-fighting forces or equipment of the state of New Hampshire when rendering services to such other state in response to a call for emergency fire assistance.

**10. Recall from Service Outside of State.** If, while any fire-fighting personnel or equipment pertaining to a New Hampshire municipality is engaged in rendering emergency fire assistance upon call of a municipality in another state, a fire emergency develops within the state of New Hampshire, the governor shall determine whether such fire-fighting personnel and equipment shall be recalled to New Hampshire in order to meet the fire emergency in this state. Under such conditions the decision of the governor shall supersede any agreement or other arrangement for mutual assistance entered into as provided in section 3 of this chapter. Upon the issuance by the governor of such order of recall, through the state director of civil defense, the fire-fighting personnel and equipment shall forthwith return to the state of New Hampshire.

**11. Recall from Service Outside of a Municipality.** If, while any fire-fighting personnel or equipment pertaining to a New Hampshire municipality is engaged in rendering emergency fire assistance upon call in another municipality within the state, a fire emergency develops within the municipality to which the assisting fire-fighting personnel and equipment pertain, the chief executive officer of such municipality shall determine whether such personnel and equipment shall be recalled in order to meet the local fire emergency. Upon the recall order issued by such chief executive officer of the assisting municipality, the personnel and equipment shall forthwith return to their normal stations or to the place specified in such recall order. The decision of the chief executive officer of the assisting municipality, made under the emergency conditions contemplated by this chapter, shall supersede any agreements or arrangements for mutual assistance entered into as provided in section 3 of this chapter.

**12. Reciprocal Relations with Other Municipalities.** The fire commission, fire commissioner, fire chief or other superior officers of a fire-fighting force are authorized within the pro-

visions of this chapter, to enter into agreement with other municipalities, both within and outside the state, concerning the methods by which emergency fire assistance will be rendered as provided in this chapter.

**13. Wartime Coordination.** Whenever a fire emergency shall have been proclaimed by the governor, as provided in this chapter, in order to permit fire-fighting personnel and equipment within the state to be utilized to maximum advantage on a coordinated basis, no municipal fire-fighting force or fire-fighting equipment shall, under the authority herein granted, cross the boundary of the municipality to which it pertains without immediately reporting the fact, through the chief executive officer of such municipality to the state director of civil defense in such manner and extent as he shall prescribe, keeping the said director currently informed relative to the progress being made and, upon completion of its duties in such other municipality, giving immediate notice of the return of the personnel and equipment to their normal station. Under the emergency conditions contemplated by this section, no such fire-fighting personnel or equipment shall go more than twenty miles beyond the boundary of the state, or more than twenty miles beyond the boundary of the municipality to which such fire-fighting force or equipment pertains without prior permission of the state director of civil defense, acting upon the authority of the governor. In such instances, progress and final reports shall be made to the state director of civil defense in such manner and by such means as he may prescribe.

**14. Forest Fires.** During any proclaimed fire emergency the provisions of this chapter shall apply to all forest fire-fighting activities and the director of forestry shall comply with the provisions hereof.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 16, 1949.]

## CHAPTER 258.

AN ACT RELATING TO THE TAKING OF DEER BY BOW AND ARROW.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Hunting Deer.** Amend chapter 242 of the Revised Laws by inserting after section 16 the following new subdivision:

**Bow and Arrow**

**16-a. Special Permits.** Any resident holding a valid New Hampshire hunting license upon the payment of an additional fee of two dollars or any nonresident holding a valid New Hampshire hunting license upon the payment of an additional fee of three dollars, may be issued a special permit to hunt deer with bow and arrow in the sections of the state described in section 16-b. The special permit under this section shall entitle the holder to hunt deer for a period of ten days immediately prior to the open season for taking deer. Any person taking a deer under the provisions of this subdivision shall notify a conservation officer within twenty-four hours of such taking.

**16-b. Districts Established.** The areas of the state within which deer may be taken with bow and arrow for the limited period as provided in section 16-a are as follows:

I. That part of Coos county lying north of the main highway known as U. S. Route No. 2 from the Vermont boundary to the Maine boundary.

II. In the area within the following described boundaries: Beginning at the Connecticut river in the town of Walpole on Route 123A to Route 10 in the town of Marlow; thence northerly on said Route 10 to the Grafton boundary line between the counties of Grafton and Sullivan at the town of Enfield; thence on said county line to the Connecticut river; thence by the Connecticut river to the point begun at.

III. In the area within the following described boundary: Beginning on Route No. 13 in the town of Brookline; thence by said Route to Route No. 101 in the town of Milford; thence by said Route 101 to its junction with Route 31 in the town of Wilton; thence by Route No. 31 to Lyndeborough to Greenfield and Bennington at the junction with Route No. 202; to Hancock at a junction of Route No. 137; thence by Route 137

to Jaffery at a junction with Route No. 202; thence by Route No. 202 to Rindge at the Massachusetts state line; thence by said state line to the point begun at.

IV. That part of Bear Brook Game Refuge open to bow and arrow hunting of deer in accordance with the provisions of section 12-b of chapter 246 of the Revised Laws as inserted by chapter 152 of the Laws of 1947.

**16-c. Regulations.** No bow shall be used for hunting deer unless it will pull at least forty pounds. No mechanically drawn or released bow may be used and deer may not be taken by a strung bow in a motor vehicle. No arrow shall be used other than broad heads which broad heads shall be not less than seven-eighths inch nor more than one and one-half inches wide and when arrows are used in such hunting the name and address of the bowman must be plainly printed on each arrow. No person shall take deer by bow and arrow unless he has complied with the provisions of this section.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 16, 1949.]

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## CHAPTER 259.

### AN ACT RELATIVE TO LEASE RECEIPTS ON LAND TAKEN FOR FLOOD CONTROL.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Lease Receipts.** Amend chapter 4 of the Revised Laws as amended by chapter 41 of the Laws of 1945 by adding at the end thereof the following new sections: **7. Disbursement of Lease Receipts by State.** Whenever the state treasurer shall have funds in his possession paid by the United States on account of leasing of land acquired by the United States for flood control purposes, he shall forthwith remit said funds to the treasurers of the counties in which the leased lands lie, in proportion to the area of such leased land which lies in each such county as shown by the comprehensive plan for flood control of the New England division Corps of Engineers and the governor is authorized to draw his warrant for said

purposes. 8. **By Counties.** Whenever any county treasurer shall have in his possession funds received from the state treasurer under the provisions of section 7, he shall forthwith remit said funds, in proportion to the area of such leased land which lies in each city or town in said county, as shown by the comprehensive plan for flood control of the New England division Corps of Engineers, as follows: I. To the treasurer of the school district of those cities or towns which are co-extensive with such school district, for the benefit of the schools therein; II. To the treasurer of the city or town of those cities or towns with which the school district is not co-extensive, for the benefit of the public roads therein.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved June 16, 1949.]

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## CHAPTER 260.

AN ACT RELATIVE TO PAYMENTS TO TOWNS FOR FLOOD CONTROL.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Flood Control.** Amend section 4 of chapter 4 of the Revised Laws as amended by chapter 41 of the Laws of 1945 by striking out the word "ten" in the ninth line and inserting in place thereof the word, fifteen, so that said section as amended shall read as follows: 4. **Reimbursement to Cities and Towns Authorized.** On or before the first day of October of each year, the state treasurer shall pay to each town and city in which any land or interest therein is acquired hereunder by the United States a sum equal to the taxes which would have been assessed against said lands or interest therein in such town if the same had been included in the list of taxable property for such year, at the assessed valuation of the same as determined for the tax year 1939, for a period of fifteen years next ensuing the year said lands or interest therein becomes exempt from taxation, less any amount paid or due that town for that year by or from the United States or any agency thereof because of loss of taxable valuation, the amount of said payment to be determined by the tax commission and certified



by it to the state treasurer on or before the fifteenth day of September of each year for which such reimbursement is to be made; and the governor is authorized to draw his warrant for the payment thereof out of any money in the treasury not otherwise appropriated. Provided, however, that no payments shall be made or required on account of reimbursement for loss of taxes on any structure which may be erected on such premises in connection with the construction or use of said project, or on account of any railroad or other public utility which may be relocated as a result of such acquisition and which thereafter is included in the list of taxable property in said town when relocated.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 18, 1949.]

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## CHAPTER 261.

### AN ACT RELATIVE TO RIGHTS OF VILLIGE DISTRICTS TO COLLECT GARBAGE.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Public Dumping Facilities.** Amend section 32 of chapter 165 of the Revised Laws as inserted by section 1, chapter 133 of the Laws of 1949, by adding at the end thereof the words, and to provide means for collection, removal and destruction of garbage and other waste materials, so that said section as amended shall read as follows: **32. Precincts.** Any precinct or village district organized under general or special laws may, by vote under an article in the warrant for the meeting at which the action is taken, vote to adopt the provisions of this subdivision and appropriate money for the purposes hereof and to provide means for collection, removal and destruction of garbage and other waste materials.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 21, 1949.]

**CHAPTER 262.****AN ACT RELATING TO UNEMPLOYMENT COMPENSATION BENEFITS  
FOR NATIONAL GUARD PERSONNEL.**

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Exceptions for National Guard Personnel.** Amend paragraph (1), sub-section P, section 1 of chapter 218 of the Revised Laws as amended by chapter 59 of the Laws of 1947 by inserting at the end thereof the following: (e) Any amounts received from the federal government by members of the national guard and organized reserve, as drill pay, including longevity pay and allowances.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 21, 1949.]

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**CHAPTER 263.****AN ACT RELATING TO TAKING HARES AND RABBITS.**

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Hares and Rabbits.** Amend section 17 of chapter 242 of the Revised Laws as amended by chapter 58 of the Laws of 1943 by striking out said section and inserting in place thereof the following: **17. Taking; Limit.** Hares and rabbits may be taken and possessed from October first to March first. No person shall take more than three hares and five cotton-tail rabbits in one day, and the total number of hares and cotton-tail rabbits taken in one day shall not exceed five. No person shall take hares and rabbits by the use of a snare.

**2. Fish and Game Director.** Amend chapter 242 of the Revised Laws by inserting after section 17 the following new section: **17-a. Power to Close any Area.** Notwithstanding the other provisions of this chapter, the director, for the purpose of propagation, shall have power and authority to close any area in the state for taking hares and rabbits for a period not exceeding ninety days in any one calendar year.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved June 21, 1949.]

## CHAPTER 264.

AN ACT RELATIVE TO PAYMENT OF CERTAIN MONIES RECEIVED  
FROM THE TREASURER OF THE UNITED STATES.

*Whereas*, there is in the hands of the state treasurer certain monies to the credit of the towns of Ellsworth and Livermore, said monies having been received from the treasurer of the United States on account of national forest lands in said towns; and

*Whereas*, the law of the United States requires that said monies shall be expended for the benefit of the public schools and public roads in the county in which said lands lie; and

*Whereas*, the school district of the town of Ellsworth has been abolished and the liability for the education of children in said town has been transferred to the state board of education; and

*Whereas*, there is in the town of Livermore no town clerk or other officer to whom said monies may be paid, now therefore,

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Authority Granted.** The state treasurer is authorized and directed to pay over to the state board of education one half of all monies received by him from the treasurer of the United States on account of national forest lands in the town of Ellsworth and to pay over to the treasurer of said town the balance of said monies. The share of said monies in the hands of the state board of education shall be expended for the education of the children in the town of Ellsworth and the balance shall be expended by said town for roads therein. The state treasurer is authorized to expend the monies received from the treasurer of the United States on account of national forest lands in the town of Livermore for the benefit of public schools and public roads in the county of Grafton in such manner as the governor and council may from time to time determine.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 22, 1949.]

## CHAPTER 265.

AN ACT INCREASING FEES PAID TO THE SECRETARY OF STATE  
FOR CORPORATION AND PARTNERSHIP REGISTRATIONS,  
LICENSES, ENGROSSING PRIVATE ACTS, ELECTION  
RECOUNTS AND MISCELLANEOUS DOCUMENTS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Voluntary Corporations.** Amend chapter 272 of the Revised Laws by inserting after section 4 the following new section: **4-a. Fees.** The fee for recording the articles of agreement in the office of the secretary of state as required in section 4 shall be five dollars. The fee for recording any record of amendment in the office of the secretary of state as required in section 6 shall be five dollars.

2. **Co-operative Marketing.** Amend section 6 of chapter 273 of the Revised Laws by striking out the word "ten" in the second line and inserting in place thereof the word, twenty, and by striking out the words "two dollars and fifty cents" in the third line and inserting in place thereof the words, five dollars, so that said section as amended shall read as follows:  
**6. Fees.** For filing a certificate of organization, an association shall pay twenty dollars to the secretary of state; and for filing an amendment thereto, five dollars.

3. **Business Corporations.** Amend section 112 of chapter 274 of the Revised Laws by striking out said section and inserting in place thereof the following: **112. Record of Organization.** The fee for recording the record of organization required by section 15, including the issuing by the secretary of state of the certificate of incorporation, shall be:

I. When the authorized capital stock does not exceed ten thousand dollars, twenty dollars.

II. When such authorized capital stock exceeds ten thousand dollars, but does not exceed fifty thousand dollars, fifty dollars.

III. When such authorized capital stock exceeds fifty thousand dollars, but does not exceed two hundred and fifty thousand dollars, two hundred dollars.

IV. When such authorized capital stock exceeds two hundred and fifty thousand dollars, but does not exceed five hundred thousand dollars, three hundred dollars.

V. When such authorized capital stock exceeds five hundred thousand dollars, but does not exceed one million dollars, five hundred dollars.

VI. For each additional one hundred thousand dollars above one million dollars, twenty dollars.

4. **Recording.** Amend section 113 of chapter 274 of the Revised Laws by striking out the word "five" in the fifth line and inserting in place thereof the word, ten, so that said section as amended shall read as follows: **113. Amendments.** The fee for recording the record of amendment required by section 45, providing for an increase of the capital stock, shall be such sum as, when added to the fees paid at the time of the original authorization and prior increase, if any, will make the total fees accord with the foregoing schedule; provided, however, that the minimum fee shall be ten dollars.

5. **Minimum Fee.** Amend section 116 of chapter 274 of the Revised Laws by striking out the word "five" in the ninth line and inserting in place thereof the word, ten, so that said section as amended shall read as follows: **116. Annual Fee.** For the privilege of continuing its corporate franchise, every such corporation shall pay annually to the secretary of state, at the time of making its annual return, a fee equal to one fourth the amount paid upon filing its original record of organization plus one fourth of additional payments for increases in its authorized capital stock, if any; in case the authorized capital stock is reduced, the annual return fee shall be one fourth the amount required for the original fee of a corporation capitalized at the amount as reduced. In no case, however, shall such annual fee be more than one hundred dollars or less than ten dollars and it shall not be required of any such corporation which on March first of any year shall not have been incorporated more than six months.

5-a. **Corporations.** Amend section 104 chapter 274 of the Revised Laws by inserting after the words "insurance commissioner" the words, and except holders of certificates of approval under the provisions of section 78 of chapter 170 of the Revised Laws, so that said section as amended shall read as follows: **104. Returns.** Every business corporation, including foreign corporations doing business in this state, except public utility or other corporations making annual returns to the public service commission or the insurance commissioner, and except holders of certificates of approval under

the provisions of section 78 of chapter 170 of the Revised Laws, shall annually, on or before April first, make a return in writing to the secretary of state upon blanks to be furnished by him upon request.

**6. Annual Report.** Amend section 107 of chapter 274 of the Revised Laws by striking out the word "five" in the second line and inserting in place thereof the word, ten, so that said section as amended shall read as follows: **107. Filing Fee.** Every corporation shall pay to the secretary of state, with such annual return, a filing fee of ten dollars.

**7. Late Filing.** Amend section 109 of chapter 274 of the Revised Laws by striking out the word "five" in the fourth line and inserting in place thereof the word, ten, so that said section as amended shall read as follows: **109. Subsequent Returns.** It shall be the duty of the corporation to make or cause to be made its annual return and payment of return fee on or before April first; and, if it fails so to do, it shall be required to pay an additional fee of ten dollars, as well as to make the annual return.

**8. Railroad Corporations.** Amend chapter 296 of the Revised Laws by inserting after section 5 the following new section: **5-a. Recording Fees.** The fee for recording articles of agreement in the office of the secretary of state as provided in section 5 shall be at the rate of one dollar per page.

**9. Uniform Trust Receipts.** Amend paragraph III of section 13 of chapter 263 of the Revised Laws by striking out the words "one dollar" in the sixth line and inserting in place thereof the words, two dollars, so that said section as amended shall read as follows: **III.** It shall be the duty of the secretary of state to mark each statement filed with a consecutive file number, and with the date and hour of filing, and to keep such statement in a separate file; and to note and index the filing in a suitable index, indexed according to the name of the trustee and containing a notation of the trustee's chief place of business as given in the statement. The fee for such filing shall be two dollars.

**10. General Partnerships.** Amend section 5 of chapter 186 of the Revised Laws by striking out the words "one dollar" in the third line and inserting in place thereof the words, two dollars, so that said section as amended shall read as follows: **5. Record; Fees; Blanks.** The secretary of state shall keep a suitable file or record of such certificates, and the filing fee for

each certificate shall be two dollars. He shall prepare blanks for such certificates, and shall, on request, furnish such blanks to persons, partnerships or associations subject to the provisions of this subdivision.

**11. Limited Partnerships.** Amend chapter 187 of the Revised Laws by inserting after section 2 the following new section: **2-a. Fees.** The fee for recording the certificate in the office of the secretary of state as provided in section 2 shall be ten dollars.

**12. Commissions.** Amend section 15 of chapter 21 of the Revised Laws by striking out said section and inserting in place thereof the following: **15. Office Fees.** Except as otherwise provided, the following fees shall be paid to the secretary of state for the use of the state: For every commission issued to a justice of the peace or to a notary public, ten dollars; for every other commission to any person for an office of profit, five dollars, to be paid by such person; for every certificate under seal of the state, one dollar; for engrossing private acts, one dollar for each page of two hundred and forty words.

**13. Province Records.** Amend chapter 21 of the Revised Laws by adding after section 17 the following new section: **18. Fee.** The fee for furnishing copies of records as provided in section 17 shall be one dollar for each page of two hundred and forty words.

**14. Brands for Bottles.** Amend section 10 of chapter 207 of the Revised Laws by striking out the words "one dollar" in the eleventh line and inserting in place thereof the words, two dollars, so that said section as amended shall read as follows:

**10. Registering.** A person engaged in buying, selling or dealing in milk or cream in cans, cases, boxes, bottles, jars or jugs, or bottling or selling beverages in bottles or vessels with his name and the word "registered" branded, engraved, blown or otherwise produced thereon, or on the boxes used by him, may register the same by filing in the office of the clerk of the city or town in which his principal place of business is situated, or in the office of the secretary of state, a description of the name so used by him, and publishing such description once in each of two successive weeks in a newspaper, if any, published in the city or town in which his principal place of business is situated; otherwise, in a newspaper published in the county. The

fee for registration with the secretary of state shall be two dollars for each brand so registered.

**15. Bonded Warehouses.** Amend section 1 of chapter 205 of the Revised Laws by striking out the word "twenty-five" in the sixth line and inserting in place thereof the word, fifty, so that said section as amended shall read as follows: **1. Licenses.** Any person, or corporation established under the laws of the state and having a place of business within the state, who keeps and maintains for hire a warehouse for the storage of goods, wares, and merchandise of persons or corporations other than himself shall be a public warehouseman. A public warehouseman shall obtain an annual license from the secretary of state. The fee for such license shall be fifty dollars. Whoever violates any provision of this section shall be fined not more than two hundred dollars or imprisoned not more than six months, or both.

**16. Itinerant Vendors.** Amend section 4 of chapter 189 of the Revised Laws by striking out the word "twenty-five" in the fourth line and inserting in place thereof the word, fifty, so that said section as amended shall read as follows: **4. Deposit; Fee; Issue.** Every itinerant vendor desiring to do business in this state shall make a special deposit of five hundred dollars with the secretary of state, and thereafter, upon application in proper form and the further payment of fifty dollars as a state license fee, the secretary of state shall issue to him an itinerant vendor's license, authorizing him to do business in this state in conformity with the provisions of this chapter, for the term of one year from the date thereof. The license shall contain a copy of the application upon which it is granted.

**17. Election Recounts.** Amend section 56 of chapter 33 of the Revised Laws by striking out said section and inserting in place thereof the following: **56. Fees.** No candidate shall be entitled to a recount unless he shall pay to the secretary of state, at the time of filing his application therefor, fees as follows: If a candidate for governor, United States senator or other officer voted for throughout the state, two hundred dollars; for representative in congress, one hundred dollars; for councilor, fifty dollars; for a county office or state senator, twenty dollars; for member of the house of representatives, supervisor of the check-list, moderator, ward clerk or select-



man where selectmen are elected at the biennial election, ten dollars.

18. **Liquor Laws.** Amend section 44 of chapter 170 of the Revised Laws as amended by section 2, chapter 2 of the Laws of 1943, by striking out the word "five" in the fifth line and inserting in place thereof the word, ten, and by striking out the word "twenty-five" in the ninth line and inserting in place thereof the word, fifty, so that said section as amended shall read as follows: **44. Recount.** Five legal voters of any city or town which shall have voted upon questions (a) and (b) may, within ten days thereafter, petition the secretary of state for a recount of the votes cast upon one or both of said questions. Such application shall be accompanied by a fee of ten dollars for each one thousand ballots or fraction thereof cast at said election in said town, provided, however, that but one fee shall be payable in the event a recount is desired on both questions and in no event shall such fee exceed fifty dollars. The secretary of state shall fix a time for such recount and shall notify the petitioners and the selectmen, clerk, and moderator of the town, or the mayor and clerk of the city, by mail, of the time and place so fixed. He shall request the clerk having custody of the ballots to forward them forthwith to the secretary of state, and the clerk shall immediately forward such ballots, and they shall be preserved by the secretary of state until the succeeding biennial election.

19. **Certificates for Optometrists.** Amend section 11 of chapter 253 of the Revised Laws by striking out the words "fifty cents" in the third line and inserting in place thereof the words, two dollars, so that said section as amended shall read as follows: **11. Registration of Certificate.** Every person to whom a certificate shall be granted by said board shall cause the same to be recorded in the office of the secretary of state, the fee for such record to be two dollars.

20. **Liens on Logs.** Amend paragraph (c) of section 14-a of chapter 264 of the Revised Laws as inserted by chapter 184 of the Laws of 1949 by striking out the word "five" and inserting in place thereof the word, ten, so that said paragraph as amended shall read as follows: (c) The fee for registering each such mark with the secretary of state, which fee shall include the issuance of the certificate of registration thereof, shall be ten dollars. The fee for the issuance of each certified copy of such certificate, by the secretary of state, shall be one

dollar. The fee for recording a certified copy of any such certificate of registration in any registry of deeds shall be one dollar.

**21. Takes Effect.** This act shall take effect upon its passage, provided that the status of licenses and commissions already issued and effective at the time of the passage of this act shall not be affected in so far as payment of fees is concerned.

[Approved June 22, 1949.]

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## CHAPTER 266.

### AN ACT RELATIVE TO PARTITION PROCEEDINGS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Partition Proceedings.** Amend section 1 of chapter 410 of the Revised Laws by adding at the end of said section the following sentence: The holder in possession of a fee simple interest in such real estate may have partition, irrespective of the class or duration of the estate of any petitionee named in the action, so that such section as amended shall read as follows: **1. Parties.** One or more persons, having or holding real estate with others, in possession, reversion or remainder, may have partition thereof as in this chapter provided. And the petitioner may, at his election, make a tenant for life or for years, or a tenant by the curtesy of the entire real estate or any part thereof, or whoever may be entitled to a contingent or vested remainder or reversion or any executory interest in the entire real estate or any part thereof, or any lien-holder on the entire real estate or any part thereof, a petitionee in the action. The holder in possession of a fee simple interest in such real estate may have partition, irrespective of the class or duration of the estate of any petitionee named in the action.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 22, 1949.]

## CHAPTER 267.

AN ACT PROVIDING FOR MUTUAL AID SERVICE IN CONNECTION  
WITH FIRES.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Mutual Aid Service for Fires.** Amend chapter 175 of the Revised Laws by inserting after section 21 the following new sections: 22. **Outside Service by Local Fire Department.** Any city, town, village or fire district may vote to authorize their respective fire department to go to the aid of another city, town, village or fire district within or without the state, for the purpose of extinguishing fires therein.

23. **Rights, Privileges, Immunities.** While in the performance of their duties in extending such aid, firemen shall be subject to the control and direction of the chief fire official of the municipality within which the fire occurs, and they shall have the same immunities and privileges as if performing the same duties within their respective city, town, village or fire district.

24. **Loss or Damage.** Any expenses incurred by any fire department, in rendering such aid outside the limits of its jurisdiction as provided hereunder, including loss or damage to equipment may be charged to the city, town, village or fire district whose officials requested such aid.

25. **Donation of Services.** Nothing contained herein shall be construed to prohibit any city, town, village or fire district extending such aid from donating their equipment and services and assuming the damage or loss to their equipment.

26. **Conditions and Restrictions.** Any such vote may authorize the head of the fire department to extend such aid, subject to such conditions and restrictions as may be prescribed therein.

27. **Compensation.** Any city, town, village or fire district aided under and in accordance with the aforesaid sections may compensate any city, town, village or fire district rendering aid to (a) employees for compensation during the time in which the rendering of their services prevented them from performing their regular duties at their place of employment, and (b) may reimburse in part or in whole for any payments lawfully made to any member of its fire department or to his

widow or other dependents on account of injuries or death suffered by him in the course of rendering aid as aforesaid or of death resulting from such injuries.

**28. Duties of the State Fire Marshal.** At the request of any chief of an organized fire department within the state, the fire marshal shall give all help and assistance possible in co-ordinating the services of fire departments giving the mutual aid in the extinguishment of fires.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 22, 1949.]

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## CHAPTER 268.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

AN ACT RELATIVE TO DIVISION OF THE STATE FOR TAKING  
WILD DEER.

**1. Wild Deer.** Amend section 3 of chapter 242 of the Revised Laws as amended by chapter 191 of the Laws of 1943 and chapter 168 of the Laws of 1945 by striking out said section and inserting in place thereof the following: **3. Taking; Time.** Wild deer, outside game preserves, may be hunted and taken from one-half hour before sunrise to one-half hour after sunset in that part of the state which lies north of the following described line, during the month of November; and in that part of the state lying south of the following described line, during the month of December, provided that no deer shall be hunted or taken at any time on any island or in any waters or lakes and ponds. The line for the division of the state for the purpose of taking wild deer is described as follows: Beginning at the boundary line with the state of Vermont in the town of Orford on route 25A, thence on said route to Orfordville, thence to Wentworth on route 25, thence on said route 25 to Rumney Depot, thence from Rumney Depot to Rumney Village, thence following by Lake Stinson to West Campton, thence from West Campton to Campton Station, thence from Campton Station to Campton Lower Village, thence from Campton Lower Village to Campton Upper Village,

thence from Campton Upper Village following the Waterville Valley road up Mad River to the junction on the Sandwich Notch road, thence following the Sandwich Notch road to the town line between Sandwich and Thornton, thence following said town line northerly to the Waterville town line, thence along the boundary line between Waterville and Sandwich to the easterly bound of the town of Sandwich, thence southerly by the Sandwich town line to route 113-A, thence easterly and southerly by said route 113-A to route 113, thence by route 113 to route 16 in the town of Tamworth, thence northerly and easterly on route 16 to the junction with route 113 in the town of Madison, thence on said route 113 to the state of Maine boundary.

2. **Special Closed Season.** Amend chapter 242 of the Revised Laws by inserting after section 3 the following new section: 3-a. **Powers of the Director.** After December fifteenth in any year the director, with the approval of the commission, may close the open season for taking deer in any area or section if in his opinion such action is necessary to preserve an adequate brood stock of deer.

3. **Takes Effect.** This act shall take effect upon its passage.

[Approved June 22, 1949.]

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## CHAPTER 269.

### AN ACT RELATING TO LICENSES FOR HOTELS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Liquor.** Amend section 19 of chapter 170 of the Revised Laws by striking out the same and inserting in place thereof the following: 19. **Licenses for Hotels.** The commission may issue a license to any first-class hotel in any town if such hotel also holds a permit provided under section 59. The determination of what is a first-class hotel is to be within the discretion of the commission. Said license shall entitle the licensee to sell liquor by the glass and fortified wines by the bottle, if the cork is drawn, to *bona fide* guests with meals in the dining room or in the rooms of guests. In towns voting

not to approve the provisions of this chapter the licensee shall not sell such liquor or wines to a resident of the town in which such hotel is located. In towns voting not to approve the sale of beverages a hotel holding a license issued under the provisions of this section shall be entitled to hold and shall hold a permit provided under section 59 which permit shall authorize the sale of beverages to *bona fide* guests with meals in the dining room or in the rooms of guests, provided that the sale of beverages shall not be made to a resident of the town in which such hotel is located.

2. **Resort Hotels.** Amend section 20 of chapter 170 of the Revised Laws, as amended by section 1, chapter 160 of the Laws of 1945, by striking out the same and inserting in place thereof the following: 20. **Special License.** The commission may issue a special license to any first-class hotel, holding the license and permit provided under section 19, to serve liquor and beverages in any room of said hotel designated by the commission. Said room shall not have an immediate entrance upon any public way. No license provided by this section shall be issued to any hotel in towns not accepting the provisions of this chapter unless such hotel is classified as a resort hotel by the commission, and sales of liquor and beverages in such hotels shall not be made to a resident of the town in which such hotel is located. The commission may grant, regulate, suspend, or revoke said special license without affecting any other license and permit which may be granted to said hotel. The fee for such special license shall be one hundred dollars a year.

3. **Takes Effect.** This act shall take effect June 1, 1950.  
[Approved June 23, 1949.]

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## CHAPTER 270.

### AN ACT ESTABLISHING THE DATE OF FAST DAY.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Fast Day.** Amend section 2 of chapter 367 of the Revised Laws by striking out said section and inserting in place thereof the following: 2. **Holidays.** Thanksgiving day whenever appointed, the fourth Monday in April known as

Fast Day, the first Monday in September, known as Labor day, the day on which a biennial election is held, January first, February twenty-second, May thirtieth, July fourth, October twelfth, November eleventh, known as Armistice day, and Christmas day are legal holidays.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 29, 1949.]

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## CHAPTER 271.

### AN ACT IN RELATION TO MUNICIPAL UTILITIES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Public Service Commission.** Before any town, village district or precinct shall vote to appropriate money or issue bonds or notes for the acquisition of any existing public utility, or for the construction of a public utility, or for the reconstruction or enlarging of a municipally owned utility, the selectmen of the town or the commissioners of the village district or the commissioners of any precinct may submit, and upon written application of fifty or more qualified voters or one fourth of the qualified voters of said town, district or precinct, shall submit to the public service commission the general details of the plan and the amount proposed to be expended together with engineering plans and specifications.

**2. Hearing.** Said commission shall after notice hold a public hearing at which time it shall receive evidence from any interested parties, and shall on its own motion investigate the public need for such acquisition, construction, reconstruction or enlarging and the feasibility of said proposed plan.

**3. Findings.** Said commission shall within thirty days after said hearing issue a report which shall contain its findings on said plan as proposed, with the reasons therefor, and shall cause it to be published in a newspaper of general circulation in said town, and shall also submit a copy of said report to the selectmen or precinct commissioners of said town, village district or precinct. Before any vote is taken by said town, village district or precinct to appropriate money or issue

bonds or notes for any of the purposes above mentioned, said findings of the public service commission shall be read to the meeting by the moderator or the chairman.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved June 29, 1949.]

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## CHAPTER 272.

### AN ACT OPENING SHANNON BROOK IN MOULTONBOROUGH TO SMELT FISHING.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Smelt Fishing.** Smelt may be taken and possessed during the open season therefor from Shannon Brook in the town of Moultonborough.

**2. Application of Laws.** Such part of section 22 of chapter 245 of the Revised Laws as amended by regulations adopted by the fish and game commissioner as may be inconsistent with the provisions of this act are hereby repealed to the extent of such inconsistency. Other than as provided in this section, all provisions of the Title relative to fish and game shall apply to the taking of smelt as authorized in section 1 hereof.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved June 29, 1949.]

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## CHAPTER 273.

### AN ACT RELATIVE TO THE BAG LIMIT FOR TAKING HORNED POUT.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Horned Pout.** During the open season for taking horned pout no person, within the limits of Coos county, may take more than forty horned pout between twelve o'clock noon in one day and twelve o'clock noon of the following day.

**2. Application of Laws.** Such part of section 17 of chapter 245 of the Revised Laws as revised and amended by regulations



made by the fish and game director as may be inconsistent with the provisions of this act are hereby repealed. Except as otherwise provided herein, all applicable provisions of the fish and game laws shall be applicable to the taking of horned pout under the special provisions of this act.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved June 30, 1949.]

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## CHAPTER 274.

### AN ACT TO ESTABLISH A NEW APPORTIONMENT FOR THE ASSESSMENT OF PUBLIC TAXES.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Apportionment.** That of every thousand dollars of public taxes hereafter to be raised, the proportion which each town and place shall pay, and for which the treasurer of the state is hereby authorized to issue his warrant, shall be as follows, to wit:

#### Rockingham county, \$113.13

Atkinson, seventy-four cents . . . . .	\$0.74
Auburn, one dollar . . . . .	1.00
Brentwood, seventy-five cents . . . . .	.75
Candia, one dollar and ten cents . . . . .	1.10
Chester, one dollar and ten cents . . . . .	1.10
Danville, fifty-three cents . . . . .	.53
Deerfield, one dollar and twenty cents . . . . .	1.20
Derry, eight dollars and thirty-six cents . . . . .	8.36
East Kingston, fifty-seven cents . . . . .	.57
Epping, one dollar and fifty-three cents . . . . .	1.53
Exeter, ten dollars and sixty cents . . . . .	10.60
Fremont, seventy-eight cents . . . . .	.78
Greenland, ninety-five cents . . . . .	.95
Hampstead, one dollar and thirty-seven cents . . . . .	1.37
Hampton, nine dollars and seventy-five cents . . . . .	9.75
Hampton Falls, one dollar and twenty-seven cents . . . . .	1.27
Kensington, seventy-two cents . . . . .	.72
Kingston, one dollar and thirty-three cents . . . . .	1.33

Londonderry, one dollar and seventy-six cents . . . . .	1.76
New Castle, one dollar and twenty-one cents . . . . .	1.21
Newfields, fifty-five cents . . . . .	.55
Newington, one dollar and twenty-one cents . . . . .	1.21
Newmarket, three dollars and eight cents . . . . .	3.08
Newton, one dollar and six cents . . . . .	1.06
North Hampton, three dollars and eleven cents . . . . .	3.11
Northwood, one dollar and twenty-seven cents . . . . .	1.27
Nottingham, eighty-five cents . . . . .	.85
Plaistow, one dollar and eighty-six cents . . . . .	1.86
Portsmouth, thirty-six dollars and two cents . . . . .	36.02
Raymond, one dollar and fifty-one cents . . . . .	1.51
Rye, four dollars and ninety-five cents . . . . .	4.95
Salem, five dollars and forty-six cents . . . . .	5.46
Sandown, fifty cents . . . . .	.50
Seabrook, two dollars and two cents . . . . .	2.02
South Hampton, forty-two cents . . . . .	.42
Stratham, ninety-two cents . . . . .	.92
Windham, one dollar and seventy-two cents . . . . .	1.72

**Strafford county, \$69.37**

Barrington, one dollar and sixty-two cents . . . . .	\$1.62
Dover, twenty-two dollars and sixty-nine cents . . . . .	22.69
Durham, three dollars and fifty-one cents . . . . .	3.51
Farmington, four dollars and eighty-six cents . . . . .	4.86
Lee, ninety-two cents . . . . .	.92
Madbury, ninety-five cents . . . . .	.95
Middleton, twenty-eight cents . . . . .	.28
Milton, three dollars and sixteen cents . . . . .	3.16
New Durham, eighty-eight cents . . . . .	.88
Rochester, seventeen dollars and eighty cents . . . . .	17.80
Rollinsford, three dollars and twenty-eight cents . . . . .	3.28
Somersworth, eight dollars and eight cents . . . . .	8.08
Strafford, one dollar and thirty-four cents . . . . .	1.34

**Belknap county, \$62.05**

Alton, five dollars and eighty-one cents . . . . .	\$5.81
Barnstead, one dollar and thirty-three cents . . . . .	1.33
Belmont, one dollar and ninety-seven cents . . . . .	1.97
Center Harbor, one dollar and forty-six cents . . . . .	1.46
Gilford, three dollars and ninety-one cents . . . . .	3.91
Gilmanton, one dollar and forty-eight cents . . . . .	1.48

Laconia, thirty dollars and one cent . . . . .	30.01
Meredith, seven dollars and fifty-two cents . . . . .	7.52
New Hampton, two dollars and fifty-three cents . . . . .	2.53
Sanbornton, one dollar and sixty-one cents . . . . .	1.61
Tilton, four dollars and forty-two cents . . . . .	4.42

**Carroll county, \$41.89**

Albany, forty-six cents . . . . .	\$0.46
Bartlett, one dollar and ninety-two cents . . . . .	1.92
Brookfield, seventy-nine cents . . . . .	.79
Chatham, forty cents . . . . .	.40
Conway, six dollars and sixty-seven cents . . . . .	6.67
Eaton, forty-two cents . . . . .	.42
Effingham, seventy-nine cents . . . . .	.79
Freedom, ninety-eight cents . . . . .	.98
Hart's Location, six cents . . . . .	.06
Jackson, one dollar and forty-two cents . . . . .	1.42
Madison, one dollar and forty-four cents . . . . .	1.44
Moultonborough, four dollars and twelve cents . . . . .	4.12
Ossipee, three dollars and eight cents . . . . .	3.08
Sandwich, two dollars and six cents . . . . .	2.06
Tamworth, two dollars and forty-eight cents . . . . .	2.48
Tuftonboro, three dollars and fifty cents . . . . .	3.50
Wakefield, three dollars and fifty-five cents . . . . .	3.55
Wolfeboro, seven dollars and seventy-five cents . . . . .	7.75

**Merrimack county, \$117.11**

Allenstown, two dollars and fifty-four cents . . . . .	\$2.54
Andover, one dollar and eighty-nine cents . . . . .	1.89
Boscawen, two dollars and sixty-four cents . . . . .	2.64
Bow, two dollars and fifty-four cents . . . . .	2.54
Bradford, one dollar and thirty-six cents . . . . .	1.36
Canterbury, eighty-five cents . . . . .	.85
Chichester, eighty-three cents . . . . .	.83
Concord, fifty-seven dollars and eighty-nine cents . . . . .	57.89
Danbury, sixty-six cents . . . . .	.66
Dunbarton, eighty-one cents . . . . .	.81
Epsom, one dollar and twenty-one cents . . . . .	1.21
Franklin, eleven dollars and ninety-six cents . . . . .	11.96
Henniker, two dollars and forty-two cents . . . . .	2.42
Hill, one dollar and eight cents . . . . .	1.08
Hooksett, two dollars and eighty cents . . . . .	2.80

Hopkinton, three dollars and thirty-four cents . . . . .	3.34
Loudon, one dollar and fourteen cents . . . . .	1.14
Newbury, two dollars and seven cents . . . . .	2.07
New London, four dollars and twenty-three cents . . . . .	4.23
Northfield, two dollars and ten cents . . . . .	2.10
Pembroke, three dollars and fifteen cents . . . . .	3.15
Pittsfield, three dollars and ninety-nine cents . . . . .	3.99
Salisbury, seventy cents . . . . .	.70
Sutton, one dollar and thirty-nine cents . . . . .	1.39
Warner, two dollars and seven cents . . . . .	2.07
Webster, ninety-four cents . . . . .	.94
Wilmot, fifty-one cents . . . . .	.51

**Hillsborough county, \$266.06**

Amherst, two dollars and sixteen cents . . . . .	\$2.16
Antrim, two dollars and seventeen cents . . . . .	2.17
Bedford, three dollars and thirty-three cents . . . . .	3.33
Bennington, one dollar and sixty-five cents . . . . .	1.65
Brookline, sixty-seven cents . . . . .	.67
Deering, sixty-four cents . . . . .	.64
Francestown, one dollar and fifteen cents . . . . .	1.15
Goffstown, six dollars and seventeen cents . . . . .	6.17
Greenfield, seventy-nine cents . . . . .	.79
Greenville, two dollars and eight cents . . . . .	2.08
Hancock, one dollar and sixty-four cents . . . . .	1.64
Hillsborough, four dollars and twenty-one cents . . . . .	4.21
Hollis, two dollars and two cents . . . . .	2.02
Hudson, three dollars and seventy-five cents . . . . .	3.75
Litchfield, fifty-nine cents . . . . .	.59
Lyndeborough, seventy-four cents . . . . .	.74
Manchester, one hundred thirty-five dollars and fifty-eight cents . . . . .	135.58
Mason, forty-two cents . . . . .	.42
Merrimack, two dollars and sixty-three cents . . . . .	2.63
Milford, six dollars and eighty-nine cents . . . . .	6.89
Mont Vernon, sixty-seven cents . . . . .	.67
Nashua, sixty-seven dollars and fifty-six cents . . . . .	67.56
New Boston, one dollar and thirty-nine cents . . . . .	1.39
New Ipswich, one dollar and ninety-nine cents . . . . .	1.99
Pelham, one dollar and sixty-six cents . . . . .	1.66
Peterborough, seven dollars and sixteen cents . . . . .	7.16
Sharon, twenty-six cents . . . . .	.26

Temple, seventy-one cents . . . . .	.71
Weare, one dollar and seventy-one cents . . . . .	1.71
Wilton, three dollars and fifty-eight cents . . . . .	3.58
Windsor, nine cents . . . . .	.09

**Cheshire county, \$77.97**

Alstead, one dollar and fifty cents . . . . .	\$1.50
Chesterfield, two dollars and forty cents . . . . .	2.40
Dublin, three dollars and seven cents . . . . .	3.07
Fitzwilliam, one dollar and seventy-one cents . . . . .	1.71
Gilsum, forty-two cents . . . . .	.42
Harrisville, one dollar and eighty-three cents . . . . .	1.83
Hinsdale, five dollars and sixteen cents . . . . .	5.16
Jaffrey, six dollars and twenty-three cents . . . . .	6.23
Keene, thirty-one dollars and twenty-nine cents . . . . .	31.29
Marlborough, two dollars and forty-three cents . . . . .	2.43
Marlow, thirty-nine cents . . . . .	.39
Nelson, seventy-three cents . . . . .	.73
Richmond, thirty-one cents . . . . .	.31
Rindge, one dollar and fifty-eight cents . . . . .	1.58
Roxbury, twenty-two cents . . . . .	.22
Stoddard, sixty-six cents . . . . .	.66
Sullivan, twenty-six cents . . . . .	.26
Surry, fifty cents . . . . .	.50
Swanzy, three dollars and sixty-one cents . . . . .	3.61
Troy, two dollars and thirty-nine cents . . . . .	2.39
Walpole, five dollars and eighty-five cents . . . . .	5.85
Westmoreland, one dollar and six cents . . . . .	1.06
Winchester, four dollars and thirty-seven cents . . . . .	4.37

**Sullivan county, \$48.87**

Acworth, seventy cents . . . . .	\$0.70
Charlestown, three dollars and seventy-five cents . . . . .	3.75
Claremont, twenty-three dollars and thirty-two cents . . . . .	23.32
Cornish, two dollars and ten cents . . . . .	2.10
Croydon, sixty-six cents . . . . .	.66
Goshen, forty-eight cents . . . . .	.48
Grantham, thirty-nine cents . . . . .	.39
Langdon, forty-seven cents . . . . .	.47
Lempster, forty-six cents . . . . .	.46
Newport, nine dollars and nineteen cents . . . . .	9.19
Plainfield, one dollar and fifty-five cents . . . . .	1.55

Springfield, sixty-seven cents . . . . .	.67
Sunapee, three dollars and seventy-three cents . . . . .	3.73
Unity, sixty-eight cents . . . . .	.68
Washington, seventy-two cents . . . . .	.72

**Grafton county, \$113.11**

Alexandria, sixty-eight cents . . . . .	\$0.68
Ashland, three dollars and eighty-six cents . . . . .	3.86
Bath, one dollar and fifty-nine cents . . . . .	1.59
Benton, fourteen cents . . . . .	.14
Bethlehem, five dollars and twenty-five cents . . . . .	5.25
Bridgewater, one dollar and five cents . . . . .	1.05
Bristol, four dollars and sixty-six cents . . . . .	4.66
Campton, two dollars and ninety-one cents . . . . .	2.91
Canaan, two dollars and nineteen cents . . . . .	2.19
Dorchester, twenty-three cents . . . . .	.23
Easton, twenty-one cents . . . . .	.21
Ellsworth, five cents . . . . .	.05
Enfield, two dollars and seventy-six cents . . . . .	2.76
Franconia, two dollars and three cents . . . . .	2.03
Grafton, seventy-seven cents . . . . .	.77
Groton, fifty-one cents . . . . .	.51
Hanover, eleven dollars and seventy cents . . . . .	11.70
Haverhill, seven dollars and twenty-nine cents . . . . .	7.29
Hebron, eighty-one cents . . . . .	.81
Holderness, three dollars and seventy-six cents . . . . .	3.76
Landaff, thirty-eight cents . . . . .	.38
Lebanon, fourteen dollars and fourteen cents . . . . .	14.14
Lincoln, two dollars and seventy-nine cents . . . . .	2.79
Lisbon, four dollars and eighty-two cents . . . . .	4.82
Littleton, ten dollars and fifty-five cents . . . . .	10.55
Lyman, thirty-six cents . . . . .	.36
Lyme, one dollar and seventy-three cents . . . . .	1.73
Monroe, ten dollars and sixteen cents . . . . .	10.16
Orange, twenty-four cents . . . . .	.24
Orford, one dollar and seventy cents . . . . .	1.70
Piermont, one dollar and sixty-three cents . . . . .	1.63
Plymouth, six dollars and twenty-nine cents . . . . .	6.29
Rumney, one dollar and ninety-five cents . . . . .	1.95
Thornton, sixty-six cents . . . . .	.66
Warren, seventy-five cents . . . . .	.75

Waterville, ten cents . . . . .	.10
Wentworth, fifty-seven cents . . . . .	.57
Woodstock, one dollar and eighty-four cents . . . . .	1.84

**Coos county, \$88.04**

Berlin, thirty-eight dollars and fifty-one cents . . . . .	\$38.51
Carroll, two dollars and sixty cents . . . . .	2.60
Clarksville, sixty-five cents . . . . .	.65
Colebrook, three dollars and ninety-six cents . . . . .	3.96
Columbia, sixty-seven cents . . . . .	.67
Dalton, sixty-two cents . . . . .	.62
Dummer, eighty-six cents . . . . .	.86
Errol, ninety-five cents . . . . .	.95
Gorham, nine dollars and twelve cents . . . . .	9.12
Jefferson, one dollar and eighty-six cents . . . . .	1.86
Lancaster, six dollars and eighty cents . . . . .	6.80
Milan, one dollar and twenty-six cents . . . . .	1.26
Northumberland, five dollars and sixty-eight cents . . . . .	5.68
Pittsburg, three dollars and eighty-one cents . . . . .	3.81
Randolph, one dollar and seventeen cents . . . . .	1.17
Shelburne, one dollar and seventy-six cents . . . . .	1.76
Stark, fifty-nine cents . . . . .	.59
Stewartstown, one dollar and fifty-five cents . . . . .	1.55
Stratford, one dollar and twelve cents . . . . .	1.12
Wentworth's Location, fifteen cents . . . . .	.15
Whitefield, four dollars and thirty-five cents . . . . .	4.35

**Unincorporated Places, \$2.40**

Cambridge, thirty-two cents . . . . .	\$0.32
Crawford's Purchase, five cents . . . . .	.05
Dixville, fifty-nine cents . . . . .	.59
Dix's Grant, six cents . . . . .	.06
Erving's Grant, three cents . . . . .	.03
Gilmanton and Atkinson Academy Grant, five cents . . . . .	.05
Green's Grant, seven cents . . . . .	.07
Hale's Location, one cent . . . . .	.01
Millsfield, twenty-two cents . . . . .	.22
Odell, thirty-eight cents . . . . .	.38
Sargent's Purchase, twelve cents . . . . .	.12
Second College Grant, eighteen cents . . . . .	.18
Success, twenty-five cents . . . . .	.25
Thompson and Meserve Purchase, seven cents . . . . .	.07

2. **Limitation.** The same shall be the proportion of assessment of public taxes until a new apportionment shall be made and established, and the treasurer for the time being shall issue his warrant accordingly.

3. **Takes Effect.** This act shall take effect upon its passage.

[Approved June 30, 1949.]

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## CHAPTER 275.

### AN ACT MAKING TEMPORARY APPROPRIATIONS FOR THE EXPENSES OF THE STATE OF NEW HAMPSHIRE FOR THE MONTH OF JULY, 1949.

*Whereas*, the legislature has not yet adopted a budget for the coming biennium; and

*Whereas*, action at this time is necessary to carry on the functions of the state government after the close of the fiscal year 1949, and prior to the passage of the said budget acts, now therefore

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Appropriation.** There is hereby appropriated for the general expenses of the state government during the month of July, 1949 the sum of one million eight hundred eighty-six thousand dollars, or so much thereof as may be necessary, to be expended in the manner hereinafter provided, that is to say one million five hundred thousand dollars from general funds; three hundred thousand dollars from special funds; fifty-six thousand dollars from fish and game funds and thirty thousand dollars from highway funds for motor vehicle and treasury departments. The governor is authorized by and with the advice and consent of the council to draw his warrants for the sums necessary for said temporary appropriations out of any money in the treasury not otherwise appropriated or, in the case of special funds, out of any such special funds. Such expenditures shall be a charge upon the respective appropriations to be made subsequently by the legislature for the fiscal year ending June 30, 1950.



2. **Provisions of Law.** The provisions of chapter 22 of the Revised Laws and the provisions of any other statute inconsistent herewith are hereby suspended to the extent of such inconsistencies during the time this act is in effect.

3. **Takes Effect.** This act shall take effect as of July 1, 1949, and shall continue in effect until August 1, 1949 unless the appropriation acts for the ensuing biennium are sooner enacted in which event the appropriations herein provided shall thereupon lapse.

[Approved June 30, 1949.]

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## CHAPTER 276.

### AN ACT RELATING TO FIRE RESISTANT HALLWAYS AND STAIRWAYS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Certain Public Buildings.** Amend chapter 176 of the Revised Laws by adding at the end thereof the following new sections: 22. **Hallways and Stairways.** Inflammable surfaces of all common or public stairways or hallways, excepting stairway landings, treads, risers, and mopboards and hallway floors and mopboards, in buildings under section 9, not excepted under section 10 of this chapter, shall be completely covered by flameproof or fire resistant covering. These coverings may be of plaster, paint, cloth, paper or other materials, but none shall be considered satisfactory unless approved by the state fire marshal. Repairs or alterations necessary to have buildings comply with these regulations as to hallways, shall be completed by January 1, 1951, as to stairways by July 1, 1950. In case of hardship, further extensions, not to exceed a total of one year, may be granted in towns by the board of selectmen and in cities by the fire marshal with consent of the mayor.

23. **Violations.** In addition to the penalty provided in section 21, in case of fire resulting in loss of life or personal injury in buildings violating the provisions of section 22, said violations shall be presumed to be the cause of said loss of life

or personal injury unless said presumption is successfully rebutted by evidence to the contrary.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved July 6, 1949.]

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## CHAPTER 277.

### AN ACT RELATING TO HEARINGS AND AWARDS BY THE LABOR COMMISSIONER OR SUPERIOR COURT UNDER THE WORKMEN'S COMPENSATION LAW.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Workmen's Compensation.** Amend section 35 of chapter 216 of the Revised Laws as inserted by chapter 266 of the Laws of 1947 by striking out the same and inserting in place thereof the following: **35. Hearings and Awards.** If the compensation is not fixed by agreement, either party may petition for hearing and award in the premises either to the commissioner of labor or to the superior court. If the petition for hearing and award in the premises is made by either party to the commissioner of labor, said commissioner shall set a time and place for hearing and give at least fourteen days' notice thereof to the parties by giving notice in hand or by registered mail sent to his last known place of abode. At such hearing full consideration shall be given to all evidence which may be presented, and within thirty days thereafter said commissioner shall make his award setting forth his findings of fact and the law applicable thereto, and shall forthwith send to each of the parties a copy of such award. Petition for hearing and award in the premises may be made by either party to the superior court, either direct or on appeal from an award made by the commissioner of labor, the venue to be according to civil actions in personam between the same parties, and the court shall set a time and place for hearing and order at least fourteen days' notice thereof to the parties; if a petition to the superior court as herein provided is made subsequent to a hearing before the said commissioner, such petition shall be filed within sixty days of the date of said commissioner's award. At such hearing a

full trial shall be had before a justice of the superior court, without jury, and within thirty days thereafter the court shall make its award setting forth its findings of fact and the law applicable thereto, and the clerk of court shall forthwith send to each of the parties and to the commissioner of labor copies of such award.

**2. Appeals.** Amend chapter 216 of the Revised Laws as inserted by chapter 266 of the Laws of 1947 by inserting after section 35 the following new section: **35-a. Petition for Right.** Any person, aggrieved by a decision of the commissioner, who was prevented from appealing therefrom within sixty days through mistake, accident, or misfortune, and not his own neglect, may petition the superior court at any time within one year thereafter, to be allowed an appeal, setting forth his interest, his reason for appealing and the causes of his delay.

**3. Hearings.** Amend section 36 of chapter 216 of the Revised Laws as inserted by chapter 266 of the Laws of 1947 by striking out the same and inserting in place thereof the following: **36. Manner of Giving Notice of Hearing.** Notices of hearings under the provisions of this chapter shall be given by giving notice in hand or by sending it by registered mail, addressed to the employee, employer, and to said employer's insurance company at his, or its, last known residence or place of business. A copy of each notice of a hearing set by the superior court shall be sent by registered mail to the commissioner of labor.

**4. Awards and Agreements.** Amend section 38 of chapter 216 of the Revised Laws as inserted by chapter 266 of the Laws of 1947 by striking out the same and inserting in place thereof the following: **38. Modification; Effect.** Upon application of any party in interest upon the ground of change in the conditions, mistake as to nature or extent of injury or disability, fraud, undue influence or coercion, the commissioner of labor or the superior court, whichever made the original award, may, not later than one year after the date of the last payment fixed by the award, review said award, and upon such review, may make an order ending, diminishing or increasing the compensation previously awarded, subject to the maximum or minimum provided in this chapter and shall state its conclusions of fact and rulings of law. Such a review shall not affect such

award as regards any money already paid. All procedure on such an application shall be the same as herein provided for original hearings.

**5. Limitations.** Amend paragraph I of section 8-a of chapter 216 of the Revised Laws as inserted by chapter 205 of the Laws of 1949 by striking out said paragraph and inserting in place thereof the following: I. A policy of workmen's compensation insurance covering the liability of an employer under the provisions of this chapter shall not be cancelled within the time limited in such policy for its expiration until at least thirty days after a notice of intention to cancel such policy on a date specified in such notice has been filed in the office of the commissioner and also served on the employer. Provided, however, that the limitation on the cancellation of a policy as provided in this paragraph shall not apply if the employer has replaced said policy with another carrier.

**6. Takes Effect.** This act shall take effect as of July 1, 1949.

[Approved July 6, 1949.]

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## CHAPTER 278.

### AN ACT RELATING TO APPEALS IN MUNICIPAL ZONING MATTERS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Municipal Zoning.** Amend chapter 51 of the Revised Laws by striking out sections 64 and 65 and inserting in place thereof the following: **64. Motion for Rehearing.** Within twenty days after any order or decision of the board of adjustment, or any decision of the legislative body of such municipality in regard to its plan of zoning, any party to the action or proceedings, or any person directly affected thereby, may apply for a rehearing in respect to any matter determined in the action or proceeding, or covered or included in the order, specifying in the motion for rehearing the ground therefor, and the board of adjustment, or the legislative body of such municipality, may grant such rehearing if in its opinion good reason therefor is stated in said motion. If the decision com-

plained against is that made by a town meeting, the application for rehearing shall be made to the board of selectmen and upon receipt of such application, the board of selectmen shall call a special town meeting if in the opinion of said board good reason for a rehearing is stated in the motion.

**65. Specifications.** Such motion shall set forth fully every ground upon which it is claimed that the decision or order complained of is unlawful or unreasonable. No appeal from any order or decision of the board of adjustment or legislative body of such municipality shall be taken unless the appellant shall have made application for rehearing as herein provided, and when such application shall have been made, no ground not set forth therein shall be urged, relied on, or given any consideration by the court, unless the court for good cause shown shall allow the appellant to specify additional grounds.

**2. Procedure.** Further amend said chapter 51 of the Revised Laws by inserting after section 65 the following new sections: **65-a. Action on Motion.** Upon the filing of such motion for rehearing the board of adjustment or the legislative body of a city shall within ten days either grant or deny the same, or suspend the order or decision complained of pending further consideration and any order of suspension may be upon such terms and conditions as the board of adjustment or legislative body of a city may prescribe. In case the motion for rehearing is against a decision of the legislative body of a town and if the selectmen, as provided in section 64, shall have called a special town meeting within twenty-five days from the receipt of application for such rehearing, the town shall grant or deny the same or suspend the order or decision complained of pending further consideration and any order of suspension may be upon such terms and conditions as the town may prescribe.

**65-b. Appeal.** Within thirty days after the application for a rehearing is denied, or, if the application is granted, then within thirty days after the decision on such rehearing, the applicant may appeal by petition to the superior court.

**65-c. Burden of Proof.** Upon the hearing the burden of proof shall be upon the party seeking to set aside any order or decision of the board of adjustment or legislative body to show that the same is unreasonable or unlawful, and all findings of the board of adjustment or legislative body of such

municipality upon all questions of fact properly before it shall be deemed to be **prima facie** lawful and reasonable; and the order or decision appealed from shall not be set aside or vacated, except for errors of law, unless the court is persuaded by the balance of probabilities, on the evidence before it, that said order or decision is unjust or unreasonable.

**65-d. Parties.** Any person whose rights may be directly affected by said appeal may appear and become a party, or the court may order such persons to be joined as parties as justice may require.

**65-e. Procedure.** Upon the filing of an appeal, the clerk of court shall issue an order of notice requiring a certified copy court.

**65-f. Injunction.** The filing of an appeal shall not stay proceedings upon the decision appealed from, but the court, on application and notice, on good cause shown, may grant a restraining order.

**65-g. Evidence; How Considered.** All evidence transferred by the board of adjustment or legislative body of such municipality shall be, and all additional evidence received may be, considered by the court regardless of any technical rule which might have rendered the same inadmissible if originally offered in the trial of an action at law.

**65-h. Judgment.** The final judgment upon every appeal shall be a decree dismissing the appeal, or vacating the order complained of in whole or in part, as the case may be; but in case such order is wholly or partly vacated the court may also, in its discretion, remand the matter to the board of adjustment or legislative body of such municipality for such further proceedings, not inconsistent with the decree, as justice may require.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved July 6, 1949.]

**CHAPTER 279.**AN ACT RELATIVE TO TAKING WILD DEER AND OTHER  
GAME ANIMALS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Game Animals.** Amend section 19, chapter 242 of the Revised Laws by striking out said section and inserting in place thereof the following: **19. Fines.** A person who violates a provision of this chapter shall be fined as follows: For each violation of sections 1, 5 and 6, not more than three hundred dollars or thirty days in jail or both; for each violation of sections 3, 4, 4-a, and 7 to 16-c, inclusive, not more than one hundred dollars; and for each violation of sections 17 and 18, not more than ten dollars, and not more than five dollars additional for each rabbit, hare, or gray squirrel taken, or possessed, contrary to the provisions thereof.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved July 6, 1949.]

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**CHAPTER 280.**AN ACT DISCONTINUING THE REGISTRATION OF ASSISTANT  
PHARMACISTS AND RELATING TO QUALIFICATIONS FOR  
REGISTRATION AS PHARMACISTS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Assistant Pharmacists.** On and after the passage of this act the registration of assistant pharmacists shall be discontinued. Any person holding registration as an assistant pharmacist at the time of the passage of this act shall be entitled to be granted certificate as a registered pharmacist, and all registrations as assistant pharmacists shall be revoked upon the issuance of said new certificates as a registered pharmacist.

**2. Repeal.** Amend sections 15 and 19 of chapter 256 of the Revised Laws by striking out the same. Further amend chapter 256 of the Revised Laws by striking out the words

“assistant pharmacist” and “assistant pharmacists” wherever said words appear in any other section of said chapter.

**3. Requirements for Registration.** Amend section 18 of chapter 256 of the Revised Laws by striking out said section and inserting in place thereof the following: **18. Pharmacists.** An applicant for examination and registration as a pharmacist shall be a citizen of the United States, not less than twenty-one years of age, of good moral character and temperate habits, a graduate of a school or college of pharmacy or department of a university accredited as grade “A” by the American Council on Pharmaceutical Education and approved by the New Hampshire commission of pharmacy and practical chemistry, shall file proof satisfactory to the commission, substantiated by proper affidavits, of a minimum of one year of experience in a retail or hospital pharmacy in the United States where physicians’ prescriptions are compounded under the supervision of a registered or licensed pharmacist; and shall pass an examination given by the New Hampshire commission of pharmacy to establish satisfactorily his fitness to practice. Service and experience in a retail or hospital pharmacy under the supervision of a registered or licensed pharmacist as required in this section shall be predominantly related to the selling of drugs and medical supplies, compounding prescriptions, preparing pharmaceutical preparations, and keeping records and making reports required under state and federal statutes.

**4. Board of Pharmacy.** Amend section 33 of chapter 256 of the Revised Laws by striking out the words “may prescribe educational requirements or standards for the admission of candidates for registration, and it,” so that said section as amended shall read as follows: **33. Regulations.** The board of pharmacy shall make rules and regulations which are to govern it and all employees in the enforcement of this chapter. It shall prescribe and publish all application forms and blanks required under this chapter.

**5. Takes Effect.** This act shall shall take effect upon its passage.

[Approved July 14, 1949.]



## CHAPTER 281.

AN ACT RELATING TO PHOTOGRAPHIC COPIES OF DOCUMENTS  
AND RECORDS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Documents and Records.** Amend chapter 392 of the Revised Laws by inserting after section 35 the following new sections: **36. Definitions.** The following words as used in section 37 shall be construed as follows:

(a) The term "business" shall include every kind of business, profession, occupation, operation of institutions, and calling of every kind, whether private or public.

(b) The term "record" shall include any memorandum, writing, entry, print, representation, or combination thereof, of any act, transaction, occurrence or event.

(c) The term "photograph" shall include any photostatic, photographic, micro-photographic, or other reproduction, including any enlarged copy thereof, by any photographic process on film or other medium.

**37. Photographic Copies.** Any photograph of a record identified by the custodian of such photograph shall be equally admissible in evidence as the record itself in any judicial or administrative proceeding, if, when such photograph was made, it was in the regular course of such business to make such photograph. All circumstances of the making of such photograph may be shown to affect the weight, but not the admissibility thereof. The destruction, loss or other disposal of the original record shall not preclude the admissibility of a photograph thereof made in accord with the provisions of this act.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved July 14, 1949.]

## CHAPTER 282.

AN ACT RELATIVE TO PROTECTION AGAINST BANG'S DISEASE.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Relating to Adult Vaccination.** Amend section 46-b of chapter 229 of the Revised Laws, as inserted by chapter 201 of the Laws of 1947, by striking out said section and inserting in place thereof the following: **46-b. Alternate Plan.** The commissioner of agriculture may grant permission to adult-vaccinate under this alternate plan a herd seriously infected with brucellosis. If an owner is refused permission to adult-vaccinate his herd, he may appeal to the county approval board. Request to adult-vaccinate shall be made in writing to the commissioner of agriculture. The county approval board shall consist of three members in each county, two to be appointed by the commissioner of agriculture and these two to appoint a third member; all members to serve without pay or expenses at the pleasure of the commissioner and until their successor or successors shall be appointed. Whenever a person shall receive permission to adult-vaccinate under this section it shall be granted under rules and regulations approved by the federal bureau of animal industry and by the state department of agriculture. All calves raised in such herds shall be vaccinated according to such rules and regulations as are specified for calthood vaccination. All bovine animals in the herd must be tested for brucellosis and reactors tagged, branded, appraised and slaughtered as provided for under chapter 229 of the Revised Laws before any animals will be vaccinated. All non-reacting animals must be permanently identified by ear tag number and tattoo mark. No animal can be sold out of an adult-vaccinated herd for any purpose except by written permission from the New Hampshire department of agriculture, division of animal industry. No indemnity will be paid on any animal vaccinated at an age older than eight months. Any owner maintaining a herd under the terms of this act agrees to forfeit any and all indemnity on animals condemned and slaughtered after adult vaccination has once been started in a herd, and until such time as the herd passes at least one clean test for brucellosis and adult vaccination has been discontinued. An owner of an adult-vaccinated herd

shall discontinue all vaccination with strain 19 in his adult animals on or before three years from the date of the receipt of application for adult vaccination by the commissioner, but said herd owner may reapply for adult vaccination under this plan at any time thereafter. The commissioner of agriculture shall have the right to order the discontinuance of adult vaccination in any herd, when in his opinion it is evident that said adult-vaccinated animals become a menace to other healthy herds. Such adult-vaccinated herds shall be under strict quarantine at all times and shall be subject to test at such times as the commissioner may direct. Upon passage of this act herds operating under the provisions of section 46-b of chapter 229 of the Revised Laws, as inserted by chapter 201 of the Laws of 1947, prior to this amendment may continue under the conditions they originally accepted, but no new herds shall be allowed to start on that plan. Provided further that the provisions of section 46-c of chapter 229 of the Revised Laws, as inserted by chapter 201 of the Laws of 1947, shall apply to the sale of milk from herds under the alternate plan provided by the amendment herein enacted as well as to herds operating under said section 46-b as originally enacted.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved July 14, 1949.]

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## CHAPTER 283.

### AN ACT RELATIVE TO BOUNTIES ON PORCUPINES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Bounties Reduced.** Amend section 2 of chapter 180 of the Revised Laws as inserted by chapter 203 of the Laws of 1945 by striking out the word "fifty" in the seventh line and inserting in place thereof the word, twenty-five, so that said section as amended shall read as follows: **2. Porcupines.** If any person shall kill a porcupine within this state and shall produce the head thereof to the selectmen of the town or clerk of the city in which it was killed, and shall prove to their satisfaction that such porcupine was killed by him, within the

limits of said town or city, the selectmen or city clerk shall destroy the head so produced so that it cannot be offered again for bounty, and shall pay twenty-five cents for each porcupine so destroyed. Any person producing for bounty to the selectmen or city clerk the head of a porcupine, killed outside the limits of that town or city, shall be fined not less than ten dollars, or imprisoned thirty days, or both. Said towns and cities shall be reimbursed for payment of said bounties as provided in section 5 hereof.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved July 14, 1949.]

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## CHAPTER 284.

### AN ACT RELATIVE TO INSERTION OF ARTICLES IN THE WARRANT FOR SCHOOL DISTRICT MEETING.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. School District Meeting.** Amend section 6 of chapter 139 of the Revised Laws by striking out said section and inserting in place thereof the following: **6. Warrant.** Upon the written application of ten or more voters or one sixth of the voters of the school district, presented to the school board or one of them not later than February 13 of any year, the school board shall insert in the school district warrant for such meeting any subject-matter specified in such application. No article may be inserted after posting of said warrant.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved July 14, 1949.]

## CHAPTER 285.

AN ACT RELATIVE TO FEES FOR SPECIAL PERMITS TO MOVE  
OBJECTS OR VEHICLES AND LOADS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Special Permits.** Amend chapter 119 of the Revised Laws by inserting after section 37-b as inserted by section 2, chapter 104 of the Laws of 1949, the following new section:  
**37-c. Gross Weight.** Before any special permit authorized by section 37-b is issued, the commissioner of motor vehicles shall collect fees as follows:

I. Each permit for either over-length, over-width or over-height or any combination thereof, five dollars.

II. Each permit for vehicle and load of over-weight, fee based on the following schedule: vehicle and load over registered weight but not exceeding 50,000 pounds, five dollars; 50,001 pounds to 60,000 pounds, six dollars; 60,001 pounds to 70,000 pounds, seven dollars; 70,001 pounds to 80,000 pounds, eight dollars; 80,001 pounds to 90,000 pounds, nine dollars; 90,001 pounds to 100,000 pounds, ten dollars, and for each additional 10,000 pounds two dollars shall be added to the above rate.

III. Provided a special permit may be issued to a person to cover all types of moves made within a radius of twenty-five miles from the person's home location for a fee of twenty-five dollars for each unit. Permits issued under the provisions of this paragraph may be issued for such time as the commissioners may determine.

IV. Provided further that a special annual permit may be issued to a person to cover all types of moves for a fee of one hundred dollars for each unit. Each permit issued under the provisions of this paragraph shall be issued for one year.

V. The provisions of this section shall not apply to any special permit authorized by section 37-b issued for farm equipment.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved July 14, 1949.]

## CHAPTER 286.

AN ACT TO REGULATE THE SPEED OF MOTOR VEHICLES ON PUBLIC HIGHWAYS AND TO DEFINE THE WORD "DEALER" UNDER THE MOTOR VEHICLE LAWS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Speed Regulated.** Amend section 29, chapter 119, Revised Laws by striking out said section and inserting in place thereof the following: 29. **Speed, Reasonable and Prudent.** No person shall drive a motor vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

2. **Speed Regulations, Evidence.** Amend section 30, chapter 119, by striking out said section and inserting in place thereof the following: 30. **Speed Regulations, Evidence.** Where no hazard exists that requires lower speed for compliance with section 29 the speed of any motor vehicle not in excess of the limits specified in this section or established as hereinafter authorized shall be *prima facie* lawful, but any speed in excess of the limits specified in this section or established as hereinafter authorized shall be *prima facie* evidence that the speed is not reasonable or prudent and that it is unlawful.

I. Twenty miles per hour when passing a school during recess or while children are going to or leaving school during opening or closing hours;

II. Twenty-five miles per hour in any business or urban residence district;

III. Thirty-five miles per hour in any rural residence district, and on any class V highway outside the compact part;

IV. Fifty miles per hour in other locations.

The *prima facie* speed limits set forth in paragraph IV of this section may be altered by the highway commissioner by the establishment of speed zones on class I, class II and class

III highways as provided in section 6-a of part 19 of chapter 90 of the Revised Laws.

The driver of every motor vehicle shall, consistent with the requirements of section 29, drive at an appropriate reduced speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding highway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

**3. Powers of Highway Commissioner.** Amend part 19 of chapter 90 of the Revised Laws as inserted by chapter 188 of the Laws of 1945 by inserting after section 6 the following new section: **6-a. Establishment of Speed Zones.** Whenever the highway commissioner shall determine upon the basis of an engineering and traffic investigation that any *prima facie* speed limit set forth in paragraph IV of section 30 of chapter 119 of the Revised Laws is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place, or upon any part of a class I, class II or class III highway, outside the compact part of cities or towns, said commissioner may determine and declare a reasonable and safe *prima facie* speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of said highway. The commissioner shall keep and maintain a full and complete record of all speed zones established by him and all alterations, amendments or removal thereof.

**4. Definitions.** Amend paragraph V of section 1 of chapter 115 of the Revised Laws as amended by section 1, chapter 177 of the Laws of 1947 by striking out said paragraph and inserting in place thereof the following: V. "Dealer," every person principally engaged in the business of buying, selling, or exchanging new and secondhand motor vehicles, trailers, semi-trailers, or tractors on commission or otherwise, who maintains a place of business capable of housing indoors, in one building, five average sized automobiles, devoted to the motor vehicle, trailer, semi-trailer or tractor business and gives mechanical service on the same and who holds a written contract with a manufacturer giving such persons selling rights for new motor vehicles, trailers, semi-trailers, or tractors or

with a distributor of such vehicles who as such distributor holds a manufacturer's franchise or contract giving selling rights on new motor vehicles, trailers, semi-trailers, or tractors, and every person principally engaged in the business of buying, selling, and exchanging secondhand motor vehicles, trailers, semi-trailers, or tractors and maintaining a place of business capable of housing indoors, in one building, five average sized automobiles, devoted to the motor vehicle, trailer, semi-trailer, or tractor business and gives mechanical service on the same, in which the repair of motor vehicles, trailers, semi-trailers, or tractors is subordinate or incidental to the business of buying, selling, and exchanging the same, and every person principally engaged in the business of buying promissory notes secured by mortgage, conditional sale contract, or lease upon motor vehicles, trailers, semi-trailers, or tractors.

**5. Repeal; Takes Effect.** Sections 16 and 18 of chapter 119 of the Revised Laws are hereby repealed and this act shall take effect October 1, 1949.

[Approved July 15, 1949.]

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## CHAPTER 287.

### AN ACT RELATING TO HIGHWAYS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Uniform Application of Certain Parts of the Highway Law.** The provisions of parts 24 and 25 of chapter 90 of the Revised Laws as inserted by chapter 188 of the Laws of 1945 shall apply to all cities and towns now or hereafter incorporated, except such provisions thereof as may have been or are hereafter specifically amended or repealed in the act of incorporation.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved July 19, 1949.]



**CHAPTER 288.****AN ACT RELATIVE TO EMPLOYEES OF THE FISH AND GAME  
DEPARTMENT.**

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Fish and Game Department Employees.** Amend section 23 of chapter 240 of the Revised Laws by striking out the words "All conservation officers shall give bond in such amount as may be required by the director." so that said section as amended shall read as follows: **23. Number, etc.** The director shall determine the number of conservation officers and superintendents of hatcheries. He shall appoint and remove all conservation officers and superintendents of hatcheries in the manner hereinafter provided. He shall hire such experts and office assistants as in his judgment are necessary for the proper execution of his duties. A copy of the appointment of each conservation officer shall be filed in the office of the director.

**2. Repeal.** Section 30 of chapter 240 of the Revised Laws, relative to compensation of employees of the fish and game department, is hereby repealed.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved July 19, 1949.]

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**CHAPTER 289.****AN ACT TO RESTRICT THE USE OF SEINES AND BEAM TRAWLS ON  
THE NEW HAMPSHIRE SEACOAST.**

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Restriction.** Amend section 59 of chapter 245, Revised Laws, by striking out the words "Rye Ledges" in the fifth line and inserting in their place the words, Maine line, so that section 59 as amended shall read as follows: **59. Cod, etc.** No person shall use a trawl for the taking of codfish in the Piscataqua river or its tributaries north of the Portsmouth bridge. No person shall use a purse seine or beam trawl for

the taking of cod, haddock, pollack, hake, or flounders along the shores of the Atlantic ocean between the Maine line and the Massachusetts line.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved July 19, 1949.]

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## CHAPTER 290.

### AN ACT RELATIVE TO THE ADMINISTRATION OF THE UNEMPLOYMENT COMPENSATION LAW.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Unemployment Compensation.** Amend chapter 218 of the Revised Laws by inserting after section 10 the following new section: **10-a. Administration.** The provisions of section 8, relative to unemployment compensation fund and section 10 relative to unemployment compensation and employment service administration fund, to the contrary notwithstanding, the commissioner is authorized to requisition and receive from this state's account in the unemployment trust fund in the treasury of the United States, in the manner permitted by federal law, such monies standing to its credit in said fund as are permitted by federal law to be used for expenses of administering the provisions of this chapter and to expend such monies for such purpose. The state treasurer shall be the custodian of the amounts of money so requisitioned and received. He shall administer such fund in accordance with the directions of the commissioner and such rules and regulations as the commissioner may prescribe not inconsistent with federal law.

2. **Appeal to Courts.** Amend subsection G, section 5 of chapter 218 of the Revised Laws, as amended by section 15, chapter 59 of the Laws of 1947, by striking out the whole of said subsection and inserting in place thereof the following: **G. Appeal to Courts.** Any interested party aggrieved by any decision in proceedings under the provisions of this chapter may, after exhaustion of other administrative remedies provided herein, and within ten days after the date of notification

or mailing of such decision, appeal therefrom to the superior court for the county in which is located the employment bureau or branch in which the original claim was filed. The appeal shall be perfected by filing a petition with the clerk of said superior court within the ten-day period hereinabove referred to, and such petition shall set forth the grounds upon which it is claimed that the decision is in error, and no bond shall be required as a condition of entering such appeal. Thereupon the clerk of said superior court shall issue a citation to all interested parties including the commissioner, returnable at any time within ten days after the date of issue. The commissioner shall file with said clerk before trial a copy of the record on the claim which shall, upon being so filed, become a part of the record of the case. The superior court shall hear the case de novo. An appeal may be taken from the decision of the superior court to the supreme court in the same manner as is provided in civil actions. The commissioner may of his own motion transfer to the supreme court any question of law arising in the administration of this chapter. A petition of appeal shall not act as a supersedeas or stay unless the commissioner shall so order. Upon the final determination of such judicial proceeding, the commissioner shall enter an order in accordance with such determination.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved July 19, 1949.]

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## CHAPTER 291.

### AN ACT RELATING TO CERTAIN TAX EXEMPTIONS OF CITIZENS WHO FOUGHT WITH THE ALLIES OF THE UNITED STATES.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Poll Taxes.** Amend section 1 of chapter 73 of the Revised Laws as amended by chapter 5 of the Laws of 1944 by striking out said section and inserting in place thereof the following. **1. Persons Liable.** A poll tax of two dollars shall be assessed on every inhabitant of the state from twenty-one to seventy years of age whether a citizen of the United States

or an alien, except paupers, insane persons, the widow of any veteran who served in the armed forces of the United States in any wars in which it has been engaged, the widow of any citizen who served in the armed forces of any country allied with the United States in any of the wars as defined by chapter 167 of the Laws of 1949, and section 29-c, chapter 73 of the Revised Laws as inserted by chapter 240 of the Laws of 1947, and others except by special provisions of law.

2. **Exemptions.** Amend section 2 of said chapter 73 as amended by section 1 of chapter 173 of the Laws of 1943 by striking out all of said section and inserting in place thereof the following: 2. **Veterans Exemption.** Any veteran of any war in which the United States has been engaged and any veteran of the armed forces of the governments allied with the United States as defined by section 29-c of this chapter, who shall present to the selectmen or assessors of the town in which he lives, for inspection and record, his pension certificate awarding to him an invalid pension of any amount, or a discharge other than dishonorable from such wars, shall thereafter be exempt from the levy of a poll tax.

3. **Repeal.** Section 4 of said chapter 73 as amended by section 2, chapter 173, Laws of 1943, relative to disability exemption, is hereby repealed.

4. **Veterans of Allied Forces.** Amend section 29-c of said chapter 73, as inserted by chapter 240 of the Laws of 1947, by inserting after the word "who" in the third line the words, being a citizen of the United States, or, so that said section as amended shall read as follows: 29-c. **Veterans of Allied Forces.** Any person otherwise entitled under the provisions of sections 29, 29-a or 29-b of this chapter who being a citizen of the United States, or being a resident of New Hampshire, at the time of his entry therein, served on active duty in the armed forces of any of the governments associated with the United States in the wars set forth in section 29 shall be entitled to the exemption authorized by said section.

5. **Takes Effect.** This act shall take effect upon its passage.

[Approved July 19, 1949.]

## CHAPTER 292.

## AN ACT RELATING TO BEANO.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **New Chapter.** Amend the Revised Laws by inserting after chapter 171 the following new chapter:

**Chapter 171-A**  
**Games of Beano**

1. **Definitions.** Terms used in this chapter shall be construed as follows unless a different meaning is clearly apparent from the language or context:

I. "Beano" shall mean any game by whatever name called in which a prize is offered to the person first completing a straight line of squares across a placard marked into squares for said purpose.

II. "Charitable organization" shall mean any bona fide religious, charitable, civic, veterans or fraternal organization which shall have been in existence for at least two years and is organized under the laws of this state and to which contributions are exempt from federal income tax.

2. **License.** The selectmen of any town or the chief of police of any city wherein the provisions of this chapter have been adopted may issue to any charitable organization within such town or city a license to conduct games of beano on not more than five days in any one calendar month under the following conditions:

I. The license shall authorize games on specific dates at specific times and at a specified location.

II. Such license shall not be transferable.

III. All persons conducting said games shall be members of the charitable organization.

IV. The price to be paid for a single card or play under the license shall not exceed ten cents.

3. **Fees.** No license issued hereunder shall be granted until a license fee of ten dollars has been paid therefor to the selectmen or chief of police to whom application for license is made, except that no fee shall be required when the play is purely for amusement purposes where no charge is made nor

any consideration is required nor taken as a prerequisite to play.

4. **Expiration of License.** A license granted hereunder shall be effective only for the current month for which it is issued. A new application shall be made for each license required.

5. **Remittance.** The fee received by the selectmen of a town or chief of police of a city shall be paid over to the town or city treasurer for the use of the town or city.

6. **Application of Chapter.** The provisions of chapter 447 of the Revised Laws relative to lotteries and gambling contracts shall not apply to games of beano conducted under a license provided for herein.

7. **Local Option.** The following question shall be submitted to the voters in cities at the annual or biennial municipal election and in towns at the annual meeting: (a) "Shall the provisions of chapter 171-A of the Revised Laws relative to playing games of beano be adopted in this city or town?" In cities and in towns having an official ballot this question shall appear upon the official ballot. In towns where no official ballot is used, the vote on the question shall be by special ballot. If a majority of the qualified voters present and voting at any municipal election signifies the approval of the question hereinbefore stated, the selectmen of said town or the chief of police of said city may issue licenses for the conduct of games of beano under the provisions of said chapter 171-A.

8. **Prohibition.** No person shall conduct games of beano unless licensed to do so under the provisions of this chapter. Any person who shall violate any of the provisions of this chapter shall be fined not more than five hundred dollars and each day's play shall constitute a separate offense.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved July 21, 1949.]

## CHAPTER 293.

AN ACT RELATIVE TO WHITE PINE BLISTER LAW.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Control Measures.** Amend section 9 of chapter 238 of the Revised Laws by striking out the words "an emergency" in the second line and inserting in place thereof the words, a necessity, so that said section as amended shall read as follows:

**9. Obligation of Towns.** When, in the opinion of the state forester and the commissioner of agriculture, a necessity exists requiring the destruction of currant and gooseberry bushes in any town, the governor and council may order such town to carry out, under the direction of the state forester, the control measures specified by him. If such order is not complied with, the state forester, or his authorized agents, may remove or destroy any currant and goosebury bushes within such town and charge the expenses to the town; provided, however, that no town shall be required to expend more than four hundred dollars in any one year for such control measures.

**2. Powers of Towns.** Further amend said chapter 238 by adding after section 9 as hereinbefore amended the following new section: **9-a. Town Appropriation.** The expenses to the town provided for in section 9 for control measures shall be deemed to be a judgment against said town and the amount thereof shall, without vote of the town, be paid by the selectmen.

**3. State Forester.** Amend chapter 238 of the Revised Laws by inserting after section 9-a as hereinafter inserted the following new section: **9-b. Notice Required.** Two weeks prior to the removal or destruction of any currant or gooseberry bushes within any town by the state forester or his authorized agents under the provisions hereof, a written notice shall be given by the state forester to the selectmen of the town stating the date when, and the location where, operations for such removal or destruction will be begun.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved July 22, 1949.]

## CHAPTER 294.

AN ACT RELATING TO THE EXTERMINATION OF WILD BOAR IN  
THE COUNTIES OF SULLIVAN AND GRAFTON.

*Whereas* certain persons and corporations have introduced into this state the wild boar, a dangerous animal, whose proclivities to damage property or injure persons are well known; and

*Whereas* said wild boar, in certain localities, have been permitted to run at large and to increase and multiply in number, creating a public nuisance;

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Enclosure.** Any person or corporation owning or possessing wild boar in this state shall at all times keep such wild boar in a safe and suitable enclosure so that they may not run at large or damage the person or property of others.

**2. Abatement.** Any person or corporation owning or having introduced wild boar into this state who, heretofore, shall have suffered, permitted, or otherwise failed to prevent, the escape of such wild boar shall abate, at his or its own expense, the public nuisance resulting therefrom on or before April 1, 1950 by employing all reasonable means to capture or exterminate such wild boar and their progeny. Persons suffering damage to their lands, property or person after April 1, 1950 caused by wild boar now at large as specified in this paragraph and which are not captured or exterminated as herein provided within the specified time limit, may recover such damage in an action of trespass against the said owner, or person or corporation having introduced the same into this state.

**3. Liability.** Any person or corporation owning or possessing wild boar in this state, who shall violate the provisions of section 1, shall be liable in an action of trespass for all damage done by said wild boar to the lands, properties or persons of others.

**4. Nature of Remedy.** The remedies created and duties imposed by this act shall be deemed cumulative and are not intended to modify or supersede any remedy available or duty imposed at common law.



**5. Takes Effect.** Section 3 of this act shall take effect April 1, 1950 and sections 1, 2 and 4 shall take effect upon the passage of this act.

[Approved July 22, 1949.]

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## CHAPTER 295.

### AN ACT RELATING TO FOREST CONSERVATION AND TAXATION.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Declaration of Policy.** It is the declared purpose of this act to encourage conservation of the forest resources of this state by releasing growing wood and timber from the yearly burden of local property taxes and substituting a yield tax, so as to give an incentive to the owners of standing timber to abandon destructive cutting practices in favor of long-range forest management plans and to promote the restocking of depleted forest lands by conserving an understory of immature trees of desirable species. It is further designed to provide a continuous, sustained yield of wood and timber for New Hampshire wood-using industries and to stabilize employment in those industries, to maintain forest lands at their maximum productiveness, to protect the water resources of the state, to minimize the effect of droughts, and to maintain a more constant water level in wells, springs, streams and public water supplies. It is also the purpose of this act to benefit the agricultural, industrial and recreational interests of the state, and to provide healthful surroundings, scenic values and improved conditions for fish and game.

**2. Growing Wood and Timber.** Amend the Revised Laws by inserting after chapter 79 the following new chapter:

#### 79-A

#### Forest Conservation and Taxation

**1. Definitions.** The following words and phrases as used in this chapter shall have the meanings indicated, unless a contrary meaning shall appear in the context:

“Assessing officials” means those charged by law with the duty of assessing taxes in the city, town or unincorporated place.

“Contract” means any enforceable agreement, oral or written, which effectively transfers the title to standing wood or timber or the possession thereof with authority to cut.

“Owner” means any person, including a purchaser of public forest timber, having title to lands or standing trees or possession with authority to cut and remove logs or wood from lands or standing trees, from which any logs or wood are taken during the tax year. The word “owner” shall not be construed to include (a) a person who cuts or causes to be cut logs or wood for consumption in the construction, reconstruction or alteration of his own buildings within the state of New Hampshire; (b) a person who cuts or causes to be cut wood for fuel purposes for his own consumption from his own land wherever located within said state; (c) public agencies cutting wood or timber on publicly owned lands; (d) persons engaged in clearing and maintaining rights of way incidental to furnishing utility services or transportation to the public.

“Stumpage value” means the amount determined by the assessing officials in the same manner as other property values for the purposes of taxation. The assessing officials shall give full consideration to the amounts received from stumpage sales in the vicinity, prices offered for logs, pulpwood and fuel wood, current operating costs and similar data, taking into consideration the difficulties of operating in each case.

“Tax year” as used in this chapter means from October first to September thirtieth of the next calendar year, inclusive, except that the period from April 1, 1950 to September 30, 1950, inclusive, shall be deemed to be a tax year for the purposes of the assessment to be made on October 1, 1950.

**2. Release from Property Taxes.** All growing wood and timber except fruit trees, sugar orchards, nursery stock and trees maintained only for shade or ornamental purposes, which shall not be subject to the yield tax hereinafter provided, shall be released from the general property tax; but the land upon which such growing wood and timber stands shall be assessed.

**3. Tax.** A yield tax on the stumpage value at the time of cutting shall be assessed by the assessing officials as of October first of each year against each owner of growing wood

*Don't want to pay anything, cost them more to get the wood than it's worth (when they cut the wood)*

and timber, which has been cut during the previous tax year, at the rate of ten per cent. Provided, however, that any timber subject to a contract entered into prior to April 7, 1949, which is cut prior to October 1, 1953 shall be subject to a yield tax equal to the accumulated amount which would have been paid in general property taxes if the standing wood or timber had not been exempted under section 2 of this chapter during that period.

4. **General Tax; Credits in Certain Cases.** Whenever it shall appear to the assessing officials that a town or city is unreasonably deprived of revenue because of the failure of an owner to cut standing wood or timber when it shall have arrived at the degree of maturity most suitable for its use, such standing wood or timber shall be taxed in the same manner as general property and be subject to the same rights of appeal, the intent being to prevent the holding of standing wood or timber indefinitely without the payment of any taxes. If such standing wood or timber is taxed under the provisions of this section, such taxes shall be a credit against any yield tax later imposed, and shall be taken into consideration in determining loss of tax revenue as provided in section 18.

5. **Abatement for Improved Forest Practices.** The assessing officials shall on application of any owner who has complied with the requirements of sections 8 and 9 relating to notice and return, abate so much of the tax on timber cut as would amount to three per cent of its stumpage value provided there is filed with such application a certificate of the owner, or, if requested by the assessing officials, a certificate of the state forester or his agent stating that the owner has complied with the standards established under section 21 of this chapter.

6. **Collection.** Said tax shall constitute a lien upon all property of the owner and may be enforced and collected by any appropriate means provided for the collection of taxes in chapter 80 of this title and amendments thereto, except that the right of distraint and the lien provided by sections 6 and 17 thereof shall expire eighteen months from the date on which the yield tax is assessed. It shall be subject to the same interest additions as general property taxes. In any instance where the assessing officials deem it necessary to insure the payment of the yield tax, they may require a bond or other security to be given before or during the cutting period in such

amount and conditioned upon such terms as they determine. They may enter upon and inspect the timber lot, and require the owner to produce for their inspection such books, records and papers as may be of assistance to them in the assessment of the tax herein provided.

**7. Appeal and Abatement.** The owner shall have the same rights of appeal and abatement as are provided by law for persons against whom other taxes are assessed; but no such owner shall be entitled to appeal unless he has made the return required by section 9.

**8. Notice of Cutting.** The owner intending to cut any wood or timber shall give written notice of his intention prior to such cutting to the assessing officials. Such notice shall state the name and residence of the owner, a description of the location of the land from which the wood or timber is to be cut, its estimated amount and value, and whether or not application for abatement will be made in accordance with section 5.

**9. Returns.** Every owner as defined in section 1 of this chapter shall make a return to the assessing officials on or before October fifteenth each year, stating the kinds and total amount of the wood or timber subject to the yield tax cut during the preceding tax year. Returns shall be on forms prescribed by the tax commission and shall require such information as the commission may deem necessary to enable the assessing officials to locate, identify, and determine the true stumpage value of, all wood and timber subject to a yield tax. Such returns shall be made under penalties of perjury.

**10. Penalty.** Whoever violates any of the provisions of sections 8 or 9 shall be fined not more than five hundred dollars. Such fine shall go to the city or town in which the wood or timber is located and shall be enforced in an action brought in the name of the town or city by the assessing officials. If the wood or timber is located in an unorganized town or unincorporated place said fine shall go to the county in which it is located and shall be enforced by an action brought in the name of the county by the county commissioners.

**11. Disposition of Yield Tax.** The yield tax imposed by section 3 of this chapter shall be paid by the tax collectors of cities and towns into their respective treasuries for use as other tax money is used. The yield tax collected by the state treasurer from operations in any unorganized town or un-

incorporated place shall be disbursed by him as follows: (1) To the state tax commission the cost of assessment in the unorganized town or unincorporated place; (2) to the treasurer of the county in which it is located to be credited against its share of the county tax for the ensuing year; (3) if any excess still remains, it shall be disbursed from year to year during the ensuing years as provided in clause (2) above.

**12. Reimbursement Fund Created.** There is hereby appropriated the sum of \$300,000, to be raised in the manner hereinafter provided, which sum shall constitute the reimbursement fund for reimbursing cities and towns for the loss of tax revenue by the exemption of standing wood and timber. Any balance in said reimbursement fund shall not lapse but shall be carried forward to the reimbursement fund for the succeeding fiscal year. The governor is hereby authorized to draw his warrant for the purposes of this chapter out of any money in the treasury not otherwise appropriated.

**13. Bond Issue Authorized.** Whenever there are insufficient funds in the treasury upon which the governor may draw his warrant to create the reimbursement fund as authorized in the preceding section, the treasurer is hereby authorized under the direction of the governor and council to borrow from time to time upon the credit of the state a sum not to exceed \$300,000 and for that purpose may issue bonds or notes in the name and behalf of the state. Such bonds or notes shall be deemed a contract on the part of the state to set aside annually a sum not to exceed \$25,000 from the forest improvement and recreational fund established under section 14 of chapter 234, of the Revised Laws as amended by section 10 of chapter 184 of the Laws of 1945, until the date of maturity of said bonds or notes or until sufficient money shall have accumulated to pay such bonds and the interest thereon at dates of maturity. Such bonds and notes shall be deemed a pledge of the faith and credit of the state.

**14. Form, Proceeds of Sale.** The governor and council shall determine the form of such bonds or notes, their rate of interest, the dates when interest shall be paid, the dates of maturity, the places where principal and interest shall be paid and the time or times of issue. Such bonds or notes shall be signed by the treasurer and countersigned by the governor. The treasurer may negotiate and sell such bonds or notes

under the direction of the governor and council in such manner as they may deem to be most advantageous to the state. Out of the proceeds of the sale of said bonds or notes the governor is authorized to draw his warrant for the sum hereinbefore appropriated, for the purposes of this act only.

**15. Accounts.** The secretary of state shall keep an account of all such bonds or notes countersigned by the governor, showing the number and amount of each bond or note, the time of countersigning, the time when payable, and the date of delivery to the treasurer. The treasurer shall keep an account of each bond or note, showing the number and amount thereof, the name of the person to whom sold, the amount received for the same, the date of the sale, and the time when payable.

**16. Short-Term Notes.** Prior to the issuance of the bonds hereunder the treasurer, with the consent of the governor and council, may for the purposes hereof borrow from time to time on short-term loans which may be refunded by the issuance of bonds or notes hereunder, provided, however, that at no time shall the indebtedness of the state on such short-term loans and said bonds exceed the total bond issue authorized under section 13.

**17. Application for Reimbursement.** The governing body of a city or the selectmen of a town may apply to the state tax commission annually on or before September first requesting that its share of reimbursement be determined and certified to the state treasurer for payment in the manner provided in section 18.

**18. Distribution of Reimbursement Fund.** Beginning with the year 1950, the state treasurer shall on December thirty-first of each year make distribution from said reimbursement fund to the several cities and towns for their losses in tax revenue, if any, caused by the exemption of growing wood and timber, when such losses have been determined and certified by the state tax commission after receipt of the application required by the preceding section. In computing such losses said commission shall determine the amount of revenue each such city and town would have received from a tax levied on the average assessed valuation of its growing wood and timber for the years 1944 to 1948 inclusive, reckoned on its current average tax rate, deducting therefrom the amount of any general property tax assessed under section 4 of this chapter and

the amount of yield tax assessed in said city or town under the terms of this chapter for the year in which distribution is made, and also deducting from such amount any additional funds each would receive from the state for schools or roads because of the loss in valuation from exemption of standing wood and timber, and said commission shall also take into consideration so far as legally possible any increase or decrease in the proportionate share of each city or town in county and state taxes, any decrease in the amount of reimbursement which any town may receive because of the taking of forest land by the state or federal government for state or national forests, and any other factors or abnormal conditions, including extratordinary obligations of a city or town entered into before the passage of this act, which would affect an equitable distribution, the intent being to make up to the several cities and towns any loss in tax revenue or loss in reimbursements granted in lieu of tax revenue on federal and state forests, or increase in county or state taxes resulting from such exemption in as equitable a manner as possible. If in any tax year the amount of yield tax together with the said additional state funds for schools and roads shall exceed such tax losses, said excess shall be used (1) to reimburse the state for accumulated payments received in prior years under the provisions of this section, and (2) as deductions in computing subsequent distributions from the reimbursement fund.

**19. Reimbursement on Account of Unorganized Towns and Unincorporated Places.** The loss of tax revenue from each unorganized town and unincorporated place shall be determined and certified by the tax commission in a manner as nearly similar to that described in section 18 as possible and said commission shall make such adjustments as may be necessary to insure equality of treatment under this act, so far as possible, as between unorganized towns and unincorporated places and towns and cities. Reimbursement of such loss of tax revenue shall be made by payment to the county treasurer on account of loss of county taxes. Reimbursement shall not be made on December thirty-first but shall be made as soon as the amount of taxes due for the ensuing year shall have been determined, and no reimbursement shall be made in any year if and to the extent that funds derived from the yield tax re-

main in the hands of the state treasurer for disbursement as provided by section 11.

**20. Appeal from Decision on Eligibility for Abatement.**

Whenever an owner is dissatisfied with the decision upon the question of eligibility for the abatement provided in section 5, he may within thirty days of receiving knowledge of said decision, appeal in writing to the district forest advisory board and the decision of the majority of said board shall be final.

**21. Minimum Cutting Standards.** The district forest advisory boards shall recommend to the state forester cutting practices to be used as the basis of abatement as provided in section 5. Such standards shall be approved by the state forester with the advice and consent of the forestry and recreation commission. In establishing standards hereunder, consideration shall be given to: Accepted methods of cutting for forest conservation applicable to the area, done in a manner to leave enough healthy standing trees of desirable species to provide future continuous yield, and to protect or provide young trees of desirable species in sufficient number and distribution to assure soil protection and a future crop; satisfactory reforestation by planting; together with the maintenance of vigilant precautions against fire and provision of sufficient tools and equipment for fire suppression, and cooperation with public agencies in the application of measures for the control of fire, insects and disease.

**22. Revision.** The provisions as to the creation of said reimbursement fund and the method and amount of reimbursement provided for in sections 12 through 19 inclusive shall remain in force for twenty years from the date when this act takes effect, and the general court of 1969 shall revise said provisions as the situation then existing may require.

**23. Interpretation.** The amount of reimbursement to which a town may be entitled under section 30 of chapter 234 of the Revised Laws shall not be affected by any of the provisions of this chapter.

**3. Amendment.** Amend section 14 of chapter 234 of the Revised Laws as amended by section 10, chapter 184 of the Laws of 1945 by inserting after the word "commission" in the seventeenth line the words, or for the payment of any bonded indebtedness necessitated by the creation of the reimbursement fund established under chapter 79-A of the Revised Laws



as inserted by "An act relating to forest conservation and taxation" of the Laws of 1949, so that said section as amended shall read as follows: **14. Forest Improvement and Recreational Fund.** All revenue derived from fees for services and accommodations on, and rentals and the sale of any products from, state forests or reservations and federal lands placed under the jurisdiction of the forestry and recreation commission shall, except as otherwise provided, be paid into the state treasury. All of such revenue, except that received from the sale of nursery stock from the state forest nursery, shall be kept by the state treasurer in a separate account as a continuous fund to be known as the forest improvement and recreational fund from which payments may be made upon recommendation of the commission, with the advice and consent of the governor and council, for the purchase and improvement of the state forests and reservations and buildings thereon and for administration and improvement of such federal lands as may be placed under the jurisdiction of the commission, or for the payment of any bonded indebtedness necessitated by the creation of the reimbursement fund established under chapter 79-A of the Revised Laws as inserted by "An act relating to forest conservation and taxation" of the Laws of 1949. At the close of each fiscal year the unexpended balance of said money shall be carried forward and be made available for use in the subsequent years for said purposes.

**4. Constitutionality.** If any provisions of this chapter, or the application of such provisions to any person or circumstance, shall be held invalid, the remainder of said sections, or the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

**5. Repeal.** Sections 31 to 47 inclusive of chapter 73 of the Revised Laws and section 2 of chapter 144 of the Laws of 1943 are hereby repealed. Such parts of section 4 of chapter 76 of the Revised Laws as amended by section 1, chapter 144, Laws of 1943, as require the selectmen's invoice to show valuation of growing wood and timber separately from the land, and such parts of section 3, chapter 75 of the Revised Laws as amended by section 3, chapter 144, Laws of 1943, and chapter 86 of the Laws of 1947 as require the owner in returning his inventory of property to list an estimate of the amount and

kind of wood and timber owned by him, are hereby suspended during the time this act is in effect.

**6. Takes Effect.** This act shall take effect March 31, 1950. [Approved July 26, 1949.]

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## CHAPTER 296.

### AN ACT RELATIVE TO THE POWERS OF THE DIRECTOR OF FISH AND GAME.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Fish and Game Director.** Amend chapter 243 of the Revised Laws by inserting after section 2 as amended by chapter 129 of the Laws of 1947 the following new section: **2-a. Closed Season on Pheasants.** The director, with the approval of the commission, shall have the power and authority to close any area in the state for taking pheasants for the propagation of such game birds. In case the director shall determine to close any area under the authority of this section, he shall publish notice thereof at least once in such a manner as will fairly acquaint the residents of the locality affected thereby of the provisions of such closure. Such notice shall be given at least two weeks prior to October fifteen in any year.

**2. Takes Effect.** This act shall take effect upon its passage. [Approved July 28, 1949.]

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## CHAPTER 297.

### AN ACT RELATING TO THE COVERING OF WELLS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Abatement of Nuisances.** Amend chapter 165 of the Revised Laws by adding after section 32 as inserted by chapter 133 of the Laws of 1949 and amended by chapter 261 of the Laws of 1949 the following new subdivision:

### Wells

33. **Definition.** The term "well" as used in this subdivision shall mean any artificially made hole in the surface of the earth (a) which is more than four feet deep and (b) which is more than eight inches in diameter and less than sixteen square feet in area at the top and (c) the sides of which are steeper than a sixty degree slope.

34. **Fencing or Covering.** No person who owns or occupies land shall knowingly allow any well which is within five hundred feet of a dwelling or within two hundred feet of any highway to remain open on such land, unless there is around such a well a substantial fence or protection at least three feet high so constructed that no child can crawl through or under it. Any such well shall be deemed to be open unless it is protected by a covering strong enough to hold one thousand pounds and secured so that it cannot be easily removed by children.

35. **Nuisance.** Any open well which is not fenced or protected as provided in section 27 is hereby declared a nuisance and the same may be ordered abated by any court of competent jurisdiction on complaint of any prosecuting officer.

36. **Penalty.** Whoever violates any provision of this subdivision shall be fined not more than five hundred dollars.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved July 28, 1949.]

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## CHAPTER 298.

AN ACT DIVIDING MERRIMACK COUNTY INTO COMMISSIONER  
DISTRICTS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Merrimack County.** Amend the first paragraph of section 14 of chapter 45 of the Revised Laws as amended by section 1, chapter 181 of the Laws of 1945 by striking out the word "and" in the fourth line and inserting in place thereof the words, Rockingham and Merrimack, so that said paragraph

shall read as follows: **14. County Commissioner Districts.** For the purposes of the nomination and election of county commissioners in the counties of Hillsborough, Belknap, Sullivan, Coos, Cheshire, Rockingham and Merrimack, said counties shall be divided into the following districts:

**2. Merrimack Commissioner Districts.** Amend section 14 of chapter 45 of the Revised Laws, as amended by section 2, chapter 181 of the Laws of 1945, by adding after paragraph VI the following new paragraph: VII. Merrimack: District 1. Concord; District 2. Andover, Boscawen, Canterbury, Chichester, Danbury, Franklin, Hill, Loudon, New London, Northfield, Salisbury, Webster and Wilmot; District 3. Allenstown, Bow, Bradford, Dunbarton, Epsom, Henniker, Hooksett, Hopkinton, Newbury, Pembroke, Pittsfield, Sutton and Warner.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved July 28, 1949.]

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## CHAPTER 299.

### AN ACT RELATING TO DISEASES OF DOMESTIC ANIMALS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Domestic Animals Indemnity.** Amend section 57 of chapter 229 of the Revised Laws as amended by section 1, chapter 137 of the Laws of 1945 by adding at the end thereof the words, provided, however, that payment shall not be paid to any owner of bovine animals as a result of any subsequent test for brucellosis, if, on such subsequent test, ten per cent or more herd infection is revealed, unless or until said owner makes application as specified under section 46-a of this chapter for vaccination of all bovine animals owned by him between the ages of six and eight months, so that said section as amended shall read as follows: **57. Payments.** The state shall pay the owner, after he has filed such certificate or certificates as the commissioner may direct, one-third of the appraised value on all horses condemned and killed and for all bovine animals condemned and killed an amount not to exceed fifty dollars for a grade

animal and seventy-five dollars for a registered pure bred animal providing that the amount received from salvage, from the federal government, and from the state shall not exceed the appraised value thereof; provided, however, that payment shall not be paid to any owner of bovine animals as a result of any subsequent test for brucellosis if, on such subsequent test, ten per cent or more herd infection is revealed, unless or until said owner makes application as specified under section 46-a of this chapter for vaccination of all bovine animals owned by him between the ages of six and eight months.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved July 28, 1949.]

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## CHAPTER 300.

### AN ACT RELATIVE TO INDEMNITY FOR CONDEMNED DOMESTIC ANIMALS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Domestic Animals; Indemnity.** There is hereby appropriated the sum of four hundred thousand dollars for the department of agriculture for use in eradicating brucellosis (Bang's disease), and for indemnities for bovine tuberculosis as provided for in chapter 229 of the Revised Laws as amended by section 1, chapter 137 of the Laws of 1945 and as amended by an act passed at the present session of the general court. The governor with the advice and consent of the council shall draw his warrant for the payment from the funds provided by this act of sums due or expended for the purposes authorized hereunder.

**2. Bonds and Notes Authorized.** To provide funds for the appropriation made in section 1 hereof, the state treasurer is hereby authorized, with the consent of the governor and council, to borrow such sums as are needed from time to time, not to exceed four hundred thousand dollars, upon the credit of the state, and for that purpose may issue bonds or notes, in the name and on behalf of the state of New Hampshire, at a rate of interest to be determined at the time of consent to the

issue, and said interest to be payable semi-annually. Such bonds or notes shall be in such form and such denominations as the governor and council may determine, may be registerable as to both principal and interest, and shall be countersigned by the governor and shall be deemed a pledge of the faith and credit of the state.

**3. Records and Accounts.** The secretary of state and the state treasurer shall keep accounts of the bonds and notes issued under the provisions of section 2 as they are required to keep for the bonds and notes authorized by chapter 159 of the Laws of 1939. The treasurer shall negotiate and sell such bonds or notes in the same manner as provided in said chapter 159.

**4. Short-Time Notes.** Prior to the issuance of serial bonds or notes hereunder the treasurer, with the consent of the governor and council, may for the purposes hereof borrow money from time to time on short-time loans which may be refunded by the issuance of bonds or notes hereunder provided, however, that at no time shall the indebtedness of the state on such short-time loans and said bonds or notes exceed the said sum of four hundred thousand dollars.

**5. Takes Effect.** This act shall take effect upon its passage.

[Approved July 28, 1949.]

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## CHAPTER 301.

### AN ACT TO ESTABLISH A STANDARD MILEAGE TABLE FOR THE GENERAL COURT.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Standard Mileage Table.** Effective beginning with the regular 1951 session of the general court the following mileage table shall be used in computing the mileage allowances of members. The distances herein set forth are for one-way trips and shall be multiplied by two to obtain round-trip distances.

Town or City Ward	Standard Mileage (one way)
<b>Rockingham County</b>	
Atkinson .....	44
Auburn .....	26
Brentwood .....	41
Candia .....	25
Chester .....	32
Danville .....	41
Deerfield .....	23
Derry .....	32
East Kingston .....	44
Epping .....	36
Exeter .....	45
Fremont .....	36
Greenland .....	53
Hampstead .....	40
Hampton .....	51
Hampton Falls .....	50
Kensington .....	47
Kingston .....	41
Londonderry .....	29
New Castle .....	48
Newfields .....	42
Newington .....	43
Newmarket .....	39
Newton .....	46
North Hampton .....	50
Northwood .....	19
Nottingham .....	29
Plaistow .....	46
Portsmouth	
Ward 1 .....	47
Ward 2 .....	48
Ward 3 .....	47
Ward 4 .....	48
Ward 5 .....	48
Raymond .....	31
Rye .....	52
Salem .....	43
Sandown .....	36

Town or City Ward	Standard Mileage (one way)
Seabrook .....	52
South Hampton .....	47
Stratham .....	47
Windham .....	36

### Strafford County

Barrington .....	31
Dover	
Ward 1 .....	40
Ward 2 .....	40
Ward 3 .....	40
Ward 4 .....	40
Ward 5 .....	40
Durham .....	36
Farmington .....	43
Lee .....	35
Madbury .....	35
Middleton .....	54
Milton .....	46
New Durham .....	34
Rochester	
Ward 1 .....	40
Ward 2 .....	37
Ward 3 .....	37
Ward 4 .....	37
Ward 5 .....	37
Ward 6 .....	37
Rollinsford .....	44
Somersworth	
Ward 1 .....	45
Ward 2 .....	45
Ward 3 .....	45
Ward 4 .....	45
Ward 5 .....	45
Strafford .....	29

### Belknap County

Alton .....	31
Barnstead .....	21
Belmont .....	22



Town or City Ward	Standard Mileage (one way)
Center Harbor .....	43
Gilford .....	32
Gilmanton .....	23
Laconia	
Ward 1 .....	35
Ward 2 .....	29
Ward 3 .....	29
Ward 4 .....	29
Ward 5 .....	29
Ward 6 (Lakeport) .....	31
Meredith .....	38
New Hampton .....	37
Sanbornton .....	24
Tilton .....	20

#### Carroll County

Albany .....	70
Bartlett .....	91
Brookfield .....	57
Chatham .....	95
Conway .....	81
Eaton .....	76
Effingham .....	67
Freedom .....	70
Hart's Location .....	97
Jackson .....	89
Madison .....	66
Moultonborough .....	48
Ossipee .....	57
Sandwich .....	51
Tamworth .....	61
Tuftonboro .....	57
Wakefield .....	55
Wolfeboro .....	46

#### Merrimack County

Allenstown .....	10
Andover .....	23
Boscawen .....	10
Bow .....	7

Town or City Ward	Standard Mileage (one way)
Bradford .....	28
Canterbury .....	13
Chichester .....	11
Concord	
Ward 1 .....	8
Ward 2 .....	3
Ward 3 .....	3
Ward 4 .....	2
Ward 5 .....	2
Ward 6 .....	2
Ward 7 .....	4
Ward 8 .....	2
Ward 9 .....	3
Danbury .....	33
Dunbarton .....	10
Epsom .....	13
Franklin	
Ward 1 .....	21
Ward 2 .....	21
Ward 3 .....	21
Henniker .....	18
Hill .....	25
Hooksett .....	11
Hopkinton .....	10
Loudon .....	15
Newbury .....	33
New London .....	36
Northfield .....	19
Pembroke .....	8
Pittsfield .....	16
Salisbury .....	17
Sutton .....	34
Warner .....	18
Webster .....	17
Wilmot .....	28
<b>Hillsborough County</b>	
Amherst .....	32
Antrim .....	32
Bedford .....	23

Town or City Ward	Standard Mileage (one way)
Bennington .....	35
Brookline .....	42
Deering .....	29
Fracestown .....	31
Goffstown .....	20
Greenfield .....	42
Greenville .....	47
Hancock .....	40
Hillsborough .....	25
Hollis .....	42
Hudson .....	39
Litchfield .....	32
Lyndeborough .....	47
Manchester	
Ward 1 .....	19
Ward 2 .....	19
Ward 3 .....	19
Ward 4 .....	20
Ward 5 .....	20
Ward 6 .....	21
Ward 7 .....	21
Ward 8 .....	21
Ward 9 .....	20
Ward 10 .....	21
Ward 11 .....	21
Ward 12 .....	21
Ward 13 .....	21
Ward 14 .....	21
Mason .....	52
Merrimack .....	31
Milford .....	34
Mont Vernon .....	31
Nashua	
Ward 1 .....	37
Ward 2 .....	37
Ward 3 .....	39
Ward 4 .....	39
Ward 5 .....	39
Ward 6 .....	39

Town or City Ward	Standard Mileage (one way)
Ward 7 .....	39
Ward 8 .....	39
Ward 9 .....	39
New Boston .....	25
New Ipswich .....	53
Pelham .....	40
Peterborough .....	48
Sharon .....	54
Temple .....	50
Weare .....	18
Wilton .....	41
Windsor .....	31

#### Cheshire County

Alstead .....	62
Chesterfield .....	66
Dublin .....	56
Fitzwilliam .....	68
Gilsum .....	52
Harrisville .....	55
Hinsdale .....	73
Jaffrey .....	56
Keene	
Ward 1 .....	54
Ward 2 .....	54
Ward 3 .....	52
Ward 4 .....	55
Ward 5 .....	52
Marlborough .....	58
Marlow .....	47
Nelson .....	47
Richmond .....	68
Rindge .....	62
Roxbury .....	55
Stoddard .....	41
Sullivan .....	48
Surry .....	60
Swanzey .....	59
Troy .....	63
Walpole .....	71

Town or City Ward	Standard Mileage (one way)
Westmoreland .....	65
Winchester .....	67

#### Sullivan County

Acworth .....	56
Charlestown .....	63
Claremont	
Ward 1 .....	53
Ward 2 .....	53
Ward 3 .....	53
Cornish .....	62
Croydon .....	50
Goshen .....	52
Grantham .....	58
Langdon .....	64
Lempster .....	54
Newport .....	44
Plainfield .....	71
Springfield .....	45
Sunapee .....	45
Unity .....	60
Washington .....	36

#### Grafton County

Alexandria .....	39
Ashland .....	51
Bath .....	93
Benton .....	93
Bethlehem .....	95
Bridgewater .....	37
Bristol .....	33
Campton .....	60
Canaan .....	50
Dorchester .....	59
Easton .....	90
Ellsworth .....	62
Enfield .....	56
Franconia .....	90
Grafton .....	51
Groton .....	44

Town or City Ward	Standard Mileage (one way)
Hanover .....	69
Haverhill .....	89
Hebron .....	42
Holderness .....	47
Landaff .....	102
Lebanon .....	63
Lincoln .....	75
Lisbon .....	99
Littleton .....	100
Lyman .....	103
Lyme .....	80
Monroe .....	98
Orange .....	51
Orford .....	90
Piermont .....	94
Plymouth .....	52
Rumney .....	52
Thornton .....	65
Warren .....	62
Waterville .....	72
Wentworth .....	58
Woodstock .....	69

### Coos County

Berlin	
Ward 1 .....	120
Ward 2 .....	120
Ward 3 .....	120
Ward 4 .....	120
Carroll .....	98
Clarksville .....	163
Columbia .....	145
Colebrook .....	147
Dalton .....	109
Dummer .....	128
Errol .....	143
Gorham .....	109
Jefferson .....	106
Lancaster .....	111
Milan .....	126

Town or City Ward	Standard Mileage (one way)
Millsfield .....	153
Northumberland .....	121
Pittsburg .....	170
Randolph .....	116
Shelburne .....	116
Stark .....	127
Stewartstown .....	155
Stratford .....	135
Wentworth's Location .....	157
Whitefield .....	102

2. **Takes Effect.** This act shall take effect January 1, 1951.  
[Approved July 28, 1949.]

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## CHAPTER 302.

### AN ACT RELATING TO THE NORTHEASTERN INTERSTATE FOREST FIRE COMPACT.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **New Chapter.** Amend the Revised Laws by inserting after chapter 233 a new chapter as follows:

#### Chapter 233-A.

1. **Authorization.** The governor on behalf of this state is hereby authorized to enter into a compact, substantially in the following form, with any one or more of the states of Connecticut, Maine, New York, Rhode Island and Vermont and the commonwealth of Massachusetts and with such other states of the United States or provinces of the Dominion of Canada as may legally join therein, and the legislature hereby signifies in advance its approval and ratification of such compact so entered into, such approval and ratification to be effective upon the filing of a copy of such compact in the office of the secretary of state.

#### Northeastern Interstate Forest Fire Protection Compact.

##### Article I

The purpose of this compact is to promote effective prevention and control of forest fires in the northeastern region

of the United States and adjacent areas in Canada by the development of integrated forest fire plans, by the maintenance of adequate forest fire fighting services by the member states, by providing for mutual aid in fighting forest fires among the states of the region and for procedures that will facilitate such aid, and by the establishment of a central agency to coordinate the services of member states and perform such common services as member states may deem desirable.

### Article II

This agreement shall become operative immediately as to those states ratifying it whenever any two or more of the states of Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York and the commonwealth of Massachusetts have ratified it and the congress has given its consent. Any state not mentioned in this article which is contiguous with any member state may become a party to this compact. Subject to the consent of the congress of the United States, any province of the Dominion of Canada which is contiguous with any member state may become a party to this compact by taking such action as its laws and the laws of the Dominion of Canada may prescribe for ratification. In this event, the term "state" in this compact shall include within its meaning the term "province" and the procedures prescribed shall be applied in the instance of such provinces, in accordance with the forms and practices of the Canadian government.

### Article III

Each state joining herein shall appoint three representatives to a commission hereby designated as the Northeastern Forest Fire Protection Commission. One shall be the state forester or officer holding an equivalent position in such state who is responsible for forest fire control. The second shall be a member of the legislature of such state designated by the commission or committee on interstate cooperation of such state, or if there be none, or if said commission on interstate cooperation cannot constitutionally designate the said member, such legislator shall be designated by the governor thereof; provided that if it is constitutionally impossible to appoint a legislator as a commissioner from such state, the second member shall be appointed by the governor of said state in his discretion. The third member shall be a person designated by



the governor as the responsible representative of the governor. In the event that any province of the Dominion of Canada shall become a member of this commission, it shall designate three members who will approximate this pattern of representation to the extent possible under the law and practices of such province. This commission shall be a body corporate with the powers and duties set forth herein.

#### Article IV

It shall be the duty of the commission to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the prevention and control of forest fires in the area comprising the member states, to coordinate the forest fire plans and the work of the appropriate agencies of the member states and to facilitate the rendering of aid by the member states to each other in fighting forest fires.

The commission shall formulate and, in accordance with need, from time to time, revise a regional forest fire plan for the entire region covered by the compact which shall serve as a common forest fire plan for that area.

The commission shall, more than one month prior to any regular meeting of the legislature in any signatory state, present to the governor and to the legislature of the state its recommendations relating to enactments to be made by the legislature of that state in furthering the interests and purposes of this compact.

The commission shall consult with and advise the appropriate administrative agencies of the states party hereto with regard to problems connected with the prevention and control of forest fires and recommend the adoption of such regulations as it deems advisable.

The commission shall have power to recommend to the signatory states any and all measures that will effectuate the prevention and control of forest fires.

#### Article V

Any two or more member states may designate the Northeastern Forest Fire Protection Commission as a joint agency to maintain such common services as those states deem desirable for the prevention and control of forest fires. Except in those cases where all member states join in such design-

nation for common services, the representatives of any group of such designating states in the Northeastern Forest Fire Protection Commission shall constitute a separate section of such commission for the performance of the common service or services so designated, provided that, if any additional expense is involved, the states so acting shall appropriate the necessary funds for this purpose. The creation of such a section as a joint agency shall not affect the privileges, powers, responsibilities or duties of the states participating therein as embodied in the other articles of this compact.

#### Article VI

The commission may request the United States forest service to act as the primary research and coordinating agency of the Northeastern Forest Fire Protection Commission, in cooperation with the appropriate agencies in each state and the United States forest service may accept the initial responsibility in preparing and presenting to the commission its recommendations with respect to the regional fire plan. Representatives of the United States forest service may attend meetings of the commission and of groups of member states.

#### Article VII

The commission shall annually elect from its members a chairman and a vice-chairman. The commission shall appoint such officers or employees as may be required to carry the provisions of this compact into effect, shall fix and determine their duties, qualifications and compensation, and may at its pleasure, remove or discharge any such officer or employee. The commission shall adopt rules and regulations for the conduct of its business. It may establish and maintain one or more offices for the transaction of its business and may meet at any time or place but must meet at least once a year.

A majority of the members of the commission representing a majority of the signatory states shall constitute a quorum for the transaction of its general business, but no action of the commission imposing any obligation on any signatory state shall be binding unless a majority of the members from such signatory state shall have voted in favor thereof. For the purpose of conducting its general business, voting shall be by state units.

The representatives of any two or more member states, upon notice to the chairman as to the time and purpose of the meeting, may meet as a section for the discussion of problems common to those states.

Sections established by groups of member states shall have the same powers with respect to officers, employees and the maintenance of offices as are granted by this article to the commission. Sections may adopt such rules, regulations and procedures as may be necessary for the conduct of their business.

### Article VIII

It shall be the duty of each member state to formulate and put in effect a forest fire plan for that state and to take such measures as may be recommended by the commission to integrate such forest fire plan with the regional forest fire plan.

Whenever the state forest fire control agency of a member state requests aid from the state forest fire control agency of any other member state in combating, controlling or preventing forest fires, it shall be the duty of the state forest fire control agency of that state to render all possible aid to the requesting agency which is consonant with the maintenance of protection at home.

Each signatory state agrees to render aid to the forest service or other agencies of the government of the United States in combating, controlling or preventing forest fires in areas under their jurisdiction located within the member state or a contiguous member state.

### Article IX

Whenever the forces of any member state are rendering outside aid pursuant to the request of another member state under this compact, the employees of such state shall, under the direction of the officers of the state to which they are rendering aid, have the same powers (except the power of arrest), duties, rights, privileges and immunities as comparable employees of the state to which they are rendering aid.

No member state or its officers or employees rendering outside aid pursuant to this compact shall be liable on account of any act or omission on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.

All liability that may arise either under the laws of the requesting state or under the laws of the aiding state or under the laws of a third state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state.

Any member state rendering outside aid pursuant to this compact shall be reimbursed by the member state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries, and maintenance of employees and equipment incurred in connection with such request. Provided, that nothing herein contained shall prevent any assisting member state from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such services to the receiving member state without charge or cost.

Each member state shall provide for the payment of compensation and death benefits to injured employees and the representatives of deceased employees in case employees sustain injuries or are killed while rendering outside aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such state.

For the purposes of this compact the term employee shall include any volunteer or auxiliary legally included within the forest fire fighting forces of the aiding state under the laws thereof.

The commission shall formulate procedures for claims and reimbursement under the provisions of this article.

Aid by a member state to an area subject to federal jurisdiction beyond the borders of such state shall not be required under this compact unless substantially the same provisions of this article relative to powers, liabilities, losses and expenses in connection with such aid are embodied in federal laws.

### Article X

When appropriations for the support of this commission or for the support of common services maintained by the commission or a section thereof under the provisions of article V are necessary, the commission or section thereof shall allocate the costs among the states affected with consideration of the amounts of forested land in those states that will receive protection from the service to be rendered and the

extent of the forest fire problem involved in each state, and shall submit its recommendations accordingly to the legislatures of the affected states.

The commission shall submit to the governor of each state, at such time as he may request, a budget of its estimated expenditures for such period as may be required by the laws of such state for presentation to the legislature thereof.

The commission shall keep accurate books of account, showing in full its receipts and disbursements, and said books of account shall be open at any reasonable time to the inspection of such representatives of the respective signatory states as may be duly constituted for that purpose.

On or before the first day of December of each year, the commission shall submit to the respective governors of the signatory states a full and complete report of its activities for the preceding year.

#### Article XI

The representatives from any member state may appoint and consult with an advisory committee composed of persons interested in forest fire protection.

The commission may appoint and consult with an advisory committee of representatives of all affected groups, private and governmental.

#### Article XII

The commission may accept any and all donations, gifts and grants of money, equipment, supplies, materials and services from the federal or any local government, or any agency thereof and from any person, firm or corporation, for any of its purposes and functions under this compact, and may receive and utilize the same subject to the terms, conditions and regulations governing such donations, gifts and grants.

#### Article XIII

Nothing in this compact shall be construed to authorize or permit any member state to curtail or diminish its forest fire-fighting forces, equipment, services or facilities, and it shall be the duty and responsibility of each member state to maintain adequate forest fire-fighting forces and equipment to meet normal demands for forest fire protection within its borders.

Nothing in this compact shall be construed to limit or restrict the powers of any state ratifying the same to provide for the prevention, control and extinguishment of forest fires, or to prohibit the enactment or enforcement of state laws, rules or regulations intended to aid in such prevention, control and extinguishment in such state.

Nothing in this compact shall be construed to affect any existing or future cooperative relationship or arrangement between the United States forest service and a member state or states.

#### Article XIV

This compact shall continue in force and remain binding on each state ratifying it until the legislature or the governor of such state takes action to withdraw therefrom. Such action shall not be effective until six months after notice thereof has been sent by the chief executive of the state desiring to withdraw to the chief executives of all states then parties to the compact.

**2. When Effective.** When the governor shall have executed said compact on behalf of this state and caused a certified copy thereof to be filed in the office of the secretary of state, as required by section 1 and said compact shall have been ratified by one or more of the states named in article II thereof in accordance with the constitution of such state or states of the United States or provinces of the Dominion of Canada, in accordance with the laws of Canada, then said compact shall become operative and effective as between this state and such other state or states of the United States or provinces of the Dominion of Canada. The governor is hereby authorized and directed, upon the execution of said compact by him and filing of the required copy thereof in the office of the secretary of state, to notify forthwith the governors of the said named states and the President of the United States, that the state on its part has ratified said compact; or in the instance of a province of the Dominion of Canada the proper officials of that province and that dominion through the United States secretary of state. The original notice of ratification received from the governor or other duly authorized official of any state or province joining in said compact shall be filed with the official copy of said compact in the office of the secretary of state, and such notice, if any, as may be received from the President or

the Congress of the United States, signifying the consent of the congress to said compact, shall be filed in the same manner.

**3. Commission.** After the aforesaid compact shall become operative and effective as provided for in section 2, the governor with the advice and consent of the council shall appoint three members hereinafter called commissioners of the Northeastern Forest Fire Protection Commission. One of such commissioners shall always be the state forester, the second shall be a member of the legislature and the third shall be a citizen of the state designated by the governor as his responsible representative to serve at the pleasure of the governor.

**4. Compensation of Commissioners.** The commissioners shall serve without compensation but shall be reimbursed for their actual expenses incurred in the performance of their duties.

**5. Report of Commissioners.** The commissioners on the part of the state shall keep accurate accounts of all receipts and disbursements and shall report to the governor on or before the seventh day of January annually, setting forth in detail the transactions of the commission during the preceding calendar year, and shall include in said report recommendations for any legislative action that the commission deems advisable, including such amendments or additions to the laws of the state as may be necessary or desirable to carry out the intent and purposes of the northeastern interstate forest fire protection compact.

**6. Powers.** There is hereby granted to the commission and the commissioners thereof all the powers provided for in the said compact and all the powers necessary or incidental to the carrying out of said compact in every particular. All officers of the state of New Hampshire are hereby authorized and directed to do all things falling within their respective provinces and jurisdiction necessary or incidental to the carrying out of said compact in every particular; it being hereby declared to be the policy of the state of New Hampshire to perform and carry out the said compact and to accomplish the purposes thereof and to execute a compact on behalf of the state of New Hampshire with any one or more of the states of Maine, Vermont, Connecticut, Rhode Island and New York and the commonwealth of Massachusetts and with such other

states of the United States or provinces of the Dominion of Canada as may legally join therein. All officers, bureaus, departments and persons of and in the state government or administration of the state of New Hampshire are hereby authorized and directed at convenient times and upon request of the said commission to furnish the said commission with information and data possessed by them or any of them and to aid said commission by any means lying within their legal rights respectively.

**7. Payment by State.** Upon recommendation of the state forester, and upon warrant of the governor with the approval of the council the state treasurer shall pay out of any money in the treasury not otherwise appropriated to any state giving aid within the state under this chapter, such sums as shall be due under the terms of this chapter.

**8. Reimbursement by Towns.** Each town receiving aid under the provisions of this chapter shall reimburse the state for payments made by the state under section 7 in the same proportion and to the same extent that such town would be required under chapter 233 of the Revised Laws to bear such expense if it had been incurred within the state.

**9. Reimbursement Procedure.** When the state has made any payment under section 7, the state forester shall, in writing, notify all towns involved, of the amount of their liability as provided in section 8, and within sixty days of the receipt of such notice, the respective towns shall remit the amount due to the state treasurer.

**10. Distribution to Towns.** When the state receives payment from another state for aid given by towns under the provisions of this chapter, the state forester shall advise the state treasurer the amount due each town involved, and the state treasurer shall distribute the amounts due, to the respective towns. The governor is hereby authorized to draw his warrant for the respective amounts due.

**2. Appropriation.** The sum of five hundred dollars is hereby appropriated for the fiscal year ending June 30, 1950 and a like sum for the fiscal year ending June 30, 1951, for the purpose of carrying out the provisions of this chapter and the governor is hereby authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.



3. **Takes Effect.** This act shall take effect upon its passage.

[Approved July 28, 1949.]

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### CHAPTER 303.

AN ACT RELATING TO THE PORTSMOUTH-SEABROOK TOLL ROAD.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Additional Funds.** Amend section 4 of chapter 295 of the Laws of 1947 by striking out in the first and second lines thereof the words and figures "seven million five hundred thousand dollars (\$7,500,000)" and inserting in place thereof the words and figures, seven million eight hundred thousand dollars (\$7,800,000), so that said section as amended shall read as follows: 4. **Funds Provided.** A sum not exceeding seven million eight hundred thousand dollars (\$7,800,000) is hereby raised as hereinafter provided for the purposes of carrying into effect the provisions of this act.

2. **Bond Issue.** Amend section 5 of chapter 295 of the Laws of 1947 by striking out in the third and fourth lines thereof the words and figures "seven million five hundred thousand dollars (\$7,500,000)" and inserting in place thereof the words and figures, seven million eight hundred thousand dollars (\$7,800,000), so that said section as amended shall read as follows: 5. **Borrowing Power.** The state treasurer is hereby authorized under the direction of the governor and council to borrow upon the credit of the state a sum not exceeding seven million eight hundred thousand dollars (\$7,800,000) for the purpose of carrying into effect the provisions of this act and for that purpose may issue bonds in the name and on behalf of the state of New Hampshire at a rate of interest to be determined by the governor and council.

The maturity dates of such bonds shall be determined by the governor and council but in no case shall they be later than thirty years from the date of issue and may be redeemable before maturity at the option of the governor and council at such price or prices and under such terms and conditions as may be fixed by the governor and council prior to the issuance of the

bonds. Such bonds shall contain an express guarantee which shall be deemed a contract on the part of the state that tolls will be collected in accordance with the provisions of this act until the date of maturity of said bonds or until sufficient money shall have accumulated to pay said bonds and the interest thereon at dates of maturity. The bonds shall be in such form and such denominations as the governor and council shall determine, may be registerable as to both principal and interest, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the state.

The secretary of state shall keep an account of all such bonds showing the number and amount of each, the time of countersigning, the date of delivery to the treasurer, and the date of maturity.

The state treasurer shall keep an account of each bond showing the number thereof, the name of the person to whom sold, the amount received from the same, the date of the sale and the date of maturity.

**3. Limited Access Exemption.** Amend section 10 of chapter 295 of the Laws of 1947 by striking out said section and inserting in place thereof the following: **10. Definition.** Said highway shall be a limited access highway as defined in part 7, chapter 90 of the Revised Laws as amended by chapter 188, Laws of 1945, between the Massachusetts state line and the northeasterly side line of Woodbury avenue in the city of Portsmouth, and all the provisions thereof shall apply thereto except the transfer of the entrance of an existing facility adjacent to Woodbury avenue from the northwesterly side of the toll road to the southeasterly side of the same.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved July 28, 1949.]

## CHAPTER 304.

AN ACT RELATING TO THE ESTABLISHMENT OF A CIVIL DEFENSE  
AGENCY AND PROVIDING FOR MILITARY DEFENSE OF  
INTERSTATE BRIDGES, ETC.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Purpose.** Because of the possibility of the occurrence of disaster resulting from enemy attack, sabotage, or other hostile action, or from fire, flood, hurricane, earthquake, or other natural causes, and in order that the state of New Hampshire will be adequately prepared to cope with such disaster; and, generally, in order to provide for the common defense and to preserve the lives and the property of the people of the state, a state civil defense agency is hereby created; the emergency powers provided herein are conferred upon the governor and upon the executive heads or governing bodies of the state; the creation of local organizations for civil defense in the political subdivisions of the state is authorized; and provision is made for the rendering of mutual aid among the political subdivisions of the state; and between this and other states with respect to the carrying out of civil defense functions.

**2. Definitions.** As used herein the following words shall have meanings as indicated:

I. "Civil defense" shall mean the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to minimize and repair injury and damage resulting from disaster caused by enemy attack, sabotage or other hostile action; or by fire, flood, hurricane, earthquake, or other natural causes. These functions include, without limitation, fire fighting services, police services, medical and health services, rescue, engineering, air raid warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services and civilian war aid in general, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services, and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions.

II. "Local organization for civil defense" shall mean an organization created in accordance with the provisions hereof, by state or local authority to perform local civil defense functions.

III. "Mobile reserve battalion" shall mean an organization for civil defense created in accordance with the provisions hereof by state or local authority and intended to be dispatched to supplement local organizations for civil defense in a stricken area.

IV. "Political subdivision" shall mean cities, towns, and duly established village precincts.

**3. State Civil Defense Agency.** There is hereby created a division of civil defense (hereinafter called the state civil defense agency) and a state director of civil defense (hereinafter called the state director). The governor with the advice and consent of the council, shall appoint a state director to serve during their pleasure. The said state director may employ such necessary technical, clerical, stenographic and other personnel, fix their compensation, and may make such necessary expenditures from state or federal funds as are or may be made available to him for purposes of civil defense. The state director and other personnel of the civil defense agency shall be provided with appropriate office space, furniture, equipment, supplies, stationery and printing, and funds for traveling and related expenses, in the same manner as provided for personnel of other state agencies. The state director, subject to the direction of the governor, shall be the executive head of the civil defense agency and shall be responsible to the governor for carrying out the program for civil defense of the state. He shall coordinate the activities of all organizations for civil defense within the state, state and local, and shall maintain liason with and cooperate with civil defense agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this act as may be prescribed by the governor.

**4. Civil Defense Advisory Council.** There is hereby created a civil defense advisory council (hereinafter called the "council"), consisting of the following members who shall serve *ex officio*; the governor, the president of the senate, the speaker of the house of representatives, the attorney general

and the state director of civil defense, who shall constitute an executive committee of the council; one member each representing labor, industry, agriculture, and one member-at-large from each county, who shall be appointed by the governor with the advice and consent of the executive council. The governor shall serve as chairman and the president of the senate and the speaker of the house of representatives each as vice-chairmen. The members of the council shall serve without compensation, but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties. The council shall advise the governor and the state director on all matters pertaining to civil defense.

**5. Civil Defense Powers of the Governor.** The governor shall have general direction and control of the civil defense agency, and shall be responsible for the carrying out of the provisions of this act and, in the event of disaster beyond local control, may assume direct operational control over all or any part of the civil defense functions within this state. In performing his duties hereunder, the governor is authorized to cooperate with the federal government, with other states, and with private agencies in all matters pertaining to the civil defense of this state and of the nation, and is further authorized and empowered:

I. To make, amend, and rescind necessary orders, rules, and regulations to carry out the provisions hereof within the limits of the authority conferred upon him herein.

II. To prepare a comprehensive plan and program for the civil defense of this state, such plan and program to be integrated into and coordinated with the civil defense plans of the federal government and of other states to the greatest possible extent, and to coordinate the preparation of plans and programs for civil defense by the political subdivisions of this state, such plans to be integrated into and coordinated with the civil defense plan and program of this state to the greatest possible extent.

III. In accordance with such plan and program for the civil defense of this state, to procure supplies and equipment, to institute training programs and public information programs, and to take all other preparatory steps including the partial or full mobilization of civil defense organizations in advance of actual disaster, to insure the furnishing of ade-

quately-trained and equipped forces of civil defense personnel in time of need.

IV. To make such studies and surveys of industries, resources, and facilities in the state as may be necessary to ascertain the capabilities of the state for civil defense, and to plan for the most efficient emergency use thereof.

V. On behalf of the state, to enter into mutual aid arrangements with other states and to coordinate mutual aid plans between political subdivisions of the state.

VI. To delegate to the state director any administrative authority vested in the governor hereunder, and to authorize for the subdelegation of any such authority.

VII. To appoint, in cooperation with local authorities, regional area directors when necessary and practicable.

**6. Mobile Reserve Battalions.** Subject to the approval of the governor, and with due consideration of the plans of the federal government and of other states, the state director is authorized to create and establish such number of mobile reserve battalions as may be necessary to reinforce civil defense organizations in stricken areas in this and other states. He shall appoint a commander for each such battalion who shall be responsible for the organization, administration and operation of such battalion. Mobile reserve battalions shall be called to duty upon orders of the governor and shall perform their functions in any part of the state, or, under the conditions specified in this section, in other states. Personnel of mobile reserve battalions while on duty, whether within or without the state, shall:

I. If they are employees of the state, have the powers, duties, rights, privileges and receive the compensation incidental to their employment;

II. If they are employees of a political subdivision of the state, whether serving within or without such political subdivision, have the powers, duties, rights, privileges and immunities and receive the compensation incidental to their employment; and

III. If they are not employees of the state or a political subdivision thereof, be entitled to compensation by the state at the same rates of daily pay, and allowances, as are allowed grand and petit jurors under the provisions of section 26, of chapter 375, Revised Laws, as amended, and to the same rights

as to compensation for injuries as are provided by law for the employees of this state. The personnel of mobile reserve battalions shall, while on duty, be subject to the operational control of the authority in charge of civil defense activities in the area in which they are serving, and shall be reimbursed for all actual travel and subsistence expenses incurred under orders issued by the state director. The state shall reimburse a political subdivision for the compensation paid and actual and necessary travel, subsistence and maintenance expenses of employees of such political subdivision while serving under orders issued by the state director as members of a mobile reserve battalion, and for all losses of or damage to supplies and equipment of such political subdivision resulting from the operation of such mobile reserve battalion. Whenever a mobile reserve battalion of another state shall render aid in the state of New Hampshire pursuant to the orders of the governor of its home state and upon the request of the governor of this state, this state shall reimburse such other state for the compensation paid and actual and necessary travel, subsistence and maintenance expenses of the personnel of such mobile reserve battalion while rendering such aid, and for all losses of or damage to supplies and equipment of such other state or a political subdivision thereof resulting from the rendering of such aid; provided, that the laws of such other state contain provisions substantially similar to those recited in this section. No personnel of mobile reserve battalions of this state shall be ordered by the governor to operate in any other state unless the laws of such other state contain provisions substantially similar to this section.

**7. Local Organization for Civil Defense.** Each political subdivision of the state is authorized to establish a local organization for civil defense in accordance with the state civil defense plan and program. Each local organization for civil defense shall have a local director who shall be appointed by the city councils of a city or board of selectmen of a town, and who shall have direct responsibility for the organization, administration and operation of such local organization for civil defense, subject to the direction and control of such city council or selectmen. Each local organization for civil defense shall perform civil defense functions within the territorial limits of the political subdivision within which it is organized,

and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of section 8 of this act. In carrying out the provisions hereof each political subdivision, in which any disaster as described in section 2 hereof occurs, shall have the power to enter into contracts and incur obligations necessary to combat such disaster, protecting the health and safety of persons and property, and providing emergency assistance to the victims of such disaster.

**8. Mutual Aid Arrangements.** The local director of each local organization for civil defense may, with the approval of the state director, and in collaboration with other public and private agencies within this state, develop or cause to be developed mutual aid arrangements for reciprocal civil defense aid and assistance in case of disaster too great to be dealt with unassisted. Such arrangements shall be consistent with the state civil defense plan and program, and in time of emergency it shall be the duty of each local organization for civil defense to render assistance in accordance with the provisions of such mutual aid arrangements. The local director of each local organization for civil defense may, subject to the approval of the state director, enter into mutual aid arrangements with civil defense agencies or organizations in other states for reciprocal civil defense aid and assistance in case of disaster too great to be dealt with unassisted.

**9. Immunity.** Neither the state nor any political subdivision thereof, nor other agencies, nor the agents, employees, or representatives of any of them, engaged in any civil defense activities, while complying herewith or attempting to comply herewith or with any rule or regulation promulgated pursuant to the provisions hereof, shall be liable for the death of or any injury to persons, or damage to property, as a result of such activity, provided, however, that such immunity shall apply to such agents, employees, or representatives only when they are acting in good faith and not wilfully or wantonly. The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled hereunder, or under the workmen's compensation law, or under any retirement law, nor the right of any such person to receive any benefits or compensation under any act of congress.



**10. Appropriations and Authority to Accept Services, Gifts, Grants, and Loans.** Each political subdivision shall have the power to make appropriations in the manner provided by law for making appropriations for the ordinary expenses of such political subdivision for the payment of expenses of its local organization for civil defense. Whenever the federal government or any agency or officer thereof shall offer to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant or loan, for purposes of civil defense, the state, acting through the governor, or such political subdivision, acting with the consent of the governor and through its executive officer or city councils, or board of selectmen, may accept such offer, subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer. Whenever any person, firm or corporation shall offer to the state or to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant or loan, for purposes of civil defense, the state, acting through the governor, or such political subdivision, acting through its executive officer or city councils or board of selectmen, may accept such offer, subject to the terms.

**11. Utilization of Existing Services and Facilities.** In carrying out the provisions hereof, the governor and the executive officers or city councils or selectmen of the political subdivisions of the state shall utilize the services, equipment, supplies and facilities of existing departments, offices, and agencies of the state and of the political subdivisions thereof to the maximum extent practicable, and the officers and personnel of all such departments, offices, and agencies are directed to cooperate with and extend such services and facilities to the governor and to the civil defense organizations of the state upon request.

**12. Political Activity Prohibited.** No organization for civil defense established under the authority hereof shall participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes.

**13. Civil Defense Personnel.** No person shall be employed or associated in any capacity in any civil defense organization established hereunder who advocates or has advocated a change by force or violence in the constitutional form of the govern-

ment of the United States or in this state or the overthrow of any government in the United States by force or violence, or who has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in an organization for civil defense shall, before entering upon his duties, take an oath, in writing, before a person authorized to administer oaths in this state, which oath shall be as follows:

"I . . . . ., do solemnly swear (or affirm) that I will support and defend the constitution of the United States, and the constitution of the state of New Hampshire, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

"And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of the state of New Hampshire by force or violence; and that during such time as I am a member of the State Civil Defense Agency, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of the state of New Hampshire by force or violence."

**14. Severability.** If any provision hereof or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision, and to that end the provisions hereof are declared to be severable.

**15. Enforcement.** It shall be the duty of every organization for civil defense established pursuant hereto and of the officers thereof to execute and enforce such orders, rules and regulations as may be made by the governor under authority hereof. Each such organization shall have available for inspection at its office all orders, rules and regulations made by the governor, or under his authority.

**16. Appropriation.** For the purposes hereof, the governor is authorized to draw such sums of money as may be necessary from the emergency fund.

17. **Short Title.** This chapter may be cited as the "Civil Defense Act."

18. **Interstate Bridges.** Amend the Revised Laws by inserting after chapter 143 the following new chapter:

### Chapter 143-A

#### Military Defense of Interstate Bridges, etc.

1. **Military Defense of Interstate Bridges.** In order equitably to allocate responsibilities between this and adjoining states for the security of interstate bridges and other interstate structures and facilities, in time of war or military emergency or when hostile destructive acts on the part of enemy agents have occurred, are anticipated, or are suspected, the governor is hereby authorized to negotiate and to enter into formal agreements with the governors of the commonwealth of Massachusetts and of the states of Maine and Vermont relative to the protection of such interstate bridges, structures and facilities, provided such other states are authorized to enter into similar defensive agreements. Such agreements shall set forth the specific interstate bridges, structures or facilities for which each state is to provide military protection, if required by war or military emergency, or if requested under such circumstances by the appropriate authorities of the armed forces of the United States. The agreements may authorize the entrance into and the continued presence within this state of the military forces of such other states whenever and to such extent as may be required to carry out the purposes of this act. A copy of each such interstate agreement shall be furnished by the adjutant general to such persons as he may deem necessary.

19. **Takes Effect.** This act shall take effect upon its passage.

[Approved July 28, 1949.]

**CHAPTER 305.**

AN ACT RELATIVE TO THE OPERATION OF BEAR BROOK STATE PARK.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Bear Brook Park.** Amend section 13 of chapter 234 of the Revised Laws, as amended by section 9, chapter 184, Laws of 1945 by striking out said section and inserting in place thereof the following: **13. Limitation.** The authority to furnish accommodations to the public on state forests and reservations, as provided by section 12, shall not be construed as authorizing the commission to furnish sleeping accommodations to the transient public either in overnight cabins or in buildings owned by the state, provided that this limitation shall not affect the leasing of buildings or cabins owned by the state where the accommodations are furnished by the lessee and shall not affect the operations of buildings or cabins by the state which are located on the Bear Brook Park in the towns of Deerfield, Hooksett, Allenstown and Candia.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved July 28, 1949.]

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**CHAPTER 306.**

AN ACT EXTENDING AN APPROPRIATION FOR THE MT. SUNAPEE RECREATIONAL PROJECT.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Mt. Sunapee Recreational Project.** Amend section 2 of chapter 153 of the Laws of 1945 by striking out said section and inserting in place thereof the following: **2. Extension of Time.** The appropriation made for the purposes of chapter 190 of the Laws of 1941, as extended by chapter 155 of the Laws of 1943, shall not lapse but shall be made available for the purposes hereinafter set forth until June 30, 1951. Any balance of said appropriation which has not been used for the purposes of chapter 190 of the Laws of 1941 is made available

for the construction of additional facilities at the Mt. Sunapee recreational project. The construction of said additional facilities shall be under the direction of the forestry and recreation commission with the approval of the governor and council.

2. **Bond Issue.** The bond issue authorized by section 7 of chapter 190 of the Laws of 1941 shall be deemed to be authorized for the purposes of carrying into effect the provisions of said chapter 190 as amended and extended by chapter 153 of the Laws of 1945 and by this act.

3. **Takes Effect.** This act shall take effect as of June 30, 1949.

[Approved July 28, 1949.]

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## CHAPTER 307.

### AN ACT ESTABLISHING AN OFFICIAL GAUGE FOR MEASURING THE WATER LEVELS OF LAKE WINNIPESAUKEE.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Official Gauge for Lake Winnepesaukee.** The gauging station maintained by the United States geological survey at Endicott Park at the Weirs in Laconia, New Hampshire, located approximately five hundred feet northwesterly from the northerly end of the channel connecting Lake Winnepesaukee and Paugus Bay shall be and hereby is established as the official gauging station to measure the level of water in Lake Winnepesaukee. The total quantity of water drawn from Lake Winnepesaukee during the seven days in any week between June first and October fifteenth of any year shall not exceed the equivalent of two hundred fifty cubic feet for each second of time during said week when the gauge reading (making due allowance for seiche and wind action) on said gauging station is at or below 502.4 feet above mean sea level as shown by said gauging station, provided however, that upon the finding of an emergency by the water resources board, said board may permit drafts of water in excess of said amount during said period for such time and in such amounts as said board may determine.

**2. Enforcement and Repeal.** Upon complaint of not less than ten owners of property on Lake Winnepesaukee a hearing may be held before the water control commission and proceedings instituted as provided in section 48 of chapter 267 of the Revised Laws. Such parts of chapter 118 of the Laws of 1911 as may be inconsistent with the provisions of this act are hereby repealed.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved July 28, 1949.]

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## CHAPTER 308.

### AN ACT RELATIVE TO COMMERCIAL LANDING AREAS AND FEES FOR ENGINEERING AND OTHER SERVICES BY THE AERONAUTICS COMMISSION.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Definition.** Amend section 3 of chapter 306 of the Revised Laws by inserting after paragraph XVI the following new paragraph: XVI-a. "Commercial landing area" means any landing area used or intended to be used to render an aeronautical service for compensation in connection with the operation, service, maintenance or repair of aircraft.

**2. Additional Revenue.** Amend the first paragraph of section 29 of chapter 306 of the Revised Laws by adding after the word "certificates" in the second line the words, and for rendering certain services, so that said paragraph as amended shall read as follows: The commission is hereby authorized to collect the following fees for the issuance of registration certificates and for rendering certain services.

**3. Engineering Services.** Further amend section 29 of chapter 306 of the Revised Laws by inserting after paragraph IX as inserted by section 7, chapter 281 of the Laws of 1947, the following new paragraph: X. For rendering engineering and other services in connection with aeronautical activities and plans contemplated by section 8 of this chapter, by section 17-a of this chapter as inserted by section 6 of chapter 281 of the Laws of 1947 and by section 80 of chapter 51 of

the Revised Laws, the expense involved for personal services and expenses of the commission.

4. **Repeal.** Paragraph IV of section 30 of chapter 306 of the Revised Laws relative to the fee for the registration of more than one private landing area by the same person is hereby repealed.

5. **Takes Effect.** This act shall take effect upon its passage.

[Approved July 28, 1949.]

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## CHAPTER 309.

### AN ACT RELATIVE TO DETERMINATION OF VALUE OF ANNUITIES OR LIFE ESTATES TO THE INHERITANCE TAX LAW.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Inheritance Tax.** Amend section 6 of chapter 76 of the Revised Laws by striking out the words "actuaries' combined experience tables" and inserting in place thereof the words, United States life tables and actuarial tables, based on the latest United States census for which such tables are published, so that said section as amended shall read as follows: **6. Life Interest; Remainder.** The value of an annuity or life estate shall be determined by the United States life tables and actuarial tables, based on the latest United States census for which such tables are published, at four per cent compound interest, and the value of any intermediate estate less than a fee shall be so determined whenever possible. The value of a remainder after such estate shall be determined by subtracting the value of the intermediate estate from the total value of the bequest or devise.

2. **Application to Estates.** This act shall not apply to the estates of persons deceased prior to the date when it takes effect nor to property of such decedents passing by deed, grant, bargain, sale or gift, but such estates, persons and property shall remain subject to the provisions of the laws in force prior to the passage of this act.

3. **Takes Effect.** This act shall take effect upon its passage.

[Approved July 28, 1949.]

## CHAPTER 310.

AN ACT RELATING TO MINIMUM WAGES FOR CERTAIN EMPLOYEES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Employees.** Amend chapter 213 of the Revised Laws by inserting after section 24 the following new subdivision:

**Minimum Wages**

25. **Minimum Wages.** No person, firm or corporation shall employ any employees at a rate of less than fifty cents per hour, provided that this limitation shall not apply to employees engaged in household labor, domestic labor, farm labor, outside salesmen, summer camps for minors, restaurants, hotels, inns and cabins.

26. **Special Authorization in Certain Cases.** A person with less than six months' experience in an occupation, or a person whose earning capacity is impaired by age, or physical or mental deficiency or injury, may be paid not less than thirty-five cents per hour upon application to and authorization from the commissioner of labor.

27. **Penalty.** Any person, firm or corporation who violates the provisions of sections 25 or 26 shall be liable to the employee or employees affected in the amount of their unpaid minimum wages or their unpaid overtime compensation, as the case may be, and in an equal additional amount as liquidated damages. Action to recover such liability may be maintained in the superior court by any one or more employees for or in behalf of himself or themselves and other employees similarly situated, or such employee or employees may designate an agent or representative to maintain such action for and in behalf of such employees similarly situated.

28. **Commissioner of Labor.** The commissioner of labor is hereby directed to readjust minimum wages for women and minors insofar as it may be necessary in view of the provisions of sections 25 and 26.

29. **Application.** The preceding sections of this subdivision shall not apply to employees whose employment is subject to the provisions of the United States Fair Labor Standards Act of 1938 as amended and regulations or orders issued thereunder. The minimum wage established by section



25 shall be subject to modification for any occupation as provided in section 14, chapter 213, Revised Laws on motion of the commissioner or upon petition as provided in said section, which may be filed or instituted at any time after the effective date of this act; and for such purposes the minimum wage established by section 1 shall be considered as a mandatory wage order. The commissioner shall appoint a new wage board to consider a proposed modification for any occupation, and orders of the commissioner in such modification proceedings shall be subject to appeal as provided in sections 16 to 20 inclusive of said chapter 213.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved July 28, 1949.]

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## CHAPTER 311.

### AN ACT RELATING TO THE DISTRIBUTION, SALE, OR TRANSPORTATION OF INSECTICIDES, FUNGICIDES, RODENTICIDES, AND OTHER ECONOMIC POISONS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Distribution, Sale, or Transportation of Economic Poisons.** Amend chapter 227 of the Revised Laws by striking out said chapter and inserting in place thereof the following:

#### Chapter 227

#### New Hampshire Economic Poisons Law

**1. Definitions.** For the purposes hereof the following words shall have the following meanings:

I. The term "economic poison" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, fungi, weeds, or other forms of plant or animal life or viruses, except viruses on or in living man or other animals, which the commissioner shall declare to be a pest.

II. The term "insecticide" means any substance or mixture of substances intended for preventing, destroying, re-

elling or mitigating any insects which may be present in any environment whatsoever.

III. The term "fungicide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any fungi.

IV. The term "rodenticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating rodents or any other vertebrate animal which the commissioner shall declare to be a pest.

V. The term "herbicide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed.

VI. The term "insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class *Insecta*, comprising six-legged, usually winged forms, as, for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as, for example, spiders, mites, ticks, centipedes, and wood lice.

VII. The term "fungi" means all non-chlorophyll-bearing thallophytes (that is, all non-chlorophyll-bearing plants of a lower order than mosses and liverworts) as, for example, rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in living man or other animals.

VIII. The term "weed" means any plant which grows where not wanted.

IX. The term "ingredient statement" means either — (1) a statement of the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the economic poison; or (2) a statement of the name of each active ingredient, together with the name of each and total percentage of the inert ingredients if any there be, in the economic poison (except option 1 shall apply if the preparation is highly toxic to man, determined as provided in section 9 of this chapter); and, in addition to (1) or (2) in case the economic poison contains arsenic in any form, a statement of the percentages of total and water soluble arsenic, each calculated as elemental arsenic.

X. The term "active ingredient" means an ingredient which will prevent, destroy, repel, or mitigate insects, fungi, rodents, weeds, or other pests.

XI. The term "inert ingredient" means an ingredient which is not an active ingredient.

XII. The term "antidote" means the most practical immediate treatment in case of poisoning and includes first aid treatment.

XIII. The term "commissioner" means the commissioner of agriculture.

XIV. The term "label" means the written, printed, or graphic matter on, or attached to, the economic poison, or the immediate container thereof, and the outside container or wrapper of the retail package, if any there be, of the economic poison.

XV. The term "labeling" means all labels and other written, printed, or graphic matter (1) upon the economic poison or any of its containers or wrappers; (2) accompanying the economic poison at any time; (3) to which reference is made on the label or in literature accompanying the economic poison, except when accurate, non-misleading reference is made to current official publications of the United States department of agriculture or interior, the United States public health service, state experiment stations, New Hampshire University, or any other similar federal institutions or official agencies of this state or other states authorized by law to conduct research in the field of economic poisons.

XVI. The term "adulterated" shall apply to any economic poison if its strength or purity falls below the professed standard or quality as expressed on labeling or under which it is sold, or if any substance has been substituted wholly or in part for the article, or if any valuable constituent of the article has been wholly or in part abstracted.

XVII. The term "misbranded" shall apply (1) to any economic poison if its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;

(2) to any economic poison (a) if it is an imitation of or is offered for sale under the name of another economic poison; (b) if the labeling accompanying it does not contain instructions for use which are necessary and, if complied with, adequate for the protection of the public; (c) if its labeling bears any reference to registration hereunder; (d) if the label does not contain a warning or caution statement which may be

necessary and, if complied with, adequate to prevent injury to living man and other vertebrate animals; (e) if the label does not bear an ingredient statement on that part of the immediate container and on the outside container or wrapper, if there be one, through which the ingredient statement on the immediate container can be clearly read, of the retail package which is presented or displayed under customary conditions of purchase; (f) if any word, statement, or other information required by or under the authority hereof to appear on the labeling is not prominently placed thereon with such conspicuousness as compared with other words, statements, designs, or graphic matter in the labeling and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; or (g) if in the case of an insecticide, rodenticide, fungicide, or herbicide, when used as directed or in accordance with commonly recognized practice, it shall be injurious to living man or other vertebrate animals or vegetation, except weeds, to which it is applied, or to the person applying such economic poison.

**2. Prohibited Acts.** I. It shall be unlawful for any person to distribute, sell, or offer for sale within this state or deliver for transportation or transport in intrastate commerce or between points within this state through any point outside this state any of the following: (1) Any economic poison which has not been registered pursuant to the provisions of section 3 hereof, or any economic poison if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration, or if the composition of an economic poison differs from its composition as represented in connection with its registration; provided, that in the discretion of the commissioner, a change in the labeling or formula of an economic poison may be made within a registration period without requiring re-registration of the product.

(2) Any economic poison unless it is in the registrant's or the manufacturer's unbroken immediate container, and there is affixed to such container, and to the outside container or wrapper of the retail package, if there be one, through which the required information on the immediate container cannot be clearly read, a label bearing (a) the name and address of the manufacturer, registrant, or person for whom manu-

factured; (b) the name, brand, or trade-mark under which said article is sold; and (c) the net weight or measure of the content subject, however, to such reasonable variations as the commissioner may permit.

(3) Any economic poison which contains any substance in quantities highly toxic to man, determined as provided in section 9 hereof, unless the label shall bear, in addition to any other matter required hereby, (a) the skull and crossbones; (b) the word "poison" prominently, in red, on a background of distinctly contrasting color; and (c) a statement of an antidote for the economic poison.

(4) The economic poisons commonly known as standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, sodium fluoride, sodium fluosilicate, or barium fluosilicate unless they have been distinctly colored or discolored as provided by regulations issued in accordance herewith, or any other white powder economic poison which the commissioner, after investigation of and after public hearing on the necessity for such action for the protection of the public health and the feasibility of such coloration or discoloration, shall, by regulation, require to be distinctly colored or discolored; unless it has been so colored or discolored; provided, that the commissioner may exempt any economic poison to the extent that it is intended for a particular use or uses from the coloring or discoloring required or authorized by this section if he determines that such coloring or discoloring for such use or uses is not necessary for the protection of the public health.

(5) Any economic poison which is adulterated or misbranded.

II. It shall be unlawful for any person to detach, alter, deface, or destroy, in whole or in part, any label or labeling provided for herein, or regulations promulgated hereunder, or to add any substance to, or take any substance from, an economic poison in a manner that may defeat the purpose hereof.

III. It shall be unlawful for any person to use for his own advantage or to reveal, other than to the commissioner or proper officials or employees of the state or to the courts of this state in response to a subpoena, or to physicians, or in emergencies to pharmacists and other qualified persons, for

use in the preparation of antidotes, any information relative to formulas of products acquired by authority hereof.

**3. Registration.** Every economic poison which is distributed, sold or offered for sale within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state shall be registered in the office of the commissioner, and such registration shall be renewed annually; provided, that products which have the same formula, are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying the product as the same economic poison may be registered as a single economic poison; and additional names and labels shall be added by supplement statements during the current period of registration.

**4. Statement Required.** The registrant shall file with the commissioner a statement including (1) the name and address of the registrant and the name and address of the person whose name will appear on the label, if other than the registrant; (2) the name of the economic poison; (3) a complete copy of the labeling accompanying the economic poison and a statement of all claims to be made for it including directions for use; and (4) if requested by the commissioner a full description of the tests made and the results thereof upon which the claims are based. In the case of renewal of registration, a statement shall be required only with respect to information which is different from that furnished when the economic poison was registered or last re-registered.

**5. Fees.** The registrant shall pay an annual fee of ten dollars for each economic poison registered, provided, however, that any registrant may register annually any number of brands upon the payment of an annual fee of one hundred dollars. A sum not to exceed three thousand dollars annually from said fees shall be held in the state treasury in a special fund to be used only for carrying out the provisions hereof. The monies in said special fund shall not lapse but may be used at any time for carrying out the provisions hereof. Any excess above three thousand dollars annually which may be collected from fees under the provision of this section shall be credited to the general funds.

**6. Submission of Formula.** The commissioner, whenever he deems it necessary in the administration hereof may require the submission of the complete formula of any economic poison. If it appears to the commissioner that the composition of the article is such as to warrant the proposed claims for it and if the article and its labeling and other material required to be submitted comply with the requirements of section 2 hereof, he shall register the article.

**7. Corrections before Registration.** If it does not appear to the commissioner that the article is such as to warrant the proposed claims for it or if the article and its labeling and other material required to be submitted do not comply with the provisions of this chapter, he shall notify the registrant of the manner in which the article labeling, or other material required to be submitted fail to comply with the chapter so as to afford the registrant an opportunity to make the necessary corrections. If, upon receipt of such notice, the registrant insists that such corrections are not necessary and requests in writing that the article be registered, the commissioner shall register the article, under protest, and such registration shall be accompanied by a warning, in writing, to the registrant of the apparent failure of the article to comply with the provisions of the chapter. In order to protect the public, the commissioner, on his own motion, may at any time, cancel the registration of an economic poison and in lieu thereof issue a registration under protest in accordance with the foregoing procedure. In no event shall registration of an article, whether or not protested, be construed as a defense for the commission of any offense prohibited under section 2 of this chapter.

**8. Exception.** Notwithstanding any other provisions hereof, registration is not required in the case of an economic poison shipped from one plant within this state to another plant within this state operated by the same person.

**9. Powers of Commissioner.** The commissioner is authorized, after opportunity for a hearing (1) to declare as a pest any form of plant or animal life or virus which is injurious to plants, men, domestic animals, articles or substances; (2) to determine whether economic poisons are highly toxic to man; and (3) to determine standards of coloring or discoloring for economic poisons, and to subject economic

poisons to the requirements of paragraph (4) I of section 2 hereof.

**10. Rules and Regulations.** The commissioner is authorized to make necessary rules and regulations for carrying out the provisions hereof, including rules and regulations providing for the collection and examination of samples of economic poisons.

**11. Adoption of Federal Rules.** In order to avoid confusion endangering the public health, resulting from diverse requirements, particularly as to the labeling and coloring of economic poisons, to avoid increased costs to the people of this state due to the necessity of complying with such diverse requirements in the manufacture and sale of such poisons, and to secure uniformity between the requirements of the several states and the federal government relating to such poisons, the commissioner is authorized, after due public hearing, to adopt by regulation such regulations, applicable to and in conformity with the primary standards established hereby, as have been or may be prescribed in the United States department of agriculture with respect to economic poisons.

**12. Enforcement.** The examination of economic poisons shall be made under the direction of the commissioner for the purpose of determining whether they comply with the requirements hereof. If it shall appear from such examination that an economic poison fails to comply with the provisions hereof, and the commissioner contemplates instituting criminal proceedings against any person, the commissioner shall cause appropriate notice to be given to such person. Any person so notified shall be given an opportunity to present his views, either orally or in writing, with regard to such contemplated proceedings and if thereafter in the opinion of the commissioner it shall appear that the provisions hereof have been violated by such person, then the commissioner shall refer the facts to the county solicitor for the county in which the violation shall have occurred with a copy of the results of the analysis or the examination of such article; provided, however, that nothing herein shall be construed as requiring the commissioner to report for prosecution or for the institution of libel proceedings minor violations hereof whenever he believes that the public interests will be best served by a suitable notice of warning in writing. It shall be the duty of each county



solicitor to whom any such violation is reported to cause appropriate proceedings to be instituted and prosecuted without delay.

**13. Exemptions.** The penalties provided for violations of paragraph I of section 2 shall not apply to (1) any carrier while lawfully engaged in transporting an economic poison within this state, if such carrier shall, upon request, permit the commissioner or his designated agent to copy all records showing the transactions in and movement of the articles; (2) public officials of this state and the federal government engaged in the performance of their official duties; (3) the manufacturer or shipper of an economic poison for experimental use only by or under supervision of an agency of this state or of the federal government authorized by law to conduct research in the field of economic poisons, or by others if the economic poison is not sold and if the container thereof is plainly and conspicuously marked "For experimental use only—Not to be sold," together with the manufacturer's name and address; provided, however, that if a written permit has been obtained from the commissioner, economic poisons may be sold for experiment purposes subject to such restrictions and conditions as may be set forth in the permit.

**14. Export.** No article shall be deemed in violation hereof when intended solely for export to a foreign country, and when prepared or packed according to the specifications or directions of the purchaser. If not so exported, the provisions shall apply.

**15. Penalties.** I. Any person violating any of the provisions hereof shall be fined not more than one hundred dollars for the first offense and for a second offense within a period of three years shall be fined not less than one hundred dollars nor more than five hundred dollars.

II. Notwithstanding any other provisions of this section, any person, with intent to defraud, who uses or reveals information relative to formulas of products acquired under authority hereof shall be fined not more than one hundred dollars or imprisoned for not more than one year, or both.

**16. Seizures; Forfeiture.** Any economic poison that is distributed, sold, or offered for sale within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point

outside this state shall be liable to be proceeded against in any court in any county of the state where it may be found and seized for forfeiture as provided by chapter 432, Revised Laws, (1) if it is adulterated or misbranded; (2) if it has not been registered under the provisions of section 3; (3) if it fails to bear on its label the information required hereby; (4) if it is a white powder economic poison and is not colored as required hereunder.

**17. Cooperation.** The commissioner is authorized and empowered to cooperate with, and enter into agreements with, any other agency of this state, the United States department of agriculture, and any other state or agency thereof for the purpose of carrying out the provisions hereof and securing uniformity of regulations.

**18. Separability.** If any provision of this chapter is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the chapter and the applicability thereof to other persons and circumstances shall not be affected thereby.

**2. Takes Effect.** This act shall take effect as of January 1, 1950.

[Approved July 28, 1949.]

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## CHAPTER 312.

AN ACT PROHIBITING THE ADVOCATING OF DOCTRINES OF  
COMMUNISM OR OVERTHROW OF GOVERNMENT BY FORCE  
IN PUBLIC OR STATE APPROVED SCHOOLS OR STATE  
INSTITUTIONS, IN THE STATE.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Prohibition.** No teacher shall advocate communism as a political doctrine or any other doctrine which includes the overthrow by force of the government of the United States or of this state in any public or state approved school or in any state institution.

**2. Oath Required.** All persons engaged directly or indirectly in teaching in public or state approved schools or in

any state institution shall take an oath in writing before a person authorized to administer oaths in this state and this oath shall be as follows:

"I . . . . ., do solemnly swear (or affirm) that I will support and defend the constitution of the United States and the constitution of the State of New Hampshire against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

"And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization which advocates the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am a teacher in any school or institution in New Hampshire, I will not advocate nor become a member of any political party or organization which advocates the overthrow of the government of the United States or of this state by force or violence."

**3. Penalty.** Any teacher as defined in section 1 who refuses to take the oath prescribed in section 2 or who violates said oath after taking the same shall forthwith be dismissed from his position as a teacher and shall no longer be eligible for any position connected with teaching in this state.

**4. Enforcement.** It shall be the duty of the attorney-general to administer the provisions of this act, so that the oaths required hereunder are taken and provide for the dismissal of those ineligible to teach as provided in section 3.

**5. Exception.** The provisions of sections 2 and 3 of this act shall not apply to *bona fide* exchange professors or teachers who are not citizens of the United States provided that they declare their citizenship and nationality.

**6. Takes Effect.** This act shall take effect upon its passage.

[Approved July 28, 1949.]

## CHAPTER 313.

AN ACT PROVIDING FOR THE STUDY, TREATMENT AND CARE OF  
INEBRIATES.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Care of Inebriates.** Amend chapter 254 of the Laws of 1947 by striking out said chapter and inserting in place thereof the following:

## Chapter 254

## Providing for the Study, Treatment and Care of Inebriates

1. **Definitions.** Certain terms used in this act shall be construed as follows unless a different meaning is clearly apparent from the language or context:

I. "Alcoholism" has reference to conditions resulting from the excessive use of alcoholic beverages.

II. "Alcoholic beverages" means intoxicating liquor as defined by section 33 of chapter 7 of the Revised Laws.

III. "Commission" means the commission on alcoholism.

IV. "Chronic alcoholic" means a person who, in consequence of prolonged excessive drinking has developed a diagnosable bodily disease or mental disorder.

V. "Compulsive drinker" or "alcoholic addict" means a person affected by an uncontrollable craving for alcoholic beverages, or a person who chronically and habitually uses alcoholic beverages to the extent that he has lost the power of self-control with respect to the use of such beverages, or while chronically or habitually under the influence of alcoholic beverages endangers public morals, health, safety or welfare.

VI. "Habitual drunkard" means a person who is frequently or regularly intoxicated from the use of alcoholic beverages or has been three times convicted for a violation of section 14 of chapter 440 of the Revised Laws as amended.

VII. "Excessive drinker" means a person who drinks to an extent which exposes him to the risk of becoming a compulsive drinker or a chronic alcoholic.

VIII. "Inebriate" means any person included in any of the following classifications: an excessive drinker, a compulsive drinker, an alcoholic addict, an habitual drunkard or a chronic alcoholic.

IX. "Patients" is a general term meaning persons who are committed under the provisions of section 12 or persons who, voluntarily submitting themselves to the commission, have been accepted by it for treatment, care or custody.

**2. Declaration of Purpose.** The purpose of this act is to (a) assist in the control of the effects of alcoholic beverage consumption present in alcoholism, by the establishment of a state program for medical and other scientific care, treatment and rehabilitation of inebriates, (b) reduce the number of inebriates through education and information, (c) study the causes and effects of alcoholism, (d) permit and encourage cooperation by public and private agencies engaged in the alleviation and study of alcoholism and the care and treatment of inebriates.

**3. Commission Constituted.** There shall be a commission for the study, treatment and care of inebriates which shall be known as the commission on alcoholism. The commission shall consist of five members to be appointed by the governor with the advice and consent of the council. One member of said commission shall be appointed annually for a term of five years. The term of each member shall be stated in his appointment, and each shall continue in office until his successor has been appointed and qualified. If a vacancy occurs in the membership of the commission a member shall be appointed to serve for the unexpired term, provided however, that appointments under this section shall not be made until the expiration of the terms of office of the members of the board for the treatment of inebriates who are constituted the commission on alcoholism as hereinafter provided. The governor may, with the consent of the council, remove any member for cause. Three members of the commission shall constitute a quorum for the transaction of business and the commission shall meet once a month, or more frequently, at the call of the chairman. Upon failure of a member to attend three consecutive meetings of the commission, his appointment shall be vacated unless excused by formal action of the commission.

**4. Compensation.** The members of the commission shall be paid eight dollars a day, each, for such time as they are engaged in the work of the commission, and shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

5. **Chairman, Clerk and Assistants.** The governor shall designate the chairman of the commission. The commission shall appoint a clerk and shall, with the approval of the governor and council, employ such assistants as may be necessary.

6. **Executive Director.** The commission, with the approval of the governor and council, shall appoint an executive director and fix his salary. The executive director shall perform such duties as the commission may require of him and shall be allowed the necessary expenses incurred in the performance of his duties. The executive director, when so authorized, may act as the legal agent of the commission.

7. **The Powers and Duties of the Commission.** The commission is hereby authorized and empowered:

I. To study alcoholism and its problems, including methods and facilities available for care, custody, detention, treatment, employment and rehabilitation of persons who are inebriates;

II. To promote meetings and programs for the discussion of alcoholism or any of its aspects, disseminate information on the subject of alcoholism for the guidance and assistance of individuals, courts and public or private agencies in the state, and for the prevention of alcoholism;

III. To conduct, promote and finance, in full or in part, studies, investigations and research, independently or in cooperation with universities, colleges, scientific organizations, state or federal agencies;

IV. To accept for examination, diagnosis, guidance and treatment, insofar as funds permit, any resident of the state coming to the commission of his own volition for advice and guidance;

V. To make rules and regulations respecting the acceptance, care, treatment and discipline of inebriates who are the commission's patients as it deems necessary, providing that such are in harmony with other provisions of this act;

VI. To render biennially to the governor and council and the general court a report of its activities including recommendations for improvements therein, by legislation or otherwise.

8. **Acceptance of Grants.** The commission is authorized to accept in the name of the state special grants of money or

services from the federal or state governments or any of their agencies and may accept gifts to carry on its activities.

**9. Facilities and Personnel.** The commission may, with the consent of the governor and council, contract for such educational, research, casework, institutional, medical facilities, personnel and services of public or private agencies as are necessary or desirable to carry out the provisions of this act. It may assign for training under its direction such medical, technical and clinical personnel as may be desirable.

**10. Buildings and Equipment.** The commission, with the consent of the governor and council, may establish or construct an institution for the treatment of its patients and shall have authority to purchase or lease land, buildings and equipment suitable for that purpose when funds are made available. The commission shall have the management and control of the property so acquired and shall, with the consent of the governor and council, appoint an administrator of any institution so constructed or established. The administrator shall not be a member of the board, and the board shall fix his salary, subject to the approval of the governor and council.

**11. State Hospital.** Until an institution is established, quarters for the reception and treatment of patients may be prepared at the state hospital, and all patients there received or committed thereto shall be subject to the discipline and control of the superintendent of that institution.

**12. Committals, Custody, Acceptance and Admissions.**  
**I. Voluntary Admissions.** Any resident of the state, or the parent, person *in loco parentis*, or the legal guardian of a resident under twenty-one years of age or mentally incompetent, may apply to the commission or its facilities for voluntary admission of such resident to its care, treatment and guidance. The commission may make such regulations and requirements for the admission, care and treatment of voluntary patients as it deems best except that such patients shall not be under the control of the commission for less than sixty days nor more than one year. The requirements and regulations of the commission in regard to its voluntary patients shall be printed and available to the public. No voluntary patient shall, by asking the help or care of the commission, abridge any of his civil rights nor shall evidence of his voluntary submission to the commission's care and control be admissible against him in

any court. All records appertaining to voluntary patients shall be kept confidential and not divulged.

II. Any justice of the superior court and any justice of a municipal court, on petition of the commission or of any citizen of the state, may commit to the care and custody of the commission for a period of not less than sixty days nor more than three years any person found by the court on hearing to be an inebriate. Except when the commission is the initiating party, the commission shall be notified seasonably of any pending hearing, provided for in this paragraph, by the court having jurisdiction thereof and the commission may appear as an interested party. If the presiding justice finds the evidence sufficient to justify a finding that the petitionee may be an inebriate, he may, pending the order as to committal, require such petitionee to submit to the commission for observation and study for a period of not more than fourteen days to determine whether in the judgment of the commission said petitionee is an inebriate. At the end of such period the commission shall report its findings to the presiding justice. Provided, however, that no court commitment hereunder shall be made when the commission states that it has not suitable facilities or personnel for the care of such person. The findings of the presiding justice on all questions of fact presented by any proceeding brought before him under this paragraph shall be final.

III. Any person who is placed by court order under the commission's custody and care, or any person who is accepted by the commission as a voluntary patient, shall be subject to the control and regulation of the commission or such employee of the commission as it may designate. Any patient of the commission may be permitted to go at large without custody or restraint for such times and under such conditions as the commission or its designated agent judges best.

IV. The executive director may make an order transferring a patient of the commission to another appropriate state or private agency or institution within or without the state for treatment or care. In the event that the patient has been committed to the commission by a court, the order for such transference shall not exceed the time specified in the court order.



V. At the expiration of the term of custody and care of a patient who has been committed by a court to the commission, the patient shall be discharged unless the executive director recommends to the court prior to expiration that the patient is in need of additional care and treatment, in which event the court on hearing may order the patient recommitted.

VI. When a patient is deemed ready for discharge by the commission, it may through its designated agent request the termination of the court order before the expiration date.

**13. Costs and Income.** I. In respect to any or all items of expense incurred by the commission in connection with the commitment, care, custody, treatment and rehabilitation of any of its patients, the commission insofar as possible shall seek to be reimbursed by the patient or persons liable for the support of the patient. The commission may make such financial arrangements about such expenses as it deems best within the intent of this section. No patient is to be charged at any rate greater than cost.

II. In the event of the commitment of an inebriate by a court to the commission, the court may inquire into the financial condition of the inebriate or any other person charged with his support and may impose liability for the expenses of the inebriate's custody and care on the proper person, county or town.

III. Such money as is received by the commission from the patient for sale of services or things, or for any other reason, shall be placed in a special fund to be used for the purposes of this act alone. Said funds shall be in addition to the appropriations granted the commission.

IV. The commission is authorized from its appropriation or from funds allotted to it by the governor and council upon its petition therefor to create a revolving fund which shall be used for loans to finance the expenses of the costs of care, custody, treatment and rehabilitation of its patients. Such loans shall be made without interest charges.

**14. Separability.** If any provision of this chapter is held invalid, the remainder of the chapter shall not be affected thereby and the provisions hereof are declared separable to that end.

**2. Agency Abolished.** The board for the treatment of inebriates appointed under the provisions of chapter 254 of the

Laws of 1947 is hereby abolished and all properties and records of said board are hereby transferred to the commission created by this act. Any balance of funds or appropriations heretofore made available to the board for the treatment of inebriates shall be available to the commission hereby established. The members of the board for the treatment of inebriates shall constitute the commission on alcoholism and said members of said board shall continue as the members of the commission on alcoholism for the remainder of the term for which they were respectively appointed. As the term of office of each member of the board for the treatment of inebriates expires, appointment shall be made for his successor on the commission of alcoholism as provided in section 3 of chapter 254 of the Laws of 1947 as herein amended.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved July 28, 1949.]

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## CHAPTER 314.

### AN ACT RELATING TO THE CARE, TREATMENT AND REHABILITATION OF SEXUAL PSYCHOPATHS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Finding of Necessity and Purpose.** It is hereby declared that the frequency of sex crimes within this state necessitates that appropriate measures be adopted to protect society more adequately from aggressive sexual offenders; that the laws of this state do not provide for the proper disposition of those who commit or have a tendency to commit such crimes and whose actions result from a psychopathic condition; that society as well as the individual will benefit by a civil commitment which would provide for indeterminate segregation and treatment of such persons; that the necessity in the public interest for the provisions hereinafter enacted is a matter of legislative determination.

**2. Definitions.** I. The term "sexual psychopath" as used in this act means any person suffering from such conditions of emotional instability or impulsiveness of behavior, or lack of

customary standards of good judgment, or failure to appreciate the consequences of his acts, or a combination of any such conditions, as to render such person irresponsible with respect to sexual matters and thereby dangerous to himself or to other persons.

II. The term "majority of the examining board" as used in this act means at least two members of the board appointed by the court under paragraph I of section 4.

III. The commission referred to in this chapter shall be the commission of mental health established by section 34, chapter 17, Revised Laws, as amended by chapter 116, Laws of 1943.

3. **Inquiry.** I. **Mandatory.** (1) Whenever a person is arrested and charged with one or more of the following sex offenses: rape, unnatural and lascivious act, bestiality, sodomy, enticing female child, or any attempt to commit such offenses, the county solicitor shall be notified immediately and shall within seventy-two hours of said arrest prepare a petition requesting the superior court in the county having jurisdiction over the offense charged, to conduct an inquiry into his mental condition. Where the offender is under eighteen years of age, the petition shall be filed with the superior court in such county, and the provisions of chapter 132 of the Revised Laws do not apply.

(2) No person charged with one or more of the sex offenses mentioned in (1) above shall be tried therefor until the examining board, as provided in section 4 below has filed a report of the result of its examination, and, in case a majority of the board reports that the accused is a sexual psychopath, until a decision has been reached upon a hearing held pursuant to section 5.

II. **Discretionary.** (1) Whenever facts are presented to the county solicitor which satisfy him that good cause exists for judicial inquiry as to whether a person is a sexual psychopath he may prepare a petition setting forth such facts and requesting a court to conduct an inquiry into the condition of such person. The petition shall be executed and verified by a person having knowledge of the facts on which it is based. The petition shall be filed with the superior court in the county in which such alleged sexual psychopath has his legal settlement or in which such person is present, and when such alleged

psycopath is under eighteen years of age, the petition shall be filed with the superior court in such county, and the provisions of chapter 132 of the Revised Laws do not apply.

(2) Whenever a person is arrested and charged with the crime of incest, the superior court in the county having jurisdiction over the offense charged shall be notified immediately as to such arrest and charge and may, if in his judgment the circumstances of the particular case require it, direct the county solicitor to file a petition and the provisions of this act shall apply in like manner as if the petition had been required under paragraph I of this section.

(3) Whenever a person is arrested and charged with lewdness or indecent exposure the county solicitor for the county in which the person so charged has his legal settlement or in which such person is present, shall be notified immediately and shall forthwith make a statement to be recorded in the court having jurisdiction advising the court as to whether or not he will exercise the powers conferred upon him under paragraph II (1) hereof. In the event that he elects to exercise the said powers the provisions of this act shall apply in like manner as if the petition had been required under paragraph I of this section.

**4. Examination.** I. The court with which the petition described in the preceding section was filed shall appoint an examining board composed of two psychiatrists, qualified by certification or its equivalent, holding a license to practice medicine in New Hampshire, and one physician licensed to practice in New Hampshire, at least one of whom shall be attached to the medical staff of a state mental hospital, to examine forthwith the alleged sexual psychopath or the one accused of one or more of the sex offenses stated in paragraph I (1) of section 3 and to obtain any additional information in their opinion necessary to ascertain whether the person is a sexual psychopath.

II. The board may require the cooperation of any state agencies in obtaining and furnishing information. The board may require any agency, public or private, to furnish copies of any information or records in the possession of such agency, without court order and notwithstanding any other provisions of the law as to use or availability of such information or records.

III. The examining board so appointed shall file with the court by which they were appointed a written report of the result of their examination, together with their opinions, conclusions and recommendations and any evidenciary facts necessary to support same. A certified copy of this report shall be served upon the person examined within three days after the filing thereof with the court.

IV. The court shall determine the fees to be paid to the examining board and such fees together with its expenses shall be a charge against the county in which the petition is filed.

5. **Hearing.** I. If in the examination provided in section 4 the majority of the examining board makes a report with the finding that the person examined is a sexual psychopath, within the meaning of this act, the court shall conduct a hearing upon such notice as it deems necessary within thirty days after the receipt of said report and such report shall be admissible as evidence. The court may, in its discretion, exclude the general public from attendance at such hearing. The individual concerning whom the petition is filed shall be entitled to be present at the hearing and to be represented by counsel. If the court determines that he is financially unable to obtain counsel, the court shall appoint counsel to represent him. He shall be entitled to have subpoenas issued out of the court to compel the attendance of witnesses in his behalf. Reasonable fees of counsel and witness fees for an indigent person alleged to be a sexual psychopath shall be allowed by the court and shall be a charge against the county wherein the petition is heard.

II. The examining board which made the examination pursuant to section 4 may be present at the hearing and may be called on to testify as to the result of their examination and to any other pertinent facts within their knowledge. The county solicitor shall appear for the examining board and cause witnesses to be subpoenaed, if necessary, in support of the report.

III. Upon such hearing, it shall be competent to introduce evidence of the commission by the alleged sexual psychopath of any prior sex acts or sex crimes together with any action taken in the way of punishment or otherwise.

IV. The proceedings had shall be reduced to writing and shall be part of the records of the court.

V. The court shall make an order determining whether or not the person proceeded against is a sexual psychopath.

VI. There shall be no right to a trial by jury in proceedings under this section.

**6. Commitment.** Any person determined by the court to be a sexual psychopath shall be committed to the commission to be confined to the institution or facility hereinafter provided.

**7. Commission of Mental Health.** I. It shall be the duty of the commission of mental health to administer the provisions of this chapter as it relates to the custody and treatment of sexual psychopaths. The commission shall establish and maintain a state psychopathic institution as hereinafter provided, but, before expending any money hereinafter appropriated for capital expense, shall submit plans and specifications for the same to the governor and council for their approval.

II. The commission shall direct periodic examinations of any such person so committed with the view to determining the progress of cure, if any, and shall, in an annual report submitted to the court by which he was committed, give a medical finding on each such person. These reports in each individual's case shall not be destroyed sooner than six years after a final determination by the court, pursuant to section 10, of the recovery of said person from the condition of sexual psychopathy.

**8. Institution Provided.** The commission shall provide suitable housing and facilities for the detention and treatment of sexual psychopaths. Such housing and facilities may be in a separate building or a part of an existing building and may be located on or off the grounds of any existing state institution, but shall be established with the advice and consent of the governor and council, and shall be administered as a separate institution of the state. Such housing and facilities as may be established shall provide for the complete segregation of all sexual psychopaths from those suffering from other forms of mental illness. It shall be the duty of the commission to provide security, detention, housing, care and treatment of sexual psychopaths. The institution shall be maintained for the psychiatric and psychologic study and treatment of such sexual psychopaths as may be committed to its care for that purpose.

**9. Director.** The commission shall engage a director for the institution, subject to the approval of the governor and council, at a salary of eight thousand dollars per annum, and such staff members and employees as may be deemed by them necessary for the conduct of the institution. They may make such regulations for the management of the institution as is deemed necessary by them.

**10. Records of the Commission.** Full and complete records shall be kept by the commission of the treatment and care of each sexual psychopath committed to the institution. Such records shall not be open to the inspection of any other person not on the staff of the board except that a justice of the superior court shall on application make an order to permit examinations of the records when in his judgment the ends of justice will be served. Such records shall be admissible in evidence.

**11. Application of Provisions.** The provisions of this chapter in so far as they relate to the complete segregation of all sexual psychopaths, to the establishment of a separate state psychopathic institution and to the employment of a director for such institution shall not be effective until such time as the general court may make adequate appropriations for such purposes. Until such appropriations are made, all sexual psychopaths shall be treated by the existing facilities at the state hospital and such segregation of sexual psychopaths shall be made as may be necessary under the facilities existing at said state hospital. It shall be the duty of the commission to make a thorough and complete study as to the size and specifications of a permanent facility for the housing of sexual psychopaths in this state and the results of their study shall be reported to the 1951 session of the general court.

**12. Discharge.** I. If the person proceeded against pursuant to paragraph I or II of section 3 has been committed under this act, whenever thereafter the director of the institution wherein he is confined shall notify the commission that the person has recovered, or that his mental condition has improved to such an extent that he will not be benefited by further treatment and that he is no longer dangerous to himself or to others, the commission shall recommend his release to the committing court and shall send to such court a record of the case containing the opinion of the director of the institution wherein he was confined.

II. The sexual psychopath or his attorney may petition the superior court at any time for his release, provided that such petition is accompanied by a statement under oath made by a qualified psychiatrist which states that in his opinion the sexual psychopath has recovered or that his mental condition has improved to such an extent that he will not be benefited by further treatment and that he is no longer dangerous to himself or to others.

III. Whenever the court is in receipt of the recommendation described in paragraph I or the petition described in paragraph II of this section, it shall, after hearing, order the discharge of such person unless it shall be found at the hearing, upon the testimony of an examining board constituted and appointed in the same manner as provided under section 4, that said person has not recovered, or that his mental condition has not improved to such an extent that he will not be benefited by further treatment and that he remains dangerous to himself or to others. The court shall order such person to be returned to custody to be held under the previous commitment.

**13. Trial Upon Original Charge Prohibited.** No person described in section 3 who is found to be a sexual psychopath, such finding having become final, may thereafter be tried upon a charge or indictment arising out of the sex offense with which he was accused at the time of the filing of the petition pursuant to said section.

**14. Detention Pending Inquiry.** On the receipt by a court of the petition to initiate proceedings pursuant to section 3, any justice of the superior court, if in his opinion the public safety so requires, may deliver to the sheriff a written order requiring him forthwith to take and confine the person alleged to be a sexual psychopath in some specified place until the proceedings provided for in sections 3, 4 and 5 can be had or until further order.

**15. Person Executing Petition for Inquiry Exempt from Damages.** The person who, acting in good faith, executed the petition for inquiry specified in paragraph II of section 3 shall not be liable in damages to any person for such act.

**16. Procedure Where Person is Adjudged not a Sexual Psychopath.** If, after hearing, the court shall determine that the person is not a sexual psychopath, he shall immediately be discharged; and if these proceedings were brought as a result



of a criminal charge enumerated in section 3 the criminal proceedings shall be resumed as if no proceedings under this act had been instituted.

**17. Constitutionality.** If any provision of this chapter, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of said sections, or the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

**18. Takes Effect.** This act shall take effect upon its passage.

[Approved July 28, 1949.]

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### CHAPTER 315.

#### AN ACT RELATIVE TO THE SALARY OF THE DIRECTOR OF THE CHILDREN'S STUDY HOME.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Salary.** The annual salary of the director of the children's study home established by chapter 279 of the Laws of 1947 shall be six thousand five hundred dollars.

**2. Takes Effect.** This act shall take effect as of July 1, 1949.

[Approved July 28, 1949.]

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### CHAPTER 316.

#### AN ACT RELATING TO THE SALARY OF THE SUPERINTENDENT OF THE STATE HOSPITAL.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Superintendent of the State Hospital.** Notwithstanding the provisions of section 1 of chapter 250 of the Laws of 1947, the salary of the superintendent of the state hospital shall be as follows: Minimum, \$10,000. Maximum, \$10,500.

**2. Takes Effect.** This act shall take effect July 1, 1949.

[Approved July 28, 1949.]

## CHAPTER 317.

AN ACT RELATIVE TO MAKING APPROPRIATIONS FOR AND ON  
BEHALF OF THE NEW HAMPSHIRE WING, CIVIL AIR  
PATROL.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Purpose.** It is hereby found and declared that the utilization by the state of New Hampshire of the personnel, aircraft and equipment of the New Hampshire Wing, civil air patrol (the official Civilian Auxiliary of the United States Air Force) is necessary in the event of disaster such as fire, flood, hurricane, earthquake and for the proper operation of a state civil defense agency, and that the allocation of state funds for the conditioning, maintenance and operation of civil air patrol aircraft, communications facilities and other equipment now in the possession of the New Hampshire Wing, in order that it may be available, in operational condition, and manned by civil air patrol personnel, at all times to the civil defense agency and to any or all other state agencies in the event of disaster resulting from enemy attack, sabotage, or other hostile action, or from fire, flood, hurricane, earthquake, or other natural causes, is therefore desirable.

2. **Appropriations.** There is hereby appropriated for the fiscal year ending June 30, 1950, the sum of four thousand dollars; for the fiscal year ending June 30, 1951, the sum of three thousand dollars. The sums hereby appropriated shall be expended to carry out the functions and operations of the New Hampshire Wing, civil air patrol, in so far as these operations and functions pertain to the conditioning, maintenance and operation of the equipment now in the possession of the New Hampshire Wing, together with any additional equipment purchased, assigned or donated to said Wing, provided that no part of said sums shall be expended for any commitments made prior to the passage of this act. The governor is hereby authorized to draw his warrants for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

3. **Takes Effect.** This act shall take effect upon its passage.

[Approved July 28, 1949.]

**CHAPTER 318.**

AN ACT RELATIVE TO EXTENSION OF A SPECIAL APPROPRIATION  
FOR THE FISH AND GAME DEPARTMENT.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Extension of Appropriation for Fish and Game Improvements.** The appropriation made under the provisions of section 2 of chapter 294 of the Laws of 1947 for improvements and additions to hatcheries, streams and rearing stations of the fish and game department shall not lapse until June 30, 1951. The authority granted by section 3 of said chapter 294 to issue bonds and notes in the name and on behalf of the state of New Hampshire to provide funds for the appropriation made in section 2 of said chapter shall continue for the extension of time provided for in this section.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved July 28, 1949.]

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**CHAPTER 319.**

AN ACT TO SUPPLEMENT THE APPROPRIATION FOR THE  
LEGISLATIVE DEPARTMENT.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Appropriation.** There is hereby appropriated the sum of \$125,000 for the expenses of the legislature only. Said appropriation shall not lapse, shall not be transferred to any other department, institution or account. There is hereby appropriated an additional sum of \$4,500 for the expenses of the last constitutional convention only. The governor is hereby authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved July 28, 1949.]

## CHAPTER 320.

AN ACT PROVIDING FOR A DEFICIENCY APPROPRIATION FOR  
CERTAIN STATE DEPARTMENTS AND INSTITUTIONS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Deficiency Appropriation.** The sum of two hundred seventy-three thousand two hundred twenty-three dollars and ten cents, (\$273,223.10) is hereby appropriated to meet deficits in the appropriations for the fiscal year ending June 30, 1948 as follows: For Glencliff sanatorium, four thousand four hundred thirteen dollars and fifty-seven cents, (\$4,413.57); for Laconia state school, four thousand one hundred fifty-six dollars and fifteen cents, (\$4,156.15); for state prison, five thousand eighty-seven dollars and sixty-five cents, (\$5,087.65); for state hospital, forty-five thousand nine hundred ninety-five dollars and two cents, (\$45,995.02); for constitutional convention, nineteen thousand nine hundred eight dollars and ninety-six cents, (\$19,908.96); for state treasury, two hundred eighty-three dollars and forty cents, (\$283.40); for state treasury (bounties), six thousand ninety dollars and fifty cents, (\$6,090.50); for employees retirement system normal contribution, ten thousand seven hundred four dollars and twenty-eight cents, (\$10,704.28); for forestry and recreation forest fire bills to towns, one hundred seventy-six thousand five hundred eighty-three dollars and fifty-seven cents, (\$176,583.57). The sum of one hundred sixty-six thousand two hundred dollars, (\$166,200) is hereby appropriated to meet deficits for the state hospital for the fiscal year ending June 30, 1949. The governor is authorized to draw his warrant for the sums hereinbefore appropriated out of any money in the treasury not otherwise appropriated.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved July 28, 1949.]

## CHAPTER 321.

AN ACT RELATING TO A TRANSFER OF FUNDS TO THE GENERAL  
FUNDS OF THE STATE, AND CLARIFYING THE LAW  
RELATING TO THE EMERGENCY FUND.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Transfer of State Funds.** A sum not exceeding four million three hundred thousand dollars (\$4,300,000) for the fiscal year ending June 30, 1950, and a sum not exceeding five million seven hundred thousand dollars (\$5,700,000) for the fiscal year ending June 30, 1951 are hereby appropriated for the use of the state for general purposes, and such sums shall be a charge upon the special fund constituted by chapter 126, Laws of 1931, as amended. The state treasurer, at such times and in such amounts as the governor and council may determine, within the limits hereinbefore provided, may transfer such sums from said special fund to the general funds of the state.

**2. Clarification.** Amend section 44 of chapter 27 of the Revised Laws by striking out said section and inserting in place thereof the following: **44. Emergency Fund.** There shall be an emergency fund consisting of such sums as may be appropriated for that purpose by the general court, which may be expended by the governor, with the consent of the council, to aid any state department in any emergency which may arise, to supplement any appropriation made by the general court which shall prove inadequate to carry on essential functions of government and to protect the interests of the state.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved July 28, 1949.]

## CHAPTER 322.

AN ACT MAKING APPROPRIATIONS FOR CAPITAL IMPROVEMENTS  
AND LONG TERM REPAIRS FOR THE STATE OF  
NEW HAMPSHIRE.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Appropriation.** The sum of one million two hundred ninety-nine thousand five hundred ninety-eight dollars is hereby appropriated for the purposes and in the amounts specified in this section, which purposes shall include such related improvements, facilities, equipment and furnishings as are necessary to complete the same.

## I. For the industrial school:

Completion of recreation building	\$45,000	
Roads	2,000	
Water	1,800	
Spaulding building repairs	2,000	
Wilkins cottage signal system	154	
Riverview repairs	3,000	
Equip new annex	2,000	
Boys' building—security cells	18,000	
		\$73,954

## II. For adjutant general:

Armories		
Laconia	\$8,000	
Newport	1,000	
Dover	4,000	
Littleton	1,500	
Berlin	7,000	
Military reservation Concord	12,000	
		33,500

## III. For forestry and recreation:

Lake Sunapee	\$16,000	
Toll Gate State Park	2,000	
Echo Lake	1,000	
Ragged Neck	5,000	
Silver Lake in Hollis	18,000	
		42,000

IV. For Laconia state school:		
Sewage disposal	\$45,000	
Administrative assistants cottage	9,000	
Freezing units	9,000	
Water supply	22,000	
	<hr/>	85,000
V. For state hospital:		
Equip and furnish nurses' home	\$46,100	
Completion and equipping infirmary	154,500	
Boiler house improvements	280,000	
Storage building	130,000	
Electrocardiograph	850	
Kitchen equipment, Walker building	8,000	
Laundry equipment	8,000	
Miscellaneous equipment	12,000	
Street lights	2,000	
Artesian well	2,000	
Coal pocket	6,594	
Gray house and furnishings	9,000	
Garage	2,500	
Duplex house and furnishings	37,000	
	<hr/>	698,544
VI. For state prison:		
Refrigerating system	\$3,800	
Motion picture equipment	1,200	
	<hr/>	5,000
VII. For buildings and grounds:		
Lights for senate chamber	\$1,600	
Re-roof state library	10,000	
	<hr/>	11,600
VIII. For liquor commission:		
Completion of warehouse	\$100,000	100,000
IX. For Plymouth teachers college:		
Remodel Mary Lyon Hall	\$120,000	
Rebuild coal storage and major repairs	20,000	
	<hr/>	140,000

## X. For Glenclyff sanatorium:

Hospital building addition	\$300,000	
Remodel women's dormitory	12,000	
Remodel laundry	10,000	
		\$322,000
Unexpended balances from the capital budget of 1947 available for use. (This balance shall not lapse until June 30, 1952)	212,000	
		110,000
Net appropriation		110,000
Total capital budget		\$1,299,598

**2. Additional Appropriation.** The sum of five hundred seventy-five thousand dollars is hereby appropriated for the purpose of the construction, equipment and furnishing of an office building for highway department, motor vehicle department, and state police.

**3. Expenditures.** The appropriations made for the purposes mentioned in section 1 and the sums made available for those projects shall be expended by the trustees, commission, or department head of the institutions and departments referred to therein, provided that all contracts for projects and plans and specifications therefor shall be submitted to the governor and council and approved by the governor and council prior to the awarding of the contracts. The appropriation made and the sum made available for the project referred to in section 2 above shall be expended by the highway department provided that all contracts for projects and plans and specifications therefor shall be submitted to the governor and council and approved by the governor and council prior to the awarding of the contracts.

**4. Federal Assistance.** The governor and council are hereby authorized to cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable to secure federal funds for the purposes hereof.



5. **Contracts.** All contracts entered into by the state for any of the projects hereinbefore mentioned shall be awarded to the lowest responsible bidder submitting a sealed bid after an advertisement calling for bids has been published at least once in two successive weeks in a newspaper of general circulation in New Hampshire, provided that the state may reject any or all bids and provided further that the contract for completion of recreation building—\$45,000, in paragraph I of section 1, and the contract for completion and equipping infirmary—\$154,500, in paragraph V of section 1, may be negotiated without bids, but subject to approval of the governor and council. If not more than one bid is received, the governor and council may negotiate a contract upon terms which it may deem most advantageous to the state.

6. **Use of Funds.** The sums as appropriated in each project of section 1 shall be used as allotted and funds not used shall lapse.

7. **Bonds and Notes Authorized.** To provide funds for the appropriation made by section 1 hereof the state treasurer is hereby authorized, under the direction of the governor and council, to borrow upon the credit of the state not exceeding the sum of one million two hundred ninety-nine thousand five hundred ninety-eight dollars and to provide funds for the appropriation made in section 2 hereof not exceeding the sum of five hundred seventy-five thousand dollars and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire. The governor and council shall determine the form of such bonds or notes, their rate of interest, the dates when interest shall be paid, the dates of maturities, the places where principal and interest shall be paid and the time or times of issue. Such bonds or notes shall be signed by the treasurer and countersigned by the governor and shall be deemed a pledge of the faith and credit of the state.

8. **Payments.** The payment of principal and interest on bonds or notes issued for the purposes of section 1 shall be made from the special fund as provided by chapter 126 of the Laws of 1931 as amended. The payment of principal and interest on bonds or notes issued for the purpose of section 2 shall be from income of the highway department.

**9. Proceeds from Sale.** The proceeds of the sale of said bonds or notes shall be held by the treasurer and paid out by him upon warrants drawn by the governor for the purposes of this act alone. The governor, with the advice and consent of the council, shall draw his warrants for the payments from the funds provided for herein of all funds expended or due for the purposes herein authorized.

**10. Accounts.** The secretary of state shall keep an account of all such bonds or notes countersigned by the governor, showing the number and amount of each bond or note, the time of countersigning, the date of delivery to the treasurer and the date of maturity. The state treasurer shall keep an account of each bond or note showing the number thereof, the name of the person to whom sold, the amount received for the same, the date of the sale and the date of maturity.

**11. Short Term Notes.** Prior to the issuance of the bonds or notes hereunder, the treasurer, under the direction of the governor and council, may for the purposes hereof borrow money from time to time on short term loans, which may be refunded by the issuance of the bonds or notes hereunder. Provided, however, that at no one time shall the indebtedness of the state on such short term loans exceed the sum of one million two hundred ninety-nine thousand five hundred ninety-eight dollars (\$1,299,598) for the purposes of section 1, and the sum of five hundred seventy-five thousand dollars (\$575,000) for the purposes of section 2.

**12. Sale of Bonds or Notes.** All bonds or notes except short term loans issued under the provisions of this act shall be sold (1) at public sealed bidding (2) only after an advertisement calling for bids has been published at least once in each of two successive calendar weeks in a newspaper of general circulation in New Hampshire, and (3) to the highest bidder provided, however, that the governor and council may reject any or all bids and may negotiate for said sale upon terms which it may deem most advantageous to the state.

**13. Transfer of Funds.** On or before July 1, 1950, in the event that there are unexpended balances of the amounts appropriated by chapter 294 of the Laws of 1947, the governor and council may authorize any such unexpended balances to be transferred for the completion of any of the projects named in section 1 of said chapter 294 of the Laws of 1947. Except

as provided in paragraph X of section 1 any unexpended balances of the amounts appropriated by chapter 294 not expended for the purposes set forth in said act or transferred as provided by this section shall lapse as of July 1, 1950.

**14. Takes Effect.** This act shall take effect upon its passage.

[Approved July 28, 1949.]

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### CHAPTER 323.

#### AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE OF NEW HAMPSHIRE FOR THE YEAR ENDING JUNE 30, 1950.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Appropriations.** The sums hereinafter mentioned are appropriated to be paid out the treasury of the state for the purposes specified for the fiscal year ending June 30, 1950, to wit:

A continuing appropriation which shall not lapse, shall not be transferred to any department, institution or account, and which shall be the expenses of the legislature, including \$9,600.00 for the office of legislative assistant to the appropriations and finance committees, as provided by section 2, chapter 296 of the Laws of 1947

	\$300,000.00
(Salary of assistant \$6,200.00, deputy assistant \$2,500.00, current expenses \$900.00)	
Council of state governments	1,000.00

Total for legislative branch	\$301,000.00
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For executive branch:

Office of governor:

Salary of governor	\$6,000.00
Salary of secretary	4,000.00
Other personal services	6,546.00
Current expenses	3,000.00
Travel	500.00

Total	\$20,046.00
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Emergency fund		\$200,000.00
Contingent fund		7,500.00
		<hr/>
Total governor's office		\$227,546.00
For governor's council:		
Per diem (@ \$10.00 per diem)	\$4,000.00	
Travel	2,500.00	
		<hr/>
Total governor's council		6,500.00
		<hr/>
Total for executive branch		\$234,046.00
For judicial branch:		
For supreme court:		
Salary of justices	\$47,770.00	
Salary of clerk of court	2,720.00	
Salary of reporter	2,600.00	
Other personal services	2,491.00	
Current expenses	3,300.00	
Travel	1,000.00	
N. H. supreme court reports	3,500.00	
		<hr/>
Total	\$63,381.00	
Less estimated revenue	270.00	
		<hr/>
Net appropriation		\$63,111.00
For superior court:		
Salary of judges	\$57,000.00	
Other personal services	100.00	
Current expenses	3,350.00	
Travel	6,500.00	
		<hr/>
Total		66,950.00
For referees and masters:		
Salary of referees	\$3,600.00	
Current expenses	50.00	
		<hr/>
Total		3,650.00

For judicial council*		\$1,000.00
For probate court:		
Salary of judges	\$23,600.00	
Salary of registers	24,060.00	
Salary of deputies	11,075.00	
	<hr/>	
Total		58,735.00
		<hr/>
Total for judicial branch		\$193,446.00
For adjutant general's department:		
Office of adjutant general:		
Salary of adjutant general	\$6,700.00	
Other personal services	11,589.00	
Current expenses	3,000.00	
Equipment	1,000.00	
	<hr/>	
Total		\$22,289.00
National guard:		
Personal services	\$14,766.00	
Current expenses	12,150.00	
Travel	2,000.00	
	<hr/>	
Total		28,916.00
Armories:		
Personal services	\$30,000.00	
Current expenses	38,700.00	
Travel	200.00	
Equipment	750.00	
	<hr/>	
Total		69,650.00
Rifle ranges:		
Personal services	\$1,993.00	
Current expenses	1,225.00	
Equipment	250.00	
	<hr/>	
Total		3,468.00

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\* The funds in this appropriation shall be available for expenditure until June 30, 1951, only.

Officers' uniform allowance		\$6,250.00
Photostating:		
Personal services	\$2,253.00	
Current expenses	1,100.00	
		<hr/>
Total		3,353.00
Maintenance Grenier field:		
Personal services	\$4,623.00	
Current expenses	3,300.00	
Equipment	250.00	
		<hr/>
Total		8,173.00
Maintenance Concord military reservation:		
Current expenses	\$3,125.00	
Equipment	500.00	
		<hr/>
Total		3,625.00
Drill expenses—travel		1,000.00
War service recognition:		
Current expenses		300.00
		<hr/>
Total adjutant general's department		\$147,024.00
Less estimated revenue		2,500.00
		<hr/>
Total net appropriation		\$144,524.00
For department of agriculture:		
Office of commissioner:		
Salary of commissioner	\$5,200.00	
Other personal services	16,479.90	
Current expenses	2,885.00	
Travel	6,000.00	
Equipment	175.00	
Other expenditures	10,000.00	
		<hr/>
Total		\$40,739.90
Bureau of markets:		
Personal services	\$15,963.30	
Current expenses	11,271.50	

Travel	\$3,000.00	
Other expenditures	850.00	
		<hr/>
Total		31,084.80
Division of animal husbandry:		
Salary of state veterinarian	\$4,940.00	
Other personal service	22,254.30	
Current expenses	5,967.00	
Travel	4,000.00	
Other expenditures	38,010.00	
		<hr/>
Total		75,171.30
Insect and plant disease suppression and control:		
Personal services	\$13,848.30	
Current expenses	1,085.00	
Travel	2,000.00	
Equipment	350.00	
		<hr/>
Total		17,283.30
Grants:*		
Board of Veterinary Examiners	200.00	
		<hr/>
Total for department of agriculture		\$164,479.30
For attorney general:		
Office of attorney general:		
Salary of attorney general	\$6,600.00	
Salary of assistant attorney general	4,600.00	
Other personal services	21,854.00	
Current expenses	2,000.00	
Travel	900.00	
Equipment	400.00	
		<hr/>
Total		\$36,354.00

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\* The provisions of section 8, chapter 231 of the Revised Laws is suspended for the fiscal year ending June 30, 1950.

## Register of public trusts :

Director	\$3,500.00
Personal services	2,951.00
Current expenses	425.00
Travel	200.00
Equipment	100.00

Total	7,176.00
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Fees for registers of probate	4,250.00
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## Legacy tax :

Current expenses	\$1,300.00
Travel	100.00
Equipment	300.00

Total	1,700.00
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Total for attorney general	\$49,480.00
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## For comptroller :

## Office of comptroller :

Salary of comptroller	\$6,200.00
Other personal services	39,370.00
Current expenses	4,575.00
Travel	2,000.00
Equipment	295.00

Total	\$52,440.00
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## Travel bureau :

Personal services	\$5,033.00
Current expenses	275.00

Total	5,308.00
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## Other expenditures :

State House Annex sinking fund	16,000.00
2% Assessment—state police	9,000.00
Firemen's relief	4,000.00
League of N. H. Arts and Crafts	6,000.00
Atlantic Marine Fisheries	700.00
Classification plan board	750.00

Total for comptroller's department	\$94,198.00
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For forestry and recreation commission:

For forestry:

Administration:

Salary of forester	\$5,470.00
Other personal services	19,177.33
Current expenses	4,075.00
Travel	650.00
Equipment	250.00

Total	<u>                    </u>	\$29,622.33
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Nursery:

Personal services	\$8,495.00
Current expenses	3,195.00
Equipment	150.00

Total	<u>                    </u>	11,840.00
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Reforestation:

Personal services	\$1,745.00
Travel	900.00

Total	<u>                    </u>	2,645.00
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District fire supervision:

Personal services	\$7,926.75
Current expenses	1,100.00
Travel	2,000.00
Equipment	250.00

Total	<u>                    </u>	11,276.75
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Lookout stations:

Personal services	26,250.00
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Fire control training:

Current expenses	\$1,800.00
Other expenditures	3,000.00

Total	<u>                    </u>	4,800.00
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Prevention of fires:

Personal services	\$4,911.00
Current expenses	2,575.00
Travel	300.00

Equipment	\$2,000.00	
Other expenditures	1,000.00	
	<hr/>	
Total		10,786.00
Forest fire bills to towns		10,000.00
White pine blister rust control:		
Personal services	\$10,493.00	
Current expenses	900.00	
Travel	850.00	
	<hr/>	
Total		12,243.00
Federal Norris-Doxey Co- operative Program:		
Personal services	\$7,250.00	
Current expenses	664.00	
Travel	3,250.00	
Equipment	150.00	
	<hr/>	
Total		11,314.00
		<hr/>
Total for forestry		\$130,777.08
For recreation:		
General:		
Salary of director	\$5,260.00	
Other personal services	98,076.00	
Current expenses	113,515.00	
Travel	6,000.00	
Equipment	23,000.00	
Other expenditures:		
Interest on bonds	4,000.00	
Wallis Sands project	1,000.00	
	<hr/>	
Total		\$250,851.00
Franconia notch:		
Managing director	\$6,205.00	
Other personal services	64,132.00	
Current expenses	79,100.00	
Travel	1,000.00	

Equipment	\$8,000.00	
		<hr/>
Total		158,437.00
Mount Sunapee state park:		
Managing director	\$4,500.00	
Other personal services	50,290.15	
Current expenses	31,100.00	
Travel	1,000.00	
Equipment	5,500.00	
Other expenditures:		
Stock in trade	40,000.00	
Bonds—principal and interest	30,100.00	
		<hr/>
Total		162,490.15
		<hr/>
Total for recreation		\$571,778.15
*Less estimated revenue		570,778.15
		<hr/>
Net appropriation for recreation		\$1,000.00
For insurance department:		
Office of commissioner:		
Salary of commissioner	\$6,200.00	
Salary of deputy commissioner	5,260.00	
Other personal services	19,403.00	
Current expenses	5,430.00	
Travel	1,100.00	
Equipment	300.00	
		<hr/>
Total		\$37,693.00
For rating division:		
Personal services	\$3,846.00	
Current expenses	1,800.00	
Travel	500.00	
Equipment	500.00	
		<hr/>
Total		6,646.00
		<hr/>
Total for insurance department		\$44,339.00

\* In the above appropriation any revenue in excess of the estimate shall be available for such expenditure as the governor and council shall approve.

## For bureau of labor :

## Office of commissioner :

Salary of commissioner	\$5,440.00
Other personal services	6,970.00
Current expenses	2,025.00
Travel	1,500.00
Equipment	300.00

Total	\$16,235.00
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## Minimum wage :

Personal services	\$5,681.00
Current expenses	840.00
Travel	2,000.00

Total	8,521.00
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## Factory inspection :

Personal services	\$11,171.00
Current expenses	1,000.00
Travel	3,000.00

Total	15,171.00
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## Industrial accident commission :

Personal services	\$10,925.00
Current expenses	4,075.00
Travel	200.00
Equipment	150.00

Total	15,350.00
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## New Hampshire apprenticeship council :

Current expenses	500.00
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Total for bureau of labor	\$55,777.00
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## For motor vehicle department :

## Administration :

Salary of commissioner	\$5,940.00
Salary of deputy commissioner	5,000.00
Other personal services	105,755.00
Current expenses	120,000.00

Travel	\$2,000.00	
Equipment	6,000.00	
Other expenditures:		
Employees' retirement	8,800.00	
		<hr/>
Total		\$253,495.00
Gasoline road toll:		
Personal services	\$14,704.00	
Current expenses	2,600.00	
Travel	2,500.00	
Equipment	500.00	
		<hr/>
Total		20,304.00
Motor vehicle patrol:		
Personal services	\$37,121.00	
Current expenses	1,200.00	
Travel	22,000.00	
Equipment	9,000.00	
		<hr/>
Total		69,321.00
		<hr/>
Total for motor vehicle department		\$343,120.00
Less revenue		343,120.00
		<hr/>
Net appropriation		0.00
For purchasing agent:		
Salary of purchasing agent	\$5,820.00	
Other personal services	23,099.00	
Current expenses	4,150.00	
Travel	150.00	
Equipment	400.00	
		<hr/>
Total for purchasing agent		\$33,619.00
For secretary of state:		
Office of secretary:		
Salary of secretary	\$5,880.00	
Salary of deputy secretary	4,320.00	

Other personal services	\$16,047.00	
Current expenses	2,100.00	
Travel	400.00	
Equipment	200.00	
Other expenditures:		
Secretaries convention	1,500.00	
		<hr/>
Total		\$30,447.00

## Direct primary:

Personal services	\$50.00	
Current expenses	6,700.00	
Travel	50.00	
		<hr/>
Total		6,800.00

## General election:

Current expenses		7,700.00
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## Photostat division:

Personal services	\$3,105.00	
Current expenses	625.00	
		<hr/>
Total		3,730.00

Total for secretary of state		<hr/>
		\$48,677.00

## For state library:

## Administration:

Salary of librarian	\$3,950.00	
Salary of assistant librarian	3,260.00	
Other personal services	41,352.98	
Current expenses	6,250.00	
Travel	700.00	
Equipment	10,800.00	
Other expenditures:		
Microfilming	1,000.00	
War records	5,000.00	
		<hr/>
Total		\$72,312.98

## Extension :

Current expenses	\$3,500.00
Travel	2,250.00
Equipment	8,000.00
Other expenditures :	
Summer institute	400.00
	<hr/>
Total	\$14,150.00
State aid	1,000.00
	<hr/>
Total for state library	\$87,462.98

## For state police :

Salary of superintendent	\$5,940.00
Other personal services	204,941.00
Current expenses	79,675.00
Travel	17,000.00
Equipment	30,000.00
	<hr/>
Total for state police	\$337,556.00
Less transfer from highway fund	286,920.00
	<hr/>
Net appropriation	\$50,636.00

## For buildings and grounds :

## General :

Salary of superintendent	\$3,700.00
Other personal services	92,335.50
Current expenses	61,271.00
Equipment	50.00
Other expenditures :	
Toilets for legislature	1,400.00
Library lights	500.00
Repairs state house roof	1,500.00
Hannah Dustin bridge	600.00
	<hr/>
Total	\$161,356.50

Mailing division:	
Personal services	\$5,737.00
Current expenses	700.00
Equipment	229.00
	<hr/>
Total	6,666.00
Franklin Pierce homestead:	
Personal services	\$355.00
Current expenses	300.00
	<hr/>
Total	655.00
Daniel Webster birthplace:	
Personal services	\$250.00
Current expenses	875.00
Travel	29.00
	<hr/>
Total	1,154.00
	<hr/>
Total for buildings and grounds	\$169,831.50
For state treasury:	
Office of treasurer:	
Salary of treasurer	\$5,880.00
Salary of deputy	3,760.00
Other personal services	25,295.50
Current expenses	6,365.00
Travel	200.00
Equipment	150.00
	<hr/>
Total	\$41,650.50
Highway division:	
Personal services	\$7,366.50
Current expenses	4,900.00
Equipment	1,000.00
	<hr/>
Total	\$13,266.50
Less transfer from high- way fund	13,266.50
	<hr/>
Net appropriation	0.00



Intangible tax:	
Personal services	\$3,180.00
Current expenses	375.00
	<hr/>
Total	\$3,555.00
Less revenue	3,555.00
	<hr/>
Net appropriation	0.00
Bounties	15,000.00
Trust funds	37,087.27
	<hr/>
Total for state treasury	\$93,737.77
For weights and measures:	
Salary of commissioner	\$4,700.00
Other personal services	11,715.00
Current expenses	2,000.00
Travel	3,000.00
Equipment	200.00
	<hr/>
Total for weights and measures	\$21,615.00
For industrial school:	
Administration:	
Salary of superintendent	\$5,260.00
Other personal services	9,239.70
Current expenses	2,460.00
Travel	950.00
Equipment	200.00
	<hr/>
Total	\$18,109.70
	<hr/>
Instruction:	
Personal services	\$9,994.80
Current expenses	1,300.00
Equipment	750.00
	<hr/>
Total	12,044.80
Custodian care:	
Personal services	\$42,378.40

Current expenses	\$28,150.00	
Equipment	2,000.00	
		<hr/>
Total		72,528.40
Auxiliary to custodian care:		
Personal services	\$5,732.00	
Current expenses	200.00	
Travel	300.00	
Equipment	500.00	
		<hr/>
Total		6,732.00
Operation of plant:		
Personal services	\$4,095.30	
Current expenses	25,000.00	
Equipment	500.00	
		<hr/>
Total		29,595.30
Maintenance of plant:		
Personal services	\$7,198.30	
Current expenses	3,200.00	
Equipment	300.00	
		<hr/>
Total		10,698.30
Agriculture:		
Personal services	\$4,963.00	
Current expenses	22,400.00	
Equipment	1,000.00	
		<hr/>
Total		28,363.00
Parole:		
Personal services	\$2,018.70	
Current expenses	250.00	
Travel	1,500.00	
Equipment	350.00	
		<hr/>
Total		4,118.70
Total for industrial school		<hr/>
Less revenue		2,750.00
Net appropriation		<hr/>
		\$179,440.20

For Laconia state school:

Administration:

Salary of superintendent	\$5,600.00
Other personal services	10,618.25
Current expenses	1,250.00
Travel	1,500.00
Equipment	125.00

Total	\$19,093.25
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Professional care and treatment:

Personal services	\$108,655.00
Current expenses	4,535.00
Travel	50.00
Equipment	225.00

Total	113,465.00
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Custodial care:

Personal services	\$35,095.00
Current expenses	90,000.00
Travel	30.00
Equipment	1,500.00
Other expenditures	100.00

Total	126,725.00
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Operation of plant:

Personal services	\$15,155.00
Current expenses	40,000.00

Total	55,155.00
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Maintenance of plant:

Personal services	\$10,751.00
Current expenses	4,865.00

Total	15,616.00
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Agriculture:

Personal services	\$30,618.00
Current expenses	60,000.00

Travel	\$35.00	
Equipment	30.00	
		<hr/>
Total		90,683.00
		<hr/>
Total for Laconia state school		\$420,737.25
Less revenue		1,000.00
		<hr/>
Net appropriation		\$419,737.25

## For soldiers' home :

## Office of the commandant :

Salary of commandant	\$2,760.00	
Other personal services	1,791.00	
Current expenses	515.00	
Travel	75.00	
		<hr/>
Total		\$5,141.00

## Custodial care :

Personal services	\$9,745.00	
Current expenses	13,000.00	
		<hr/>
Total		22,745.00

## Professional care and treatment :

Personal services	\$6,844.00	
Current expenses	900.00	
		<hr/>
Total		7,744.00

## Operation of plant :

Personal services	\$7,878.16	
Current expenses	5,595.80	
		<hr/>
Total		13,473.96

## Maintenance of plant :

Current expenses		625.00
		<hr/>
Total for soldiers' home		\$49,728.96

## For state hospital:

## Administration:

Salary of superintendent	\$10,000.00	
Other personal services	96,643.00	
Current expenses	11,565.00	
Travel	3,900.00	
Equipment	500.00	
		<hr/>
Total		\$122,608.00

## Professional care and treatment:

Personal services	\$675,000.00	
Current expenses	46,602.00	
Travel	2,075.00	
Equipment	4,500.00	
		<hr/>
Total		728,177.00

## Custodial care:

Personal services	\$226,555.00	
Current expenses	521,415.00	
Travel	75.00	
Equipment	12,500.00	
		<hr/>
Total		760,545.00

## Operation of plant:

Personal services	\$59,832.00	
Current expenses	215,000.00	
Travel	1,400.00	
Equipment	3,500.00	
		<hr/>
Total		279,732.00

## Maintenance of plant:

Personal services	\$80,805.00	
Current expenses	15,880.00	
Travel	80.00	
Equipment	1,200.00	
		<hr/>
Total		97,965.00

## Agriculture:

Personal services	\$29,440.00
Current expenses	67,370.00
Travel	50.00
Equipment	3,311.00
	<hr/>
Total	100,171.00
	<hr/>
Total for state hospital	\$2,089,198.00
Less revenue	6,300.00
	<hr/>
Net appropriation	\$2,082,898.00

## For state prison:

## Administration:

Salary of warden	\$5,680.00
Other personal services	7,697.00
Current expenses	981.00
Travel	500.00
Equipment	350.00
	<hr/>
Total	\$15,208.00

## Instruction:

Personal services	2,700.00
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## Custodial care:

Salary of deputy warden	\$3,035.00
Other personal expenses	91,671.00
Current expenses	80,840.00
Equipment	1,100.00
	<hr/>
Total	176,646.00

## Auxiliary to prison care:

Personal services	\$6,000.00
Current expenses	4,680.00
Other expenditures—awards	1,250.00
	<hr/>
Total	11,930.00

Operation of plant:	
Personal services	\$5,022.00
Current expenses	7,800.00
	<hr/>
Total	12,822.00
Maintenance of plant:	
Current expenses	9,667.50
Agriculture:	
Personal services	\$6,905.00
Current expenses	18,045.00
	<hr/>
Total	\$24,950.00
Less transfer	12,000.00
	<hr/>
Net total	12,950.00
Parole:	
Personal services	\$10,700.00
Current expenses	1,560.00
Travel	3,000.00
Equipment	175.00
	<hr/>
Total	15,435.00
	<hr/>
Total for state prison	\$257,358.50
Less revenue	16,028.00
	<hr/>
Net appropriation	\$241,330.50
For state sanatorium:	
Administration:	
Salary of superintendent	\$5,700.00
Other personal services	4,150.00
Current expenses	1,335.00
Travel	1,100.00
Equipment	150.00
	<hr/>
Total	\$12,435.00

Professional care:	
Personal services	\$52,192.00
Current expenses	9,010.00
Equipment	600.00
	<hr/>
Total	61,802.00
Custodial care:	
Personal services	\$22,457.00
Current expenses	38,950.00
Equipment	250.00
	<hr/>
Total	61,657.00
Operation of plant:	
Personal services	\$17,728.00
Current expenses	20,305.00
Equipment	500.00
	<hr/>
Total	38,533.00
Maintenance of plant:	
Personal services	\$500.00
Current expenses	3,350.00
Equipment	250.00
	<hr/>
Total	4,100.00
Agriculture:	
Personal services	\$5,694.00
Current expenses	8,111.00
Equipment	1,090.00
	<hr/>
Total	14,895.00
	<hr/>
Total for state sanatorium	\$193,422.00
For University of New Hampshire:	
Millage fund*	\$950,000.00

\* This amount to be in lieu of the amount provided by section 18, chapter 222 of the Revised Laws, as amended by section 1, chapter 37 of the Laws of 1947, which said sections are hereby suspended for the fiscal year ending June 30, 1950.



Extension work in counties	\$61,000.00
<b>Total</b>	<u>\$1,011,000.00</u>
For barbers' board:	
Personal services	\$2,793.00
Current expenses	516.00
Travel	800.00
<b>Total for barbers' board</b>	<u>\$4,109.00</u>
Less revenue	4,109.00
<b>Net appropriation</b>	<u>0.00</u>
For chiropractic examiners:	
Personal services	\$375.00
Current expenses	200.00
Travel	325.00
<b>Total for chiropractic examiners</b>	<u>\$900.00</u>
For board of education:	
Administration:	
Salary of commissioner	\$8,450.00
Salary of deputy	3,414.00
Other personal services	74,214.85
Current expenses	14,000.00
Travel	10,000.00
Equipment	2,000.00
<b>Total</b>	<u>\$112,078.85</u>
Equalization:	
Transportation, etc.	\$4,000.00
*State aid to school districts	400,000.00
<b>Total</b>	<u>404,000.00</u>

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\* This sum to be distributed in accordance with the provisions of section 2 hereof.

## State wide supervision :

Personal services (net)	\$120,025.00
Other expenditures:	
Superintendents' conference	1,750.00

Total		121,775.00
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## Smith-Hughes—(state) :

Personal services	\$5,365.20
Current expenses	250.00
Travel	1,200.00

Total		6,815.20
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## Vocational rehabilitation (state) :

Current expenses	\$18,900.00
Travel	500.00
Equipment	600.00

Total		20,000.00
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## George Barden (state) :

Personal services	\$6,358.40
Current expenses	300.00
Travel	2,000.00

Total		8,658.40
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## State trade school—Manchester :

Personal services	\$79,324.07
Current expenses	25,420.00
Travel	500.00
Equipment	5,000.00
Other expenditures	150.00

Total		110,394.07
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## State trade school—Portsmouth :

Personal services	\$55,629.00
Current expenses	24,600.00
Travel expenses	600.00
Equipment	2,500.00

Total		83,329.00
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Trade school division  
(Concord Office):

Personal services	\$9,567.00
Current expenses	1,500.00
Travel	1,000.00

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Total 12,067.00

Area vocational schools:

Personal services	\$1,923.00
Current expenses	400.00
Travel	1,200.00
Equipment	10,000.00

Other expenditures:

Reimbursements to school districts	82,000.00
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Total 95,523.00

On-the-job training for veterans:

Current expenses	\$2,660.00
Equipment	350.00

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Total 3,010.00

School lunch program:

Personal services	\$4,800.00
Current expenses	900.00
Travel	1,000.00

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Total 6,700.00

Keene teachers college:

Personal services	\$251,430.00
Current expenses	153,600.00
Travel	1,500.00
Equipment	6,000.00

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Total 412,530.00

Plymouth teachers college:

Personal services	\$171,000.00
Current expenses	91,025.00

Travel	\$1,000.00	
Equipment	8,500.00	
		<hr/>
Total		271,525.00
Education of deaf:		
Current expenses	\$40,000.00	
Equipment	1,000.00	
		<hr/>
Total		41,000.00
Board of nurse examiners		3,750.00
		<hr/>
Total for board of education	\$1,713,155.52	
Less revenue	610,375.00	
		<hr/>
Net appropriation		\$1,102,780.52

In addition to the above appropriation said department shall receive for disbursement the income of the teachers colleges' dormitories and practice schools, revenue from tuitions received by the Manchester and Portsmouth state trade schools, and the sums paid by school districts for the salaries of superintendents under section 44, chapter 135 of the Revised Laws. In this department any balance, excepting the equalization fund, which may be unexpended in any fiscal year, shall be placed in a special fund available for use for maintenance purposes the following year by and with the consent of the governor and council.

For board of health:

Administration:

Salary of state health officer	\$7,260.00	
Other personal services	9,253.00	
Current expenses	12,955.24	
Travel	200.00	
		<hr/>
Total		\$29,668.24

Finance:

Personal services	\$10,343.00	
Current expenses	950.00	
Equipment	200.00	
		<hr/>
Total		11,493.00

## Hospital services:

Personal services	\$8,528.00	
Current expenses	200.00	
Travel	300.00	
	<hr/>	
Total		9,028.00

## Vital statistics:

Personal services	\$11,062.00	
Current expenses	1,650.00	
	<hr/>	
Total		12,712.00

## Public health nursing:

Personal services	\$29,666.00	
Current expenses	2,166.60	
Travel	4,800.00	
	<hr/>	
Total		36,632.60

## Communicable disease control:

Personal services	\$22,831.40	
Current expenses	60,000.00	
Travel	1,500.00	
Equipment	300.00	
	<hr/>	
Total		84,631.40

## Dental services:

Personal services	\$11,993.00	
Current expenses	1,466.00	
Travel	800.00	
	<hr/>	
Total		14,259.00

Maternal and child health and  
crippled children:

Personal services	\$16,484.00	
Current expenses	5,000.00	
Travel	400.00	
	<hr/>	
Total		21,884.00

## Industrial hygiene:

Personal services	\$16,461.00
Current expenses	700.00
Travel	1,500.00
Equipment	1,075.00

Total	19,736.00
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## Diagnostic laboratories:

Personal services	\$20,905.00
Current expenses	4,950.00
Travel	100.00
Equipment	500.00
Other expenditures	1,420.00

Total	27,875.00
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## Food and chemistry:

Personal services	\$40,262.50
Current	2,300.00
Travel	11,100.00
Equipment	500.00

Total	54,162.50
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## Sanitary engineering:

Personal services	\$23,712.50
Current expenses	1,450.00
Travel	4,000.00
Equipment	500.00

Total	29,662.50
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Total for board of health	\$351,744.24
Less revenue	1,040.00

Net appropriation	\$350,704.24
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## For board of registration in medicine:

Personal services	\$525.00
Current expenses	250.00

Travel	\$275.00	
Equipment	50.00	
		<hr/>
Total	\$1,100.00	
Less revenue	1,100.00	
		<hr/>
Net appropriation		0.00
For board of optometry:		
Personal services	\$150.00	
Current expenses	150.00	
Travel	50.00	
		<hr/>
Total for board of optometry		\$350.00
For board of inebriates:		
Salary of executive director	\$5,000.00	
Other personal services	8,736.00	
Current expenses	3,510.00	
Travel	1,250.00	
Equipment	450.00	
		<hr/>
Total for board of inebriates		\$18,946.00
For board of fire control:		
Salary of fire marshal	\$5,000.00	
Other personal services	7,742.00	
Current expenses	2,500.00	
Travel	2,000.00	
		<hr/>
Total for board of fire control		\$17,242.00
For milk control board:		
Personal services	\$9,353.00	
Current expenses	950.00	
Travel	1,500.00	
		<hr/>
Total for milk control board		\$11,803.00

## For probation board:

Personal services	\$61,538.00
Current expenses	6,575.00
Travel	13,000.00
Equipment	1,000.00

Total for probation board	\$82,113.00
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## For board of public welfare:

## Administration:

Salary of commissioner	\$5,700.00
Other personal services	64,766.00
Current expenses	17,485.00
Travel	4,180.00
Equipment	1,000.00

## Other expenditures:

Merit system	3,500.00
Employees retirement	11,000.00

Total	\$107,631.00
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## State services:

Personal services	\$10,014.00
Current expenses	225.00
Travel	800.00
Equipment	250.00

Total	11,289.00
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## Field services:

Personal services	\$207,740.00
Current expenses	28,332.00
Travel	27,600.00
Equipment	4,100.00

Total	267,772.00
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## Blind services:

Personal services	\$17,570.00
Current expenses	1,460.00
Travel	2,365.00



Equipment	\$250.00	
Grants	28,000.00	
		<hr/>
Total		49,645.00
Child welfare services:		
Personal services	\$21,698.00	
Travel	4,600.00	
		<hr/>
Total		26,298.00
Aid to dependent children		
(State's share)		1,268,663.18
Special children's aid		2,500.00
Aid to needy blind (state's share)		98,231.77
Vocational rehabilitation:		
Grants		10,000.00
John Nesmith fund		3,700.00
Old age assistance (state's share)		969,415.80
		<hr/>
Total for board of public welfare	\$2,815,145.75	
Less revenue	\$157,739.00	
Less balance	851,515.68	
		<hr/>
		1,009,254.68
		<hr/>
Net appropriation		\$1,805,891.07
For veterans' council:		
Personal services	\$10,325.00	
Current expenses	1,260.00	
Travel	4,000.00	
Burial claims	10,000.00	
		<hr/>
Total for veterans' council		\$25,585.00
For water resources board:		
Personal services	\$10,097.00	
Current expenses	700.00	
Travel	1,200.00	

Equipment	\$100.00	
		<hr/>
Total		\$12,097.00
Less transfer from Pittsburg project		5,000.00
		<hr/>
Net appropriation		\$7,097.00
Water control commission:		
Personal services	\$10,027.50	
Current expenses	600.00	
Travel	1,000.00	
Equipment	75.00	
		<hr/>
Total		11,702.50
Stream flow gauging	\$10,000.00	
Less transfers from highway fund		2,750.00
		<hr/>
Net appropriation		7,250.00
		<hr/>
Total for water resources board		\$26,049.50
For state housing board:		
Personal services	\$9,747.00	
Current expenses	800.00	
Travel	650.00	
Equipment	108.00	
		<hr/>
Total for state housing board		\$11,305.00
For uniform state laws		\$400.00
For aeronautics commission:		
Salary of director	\$4,760.00	
Other personal services	10,231.00	
Current expenses	2,645.00	
Travel	2,250.00	
Equipment	100.00	
		<hr/>
Total for aeronautics commission		\$19,986.00
Less revenue and balance		19,986.00
		<hr/>
Net appropriation		0.00

## For bank commission:

Salary of commissioner	\$6,295.00	
Salary of deputies	8,820.00	
Other personal services	31,343.00	
Current expenses	5,300.00	
Travel	9,500.00	
Equipment	832.00	
		<hr/>
Total for bank commission		\$62,090.00
*Less revenue		45,578.00
		<hr/>
Net appropriation		\$16,512.00

## For cancer commission:

Personal services	\$17,204.00	
Current expenses	39,225.00	
Travel	1,350.00	
Equipment	150.00	
		<hr/>
Total for cancer commission		\$57,929.00
Less revenue		8,500.00
		<hr/>
Net appropriation		\$49,429.00

## For liquor commission:

## Liquor administration:

Salary of commissioners, one-half	\$8,580.00
Other personal services	60,208.00

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\* The bank commissioner shall collect from the institutions, the condition and management of which the bank commissioner is required to examine under the provisions of section 8 of chapter 307 of the Revised Laws as the total cost of such examination, the sum of \$45,578 annually and each such institution shall pay to the state annually within thirty days after receipt by it of notice of assessment, such proportion of the total sum collectable hereunder as its assets bear to the total assets of all such institutions as shown by the reports of the bank commissioner as of the thirtieth of June preceding such payments. Sums collected under the provisions hereof shall be credited to the appropriation for the bank commissioner.

Current expenses	\$28,150.00	
Travel	3,500.00	
Equipment	1,500.00	
		<hr/>
Total		\$101,938.00
Beer administration:		
Salary of commissioners, one-half	\$8,580.00	
Other personal services	57,807.00	
Current expenses	14,350.00	
Travel	25,000.00	
Equipment	1,500.00	
		<hr/>
Total		107,237.00
Liquor enforcement:		
Personal services	\$10,981.00	
Current expenses	725.00	
Travel	7,000.00	
Equipment	50.00	
		<hr/>
Total		18,756.00
Stores:		
Personal services	\$389,636.00	
Current expenses	199,450.00	
Travel	6,000.00	
Equipment	10,000.00	
		<hr/>
Total		605,086.00
Warehouse:		
Personal services	\$51,159.00	
Current expenses	33,100.00	
Travel	100.00	
Equipment	3,000.00	
		<hr/>
Total		87,359.00
Total for liquor commission		<hr/> \$920,376.00
Less revenue		920,376.00
		<hr/>
Net appropriation		0.00

## For pharmacy commission:

Personal services	\$1,600.00
Current expenses	235.00
Travel	700.00

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Total for pharmacy commission \$2,535.00

For planning and development  
commission:

## Administration:

Salary of director	\$5,200.00
Other personal services	54,800.00
Current expenses	70,000.00
Travel	4,000.00
Equipment	1,000.00

## Other expenditures:

Tourist service	2,000.00
Regional associations*	16,950.00
Wood waste utilization	2,000.00

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Total for planning and de-  
velopment commission \$155,950.00

Less revenue 2,650.00

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Net appropriation \$153,300.00

## For public service commission:

Salary of commissioners	\$20,100.00
Other personal services	60,524.00
Current expenses	23,545.00
Travel	6,000.00
Equipment	500.00
Aids to navigation	1,600.00

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\* This appropriation shall be administered by the state planning and development commission for the aid of regional development associations. Not more than \$2,825.00 may be allotted by the commission to any one regional association whose bounds, form of organization and program shall first have been approved by the commission. Any unexpended portion of this appropriation shall lapse and shall not be transferred to any other state appropriation.

Total for public service commission		\$112,269.00
Less estimated revenue*		43,000.00
Net appropriation		<u>\$69,269.00</u>
For racing commission:		
Salary of commissioners	\$5,400.00	
Other personal services	25,156.00	
Current expenses	3,200.00	
Travel	3,300.00	
Equipment	700.00	
Other expenditures:		
Employees retirement	400.00	
Total for racing commission		<u>\$38,156.00</u>
Less revenue		38,156.00
Net appropriation		<u>0.00</u>
For state tax commission:		
Office of commission:		
Salary of two commissioners	\$8,580.00	
Salary of secretary	5,260.00	
Other personal services	20,331.00	
Current expenses	6,980.00	
Travel	5,000.00	
Equipment	590.00	
Total		<u>\$46,741.00</u>
Interest and dividends division:		
Personal services	\$11,986.00	
Current expenses	2,200.00	
Travel	500.00	
Equipment	250.00	
Total		<u>\$14,936.00</u>
Less revenue		14,936.00
Net appropriation		<u>0.00</u>

\* Any income in excess of the above estimate shall be available for such further expenditure as the governor and council shall approve.

Utilities tax:		
Personal services	\$3,373.00	
Current expenses	150.00	
Travel	150.00	
	<hr/>	
Total	\$3,673.00	
Less revenue	3,673.00	
	<hr/>	
Net appropriation		0.00
Tobacco products:		
Personal services	\$20,693.00	
Current expenses	13,700.00	
Travel	7,500.00	
	<hr/>	
Total		41,893.00
Municipal accounting division:		
Personal services	\$23,474.00	
Current expenses	1,225.00	
Travel	5,000.00	
Equipment	225.00	
	<hr/>	
Total	\$29,924.00	
Less revenue	17,900.00	
	<hr/>	
Net appropriation		12,024.00
		<hr/>
Total net appropriation for tax commission		\$100,658.00
For water pollution commission:		
Personal services	\$18,632.00	
Current expenses	5,000.00	
Travel	5,500.00	
Equipment	750.00	
	<hr/>	
Total for water pollution commission	\$29,882.00	
For firemen's retirement system	\$27,500.00	
For policemen's retirement system	\$59,000.00	
For teachers' retirement system	\$44,120.00	

## For employees' retirement system:

Personal services	\$14,818.00
Current expenses	1,358.00
Travel	600.00
Equipment	55.00
Other expenditures	94,000.00

Total for employees' retirement system	\$110,831.00
Less revenue	4,000.00

Net appropriation	\$106,831.00
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## For mental hygiene clinics and study home:

Salary of director	\$5,653.00
Other personal services	18,639.42
Current expenses	5,537.00
Travel	1,500.00
Equipment	250.00

Total for mental hygiene clinics and study home	\$31,779.42
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For board of accountancy:	\$601.00
Less revenue	601.00

Net appropriation	0.00
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## For fish and game commission:

## Commission:

Current expenses	\$335.00
Travel	1,000.00
Employees' retirement	16,000.00

Total	\$17,335.00
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## Administration:

Salary of director	\$5,200.00
Other personal services	20,140.00
Current expenses	30,360.00
Travel	1,000.00



Equipment	\$1,000.00	
	<hr/>	
Total		57,700.00
Conservation service:		
Personal services	\$85,759.00	
Current expenses	11,150.00	
Travel	57,500.00	
Equipment	7,600.00	
	<hr/>	
Total		162,009.00
Education:		
Personal services	\$6,506.00	
Current expenses	7,725.00	
Travel	2,000.00	
Equipment	2,750.00	
Shows	6,000.00	
	<hr/>	
Total		24,981.00
Research:		
Personal services	\$19,949.00	
Current expenses	5,260.00	
Travel	2,000.00	
Equipment	2,500.00	
	<hr/>	
Total		29,709.00
Propagation of fish:		
Personal services	\$98,573.00	
Current expenses	163,310.00	
Travel	7,500.00	
Equipment	8,400.00	
	<hr/>	
Total		277,783.00
Propagation of game:		
Personal services	\$4,000.00	
Current expenses	29,900.00	
Travel	1,000.00	
Equipment	1,500.00	
	<hr/>	
Total		36,400.00

Pittman-Robertson:	
Personal services	\$22,958.00
Current expenses	6,615.00
Travel	4,000.00
Equipment	1,350.00
	<hr/>
Total	34,923.00
Damage:	
Personal services	\$7,000.00
Current expenses	11,557.00
Travel	1,800.00
Damage awards	6,000.00
	<hr/>
Total	26,357.00
Bobcat bounties	4,000.00
	<hr/>
Total for fish and game	\$671,197.00
Less estimated revenue*	671,197.00
	<hr/>
Net appropriation	0.00
For board of hairdressers:	
Personal services	\$3,250.00
Current expenses	1,325.00
Travel	1,200.00
Equipment	200.00
Other expenditures:	
Employees' retirement system	100.00
	<hr/>
Total for hairdressers' board	\$6,075.00
Less revenue	6,075.00
	<hr/>
Net appropriation	0.00

\* In addition to the above appropriation the fish and game department shall receive for such disbursement as the governor and council shall approve, any income received in excess of the above estimate, including any unexpended balance for the fiscal year ending June 30, 1949.

For prison industries :	
Personal services	\$47,556.00
Current expenses	94,650.00
Travel	500.00
Equipment	2,000.00
	<hr/>
Total for prison industries	\$144,706.00
Less revenue	144,706.00
	<hr/>
Net appropriation	0.00
For aerial tramway :	
Personal services	\$120,235.50
Current expenses	43,801.10
Travel	1,000.00
Equipment	2,500.00
Contracts	260.00
Stock in trade	50,000.00
Bonds—principal and interest	15,225.00
Employees' retirement system	6,029.90
New trail—summit to valley	8,000.00
	<hr/>
Total for aerial tramway	\$247,051.50
Less revenue	247,051.50
	<hr/>
Net appropriation	0.00
	<hr/> <hr/>
Total net appropriation	\$10,241,087.29

**2. Aid to Education.** The appropriation for educational aid made under the provisions of this act and the act making appropriations for the year ending June 30, 1951 shall be expended under the provisions of the following plan :

I. For equalizing educational opportunity and improving the public schools, below college grade, with the definite aim of extending school terms, stimulating local interest and improving, through better instruction, gradation and supervision, all rural schools and schools in sparsely settled localities.

II. In any district in which a sum equal to one-half of one per cent of the equalized valuation of the district, on which the

state tax is apportioned, is insufficient to maintain the required elementary and special schools and to purchase the required textbooks, scholars' supplies, flags and appurtenances, the state board shall provide the balance of the money necessary from the money appropriated to carry out the provisions of this title.

III. In towns or cities comprising more than one school district no special or town district shall be entitled to the benefits of the provisions of the preceding paragraph unless the town or city in which it is situated would be so entitled on the basis of the expenditures of the previous year if it constituted a single district.

IV. If in any year the approved claims of the several districts entitled to state aid shall be in excess of the appropriation a sufficient reduction in the amount of the allotments shall be made to bring the total amount of the grants within the limit of the appropriation. The reduction in the allotment of each district shall bear the same ratio to the total reduction necessary as the district's equalized valuation bears to the total of the equalized valuations of all the districts entitled to state aid in that year.

V. The state board shall have authority in its discretion to withhold from such general distribution an amount not exceeding five per cent of the appropriation for state aid, which it may use to furnish additional aid to districts where special need exists.

VI. The sum total of aid granted in any year to any district, or to all the districts of any one town, shall not exceed six thousand dollars.

VII. The provisions of paragraph III, section 14, chapter 134 of the Revised Laws as amended by section 1, chapter 198 of the Laws of 1947 and sections 8, 9, 10, and 11 of chapter 140 of the Revised Laws as amended by section 2 of chapter 198 of the Laws of 1947 are hereby suspended until June 30, 1951.

3. **Vacancy.** Any vacancy in the office of legislative budget assistant shall be filled by the appropriations committee of the house of representatives and the finance committee of the senate acting as a special committee.

4. **Eastern States Exposition Commission.** The members of the commission to operate the state building at the Eastern States Exposition shall serve without compensation but shall

receive their legitimate expenses incurred in the performance of their duties. Such expenses shall be a charge upon the separate fund as provided in section 3, chapter 19 of the Revised Laws.

**5. Registration of Boats; Transfer of Funds.** From the balance as of July 1, 1949 in the special fund received from collections and fees and fines under chapter 181 of the Revised Laws relative to registration of boats, the sum of eight thousand dollars shall be transferred to the general funds of the state.

**6. Takes Effect.** This act shall take effect as of July 1, 1949.

[Approved July 28, 1949.]

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CHAPTER 324

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE  
STATE OF NEW HAMPSHIRE FOR THE YEAR ENDING  
JUNE 30, 1951.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Appropriations.** The sums hereinafter mentioned are appropriated to be paid out of the treasury of the state for the purposes specified for the fiscal year ending June 30, 1951, to wit:

A continuing appropriation which shall not lapse, shall not be transferred to any other department, institution or account, and which shall be for the expenses of the legislature, including \$9,800.00 for the office of legislative assistant to the appropriations and finance committees, as provided by section 2, chapter 296, of the Laws of 1947	\$300,000.00
(Salary of assistant \$6,300.00, deputy assistant \$2,600.00, current expenses \$900.00)	
Council of state governments	1,000.00
	<hr/>
Total for legislative branch	\$301,000.00

## For executive branch :

## Office of governor :

Salary of governor	\$6,100.00
Salary of secretary	4,100.00
Other personal services	6,678.00
Current expenses	3,000.00
Travel	500.00

Total	\$20,378.00
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Emergency fund	200,000.00
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Contingent fund	7,500.00
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Total governor's office	\$227,878.00
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## For governor's council :

Per diem (@ \$10.00 per diem)	\$4,000.00
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Travel	2,500.00
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Total for governor's council	6,500.00
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Total for executive branch	\$234,378.00
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## For judicial branch :

## For supreme court :

Salary of justices	\$47,695.00
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Salary of clerk of court	2,720.00
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Salary of reporter	2,600.00
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Other personal services	2,557.00
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Current expenses	3,300.00
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Travel	1,000.00
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N. H. supreme court reports	3,500.00
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Total	\$63,372.00
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Less estimated revenue	270.00
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Net appropriation	\$63,102.00
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## For superior court :

Salary of judges	\$57,000.00
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Other personal services	100.00
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Current expenses	3,350.00
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Travel	6,500.00
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Total	66,950.00
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## For referees and masters:

Salary of referees	\$3,600.00
Current expenses	50.00

Total	3,650.00
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For judicial council	1,000.00
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## For probate court:

Salary of judges	\$23,660.00
Salary of registers	24,180.00
Salary of deputies	11,075.00

Total	58,915.00
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Total for judicial branch	\$193,617.00
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## For adjutant general's department:

## Office of adjutant general:

Salary of adjutant general	\$6,800.00
Other personal services	12,051.00
Current expenses	3,000.00
Equipment	300.00

Total	\$22,151.00
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## National Guard:

Personal services	\$15,228.00
Current expenses	12,725.00
Travel	2,250.00

Total	30,203.00
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## Armories:

Personal services	\$30,000.00
Current expenses	44,850.00
Travel	275.00
Equipment	950.00

Total	76,075.00
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## Rifle ranges:

Personal services	\$2,059.00
Current expenses	1,225.00

Equipment	\$200.00	
Total		3,484.00
Officers' uniform allowance		11,250.00
Photostating:		
Personal services	\$2,319.00	
Current expenses	1,100.00	
Total		3,419.00
Maintenance Grenier field:		
Personal services	\$4,689.00	
Current expenses	3,550.00	
Equipment	350.00	
Total		8,589.00
Maintenance Concord military reservation:		
Current expenses	\$2,087.50	
Equipment	500.00	
Total		2,587.50
Drill expenses—travel		1,000.00
War service recognition:		
Current expenses		300.00
Total adjutant general's department	\$159,058.50	
Less estimated revenue	2,500.00	
Total net appropriation		\$156,558.50
For department of agriculture:		
Office of commissioner:		
Salary of commissioner	\$5,300.00	
Other personal services	16,820.10	
Current expenses	3,460.00	
Travel	6,000.00	
Other expenditures	10,000.00	
Total		\$41,580.10



Bureau of markets:	
Personal services	\$16,314.30
Current expenses	11,271.50
Travel	3,000.00
Other expenditures	850.00
Total	<hr/> 31,435.80
Division of animal husbandry:	
Salary of state veterinarian	\$5,100.00
Other personal services	22,896.90
Current expenses	5,967.00
Travel	4,000.00
Other expenditures	38,010.00
Total	<hr/> 75,973.90
Insect and plant disease suppression and control:	
Personal services	\$13,848.30
Current expenses	1,110.00
Travel	2,000.00
Equipment	180.00
Total	<hr/> 17,138.30
Grants:*	
Board of Veterinary Examiners	200.00
Total for department of agriculture	<hr/> \$166,328.10
For attorney general:	
Office of attorney general:	
Salary of attorney general	\$6,700.00
Salary of assistant attorney general	4,700.00
Other personal services	22,203.00
Current expenses	2,200.00
Travel	900.00
Equipment	400.00
Total	<hr/> \$37,103.00

\* The provision of section 8, chapter 231 of the Revised Laws is suspended for the fiscal year ending June 30, 1951.

## Register of public trusts:

Director	\$3,500.00
Personal services	3,017.00
Current expenses	425.00
Travel	200.00
Equipment	100.00

Total	7,242.00
Fees for registers of probate	4,250.00

## Legacy tax:

Current expenses	\$1,300.00
Travel	100.00
Equipment	300.00

Total	1,700.00
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Total for attorney general	\$50,295.00
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## For comptroller:

## Office of comptroller:

Salary of comptroller	\$6,300.00
Other personal services	39,882.00
Current expenses	4,575.00
Travel	2,000.00
Equipment	250.00

Total	\$53,007.00
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## Travel bureau:

Personal services	\$5,159.00
Current expenses	275.00

Total	5,434.00
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## Other expenditures:

State House Annex sinking fund	16,000.00
2% assessment—state police	9,000.00
Firemen's relief	4,000.00
League of N. H. Arts and Crafts	6,000.00
Atlantic Marine Fisheries	700.00
Classification plan board	750.00

Total for comptroller's department	\$94,891.00
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## For forestry and recreation commission:

## For forestry:

## Administration:

Salary of forester	\$5,600.00
Other personal services	19,447.00
Current expenses	4,325.00
Travel	650.00
Equipment	250.00

Total	<hr/>	\$30,272.00
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## Nursery:

Personal services	\$8,525.00
Current expenses	3,195.00
Equipment	150.00

Total	<hr/>	11,870.00
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## Reforestation:

Personal services	\$1,775.00
Travel	900.00

Total	<hr/>	2,675.00
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## District fire supervision:

Personal services	\$7,992.75
Current expenses	1,100.00
Travel	2,000.00

Total	<hr/>	11,092.75
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## Lookout stations:

Personal services	26,775.00
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## Fire control training:

Current expenses	\$1,800.00
Other expenditures	3,000.00

Total	<hr/>	4,800.00
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## Prevention of fires:

Personal services	\$5,037.00
Current expenses	2,575.00
Travel	300.00
Equipment	2,000.00

Other expenditures	\$1,000.00	
Total		10,912.00
Forest fire bills to towns		10,000.00
White pine blister rust control:		
Personal services	\$10,493.00	
Current expenses	900.00	
Travel	850.00	
Total		12,243.00
Federal Norris-Doxey Co-operative Program:		
Personal services	\$7,250.00	
Current expenses	664.00	
Travel	3,250.00	
Equipment	150.00	
Total		11,314.00
Total for forestry		\$131,953.75
For recreation:		
General:		
Salary of director	\$5,360.00	
Other personal services	122,612.00	
Current expenses	77,995.00	
Travel	7,000.00	
Equipment	8,000.00	
Other expenditures:		
Interest on bonds	4,000.00	
Wallis Sands project	1,000.00	
Total		\$225,967.00
Franconia Notch:		
Managing director	\$6,205.00	
Other personal services	34,616.00	
Current expenses	84,312.00	
Travel	1,000.00	
Equipment	3,000.00	
Total		129,133.00

## Mt. Sunapee state park:

Managing director	\$4,500.00	
Other personal services	51,406.15	
Current expenses	30,100.00	
Travel	1,000.00	
Equipment	1,400.00	
Other expenditures:		
Stock in trade	40,000.00	
Bonds—principal and interest	29,675.00	
		<hr/>
Total		158,081.15
		<hr/>
Total for recreation		\$513,181.15
*Less estimated revenue		512,181.15
		<hr/>
Net appropriation		\$1,000.00

## For insurance department:

## Office of commissioner:

Salary of commissioner	\$6,300.00	
Salary of deputy commissioner	5,360.00	
Other personal services	19,925.00	
Current expenses	5,430.00	
Travel	1,100.00	
Equipment	300.00	
		<hr/>
Total		\$38,415.00

## For rating division:

Personal services	\$3,978.00	
Current expenses	1,800.00	
Travel	500.00	
Equipment	500.00	
		<hr/>
Total		6,778.00

Total for insurance department	\$45,193.00
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\* In the above appropriation any revenue in excess of the estimate will be available for such expenditures as the governor and council shall approve.

## For bureau of labor:

## Office of commissioner:

Salary of commissioner	\$5,540.00
Other personal services	7,156.00
Current expenses	3,525.00
Travel	1,500.00
Equipment	300.00

Total	\$18,021.00
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## Minimum wage:

Personal services	\$5,879.00
Current expenses	840.00
Travel	2,000.00

Total	8,719.00
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## Factory inspection:

Personal services	\$11,303.00
Current expenses	1,000.00
Travel	3,000.00

Total	15,303.00
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## Industrial accident commission:

Personal services	\$11,275.00
Current expenses	4,075.00
Travel	200.00
Equipment	150.00

Total	15,700.00
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## New Hampshire apprenticeship council:

Current expenses	500.00
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Total for bureau of labor	\$58,243.00
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## For motor vehicle department:

## Administration:

Salary of commissioner	\$6,040.00
Salary of deputy commissioner	5,100.00
Other personal services	108,529.00
Current expenses	120,000.00

Travel	\$2,000.00	
Equipment	6,000.00	
Other expenditures:		
Employees' retirement	9,000.00	
		<hr/>
Total		\$256,669.00
Gasoline road toll:		
Personal services	\$15,023.00	
Current expenses	2,600.00	
Travel	2,500.00	
Equipment	500.00	
		<hr/>
Total		20,623.00
Motor vehicle patrol:		
Personal services	\$37,571.00	
Current expenses	1,200.00	
Travel	22,000.00	
Equipment	2,000.00	
		<hr/>
Total		62,771.00
		<hr/>
Total for motor vehicle department		\$340,063.00
Less revenue		340,063.00
		<hr/>
Net appropriation		0.00
For purchasing agent:		
Salary of purchasing agent	\$5,920.00	
Other personal services	23,504.00	
Current expenses	4,150.00	
Travel	150.00	
Equipment	400.00	
		<hr/>
Total for purchasing agent		\$34,124.00
For secretary of state:		
Office of secretary:		
Salary of secretary	\$5,980.00	
Salary of deputy secretary	4,420.00	
Other personal services	16,530.00	

Current expenses	\$2,195.00
Travel	700.00
Equipment	100.00

Total	\$29,925.00
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## Direct primary:

Personal services	\$1,800.00
Current expenses	14,875.00
Travel	300.00

Total	16,975.00
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## General election:

Personal services	\$1,700.00
Current expenses	21,150.00
Travel	300.00

Total	23,150.00
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## Photostat division:

Personal services	\$3,105.00
Current expenses	1,200.00

Total	4,305.00
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Total for secretary of state	\$74,355.00
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## For state library:

## Administration:

Salary of librarian	\$4,050.00
Salary of assistant librarian	3,420.00
Other personal services	43,517.20
Current expenses	6,600.00
Travel	700.00
Equipment	10,450.00

## Other expenditures:

Microfilming	1,000.00
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Total	\$69,737.20
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Extension:	
Current expenses	\$3,500.00
Travel	2,250.00
Equipment	8,000.00
Other expenditures:	
Summer institute	400.00
	<hr/>
Total	14,150.00
State aid	1,000.00
	<hr/>
Total for state library	\$84,887.20
For state police:	
Salary of superintendent	\$6,040.00
Other personal services	206,718.00
Current expenses	78,725.00
Travel	17,000.00
Equipment	30,000.00
	<hr/>
Total for state police	\$338,483.00
Less transfer from highway fund	287,710.00
	<hr/>
Net appropriation	\$50,773.00
For buildings and grounds:	
General:	
Salary of superintendent	\$3,800.00
Other personal services	94,297.00
Current expenses	61,271.00
	<hr/>
Total	\$159,368.00
Mailing division:	
Personal services	\$5,929.00
Current expenses	700.00
	<hr/>
Total	6,629.00
Franklin Pierce homestead:	
Personal services	\$355.00
Current expenses	100.00
	<hr/>
Total	455.00

Daniel Webster birthplace:		
Personal services	\$250.00	
Current expenses	725.00	
Travel	10.00	
	<hr/>	
Total		985.00
		<hr/>
Total for buildings and grounds		\$167,437.00
For state treasury:		
Office of treasurer:		
Salary of treasurer	\$5,980.00	
Salary of deputy	3,860.00	
Other personal services	25,873.00	
Current expenses	6,365.00	
Travel	200.00	
Equipment	305.00	
	<hr/>	
Total		\$42,583.00
Highway division:		
Personal services	\$7,630.50	
Current expenses	4,900.00	
Equipment	428.50	
	<hr/>	
Total	\$12,959.00	
Less transfer from high-		
way fund	12,959.00	
	<hr/>	
Net appropriation		0.00
Intangible tax:		
Personal services	\$3,196.50	
Current expenses	375.00	
	<hr/>	
Total	\$3,571.50	
Less revenue	3,571.50	
	<hr/>	
Net appropriation		0.00
Bounties		12,000.00
Trust funds		37,087.27
		<hr/>
Total for state treasury		\$91,670.27

## For weights and measures:

Salary of commissioner	\$4,800.00
Other personal services	11,913.00
Current expenses	1,900.00
Travel	3,000.00
Equipment	200.00

Total for weights and measures	\$21,813.00
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## For industrial school:

## Administration:

Salary of superintendent	\$5,360.00
Other personal services	9,569.70
Current expenses	2,485.00
Travel	950.00
Equipment	200.00

Total	\$18,564.70
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## Instruction:

Personal services	\$10,390.80
Current expenses	1,300.00
Equipment	750.00

Total	12,440.80
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## Custodial care:

Personal services	\$44,290.40
Current expenses	27,100.00
Equipment	2,000.00

Total	73,390.40
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## Auxiliary to custodial care:

Personal services	\$5,864.00
Current expenses	200.00
Travel	300.00
Equipment	500.00

Total	6,864.00
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Operation of plant:	
Personal services	\$4,260.30
Current expenses	25,000.00
Equipment	400.00
	<hr/>
Total	29,660.30
Maintenance of plant:	
Personal services	\$7,462.30
Current expenses	3,200.00
Equipment	300.00
	<hr/>
Total	10,962.30
Agriculture:	
Personal services	\$5,161.00
Current expenses	21,900.00
Equipment	1,000.00
	<hr/>
Total	28,061.00
Parole:	
Personal services	\$2,084.70
Current expenses	250.00
Travel	1,350.00
Equipment	350.00
	<hr/>
Total	4,034.70
Total for industrial school	\$183,978.20
Less revenue	2,750.00
	<hr/>
Net appropriation	\$181,228.20
For Laconia state school:	
Administration:	
Salary of superintendent	\$5,700.00
Other personal services	11,019.25
Current expenses	1,500.00
Travel	1,500.00
	<hr/>
Total	\$19,719.25

## Professional care and treatment:

Personal services	\$110,933.00
Current expenses	4,535.00
Travel	50.00
Equipment	150.00

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Total	115,668.00
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## Custodial care:

Personal services	\$36,183.00
Current expenses	90,000.00
Travel	30.00
Other expenditures	100.00

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Total	126,313.00
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## Operation of plant:

Personal services	\$15,505.00
Current expenses	40,000.00

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Total	55,505.00
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## Maintenance of plant:

Personal services	\$11,081.00
Current expenses	4,865.00

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Total	15,946.00
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## Agriculture:

Personal services	\$31,266.00
Current expenses	60,000.00
Travel	35.00
Equipment	1,100.00

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Total	92,401.00
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Total for Laconia state school	\$425,552.25
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Less revenue	1,000.00
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Net appropriation	\$424,552.25
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## For soldiers' home:

## Office of the commandant:

Salary of commandant	\$2,860.00
Other personal services	1,791.00
Current expenses	515.00
Travel	75.00

Total		\$5,241.00
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## Custodial care:

Personal services	\$9,877.00
Current expenses	12,000.00

Total		21,877.00
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## Professional care and treatment:

Personal services	\$7,108.00
Current expenses	900.00

Total		8,008.00
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## Operation of plant:

Personal services	\$8,269.16
Current expenses	5,595.80

Total		13,864.96
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## Maintenance of plant:

Current expenses	650.00
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Total for soldiers' home		\$49,640.96
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## For state hospital:

## Administration:

Salary of superintendent	\$10,000.00
Other personal services	98,063.00
Current expenses	11,790.00
Travel	3,900.00
Equipment	500.00

Total		\$124,253.00
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## Professional care and treatment:

Personal services	\$698,000.00
Current expenses	47,517.00
Travel	2,075.00
Equipment	4,500.00

Total	752,092.00
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## Custodial care:

Personal services	\$241,340.00
Current expenses	501,415.00
Travel	75.00
Equipment	12,200.00

Total	755,030.00
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## Operation of plant:

Personal services	\$60,719.00
Current expenses	212,000.00
Travel	1,400.00
Equipment	5,000.00

Total	279,119.00
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## Maintenance of plant:

Personal services	\$82,038.00
Current expenses	14,880.00
Travel	80.00
Equipment	800.00

Total	97,798.00
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## Agriculture:

Personal services	\$30,400.00
Current expenses	64,220.00
Travel	50.00
Equipment	2,460.00

Total	97,130.00
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Total for state hospital	\$2,105,422.00
Less revenue	6,300.00

Net appropriation	\$2,099,122.00
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## For state prison:

## Administration:

Salary of warden	\$5,780.00
Other personal services	7,889.00
Current expenses	1,181.00
Travel	500.00
Equipment	150.00

Total	\$15,500.00
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## Instruction:

Personal services	2,700.00
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## Custodial care:

Salary of deputy warden	\$3,035.00
Other personal services	92,905.00
Current expenses	75,840.00
Equipment	1,100.00

Total	172,880.00
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## Auxiliary to prison care:

Personal services	\$6,000.00
Current expenses	4,680.00
Other expenditures—awards	1,250.00

Total	11,930.00
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## Operation of plant:

Personal services	\$5,148.00
Current expenses	7,800.00

Total	12,948.00
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## Maintenance of plant:

Current expenses	8,167.50
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## Agriculture:

Personal services	\$7,037.00
Current expenses	18,045.00

Total	\$25,082.00
Less transfer	12,000.00

Net total	13,082.00
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## Parole:

Personal services	\$10,822.00	
Current expenses	1,560.00	
Travel	3,000.00	
Equipment	175.00	
		<hr/>
Total		15,557.00
		<hr/>
Total for state prison		\$252,764.50
Less revenue		16,028.00
		<hr/>
Net appropriation		\$236,736.50

## For state sanatorium:

## Administration:

Salary of superintendent	\$5,800.00	
Other personal services	4,282.00	
Current expenses	1,535.00	
Travel	1,100.00	
Equipment	150.00	
		<hr/>
Total		\$12,867.00

## Professional care:

Personal services	\$53,073.00	
Current expenses	9,010.00	
Equipment	600.00	
		<hr/>
Total		62,683.00

## Custodial care:

Personal services	\$24,886.00	
Current expenses	36,950.00	
Equipment	250.00	
		<hr/>
Total		62,086.00

## Operation of plant:

Personal services	\$18,184.00	
Current expenses	20,005.00	
Equipment	450.00	
		<hr/>
Total		38,639.00

Maintenance of plant:	
Personal services	\$500.00
Current expenses	2,050.00
Equipment	250.00
	<hr/>
Total	2,800.00
Agriculture:	
Personal services	\$5,958.00
Current expenses	8,111.00
Equipment	2,000.00
	<hr/>
Total	16,069.00
	<hr/>
Total for state sanatorium	\$195,144.00
For University of New Hampshire:	
Millage fund*	\$950,000.00
Extension work in counties	61,000.00
	<hr/>
Total	\$1,011,000.00
For barbers' board:	
Personal services	\$2,859.00
Current expenses	516.00
Travel	800.00
	<hr/>
Total for barbers' board	\$4,175.00
Less revenue	4,175.00
	<hr/>
Net appropriation	0.00
For chiropractic examiners:	
Personal services	\$375.00
Current expenses	200.00
Travel	325.00
	<hr/>
Total for chiropractic examiners	\$900.00

\* This amount to be in lieu of the amount provided by section 18, chapter 222 of the Revised Laws, as amended by section 1, chapter 37 of the Laws of 1947, which said sections are hereby suspended for the fiscal year ending June 30, 1951.

## For board of education :

## Administration :

Salary of commissioner	\$8,550.00	
Salary of deputy	3,414.00	
Other personal services	75,655.85	
Current expenses	14,000.00	
Travel	10,000.00	
Equipment	2,000.00	
		<hr/>
Total		\$113,619.85

## Equalization :

Transportation, etc.	\$4,000.00	
State aid to school districts*	400,000.00	
		<hr/>
Total		404,000.00

## State wide supervision :

Personal services (net)	\$120,025.00	
Other expenditures:		
Superintendents' conference	1,750.00	
		<hr/>
Total		121,775.00

## Smith-Hughes (state) :

Personal services	\$5,412.95	
Current expenses	250.00	
Travel	1,200.00	
		<hr/>
Total		6,862.95

## Vocational rehabilitation (state) :

Current expenses	\$18,900.00	
Travel	500.00	
Equipment	600.00	
		<hr/>
Total		20,000.00

\* This sum to be distributed in accordance with the provisions of section 2 of the act making appropriations for the year ending June 30, 1950.

George Barden (state) :	
Personal services	\$6,435.15
Current expenses	300.00
Travel	2,000.00
	<hr/>
Total	8,735.15
State trade school—Manchester :	
Personal services	\$80,926.07
Current expenses	25,420.00
Travel	500.00
Equipment	5,000.00
Other expenditures	150.00
	<hr/>
Total	111,996.07
State trade school—Portsmouth :	
Personal services	\$56,487.00
Current expenses	23,400.00
Travel	600.00
Equipment	2,500.00
	<hr/>
Total	82,987.00
Trade school division (Concord office) :	
Personal services	\$9,693.00
Current expenses	1,500.00
Travel	1,000.00
	<hr/>
Total	12,193.00
Area vocational schools :	
Personal services	\$1,989.00
Current expenses	400.00
Travel	1,200.00
Equipment	10,000.00
Other expenditures :	
Reimbursements to school districts	82,000.00
	<hr/>
Total	95,589.00

## On-the-job training for veterans:

Current expenses	\$2,660.00
Equipment	350.00

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Total	3,010.00
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## School lunch program:

Personal services	\$4,920.00
Current expenses	900.00
Travel	1,000.00

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Total	6,820.00
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## Keene teachers' college:

Personal services	\$250,109.00
Current expenses	141,600.00
Travel	1,500.00
Equipment	6,000.00

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Total	399,209.00
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## Plymouth teachers' college:

Personal services	\$185,764.00
Current expenses	102,125.00
Travel	1,000.00
Equipment	8,500.00

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Total	297,389.00
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## Education of deaf:

Current expenses	\$40,000.00
Equipment	1,000.00

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Total	41,000.00
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Board of nurse examiners	\$3,750.00
	<hr/>
Total for board of education	\$1,728,936.02
Less revenue	603,275.00
	<hr/>
Net appropriation	\$1,125,661.02

In addition to the above appropriation said department shall receive for disbursement the income of the teachers colleges' dormitories and practice schools, revenue from tuitions received by the Manchester and Portsmouth trade schools and the sums paid by school districts for the salaries of superintendents under section 44, chapter 135 of the Revised Laws. In this department any balance excepting the equalization fund which may be unexpended in any fiscal year shall be placed in a special fund available for use for maintenance purposes the following year by and with the consent of the governor and council.

For board of health:

Administration:

Salary of state health officer	\$7,360.00
Other personal services	9,380.00
Current expenses	14,255.24
Travel	200.00

Total	<hr/> \$31,195.24
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Finance:

Personal services	\$10,595.00
Current expenses	550.00
Equipment	200.00

Total	<hr/> 11,345.00
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Hospital services:

Personal services	\$8,653.00
Current expenses	200.00
Travel	300.00

Total	<hr/> 9,153.00
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Vital statistics:

Personal services	\$11,447.00
Current expenses	1,650.00

Total	<hr/> 13,097.00
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Public health nursing :		
Personal services	\$30,512.00	
Current expenses	750.00	
Travel	4,800.00	
Total		36,062.00
Communicable disease control :		
Personal services	\$23,149.40	
Current expenses	60,000.00	
Travel	1,500.00	
Equipment	300.00	
Total		84,949.40
Dental services :		
Personal services	\$12,251.00	
Current expenses	1,500.00	
Travel	800.00	
Total		14,551.00
Maternal and child health and crippled children :		
Personal services	\$16,862.00	
Current expenses	5,000.00	
Travel	400.00	
Total		22,262.00
Industrial hygiene :		
Personal services	\$16,898.00	
Current expenses	700.00	
Travel	1,500.00	
Equipment	900.00	
Total		19,998.00
Diagnostic laboratories :		
Personal services	\$21,570.00	
Current expenses	4,950.00	
Travel	100.00	
Equipment	500.00	
Other expenditures	1,420.00	
Total		28,540.00

Food and chemistry:	
Personal services	\$40,137.50
Current expenses	2,300.00
Travel	11,100.00
Equipment	500.00
	<hr/>
Total	54,037.50
Sanitary engineering:	
Personal services	\$24,275.50
Current expenses	1,450.00
Travel	4,000.00
Equipment	500.00
	<hr/>
Total	30,225.50
	<hr/>
Total for board of health	\$355,415.64
Less revenue	1,040.00
	<hr/>
Net appropriation	\$354,375.64
For board of registration in medicine:	
Personal services	\$525.00
Current expenses	250.00
Travel	275.00
Equipment	50.00
	<hr/>
Total for board of registration of medicine	\$1,100.00
Less revenue	1,100.00
	<hr/>
Net appropriation	0.00
For board of optometry:	
Personal services	\$150.00
Current expenses	150.00
Travel	50.00
	<hr/>
Total for board of optometry	\$350.00



## For board of inebriates:

Salary of executive director	\$5,000.00	
Other personal services	8,856.00	
Current expenses	3,510.00	
Travel	1,250.00	
Equipment	450.00	
		<hr/>
Total for board of inebriates		\$19,066.00

## For board of fire control:

Salary of fire marshal	\$5,000.00	
Other personal services	7,934.00	
Current expenses	2,500.00	
Travel	2,000.00	
		<hr/>
Total for board of fire control		\$17,434.00

## For milk control board:

Personal services	\$9,545.00	
Current expenses	950.00	
Travel	1,500.00	
		<hr/>
Total for milk control board		\$11,995.00

## For probation board:

Personal services	\$62,791.00	
Current expenses	7,075.00	
Travel	13,000.00	
Equipment	500.00	
		<hr/>
Total for probation board		\$83,366.00

## For board of public welfare:

## Administration:

Salary of commissioner	\$5,800.00	
Other personal services	66,235.00	
Current expenses	17,835.00	
Travel	4,180.00	
Equipment	1,000.00	

## Other expenditures:

Merit system	3,500.00	
Employees' retirement	11,000.00	

Total		<hr/>
		\$109,550.00

State services :	
Personal services	\$10,260.00
Current expenses	225.00
Travel	800.00
Equipment	250.00
	<hr/>
Total	11,535.00
Field services :	
Personal services	\$212,395.00
Current expenses	28,332.00
Travel	27,600.00
Equipment	3,825.00
	<hr/>
Total	272,152.00
Blind services :	
Personal services	\$18,071.00
Current expenses	1,460.00
Travel	2,365.00
Equipment	100.00
Grants	29,000.00
	<hr/>
Total	50,996.00
Child welfare services :	
Personal services	\$21,824.00
Travel	4,600.00
	<hr/>
Total	26,424.00
Aid to dependent children (state's share)	1,555,226.35
Special children's aid	2,500.00
Aid to needy blind (state's share)	105,873.51
Vocational rehabilitation :	
Grants	10,000.00
John Nesmith fund	3,700.00
Old age assistance (state's share)	1,062,072.97
	<hr/>
Total for board of public welfare	\$3,210,029.83
Less revenue	158,025.00
	<hr/>
Net appropriation	\$3,052,004.83

## For veterans' council:

Personal services	\$10,523.00	
Current expenses	1,210.00	
Travel	4,000.00	
Burial claims	10,000.00	
		<hr/>
Total for veterans' council		\$25,733.00

## For water resources board:

Personal services	\$10,127.50	
Current expenses	700.00	
Travel	1,200.00	
Equipment	150.00	
		<hr/>
Total	\$12,177.00	
Less transfer from Pittsburg project	5,000.00	
		<hr/>
Net appropriation		7,177.50

## Water control commission:

Personal services	\$10,057.50	
Current expenses	600.00	
Travel	1,000.00	
Equipment	75.00	
		<hr/>
Total		11,732.50

Stream flow gauging	\$10,000.00	
Less transfers from highway funds	2,750.00	
		<hr/>
Net appropriation		7,250.00

Total for water resources board		<hr/>	\$26,160.00
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## For state housing board:

Personal services	\$9,873.00	
Current expenses	800.00	
Travel	650.00	
Equipment	170.00	
		<hr/>
Total for state housing board		\$11,493.00

For uniform state laws		\$400.00
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## For aeronautics commission:

Salary of director	\$4,860.00
Other personal services	10,477.00
Current expenses	2,645.00
Travel	2,250.00
Equipment	100.00

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Total for aeronautics commission	\$20,332.00
Less revenue and balance	20,332.00

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Net appropriation	0.00
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## For bank commission:

Salary of commissioner	\$6,395.00
Salary of deputies	9,062.50
Other personal services	31,607.00
Current expenses	5,300.00
Travel	9,500.00
Equipment	315.00

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Total for bank commission	\$62,179.50
*Less revenue	45,710.00

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Net appropriation	\$16,469.50
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\* The bank commissioner shall collect from the institutions, the condition and management of which the bank commissioner is required to examine under the provisions of section 8 of chapter 307 of the Revised Laws as the total cost of such examination, the sum of \$45,578 annually and each such institution shall pay to the state annually within thirty days after receipt by it of notice of assessment, such proportion of the total sum collectable hereunder as its assets bear to the total assets of all such institutions as shown by the reports of the bank commissioner as of the thirtieth of June preceding such payments. Sums collected under the provisions hereof shall be credited to the appropriation for the bank commissioner.

## For cancer commission:

Personal services	\$18,886.00	
Current expenses	39,680.00	
Travel	1,350.00	
Equipment	75.00	
		<hr/>
Total for cancer commission		\$59,991.00
Less revenue		9,000.00
		<hr/>
Net appropriation		\$50,991.00

## For liquor commission:

## Liquor administration:

Salary of commissioners, one-half	\$8,730.00	
Other personal services	61,859.00	
Current expenses	28,150.00	
Travel	3,500.00	
Equipment	1,500.00	
		<hr/>
Total		\$103,739.00

## Beer administration:

Salary of commissioners, one-half	\$8,730.00	
Other personal services	58,796.50	
Current expenses	14,350.00	
Travel	25,000.00	
Equipment	1,500.00	
		<hr/>
Total		108,376.50

## Liquor enforcement:

Personal services	\$11,107.00	
Current expenses	725.00	
Travel	7,000.00	
Equipment	50.00	
		<hr/>
Total		18,882.00

## Stores :

Personal services	\$392,924.00
Current expenses	203,450.00
Travel	6,000.00
Equipment	10,000.00

Total	612,374.00
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## Warehouse :

Personal services	\$51,669.00
Current expenses	33,900.00
Travel	100.00
Equipment	3,000.00

Total	88,669.00
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Total for liquor commission	\$932,040.50
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Less revenue	932,040.50
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Net appropriation	0.00
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## For pharmacy commission :

Personal services	\$1,600.00
Current expenses	235.00
Travel	700.00

Total for pharmacy commission	\$2,535.00
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## For planning and development commission :

## Administration :

Salary of director	\$5,300.00
Other personal services	56,397.00
Current expenses	70,000.00
Travel	4,000.00
Equipment	1,000.00

Other expenditures:	
Tourist service	\$2,000.00
Regional associations*	16,950.00
Wood waste utilization	2,000.00
	<hr/>
Total for planning and development commission	\$157,647.00
Less revenue	2,650.00
	<hr/>
Net appropriation	\$154,997.00
For public service commission:	
Salary of commissioners	\$20,400.00
Other personal services	61,629.00
Current expenses	23,545.00
Travel	6,000.00
Equipment	500.00
Aids to navigation	1,600.00
	<hr/>
Total for public service commission	\$113,674.00
Less estimated revenue†	43,000.00
	<hr/>
Net appropriation	\$70,674.00
For racing commission:	
Salary of commissioners	\$5,400.00
Other personal services	25,216.00
Current expenses	3,500.00
Travel	3,300.00
Equipment	850.00
Other expenditures:	
Employees' retirement	450.00
	<hr/>
Total for racing commission	\$38,716.00
Less revenue	38,716.00
	<hr/>
Net appropriation	0.00

\* This appropriation shall be administered by the state planning and development commission for the aid of regional development associations. Not more than \$2,825.00 may be allotted by the commission to any one regional association whose bounds, form of organization and program shall first have been approved by the commission. Any unexpended portion of this appropriation shall lapse and shall not be transferred to any other state appropriation.

† Any income in excess of the above estimate shall be available for further expenditure as the governor and council shall approve.

## For state tax commission :

## Office of commission :

Salary of two commissioners	\$8,840.00
Salary of secretary	5,360.00
Other personal services	20,655.00
Current expenses	6,980.00
Travel	5,000.00
Equipment	240.00

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Total	\$47,075.00
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## Interest and dividends division :

Personal services	\$12,106.00
Current expenses	2,200.00
Travel	500.00

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Total	14,806.00
Less revenue	14,806.00

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Net appropriation	0.00
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## Utilities tax :

Personal services	\$3,373.00
Current expenses	150.00
Travel	150.00

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Total	3,673.00
Less revenue	3,673.00

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Net appropriation	0.00
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## Tobacco products :

Personal services	\$21,254.00
Current expenses	13,700.00
Travel	7,500.00

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Total	42,454.00
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## Municipal accounting division:

Personal services	\$24,032.00
Current expenses	1,225.00
Travel	5,000.00
Equipment	225.00

Total	\$30,482.00
Less revenue	17,900.00

Net appropriation	\$12,582.00
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Total net appropriation for tax commission	\$102,111.00
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## For water pollution commission:

Personal services	\$18,943.00
Current expenses	5,000.00
Travel	5,500.00
Equipment	500.00

Total for water pollution commission	\$29,943.00
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For firemen's retirement system	\$27,500.00
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For policemen's retirement system	\$59,000.00
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For teachers' retirement system	\$44,120.00
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## For employees' retirement system:

Personal services	\$15,016.00
Current expenses	1,358.00
Travel	600.00
Other expenditures	94,000.00

Total for employees' retire- ment system	\$110,974.00
Less revenue	4,000.00

Net appropriation	\$106,974.00
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For mental hygiene clinics and study home:		
Salary of director	\$5,713.00	
Other personal services	22,750.42	
Current expenses	6,000.00	
Travel	1,500.00	
Equipment	250.00	
		<hr/>
Total for mental hygiene clinic and study home		\$36,213.42
For board of accountancy:	\$601.00	
Less revenue	601.00	
		<hr/>
Net appropriation		0.00
For fish and game commission:		
Commission:		
Current expenses	\$335.00	
Travel	1,000.00	
Employees' retirement	17,000.00	
		<hr/>
Total		\$18,335.00
Administration:		
Salary of director	\$5,300.00	
Other personal services	20,634.00	
Current expenses	24,760.00	
Travel	1,000.00	
Equipment	800.00	
		<hr/>
Total		52,494.00
Conservation service:		
Personal services	\$86,409.00	
Current expenses	11,650.00	
Travel	57,500.00	
Equipment	3,500.00	
		<hr/>
Total		159,059.00

## Education:

Personal services	\$8,951.00
Current expenses	7,725.00
Travel	3,000.00
Equipment	2,750.00
Shows	6,000.00

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Total	28,426.00
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## Research:

Personal services	\$20,456.00
Current expenses	4,460.00
Travel	2,000.00
Equipment	2,500.00

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Total	29,416.00
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## Propagation of fish:

Personal services	\$101,523.00
Current expenses	173,310.00
Travel	7,500.00
Equipment	9,800.00

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Total	292,133.00
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## Propagation of game:

Personal services	\$4,060.00
Current expenses	29,840.00
Travel	1,000.00
Equipment	500.00

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Total	35,400.00
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## Pittman-Robertson:

Personal services	\$23,533.00
Current expenses	6,615.00
Travel	4,000.00
Equipment	960.00

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Total	35,108.00
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Damage:	
Personal services	\$7,000.00
Current expenses	11,557.00
Travel	1,800.00
Equipment	1,500.00
Damage awards	6,000.00
	<hr/>
Total	27,857.00
Bobcat bounties	4,000.00
	<hr/>
Total for fish and game commission	\$682,228.00
Less estimated revenue*	682,228.00
	<hr/>
Net appropriation	0.00
For board of hairdressers:	
Personal services	\$3,316.00
Current expenses	1,325.00
Travel	1,200.00
Equipment	75.00
Other expenditures:	
Employees' retirement system	120.00
	<hr/>
Total for hairdressers' board	\$6,036.00
Less revenue	6,036.00
	<hr/>
Net appropriation	0.00
For prison industries:	
Personal services	\$47,880.00
Current expenses	94,650.00
Travel	500.00
Equipment	2,000.00
	<hr/>
Total for prison industries	\$145,030.00
Less revenue	145,030.00
	<hr/>
Net appropriation	0.00

\* In addition to the above appropriation the fish and game department shall receive for such disbursement as the governor and council shall approve, any income received in excess of the above estimate.

For aerial tramway:	
Personal services	\$121,902.00
Current expenses	47,134.33
Travel	1,000.00
Equipment	500.00
Contracts	260.00
Stock in trade	40,000.00
Employees' retirement system	6,139.67
New trail—summit to valley	8,000.00
	<hr/>
Total for aerial tramway	\$224,936.00
Less revenue	224,936.00
	<hr/>
Net appropriation	0.00
	<hr/>
Total net appropriation	\$11,586,407.14
	<hr/> <hr/>

2. *Takes Effect.* This act shall take effect as of July 1, 1950.

[Approved July 28, 1949.]

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## CHAPTER 325.

### AN ACT RELATIVE TO CONTROL OF AIR POLLUTION.

WHEREAS, the pollution of the atmosphere by foreign elements not normal constituents of the atmosphere is a potential menace to the health, comfort and safety of the citizens of New Hampshire; and

WHEREAS, it appears that satisfactory control of air pollution may require a long range program so that persons, firms, corporations and municipalities may not be unduly burdened; and

WHEREAS, there appears to be a question as to whether or not existing laws are adequate to cope with the situation; and

WHEREAS, the diverse conditions pertaining to air pollution in the various towns and cities in New Hampshire create a difficult question as to whether the power to control air pollu-

tion should be vested in some agency of the state of New Hampshire or in the various towns and cities; and

WHEREAS, the unavoidable pollution of air by industry requires careful consideration of the problem of control of air pollution; therefore

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Committee Authorized.** A joint committee to consist of three members of the house and two members of the senate shall be appointed by the speaker of the house and by the president of the senate, respectively, and two members from the public shall be appointed by the governor to make a thorough and impartial investigation of the subject of air pollution giving particular regard to the problems stated in the preamble of this act.

**2. Powers and Duties.** Said committee shall have full power and authority to require from the several departments, boards and commissions of the state government, and from the officials of the towns and cities, such information, assistance and advice as may be necessary for the purposes of said committee, and shall prepare a report of its findings and recommendations for legislation, if any, to the legislature of 1951.

**3. Compensation.** The members of said committee shall serve without pay.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved July 28, 1949.]

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## CHAPTER 326.

### JOINT RESOLUTION PROVIDING FOR THE RECLASSIFICATION OF STATE EMPLOYEES.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the present classification system for state employees shall be revised under the direction and supervision of the governor and council, who are authorized to employ such technical and clerical assistance as may in their discretion be

necessary. The governor and council shall at the same time also make a study of the classification act itself, with the aid of said technical and clerical assistance, and report to the general court their findings and recommendations, together with any proposed legislation necessary to carry out their recommendations. A sum not exceeding \$10,000 is hereby appropriated to carry out the provisions hereof, and the governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

[Approved February 17, 1949.]

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### CHAPTER 327.

JOINT RESOLUTION IN FAVOR OF MASSACHUSETTS MUTUAL LIFE  
INSURANCE COMPANY AND NEW ENGLAND MUTUAL LIFE  
INSURANCE COMPANY.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the sum of \$5,172.33 be and hereby is appropriated to reimburse Massachusetts Mutual Life Insurance Company for taxes paid by said company under protest for the year 1945 in excess of the amount actually due; and that the sum of \$2,301.24 be and hereby is appropriated to reimburse New England Mutual Life Insurance Company for taxes paid by said company under protest for the years 1944 and 1945 in excess of the amounts actually due. The sums hereby appropriated shall be in full settlement of the above claims. The governor is hereby authorized to draw his warrants for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

[Approved March 7, 1949.]

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### CHAPTER 328.

JOINT RESOLUTION ESTABLISHING A COMMITTEE TO INVESTIGATE  
THE STATUS OF THE STATE SANITARIUM AT GLENCLIFF.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the senate and house committees on public welfare and state institutions shall form a joint committee (1) for the

purpose of investigating the status of the state sanitarium at Glencliff, and determining whether said institution should be continued in operation at its present location or whether it should be transferred elsewhere, and (2) to investigate generally the care and treatment given by the state to tubercular patients.

The state board of health and other state agencies and officials shall furnish to said joint committee such information as it may request, and said joint committee is hereby authorized to secure such information and assistance from any individual, institution or organization within or without the state, as it may deem advisable in the furtherance of its duties.

Said joint committee shall before June 1, 1949 report to the general court its findings and recommendations both as to the location of the sanitarium and as to a long range program designed to provide the best service, care and treatment by the state of tubercular patients and shall further report any proposed legislation necessary to carry out its recommendations. Such findings and recommendations shall be made only by majority vote of both the senate and house members of the joint committee.

Members of the committee shall be allowed their necessary expenses if required to travel outside Concord on committee business; and said expense and any expenses incurred as herein authorized shall be a charge upon the legislative appropriation, subject to the joint supervision of the president and speaker.

[Approved March 9, 1949.]

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### CHAPTER 329.

#### JOINT RESOLUTION IN FAVOR OF THE ESTATE OF JOHN H. MCSHEA, SR.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the state treasurer be and hereby is directed to pay to the estate of John H. McShea, Sr., representative from Manchester, the balance of salary due said decedent as a member of the house of representatives.

[Approved March 22, 1949.]



**CHAPTER 330.****JOINT RESOLUTION RELATIVE TO THE ESTATE OF  
D. SALMON WHITCOMB.**

WHEREAS, it appears that upon settlement of the estate of D. Salmon Whitcomb, late of Barrington, in the county of Strafford and state of New Hampshire, deceased, a balance of \$18,580.92 remained undistributed in the hands of the administrator of said estate and upon a petition alleging that there were no known heirs of the said D. Salmon Whitcomb, the judge of probate for said county of Strafford on February 3rd, 1948, ordered the administrator to pay over said funds to the state treasurer, which was done in accordance with the provisions of section 9 of chapter 360 of the Revised Laws; and

WHEREAS, it now appears that there may be heirs-at-law of the said D. Salmon Whitcomb; now therefore

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the judge of probate for the county of Strafford and state of New Hampshire is hereby authorized to conduct a hearing or hearings, at which any person or persons interested may appear and present proof that he is an heir-at-law of the said D. Salmon Whitcomb; and if such claims, or any thereof, shall be established, the treasurer of the state shall be ordered by said judge of probate aforesaid to pay the sum of \$18,580.92 to such heirs in the several amounts to which the said judge shall find them entitled. The secretary of state is hereby authorized to send a copy of this resolution to the judge of probate for the county of Strafford aforesaid, who, upon receipt thereof shall act upon the same forthwith.

[Approved March 24, 1949.]

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**CHAPTER 331.****JOINT RESOLUTION RELATING TO WORLD GOVERNMENT.**

WHEREAS, we believe that world peace can be created and maintained only under a world federal government, universal and strong enough to prevent armed conflict between nations,

and having direct jurisdiction over the individual in those matters within its authority; and

WHEREAS, in 1945 the general court of New Hampshire solemnly declared "that all peoples of the earth should now be united in a commonwealth of nations to be known as The Federation of the World . . ." and

WHEREAS, we are mindful of, and endorse, the efforts of the United Nations to bring about a world community favorable to peace, and further believe that every avenue should be utilized so as to transform the existing organization of the United Nations into an effective world government, now therefore be it

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT our representatives in the national Congress be and hereby are requested to urge the President and the Congress forthwith to take the initiative in requesting amendments to the United Nations Charter strengthening the United Nations into a limited world federal government capable of enacting, interpreting and enforcing laws to prevent war. The secretary of state is directed to send a copy of this resolution to our representatives in the national Congress, to the speaker of the national house of representatives, to the president of the national senate and to the President of the United States.  
[Approved April 7, 1949.]

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## CHAPTER 332.

### JOINT RESOLUTION APPROPRIATING MONEY FOR RENOVATION OF THE VENTILATING SYSTEM IN THE HOUSE OF REPRESENTATIVES.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of not exceeding five hundred dollars is hereby appropriated for the purpose of renovating the ventilating system in the house of representatives in the state house. Said sum shall be expended under the direction of the superintend-

ent of the state house and the governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

[Approved May 3, 1949.]

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### CHAPTER 333.

#### JOINT RESOLUTION IN FAVOR OF THE ESTATE OF WILLIAM K. DAVIS.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the state treasurer be and hereby is directed to pay to the estate of William K. Davis, representative from Newton, the balance of salary due said decedent as a member of the house of representatives.

[Approved May 11, 1949.]

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### CHAPTER 334.

#### JOINT RESOLUTION IN FAVOR OF THE ESTATE OF LOUIS H. DOUPHINETT.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the state treasurer be and hereby is directed to pay to the estate of Louis H. Douphinett, representative from Franklin, the sum of two hundred dollars, salary due said decedent as a member of the house of representatives.

[Approved May 11, 1949.]

## CHAPTER 335.

JOINT RESOLUTION RELATIVE TO THE ESTABLISHMENT OF AN  
INTERIM COMMISSION TO MAKE A STUDY AND SUBMIT  
A REPORT DESIGNED TO PROTECT THE DEMOCRATIC  
PRINCIPLES OF GOVERNMENT IN THIS STATE  
AND TO EXPOSE SUBVERSIVE ACTIVITIES  
IN THE STATE.

WHEREAS, the system of government known as totalitarian dictatorship is characterized by a single political party, organized on a dictatorial rather than a democratic basis; and

WHEREAS, the establishment of a totalitarian dictatorship in any country results in the obstruction of free democratic institutions, the ruthless suppression of all opposition to the party in power, the complete subordination of the rights of individuals to the state, the denial of fundamental rights and liberties which are characteristic of a democratic or representative form of government, such as freedom of speech, of the press, of assembly and of religious worship, and results in the maintenance of control over the people through fear, terrorism and brutality; and

WHEREAS, there exists a world communist movement, which, in its origin, its development and its present practice, is a world-wide revolutionary political movement whose purpose is, by treachery, deceit, infiltration into other groups (governmental, educational, and otherwise) and espionage, sabotage, terrorism and any other means deemed necessary to establish a communist totalitarian dictatorship in all the countries of the world through the medium of a single world-wide communist political organization; and

WHEREAS, the direction and control of the world communist movement is vested in and exercised by the communist dictatorship of a foreign country; and

WHEREAS, there should be an interim commission to study, investigate and report on the situation in New Hampshire for the protection of the democratic principles and ideals of this state and for the exposure and expurgation of subversive and other illegal activities in the state of New Hampshire; now therefore be it

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the governor hereby is authorized and directed to appoint a commission to be known as the Interim Commission on Subversive Activities to be composed of nine members as follows: Three members of the senate, to be designated by the president of the senate, three members of the house of representatives, to be designated by the speaker of the house, and three residents and citizens of the state, to be designated by the governor. One of said members shall be designated by the governor to serve as chairman of said commission. Said commission hereby is authorized and directed to make a study of the laws of the United States and other states and to do everything necessary and proper to formulate and prepare a program designed to protect the democratic principles and ideals of this state and to expose and expurgate subversive and other illegal activities in the state. Said commission shall make a report of its findings to the governor and council on or before January 1, 1951. All departments and agencies of the state are directed to assist the commission in carrying out its duties hereunder, as may be requested by the commission. The sum of three thousand five hundred dollars is hereby appropriated to pay the necessary secretarial and related incidental expenses which may be incurred by the commission which sum shall include a per diem allowance to the members of the commission when engaged on official duties. The governor is authorized to draw his warrant for the sum herein appropriated out of any money in the treasury not otherwise appropriated. The words "subversive activities" as used in this resolution shall mean advocacy of, or persuasion of others to accept, the doctrine of overthrow by force of the government of the United States or of this state.

[Approved May 12, 1949.]

**CHAPTER 336.**JOINT RESOLUTION IN FAVOR OF THE ESTATE OF  
FRANK H. PEASLEE.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the state treasurer be and hereby is directed to pay to the estate of Frank H. Peaslee, representative from Weare, the sum of two hundred dollars, salary due said decedent as a member of the house of representatives.

[Approved May 12, 1949.]

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**CHAPTER 337.**JOINT RESOLUTION IN FAVOR OF THE ESTATE OF  
E. JAMES WINSLOW.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the state treasurer be and hereby is directed to pay to the estate of E. James Winslow, representative from Keene, the balance of salary due said decedent as a member of the house of representatives.

[Approved May 12, 1949.]

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**CHAPTER 338.**JOINT RESOLUTION CONCERNING A BRIDGE IN THE TOWN  
OF WARNER.

WHEREAS, there is at present an old covered bridge in the town of Warner known as Bagley bridge now barricaded and closed as being unsafe for travel, a condition due in part to emergency diversion of primary state highway traffic; and

WHEREAS, chapter 323 of the Laws of 1947 authorized the highway department to expend from the funds of the department the sum of thirteen thousand dollars for the rebuilding of the so-called Bagley bridge in the town of Warner provided

that the town of Warner shall appropriate the sum of two thousand dollars to cover the cost of building approaches to said bridge; now therefore

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the highway department is hereby relieved of any obligation to the town of Warner insofar as the same shall apply to Bagley bridge in said town but said department is authorized to expend from the funds of the department the sum of thirteen thousand dollars for the rebuilding of the so-called John Ela bridge in the central part of said town provided that the town of Warner shall appropriate the sum of two thousand dollars to cover the cost of building approaches to said bridge and provided further that any costs in excess of the above amount for rebuilding said John Ela bridge shall be as provided by law for town bridge aid.

[Approved May 20, 1949.]

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### CHAPTER 339.

#### JOINT RESOLUTION PROVIDING FOR A COMMITTEE TO INVESTIGATE TAX EXEMPTION LAWS.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT a joint committee to consist of three members of the house and two members of the senate be appointed by the speaker of the house and by the president of the senate, respectively, to investigate the matter of tax exempt property of every kind in the state, with particular reference to the laws governing and permitting such exemptions, and to determine whether or not exemptions so granted were, and are now, in strict compliance with the statutes. Said committee shall have all the powers conferred upon the committee authorized by chapter 328 of the Laws of 1947, the membership of which prior committee is hereby dissolved. The members of the committee established under the provisions hereof shall serve without pay but may be reimbursed for actual and necessary expenses incurred by the committee in securing

such information as may be required hereunder. Any balance of the appropriation made under the provisions of said chapter 328 shall not lapse but shall be available for the use of the committee hereby established. Said committee shall make a report of its findings and recommendations to the legislature of 1951.

[Approved May 26, 1949.]

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#### CHAPTER 340.

##### JOINT RESOLUTION IN FAVOR OF THE ESTATE OF ROSS L. PIPER.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the state treasurer be and hereby is directed to pay to the estate of Ross L. Piper, representative from Laconia, the balance of salary due said decedent as a member of the house of representatives.

[Approved May 26, 1949.]

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#### CHAPTER 341.

##### JOINT RESOLUTION IN FAVOR OF LUIGI CILLI.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the sum of \$186.07 be paid to Luigi Cilli of Jaffrey to reimburse him for certain legacy taxes which he erroneously paid to the state. The governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

[Approved June 4, 1949.]



**CHAPTER 342.**

JOINT RESOLUTION IN FAVOR OF BENJAMIN F. GREER.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of four hundred dollars is hereby appropriated to reimburse Benjamin F. Greer of Goffstown for services as clerk of the Senate. The sum hereby appropriated shall be a charge upon the legislative appropriation.

[Approved June 4, 1949.]

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**CHAPTER 343.**

JOINT RESOLUTION IN FAVOR OF BLANCHE B. COUTURE.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of twenty-five hundred dollars (\$2500) is hereby appropriated to compensate Blanche B. Couture of Nashua, New Hampshire, for personal injuries to wit, a compound fracture of the right ankle, including the pain and suffering, and for expenses of hospital, medical and nursing care in connection therewith, caused by a defectively supported step in the Franconia Notch Reservation, to wit, in the Flume Gorge, so-called, on October 9, 1948, and said sum shall be in full settlement of said claim. The governor is hereby authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

[Approved June 9, 1949.]

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**CHAPTER 344.**

JOINT RESOLUTION IN FAVOR OF SAMUEL JOVIN.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of one hundred forty-five dollars be paid to Samuel Jovin of Hillsborough to reimburse him for damages to his truck occasioned by an accident which occurred June 3,

1948 on the state highway in the town of Grantham due to a defect in the culvert on said state highway. The governor is authorized to draw his warrant for said sum and the same shall be a charge upon the highway funds.

[Approved June 13, 1949.]

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#### CHAPTER 345.

JOINT RESOLUTION IN FAVOR OF THE ESTATES OF MAURICE A. ROBERTS, SHIRLEY S. PHILBRICK AND JOHN M. TEWKSBURY.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the state treasurer be and hereby is directed to pay to the estate of Maurice A. Roberts, representative from Orford, the balance of salary due said decedent as a member of the house of representatives, to the estate of Shirley S. Philbrick, representative from Rye, the balance of salary due said decedent as a member of the house of representatives, to the estate of John M. Tewksbury, representative from Cornish, the balance of salary due said decedent as a member of the house of representatives.

[Approved June 13, 1949.]

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#### CHAPTER 346.

JOINT RESOLUTION IN FAVOR OF SAMUEL W. TENOFSKY.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of seven thousand seven hundred fifty-seven dollars and twenty-seven cents (\$7,757.27) is hereby appropriated as follows: The sum of one hundred ninety-nine dollars to be allowed and paid to James M. Ballou, M. D. of 53 Summer Street, Keene, N. H., the sum of thirty dollars to be allowed and paid to W. R. MacAusland, M. D. of 412 Beacon Street, Boston, Mass., the sum of ten dollars to be allowed and paid to Samuel Lewis, M. D. of 475 Commonwealth Avenue,

Boston, Mass., the sum of fifty-six dollars to be allowed and paid the Keene Clinic, 331 Main Street, Keene, N. H., the sum of eleven dollars and fifty cents to be allowed and paid the Elliot Community Hospital, Keene, N. H., the sum of six hundred and three dollars and eighty cents to be allowed and paid the Bullard and Shedd Co., Inc., Keene, N. H., the sum of ninety-seven dollars and fifty cents to be allowed and paid Sears, Roebuck and Co., of 41 Central Square, Keene, N. H., the sum of twenty-one dollars and forty-seven cents to be allowed and paid Medical Hall, Inc., of 52-55 Main Street, Keene, N. H., the sum of two hundred twenty-eight dollars to be allowed and paid the Keene Visiting Nurse Association, Keene, N. H., expenses on account of an accident suffered by Samuel W. Tenofsky on August 26, 1944, when on duty as a member of the state guard; and in addition thereto the sum of six thousand five hundred dollars is hereby allowed said Samuel W. Tenofsky, to him or to his wife and children, to be paid in weekly installments of sixty-five dollars per week for one hundred weeks. The governor is hereby authorized to draw his warrants for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.  
[Approved June 15, 1949.]

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## CHAPTER 347.

### JOINT RESOLUTION IN FAVOR OF ALFRED M. JENNESS.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the sum of one thousand forty-three dollars and twenty-eight cents (\$1,043.28) be and hereby is appropriated to Alfred M. Jenness of Hampton for balance of salary due from June 1, 1947 to January 6, 1949 to meet classification requirements for conservation officers. The sum appropriated shall be a charge upon the funds of the department of fish and game.

[Approved June 15, 1949.]

## CHAPTER 348.

JOINT RESOLUTION PROVIDING FOR A COMMITTEE TO STUDY  
HOSPITAL CARE AND RATES.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the governor, with the advice and consent of the council, is hereby authorized and directed to appoint a committee to consist of seven competent and qualified persons for the purpose of studying and analyzing hospital care and rates to be paid by the state to hospitals for services to recipients of public assistance. Such committee shall include two hospital officials; one county relief official; one city or town relief official; and three laymen. The committee shall be authorized to establish subcommittees either from within or without its membership, in furtherance of its studies. The committee shall report its findings and recommendations in writing to this legislature, together with a draft of any bills whose enactment it may recommend. The members of this committee shall serve without compensation, but shall be reimbursed for their actual expenses; they shall have power to summon witnesses, who shall appear and may be required to testify under oath, to require the production of papers and reports, and to employ any necessary legal, technical, clerical, stenographic, or other assistance and may require from the state departments such assistance as may be necessary. A sum not to exceed three thousand dollars is hereby appropriated to carry into effect the provisions hereof, and the governor is hereby authorized to draw his warrant therefor out of any money in the treasury not otherwise appropriated.

[Approved June 21, 1949.]

**CHAPTER 349.****JOINT RESOLUTION TO ESTABLISH AN INTERIM COMMISSION TO  
STUDY THE PRESENT MOTOR VEHICLE FINANCIAL  
RESPONSIBILITY LAW.**

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the governor with the advice and consent of the council, is hereby authorized and directed to appoint a commission of five members for the purpose of making a complete study of the state's present motor vehicle financial responsibility law and related laws, the present methods used in effecting automobile liability insurance, and proposed legislation, the commission to report such recommendations as it may deem advisable to the 1951 session of the general court, said report and recommendations to be filed on or before December 31, 1950. The members of said commission shall serve without pay.

[Approved July 27, 1949.]

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**CHAPTER 350.****JOINT RESOLUTION TO ESTABLISH AN INTERIM COMMISSION TO  
STUDY THE LAWS OF THE STATE PERTAINING TO PUBLIC  
UTILITIES.**

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT a commission of five members be appointed, as hereinafter provided, to study the laws of the state regulating or pertaining to public utilities. Said commission shall be appointed by the governor with the advice and consent of the council prior to August 1, 1949. Vacancies occurring shall be filled in the same manner. Said commission shall make a careful study of present laws regulating or pertaining to railroads and public utilities and of the need or advisability of further legislation relating thereto for the purpose of protecting the interests of all interested parties. Said committee shall have full power and authority to require from the

several departments, agencies and officials of the state, cities and towns, and from individuals, partnerships and corporations, such information and assistance as it may deem necessary for the purposes of the commission. The members of said commission shall serve without compensation. Said commission shall report its findings and recommendations, together with any proposed legislation necessary to carry out its recommendations, to the next regular session of the legislature, during the first week of said session. The reasonable expenses of said commission shall be a charge upon the appropriation of the public service commission and the governor is hereby authorized to draw his warrant for said sum.

[Approved July 28, 1949.]

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### CHAPTER 351.

#### JOINT RESOLUTION REIMBURSING CERTAIN TOWNS FOR FOREST FIRE EXPENSES.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the sum of \$1,321.67 is hereby appropriated to reimburse the following towns in the following amounts for expenses incurred on account of accidents for forest fires in said towns October 1947 and August 1948: Ashland, \$109.42; Effingham, \$618.00; Farmington, \$175.75; Newbury, \$10.00; Plymouth, \$220.00; Wakefield, \$72.50; Walpole, \$116.00. The governor is authorized to draw his warrant for the sums hereinbefore appropriated out of any money in the treasury not otherwise provided.

[Approved July 28, 1949.]

**CHAPTER 352.****JOINT RESOLUTION RELATIVE TO FUNDS FOR DEVELOPMENT OF  
AERONAUTICAL FACILITIES AND RELATIVE TO A CERTAIN  
PRIVATE CLAIM.**

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the sum of \$5,323.47 is hereby appropriated only for the development of aeronautical safety. The sum hereby appropriated shall be expended under the direction of the state aeronautics commission and the same shall be a charge upon the funds now retained in the treasury as unrefunded road toll funds.

THAT the sum of thirty-two dollars and sixty-five cents (\$32.65) be appropriated to Harold T. Killeen of Walpole to compensate and reimburse him for damages caused to his car due to negligence of the highway department in not removing rocks from the sand in the center of the road between East Alstead and Alstead on June 9, 1949. Said sum hereby appropriated shall be a charge upon the state highway fund.  
[Approved July 28, 1949.]

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**CHAPTER 353.****JOINT RESOLUTION IN FAVOR OF THE ESTATE OF  
PERL L. HUTCHINS.**

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the state treasurer be and hereby is authorized to pay to the estate of Perl L. Hutchins the balance of salary due said decedent as a member of the house of representatives.  
[Approved July 28, 1949.]

**CHAPTER 354.****JOINT RESOLUTION IN FAVOR OF BRENDAN J. SPLAINE  
AND DAVID A. PROCTOR.**

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the sum of fifty-seven dollars and fifty cents (\$57.50) is hereby appropriated to reimburse Brendan J. Splaine for medical and hospital expenses incurred by him as a result of an accident which occurred in May, 1948, while he was on duty as a member of the national guard at the Franklin armory. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

THAT the sum of five hundred eight dollars and twenty cents (\$508.20) is hereby appropriated to continue semi-monthly payments to David A. Proctor of Littleton from September, 1950, to March, 1951. The sum hereby appropriated shall be expended in the same manner as payments are now made by the highway department to said David A. Proctor for special retirement benefits. The sum hereby appropriated shall be a charge upon the highway funds.

[Approved July 28, 1949.]

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**CHAPTER 355.****JOINT RESOLUTION IN FAVOR OF THE ESTATE OF  
OCTAVE J. GOULET.**

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the state treasurer be and hereby is authorized to pay to the estate of Octave J. Goulet the balance of salary due said decedent as member of the house of representatives.

[Approved July 28, 1949.]



## CHAPTER 356.

JOINT RESOLUTION IN FAVOR OF THE ESTATE OF  
ANDREW C. ELLIOTT.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the state treasurer be and hereby is directed to pay to the estate of Andrew C. Elliott, representative from Milford, the balance of salary due said decedent as a member of the house of representatives.

[Approved July 28, 1949.]

## CHAPTER 357.

JOINT RESOLUTION IN FAVOR OF CLARENCE A. DUBOIS AND  
OTHERS.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT Clarence A. DuBois, sergeant-at-arms of the house, be allowed the sum of \$1,287; that John S. Ball, sergeant-at-arms of the senate, be allowed the sum of \$1,170; that Cyril J. Fretwell, clerk of the house, be allowed the sum of \$2,500; that Benjamin F. Greer, clerk of the senate, be allowed the sum of \$2,500, including the filing of the permanent journal; that Robert L. Stark, assistant clerk of the house, be allowed the sum of \$2,400; that Frank M. Ayer, assistant clerk of the senate, be allowed the sum of \$2,100; the sums for the clerks and assistant clerks to include the statutory salary in each case; that Frank N. Jordan, custodian of mail and supplies of the house, be allowed the sum of \$1,086; that Lenne C. Twombly, doorkeeper of the house, be allowed the sum of \$475; that John Twombly, doorkeeper of the house, be allowed the sum of \$410; that Sherman L. Greer, Florence J. Danforth and Mabel L. Richardson, doorkeepers of the house be allowed the sum of \$880 each; that Frank D. Gay, doorkeeper of the senate, be allowed the sum of \$880; that Oney Russell, warden of the coat room of the house, be allowed the sum of \$885; that Leon R. Hayes, assistant warden of the coat room of the

house, be allowed the sum of \$855; that Carl E. Wallace, library messenger of the house, be allowed the sum of \$885; that Lloyd Fogg, telephone messenger of the house, be allowed the sum of \$885; that Russell Bickford, telephone messenger of the senate, be allowed the sum of \$880; that Rene Dufort, messenger of the senate, be allowed the sum of \$880; that Earl Pollard, assistant messenger of the senate, be allowed the sum of \$900; that Arthur L. Carpenter, speaker's page, be allowed the sum of \$885; that James Martin, page, be allowed the sum of \$895; that John W. Todd, page, be allowed the sum of \$850; that Frank Burr, page, be allowed the sum of \$850; that Thurber Jewett, page, be allowed the sum of \$830; that Edward Baker, page, be allowed the sum of \$850; that Alice V. Flanders, house stenographer, be allowed the sum of \$1,674; that Bessie A. Callaghan, senate stenographer, be allowed the sum of \$1,584; that Grace J. White, senate stenographer, be allowed the sum of \$1,424; that Margaret L. Ford, house stenographer, be allowed the sum of \$1,056; that Helene H. Wester, house stenographer, be allowed the sum of \$996; that Helen Y. Andrews, judiciary stenographer, be allowed the sum of \$1,424; that Eleanor C. Brown, appropriations stenographer, be allowed the sum of \$1,440; that Esther T. Hurd, speaker's stenographer, be allowed the sum of \$1,157; that Mary B. Parsons, legislative stenographer, be allowed the sum of \$500; that Alice P. Boutwell, mileage clerk, be allowed the sum of \$1,157; that Palmer C. Read, judiciary messenger, be allowed the sum of \$890; that Eugene C. Williams, appropriations messenger, be allowed the sum of \$885; that Carl D. Hayes, page, be allowed the sum of \$20; that Richard Palmer, Joseph Comi, Eugene O'Neil, Pasquale Rufo, pages, be allowed the sum of \$15 each; that George Hurd, custodian of mail and supplies, be allowed the sum of \$15; that Winslow H. Osborne be allowed the sum of \$3,255.66 for professional services, and the sum of \$838.13 for stenographic services; that Gordon M. Tiffany be allowed the sum of \$332.50 for professional services, the sum of \$20.30 for stenographic services, the sum of \$60.41 for expenses, and the sum of \$3,000 as legislative advisor to the executive department; that Nathalie Douillette, stenographer, be allowed the sum of \$118.04; that Marion Alexander, legislative assistant, be allowed the sum of \$184.50; that Sullivan and Gregg, attorneys for legislative

investigation, be allowed the sum of \$2,942.26; that the superintendent of state buildings and grounds be allowed the sum of \$1,194.17 for extra janitor service; that the office of secretary of state be allowed the sum of \$700 or as much of said sum as is needed for the employment of the clerk of the house, or assistant clerk, as the case may be, at the rate of \$35 per week for each week served for the period between the adjournment of this session and the next special session of the legislature, for legislative work, including the filing of the permanent journal. Said clerk or assistant clerk shall serve under the direction of the secretary of state in such capacity as said secretary may direct.

The above mentioned sums shall be a charge upon the legislative appropriation.

[Approved July 28, 1949.]

# PRIVATE ACTS

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## CHAPTER 358.

AN ACT RELATING TO THE POWERS OF THE VILLAGE PRECINCT OF  
HANOVER TO INSTALL PARKING METERS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Village Precinct of Hanover.** Amend chapter 225 of the Laws of 1901 as amended by chapter 293 of the Laws of 1935 by inserting after section 3 the following new section: Sect. 3-a. The said precinct shall have the power at any legal meeting to vote to authorize installation of parking meters on any street or public parking area in said precinct and the power to establish reasonable charges for parking to be paid through such meters.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 8, 1949.]

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## CHAPTER 359.

AN ACT AUTHORIZATING THE CITY OF CLAREMONT TO ISSUE  
REFUNDING BONDS AND VALIDATING OUTSTANDING  
BONDS AND NOTES.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Authorization.** The city of Claremont is hereby authorized to issue not exceeding one hundred ninety thousand dollars refunding bonds payable in not exceeding ten years from their date for the purpose of paying outstanding bonds or notes for which the city is liable. Except as above provided the provisions of chapter 72 of the Revised Laws shall be applicable to said refunding bonds.

**2. Validation.** All outstanding bonds or notes of the town of Claremont and of the city of Claremont are hereby validated.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved February 10, 1949.]

**CHAPTER 360.**

AN ACT AUTHORIZING THE TOWN OF TEMPLE TO ISSUE NOTES IN PAYMENT FOR CERTAIN 1948 OPERATING EXPENSES.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Authorization.** The town of Temple, having incurred certain major expenses in connection with a forest fire which occurred September 25, 1948, is hereby authorized and empowered to issue serial notes to an amount not exceeding thirty-eight hundred dollars (\$3800) for the purpose of paying for said forest fire expense. Said issue of serial notes shall be due and payable in equal amounts at such time, not more than three years from date of issue as the selectmen may determine, and at a rate of interest to be fixed by the selectmen or by the town at its next annual meeting.

**2. Proceedings Legalized.** The votes and proceedings of the town of Temple at the special meeting of December 17, 1948, are hereby ratified, legalized and confirmed.

**3. Takes Effect.** This act shall not take effect unless and until the town of Temple at its next annual meeting on March 8, 1949, votes to borrow in accordance with section 1 hereof.

[Approved February 10, 1949.]

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**CHAPTER 361.**

AN ACT RELATIVE TO TRANSFER OF FUNDS FROM THE TOWN TO THE SCHOOL DISTRICT IN ASHLAND.

WHEREAS the town of Ashland has established a capital reserve fund for the purchase of land and the erection of an assembly building for the use of the school and the public and

WHEREAS the town cannot raise or appropriate money for school purposes, now therefore

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Transfer Authorized.** The town of Ashland is hereby authorized to transfer from its capital reserve fund to the school district of said town the funds and the interest thereon

heretofore raised and appropriated for the purchase of land and the erection of an assembly building.

**2. School District.** The school district of the town of Ashland is hereby authorized to accept from the town the funds described in section 1 and to use said funds for the purchase of land and the erection of an assembly building.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved February 17, 1949.]

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### CHAPTER 362.

AN ACT LEGALIZING THE NOVEMBER ELECTION OF 1948 IN THE TOWN OF CONWAY.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Proceedings Legalized.** The votes and proceedings at the biennial election in the town of Conway on the second day of November, 1948, are hereby legalized, ratified and confirmed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 23, 1949.]

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### CHAPTER 363.

AN ACT LEGALIZING THE BIENNIAL ELECTION IN THE TOWN OF HAMPSTEAD.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Proceedings Legalized.** The proceedings of the biennial election held by the town of Hampstead on November 2, 1948, are hereby legalized, ratified and confirmed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 23, 1949.]

## CHAPTER 364.

AN ACT VALIDATING BONDS ISSUED BY WALLIS SANDS, RYE NORTH BEACH & FOSS BEACH DISTRICT AND CHANGING THE NAME OF THE DISTRICT TO RYE WATER DISTRICT.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Action Validated.** The one hundred water works construction bonds issued as of August 1, 1947 by Wallis Sands, Rye North Beach & Foss Beach District, under authority of chapter 394, Laws of 1947, payable in the principal amount of \$1000 each, with interest at 2% per annum, payable on February 1 and August 1 of each year and payable as to principal, \$3,000 on August 1 of each year 1949 to 1964, inclusive, and \$4,000 August 1 of each year 1965 to 1977, inclusive, and purporting to have been issued under authority of a vote of the said district at a special meeting thereof on July 23, 1947, be and they hereby are declared to be the legal and binding obligations of said district and payable according to their terms, and of the same force and effect as if they had been issued in strict compliance with all applicable statutes.

2. **Name Changed.** The name of Wallis Sands, Rye North Beach & Foss Beach District is hereby change to Rye Water District.

3. **Takes Effect.** This act shall take effect upon its passage.

[Approved February 23, 1949.]

## CHAPTER 365.

AN ACT LEGALIZING CERTAIN ACTION AT THE 1948 TOWN MEETING IN NEWPORT.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Proceedings Legalized.** The votes and proceedings relative to the adoption of the municipal budget act at the annual town meeting in the town of Newport held in March, 1948, are hereby legalized, ratified and confirmed.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved February 24, 1949.]

**CHAPTER 366.**AN ACT LEGALIZING CERTAIN TOWN MEETINGS IN THE  
TOWN OF JACKSON.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Proceedings Legalized.** The votes and proceedings at the primary election in September, 1948, and the November election of 1948 in the town of Jackson are hereby legalized, ratified and confirmed.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved March 1, 1949.]

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**CHAPTER 367.**AN ACT TO LEGALIZE A SPECIAL MEETING OF THE SCHOOL  
DISTRICT OF THE TOWN OF NEW HAMPTON.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Legalizing Meetings.** The proceedings and acts of the special meeting of the school district of the town of New Hampton held on June 15, 1948, are hereby legalized, ratified and confirmed.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved March 1, 1949.]

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**CHAPTER 368.**AN ACT LEGALIZATING CERTAIN TOWN AND SCHOOL DISTRICT  
MEETINGS IN THE TOWN OF SUTTON.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Proceedings Legalized.** The votes and proceedings of the town meeting in the town of Sutton held March 9, 1948



and the votes and proceedings of the school district meeting in said town of Sutton held March 6, 1948 are hereby legalized, ratified and confirmed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 1, 1949.]

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### CHAPTER 369.

AN ACT LEGALIZING CERTAIN TOWN MEETINGS IN THE  
TOWN OF FREEDOM.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Proceedings Legalized.** The votes and proceedings at the November election of 1948 in the town of Freedom are hereby legalized, ratified and confirmed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 3, 1949.]

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### CHAPTER 370.

AN ACT AUTHORIZING THE NORTH HAMPTON SCHOOL DISTRICT  
TO BORROW MONEY AND TO ISSUE NOTES OR BONDS.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Authority Granted.** The North Hampton school district in the town of North Hampton is hereby authorized to borrow on its credit a sum not exceeding one hundred seventy thousand dollars for the purpose of erecting and equipping a central grade school building in said district.

**2. Bonds or Notes Authorized.** The school board of said district is hereby authorized and empowered to issue for and in behalf of said district serial notes or bonds to the amount of one hundred seventy thousand dollars for the purpose of erecting and equipping such a schoolhouse in said district.

3. **Debt Limit.** The debt authorized by this act shall be exempt from the limitation imposed upon the borrowing capacity of said district by section 7 of chapter 72 of the Revised Laws.

4. **Application of Laws.** Except as otherwise provided in this act the provisions of the municipal bonds statute shall apply to the notes or bonds herein authorized.

5. **Exercise of Authority; Limitation.** The powers hereinbefore conferred upon the North Hampton school district may be exercised only at the annual school district meeting in March, 1949, or at a special school district meeting held at any time during the remainder of the calendar year 1949.

6. **Takes Effect.** This act shall take effect upon its passage.

[Approved March 3, 1949.]

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## CHAPTER 371.

### AN ACT LEGALIZING THE PROCEEDINGS OF THE BIENNIAL ELECTION IN THE TOWN OF LYMAN.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Proceedings Legalized.** The votes and proceedings of the biennial election in the town of Lyman held on November 2, 1948, are hereby legalized, ratified and confirmed.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved March 10, 1949.]

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## CHAPTER 372.

### AN ACT RELATIVE TO PENSIONS FOR SCHOOL TEACHERS IN THE CITY OF DOVER.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Teachers in the City of Dover.** Amend section 2 of chapter 292 of the Laws of 1931 by striking out said section

and inserting in place thereof the following: **2. Amount Determined.** Any pension granted in accordance with the provisions of the foregoing section shall be one half the annual salary or compensation received by the pensioner during the year immediately preceding retirement.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 11, 1949.]

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### CHAPTER 373.

#### AN ACT REPEALING THE CHARTER OF THE TRUSTEES OF THE PITTSFIELD ACADEMY.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Charter Repealed.** Chapter 12 of the Laws of 1830 approved June 25, 1830 entitled "An Act to incorporate The Trustees of Pittsfield Academy" and chapter 813 of the Laws of 1848 entitled "An Act in addition to an act to incorporate The Trustees of The Pittsfield Academy" are hereby repealed.

**2. Continuation for What Purpose.** The Trustees of The Pittsfield Academy shall continue as a body corporate for the term of three years, for the purpose of prosecuting and defending suits by or against it and of gradually closing and settling its concerns and distributing its assets, and for no other purpose; provided that for the purpose of any suit or action by or against it pending at the end of said term of three years, it shall continue as a body corporate until ninety days after final judgment or decree in such suit or action.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved March 11, 1949.]

## CHAPTER 374.

AN ACT RELATIVE TO THE GAFNEY HOME FOR THE AGED.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Authorized Increase of Holdings.** Amend section 2, chapter 280 of the Laws of 1901 by striking out the word "two" in the sixth line and inserting in place thereof the word, four, so that said section as amended shall read as follows: Sect. 2. Said corporation is hereby authorized to establish and maintain in the city of Rochester an institution for the support and maintenance of aged people of both sexes, and for that purpose may take and hold real and personal estate by donation, bequest, purchase, or otherwise, to an amount not exceeding four hundred thousand dollars, and may sell, convey, and dispose of the same at pleasure, and may erect and maintain such buildings and appurtenances as may be deemed necessary for the purposes of the corporation.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 16, 1949.]

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CHAPTER 375.

AN ACT RELATIVE TO THE SALARY OF THE MAYOR OF SOMERSWORTH.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Somersworth.** Amend section 5 of chapter 269 of the Laws of 1939, as amended by chapter 380 of the Laws of 1947, by striking out the words "one thousand" in the third line and inserting in place thereof the words, two thousand five hundred, so that said section as amended shall read as follows: **5. Mayor.** The mayor shall be chosen at the municipal election for a term of two years and shall receive a salary of two thousand five hundred dollars per annum. He shall have a negative upon all the acts of the council to which his veto power would extend had the city government herein consti-

tuted provided for a board of aldermen, and such veto shall extend to individual items of appropriation. He shall preside in the meetings of the city council, but shall have no vote except in case of an equal division. In the absence of the mayor the council may elect by ballot one of the members chairman who shall have all the powers of performing all the duties of the mayor during such absence, or during disability or a vacancy in office from any cause.

**2. Takes Effect.** This act shall take effect as of July 1, 1949.

[Approved March 16, 1949.]

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### CHAPTER 376.

#### AN ACT RELATIVE TO THE CONGREGATIONAL SOCIETY IN STRATHAM.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Authority Granted.** The Congregational Society in Stratham incorporated under the provisions of chapter 47 of the Laws of 1814 as amended by chapter 197 of the Laws of 1899 is authorized to hold real and personal estate not exceeding fifty thousand dollars.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 22, 1949.]

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### CHAPTER 377.

#### AN ACT RELATING TO THE CHANGE OF NAME OF THE CONCORD BUILDING AND LOAN ASSOCIATION.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Concord Building and Loan Association.** The name of the Concord Building and Loan Association, a voluntary association duly established under the laws of the state on Septem-

ber seventh, eighteen hundred and eighty-seven, is hereby changed to Concord Co-operative Bank.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 23, 1949.]

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### CHAPTER 378.

AN ACT RELATIVE TO THE PETERBOROUGH HOME FOR THE AGED.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Peterborough Home for the Aged.** Amend section 2 of chapter 232 of the Laws of 1927 by striking out the word "one" in the fourth line and inserting in place thereof the word, two, so that said section as amended shall read as follows: **2. Powers.** Said corporation by that name may sue and be sued, prosecute and defend to final judgment and execution, and shall have power to take, acquire and hold real and personal estate to an amount not exceeding two hundred and fifty thousand dollars, by lease, purchase, donation, bequest, or otherwise, for the purpose of establishing and maintaining a home at Peterborough aforesaid, and may convey or dispose of the same at pleasure; and may erect suitable buildings and properly furnish the same with whatever may be desirable or necessary for the successful operation of said institution.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 1, 1949.]

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### CHAPTER 379.

AN ACT LEGALIZING THE PROCEEDINGS AT THE SCHOOL MEETING IN THE TOWN OF HUDSON HELD ON MARCH 5, 1949.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Proceedings Legalized.** The votes and proceedings at the annual meeting of the Hudson School District held on the 5th day of March, 1949, are hereby legalized, ratified and confirmed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 5, 1949.]

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### CHAPTER 380.

AN ACT CHANGING THE NAME OF PEOPLES BUILDING AND  
LOAN ASSOCIATION OF ROCHESTER TO PEOPLES  
COOPERATIVE BANK OF ROCHESTER.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Change of Name.** The name of Peoples Building and Loan Association of Rochester, a building and loan association organized in 1907 under the provisions of chapter 93, Laws of 1887, now known as chapter 314 of the Revised Laws, shall be changed to Peoples Cooperative Bank of Rochester.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 5, 1949.]

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### CHAPTER 381.

AN ACT AUTHORIZING THE TOWN OF BETHLEHEM TO PURCHASE  
CERTAIN PROPERTY AND ISSUE SERIAL NOTES IN PAYMENT  
THEREOF AND LEGALIZING THE TOWN MEETING  
HELD ON MARCH 14, 1944.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Authorization.** The town of Bethlehem is hereby authorized to purchase the Bethlehem Country Club property, Bethlehem, New Hampshire, for a sum not exceeding \$27,500, and to issue serial notes in payment of the same.

**2. Application of Laws.** Except as otherwise provided herein the provisions of chapter 72 of the Revised Laws shall apply to the notes or bonds herein authorized.

**3. Action Ratified.** The votes and proceedings taken at the March 14, 1944 meeting of the town of Bethlehem, are hereby legalized, ratified and confirmed.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved April 7, 1949.]

## CHAPTER 382.

AN ACT RELATIVE TO COUVENT DE LA PRESENTATION DE MARIE.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Proceedings Legalized.** All of the votes, acts and transactions of the persons who have acted as officers, directors and members of Couvent de la Presentation de Marie, a voluntary corporation, since the date of its incorporation are hereby legalized, ratified and confirmed.

**2. Authorization.** Annonciata Denis, Helene Doucet, Clara Deschenes, Alma Proulx and Nellie Lavallee are designated as voting members of said corporation, and they or a majority of them are hereby authorized to amend the articles of agreement of said corporation and to adopt and amend its by-laws.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved April 12, 1949.]

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## CHAPTER 383.

AN ACT LEGALIZING SCHOOL DISTRICT MEETING IN THE TOWN OF  
LYNDEBOROUGH HELD IN MARCH, 1949.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Proceedings Legalized.** The votes and proceedings at the annual school district meeting in the town of Lyndeborough held in March, 1949, are hereby legalized, ratified and confirmed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 12, 1949.]



**CHAPTER 384.**

AN ACT RELATIVE TO THE RECLASSIFICATION OF A ROAD IN THE TOWN OF MILTON.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Reclassification.** The highway in the town of Milton running from Main street in Milton Mills to the Maine boundary line, known as Rowe Dam road, now classified as class II highway, shall hereafter be classified as a class V highway.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 12, 1949.]

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**CHAPTER 385.**

AN ACT AUTHORIZING THE RYE SCHOOL DISTRICT TO BORROW MONEY AND TO ISSUE NOTES OR BONDS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Authority Granted.** The Rye school district in the town of Rye is hereby authorized to borrow on its credit a sum not exceeding one hundred forty-eight thousand dollars for the purpose of erecting and equipping an addition to the school building in said district.

**2. Bonds or Notes Authorized.** The school board of said district is hereby authorized and empowered to issue for and in behalf of said district serial notes or bonds to the amount of one hundred forty-eight thousand dollars for the purpose of erecting and equipping an addition to the school building in said district.

**3. Debt Limit.** The debt authorized by this act shall be exempt from the limitation imposed upon the borrowing capacity of said district by section 7 of chapter 72 of the Revised Laws.

**4. Application of Laws.** Except as otherwise provided in this act the provisions of the municipal bonds statute shall apply to the notes or bonds herein authorized.

**5. Proceedings Legalized.** The votes and proceedings taken at the Rye school district at the annual school district meeting in March 1949 relative to borrowing money for the purpose of erecting and equipping an addition to the school building in said district are hereby legalized, ratified and confirmed.

**6. Takes Effect.** This act shall take effect upon its passage.

[Approved April 12, 1949.]

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### CHAPTER 386.

#### AN ACT LEGALIZING THE SCHOOL MEETING IN THE TOWN OF SOUTH HAMPTON.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Proceedings Legalized.** The votes and proceedings of the annual meeting of the school district of South Hampton of March 13, 1948 are hereby legalized, ratified and confirmed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 12, 1949.]

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### CHAPTER 387.

#### AN ACT RELATING TO THE CONSTRUCTION AND FINANCING OF A NEW WATER MAIN IN THE TOWN OF TROY.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Authorization.** The town of Troy is hereby authorized and empowered to construct a water main to replace the present wooden main leading from the reservoir in Jaffrey to the town.

**2. Bonds and Notes.** For the purpose of providing funds for the replacement of a water main, as authorized in section 1, the town of Troy is hereby authorized and empowered to issue,

on the credit of the town, serial bonds or notes to an amount not to exceed one hundred fifty thousand dollars. Said serial bonds or notes shall be due and payable not more than thirty years from the date of their issue, in such manner as is provided in chapter 72 of the Revised Laws as amended by chapter 5, Laws of 1947. The discretion of fixing the time and place of payment and the rate of interest of such bonds, and of providing for the sale thereof, is delegated to the board of water commissioners of said town.

3. **Premiums.** Any premium received upon such bonds or notes, less the cost of preparing, issuing and marketing them, shall be applied to the payment of the principal of the first bonds or notes so to mature, and the contribution from other sources for the payment of said bonds or notes shall be reduced accordingly.

4. **Application of Laws.** Except as hereinbefore otherwise provided, the provision of chapter 56 of the Revised Laws relating to water sources, and the provision of chapter 72 of the Revised Laws relating to municipal bonds, shall apply to the water system of the town of Troy and to the bonds and notes herein authorized.

5. **Proceedings Legalized.** The votes and proceedings of the town of Troy at the annual meeting of March 8, 1949, insofar as the same relates to the construction of a new water main, and the issuance of bonds therefor in the sum of one hundred thousand dollars are hereby ratified, legalized and confirmed.

6. **Takes Effect.** This act shall take effect upon its passage.

[Approved April 12, 1949.]

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## CHAPTER 388.

AN ACT RELATING TO CHECK-LISTS IN THE CITY OF BERLIN.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Check-lists.** Amend section 1 of chapter 387 of the Laws of 1947 by striking out said section and inserting in place thereof the following: 1. **City of Berlin.** In the city of Berlin the supervisors of the check-list shall be in session for the cor-

rection of the check-list, at some suitable place in the city, two days at least before the day of the election and of the primary, the last of which shall be five days prior to such election or primary, and upon which all hearings shall be finally closed. The first session shall be upon the third Tuesday next preceding the days of election and of the primary in said city, and shall be adjourned to such subsequent day or days as will permit all claims to be heard and decided. The names of all persons not qualified to vote on or before said final sessions but who shall clearly be qualified to vote on election day or primary day, may be added to the check-list on or before said sessions. No additions or corrections shall be made after midnight five days prior to election day or primary day, except as provided in section 16, chapter 32, Revised Laws. Said additions and corrections shall be made to the previously posted check-list on or before midnight on the succeeding Saturday, either by additions or corrections to said check-list or by posting a new corrected check-list. Notice of the day, hour and place of each session of said board of supervisors shall be given upon the check-lists first posted.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 13, 1949.]

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## CHAPTER 389.

### AN ACT RELATIVE TO THE LITTLETON WATER AND LIGHT DEPARTMENT, FORMERLY LITTLETON WATER WORKS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Littleton Water and Light Department.** Amend chapter 255 of the Laws of 1903 by inserting after section 4-a as inserted by chapter 247, Laws of 1943, the following new sections: Sect. 4-b. The board of commissioners shall have authority to fix rates for services in said district and to establish such reserve fund as it may deem desirable in the public interest. Any balance of receipts after payment of operating expenses and payment into the reserve fund shall be turned over by the commissioners to the town of Littleton for

general expenses of said town. Sect. 4-c. Notwithstanding any provisions of chapter 55 of the Revised Laws the town manager shall not supersede the board of commissioners of the Littleton Water and Light Department and the adoption by the town of said chapter 55 shall not affect the authority of the commissioners.

2. **Takes Effect.** This act shall not take effect unless adopted by a majority vote under a proper article in the warrant at a special town meeting which shall be called by the selectmen for the purpose on or before September 1, 1949.

[Approved April 14, 1949.]

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## CHAPTER 390.

### AN ACT AUTHORIZING THE PENACOOK AND BOSCAWEN WATER PRECINCT TO ISSUE NOTES OR BONDS FOR WATER SYSTEM.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Authority Granted.** The Penacook and Boscawen Water Precinct is hereby authorized to issue its serial notes or bonds to an amount not exceeding one hundred fifty thousand dollars (\$150,000) for the purpose of renewing the water system and of making additions and improvements thereto.

2. **Form; Terms.** Said serial notes or bonds shall be signed by the commissioners and countersigned by the treasurer. Said issue shall be due and payable at such times, not more than twenty-five years from their date of issue, and in such amounts, and in such manner as the commissioners of and treasurer of said precinct may determine at a rate of interest to be fixed by said commissioners and treasurer.

3. **Debt Limit.** The debt authorized by this act shall be exempt from the limitation imposed upon the borrowing capacity of said precinct by section 7 of chapter 72 of the Revised Laws.

4. **Application of Laws.** Except as otherwise provided in this act the provisions of the municipal bonds statute shall apply to the notes or bonds herein authorized.

5. **Exercise of Authority; Limitation.** The powers hereinbefore conferred upon the Penacook and Boscawen Water Pre-

cinct may be exercised at the annual precinct meetings in March 1949 or 1950 or at a special precinct meeting held at any time prior to December 31, 1950.

**6. Takes Effect.** This act shall take effect upon its passage.

[Approved April 14, 1949.]

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## CHAPTER 391.

AN ACT RELATIVE TO LA SOCIETE ST. JEAN-BAPTISTE DE LACONIA.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Purposes.** Amend section 1 of chapter 254 of the Laws of 1901 by striking out said section and inserting in place thereof the following: Section 1. That Napoleon Fecteau, Alfred Pickard, Paul E. Morin, Charles Paquette, Charles N. St. Pierre, and Paul Morin, their associates, subscribers and assigns, be and hereby are made a body politic and corporate by the name of La Societe Saint Jean-Baptiste de Laconia to promote religious, moral and benevolent purposes, to provide or sponsor social recreation and improvement for the members of the society, to provide for the sick and distressed members, and to establish a fund out of which the members may receive sick or death benefits.

**2. Powers.** Amend chapter 254 of the Laws of 1901 by inserting after section 2 the following new section: Sect. 3. Said society shall further have the power to take, hold, purchase, lease, take in exchange, manage, and use any gift, devise, or grant made to it as such, or otherwise acquire real and personal estate for the benefit of said society; to dispose of the whole or any portion thereof; to alter and manage said real and personal estate; to invest and re-invest its funds in the manner permitted under the laws of the state of New Hampshire for the investment of assets of savings banks.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved April 26, 1949.]

**CHAPTER 392.**AN ACT LEGALIZING CERTAIN MEETINGS IN THE TOWN OF  
FRANCESTOWN.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Proceedings Legalized.** The votes and proceedings at the annual town meeting in March 1948 and the annual town meeting in March 1949 in the town of Francestown are hereby legalized, ratified and confirmed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 27, 1949.]

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**CHAPTER 393.**AN ACT LEGALIZING CERTAIN PROCEEDINGS FOR MEETINGS IN THE  
TOWN OF GREENFIELD.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Proceedings Legalized.** The votes and proceedings at the annual meeting in March 1947 and the annual meeting in March 1949 in the town of Greenfield relative to appropriations for repairs to the town hall and repairs to a class II highway and the issuance of notes in payment thereof, are hereby legalized, ratified and confirmed. The debt represented by the beforementioned appropriation shall not be considered in ascertaining the net debt limitation of the town of Greenfield under the provisions of section 7 of chapter 72 of the Revised Laws.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 27, 1949.]

**CHAPTER 394.**

AN ACT RELATIVE TO CONCORD FEMALE CHARITABLE SOCIETY.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Concord Female Charitable Society.** Amend section 2 of an act approved January 5, 1853 being the charter of the Concord Female Charitable Society by striking out the words "not exceeding in value at any one time the sum of twenty thousand dollars," so that said section as amended shall read as follows: Sect. 2. Said society may receive by subscription, gifts, grants, bequests or otherwise, real and personal estate which estate, or the income thereof, shall be appropriated and expended for the purposes of charity, as said corporation by their by-laws or votes may direct.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 3, 1949.]

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**CHAPTER 395.**

AN ACT RELATING TO THE CHANGE OF NAME OF THE HAMPTON CO-OPERATIVE BUILDING & LOAN ASSOCIATION.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Hampton Co-operative Building & Loan Association.** The name of the Hampton Co-operative Building & Loan Association, a voluntary association duly established under the laws of the state on August thirty, 1915, is changed hereby to Hampton Co-operative Bank.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 3, 1949.]



## CHAPTER 396.

## AN ACT RELATING TO NEW ENGLAND COLLEGE.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Powers.** Amend section 1 of chapter 376 of the Laws of 1947 by striking out the same and inserting in place thereof the following: 1. **New England College.** Fred T. Connor, Harry L. Holmes, Milo Farmer, George M. Chase, Mary S. Jameson, James W. Doon, Max Israel, and George W. Boynton, their associates and successors, are hereby created a body politic and corporate by the name of New England College for educational purposes; and by that same name may sue and be sued, prosecute and defend to final judgment and execution, and shall be and hereby are invested with all the powers and privileges, and made subject to all the liabilities of corporations of a similar nature; and may take and hold real and personal estate by purchase, devise, donation, payment or otherwise, for the purposes of said corporation, and at pleasure may sell, convey, use, enjoy and dispose of the same; shall be entitled to the same tax exemption upon its real and personal estate as is granted to corporations of a similar nature by general law; may have a common seal and shall change the same at pleasure; may make such by-laws for the government of the corporation and the election, admission and expulsion of members and associates thereof as they shall deem necessary and proper, said by-laws being not inconsistent with the laws of this state or nation; and upon any member or associate refusing to conform to the by-laws so made, such person shall cease to be a member of said body politic; and said corporation may establish in the county of Merrimack, state of New Hampshire, a college for the higher education of men and women to be called New England College, may prescribe the rules for the government of said college, the course of studies to be pursued therein, and may confer upon the graduates and others such degrees, literary titles, honors and distinctions as are usually granted by institutions of like character.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved May 4, 1949.]

**CHAPTER 397.**AN ACT RELATIVE TO PURCHASES BY CITY DEPARTMENTS OF THE  
CITY OF NASHUA.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Purchasing Committee for the City of Nashua.** Amend section 51 of part 1 of chapter 427 of the Laws of 1913, being the charter of the city of Nashua, by striking out said section and inserting in place thereof the following: Sect. 51. The finance committee composed of the mayor and the six aldermen-at-large, the mayor acting as chairman, shall act as the purchasing agency for all departments of the city and shall prescribe its own rules and regulations therefor. All purchases made by the city shall be approved by a majority of said committee, but said committee shall have the right to delegate in writing to any particular department all or any part of its purchasing authority insofar as said committee's authority applies to that particular department and shall further have the right to revoke the same at its pleasure. All other sections of this charter shall be deemed superseded by this section insofar as they are inconsistent herewith.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 11, 1949.]

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**CHAPTER 398.**

## AN ACT RELATIVE TO THE VILLAGE DISTRICT OF WALPOLE.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Ordinances Ratified.** The ordinances adopted by the village district of Walpole on October 6, 1936, providing for zoning of said district are hereby legalized, ratified and confirmed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 12, 1949.]

**CHAPTER 399.****AN ACT EXTENDING THE POWERS OF THE NORTH WALPOLE  
VILLAGE PRECINCT.**

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. North Walpole Village Precinct.** The North Walpole village precinct organized under the general laws is hereby empowered and authorized to enact zoning regulations and for that purpose shall have all the powers conferred upon towns by sections 50 to 70 inclusive of chapter 51 of the Revised Laws.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 12, 1949.]

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**CHAPTER 400.****AN ACT RELATING TO YEARLY PENSIONS FOR EMPLOYEES OF THE  
HIGHWAY DEPARTMENT AND FOR CERTAIN APPOINTED  
OFFICIALS OF THE CITY OF MANCHESTER.**

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Highway Department.** The highway commissioners of the city of Manchester or their successors in office by vote of a majority of its members at the request of any employee of said department or upon recommendation of said commissioners may retire said employee from service for one year, when in the judgment of said department said employee has become disabled for useful service while in the performance of duty, or who has had twenty years consecutive service and may grant a pension to such retired employee for a period of one year at a time at half pay. Consecutive years under the terms of this section shall not be interpreted to disqualify those candidates for pensions who may have been laid off temporarily from work by the department from time to time.

**2. Retirement for Officials.** The board of mayor and aldermen of the city of Manchester is hereby authorized to retire from service any appointed full-time official of said city from

service for one year, when in the judgment of said board said official has become disabled for useful service while in the performance of duty, or who has had twenty years consecutive service for said city and may grant a pension to such retired official for a period of one year at a time at half pay. The term "appointed full-time official" as used in this section shall be construed to mean an appointed full-time official not already covered by any existing pension statutes.

3. **Appropriation.** The board of mayor and aldermen of the city of Manchester is hereby authorized to appropriate sufficient money to carry out the provisions of this act.

4. **Takes Effect.** This act shall take effect upon its passage.

[Approved May 14, 1949.]

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#### CHAPTER 401.

##### AN ACT VALIDATING CERTAIN PROCEEDINGS OF THE TOWN OF BRISTOL.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Proceedings Validated.** The proceedings taken at the annual town meetings of 1948 and 1949 in the town of Bristol authorizing serial water works bonds of said town to the aggregate amount of one hundred four thousand five hundred dollars are hereby validated and bonds may be issued accordingly.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved May 18, 1949.]

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#### CHAPTER 402.

##### AN ACT RELATING TO COMPENSATION OF ELECTION OFFICIALS OF THE CITY OF MANCHESTER.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Compensation of Manchester Election Officials.** Each ballot inspector and each moderator of the wards of the city

of Manchester shall be paid the sum of twenty-five dollars per working day for services governing elections. Each ward clerk shall receive sixty-five dollars per year and each selectman shall receive fifty-seven dollars and fifty cents per year for services governing elections.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 18, 1949.]

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### CHAPTER 403.

AN ACT RELATIVE TO MILTON FIRE DISTRICT.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Name Changed.** The name of the district "Milton Fire District" organized under the general laws on June 24, 1905, shall be changed so that hereafter the name of said district shall be Milton Water District.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 18, 1949.]

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### CHAPTER 404.

AN ACT LEGALIZING SCHOOL DISTRICT MEETING IN THE TOWN OF NEWFIELDS HELD MARCH 5, 1949.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Proceedings Legalized.** The votes and proceedings at the annual school district meeting in the town of Newfields held March 5, 1949 are hereby legalized, ratified and confirmed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 18, 1949.]

**CHAPTER 405.**

AN ACT TO LEGALIZE THE TOWN MEETING OF LISBON.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Proceedings Legalized.** The votes and proceedings of the annual meeting and election in the town of Lisbon on the ninth day of March 1948 are hereby legalized, ratified and confirmed.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved May 20, 1949.]

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**CHAPTER 406.**

AN ACT RELATIVE TO ADJUSTMENTS TO TAXPAYERS IN THE TOWN SCHOOL DISTRICT IN BATH.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **School Districts in Bath.** The Union School District in Bath, organized under chapter 209 of the Laws of 1895, having been dissolved by vote at a meeting of said district held on March 26, 1949, in accordance with the provisions of section 36, chapter 138, Revised Laws, the adjustments to taxpayers of said district and the Bath town district, in accordance with the provisions of section 39 of said chapter 138, shall be made over a period of five years, and one-fifth of the total amount to be remitted shall be so remitted each year.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved May 25, 1949.]

**CHAPTER 407.**

AN ACT RELATING TO THE LOAN AND TRUST SAVINGS BANK.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Charter Amendment.** Amend sections 2, 3, 4, 5, 6, and 8 of chapter 120 of the Laws of 1872 by striking out said sections and inserting in place thereof the following: Sect. 2. Said corporation shall be located in the city of Concord and shall be and operate as a mutual savings bank only with all the powers, benefits and privileges and subject to all the restrictions, regulations and provisions of all general laws governing the operation of or applicable to mutual savings banks. Sect. 3. The number of members of said corporation shall not exceed one hundred at any one time; and any number not less than seven shall constitute a quorum for the transaction of business at the annual and other meetings of the corporation.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 25, 1949.]

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**CHAPTER 408.**

AN ACT RATIFYING CERTAIN ACTION TAKEN BY THE SCHOOL DISTRICT OF PELHAM.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Proceedings Legalized.** The votes taken at the Pelham school district meeting in March, 1948 whereby the school district voted to convey to the American Legion Post in the town of Pelham a certain building previously used for school purposes, are hereby legalized, ratified and confirmed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 25, 1949.]

## CHAPTER 409.

AN ACT TO INCREASE THE BORROWING POWER OF THE TOWN OF  
PEMBROKE.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Pembroke Water-Works.** Amend section 6 of chapter 306 of the Laws of 1913 by striking out the words "two hundred thousand dollars" in the tenth and eleventh lines and inserting in place thereof the words, four hundred fifty thousand dollars; and further amend said section by inserting after the word "proper" in the thirteenth line the words, provided, however, that said notes or bonds shall be due and payable not more than forty years from their date of issue, so that said section as amended shall read as follows: Sect. 6. Said town is also authorized and empowered, at any annual, special, or biennial meeting, by a major vote of those present and voting, to raise by taxation and appropriate, or to borrow or hire, such sums of money on the credit of the town as may from time to time be deemed necessary and expedient, for the purpose of defraying the expenses of purchasing real estate, rights in real estate, water-rights, streams, springs, ponds, lakes, and other rights and property, as aforesaid, and for constructing, maintaining, repairing, extending, enlarging, and operating said water-works, such indebtedness not to exceed at any one time four hundred fifty thousand dollars, and to issue notes or bonds of the town therefor, in such amounts and payable at such time or times and at such rates of interest as may be thought proper, provided, however, that said notes or bonds shall be due and payable not more than forty years from their date of issue, and may exempt such notes or bonds from taxation when held by inhabitants of the town, or by any inhabitant of a town in which said water-works may extend, said notes and bonds to be signed by at least a majority of the selectmen and countersigned by the town treasurer.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 25, 1949.]



**CHAPTER 410.****AN ACT LEGALIZING THE SCHOOL DISTRICT MEETING HELD  
MARCH 8, 1949 IN HARRISVILLE.**

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Proceedings Legalized.** The votes and proceedings at the annual school district meeting held March 8, 1949 in Harrisville are hereby legalized, ratified and confirmed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 26, 1949.]

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**CHAPTER 411.****AN ACT RELATING TO THE SURVEYOR OF THE CITY OF  
MANCHESTER.**

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Duties.** Amend chapter 202 of the Laws of 1921 as amended by chapter 273 of the Laws of 1921 by striking out section 5 and inserting in place thereof the following: Sect. 5. The surveyor shall have full charge, supervision, management and control of the building, constructing, repairing and maintaining of all highways and sewers, the developing, improving and maintaining of city yards, and the maintaining and carrying on of street cleaning; he shall have the expenditure of all appropriations which the board of mayor and aldermen shall from year to year vote for such purposes (with the approval of the commissioners and the finance commission) and all bills and pay rolls for expenditures from the appropriations voted from year to year by said board of mayor and aldermen for such purposes shall be certified to by the surveyor and approved by the commissioners before the same are paid by the city treasurer. The surveyor shall (subject to the approval of the board of aldermen) have the authority and power to regulate the traffic and travel upon the highways of said city. The surveyor shall have the authority and power to regulate the

placing of encumbrances in, and the opening and excavating in the highways of said city; he shall further have the power to regulate the construction and maintenance in, over, under and along the highways of said city, of all wires, pipes, poles and other structures (excepting electric signs) including the moving of buildings belonging to individuals, firms, corporations, or public utilities, which are permitted by vote of the board of mayor and aldermen to be placed in, over, under, along or moved through said highways; he shall have the power to remove any tree in any highway if in his judgment it is necessary in the construction or maintenance of said highway. No individual, firm, corporation or public utility shall open or excavate any highway unless first having obtained a permit therefor from the department. The surveyor is hereby authorized to provide for the furnishing and delivering of supplies and the performance of any work contemplated in this act by contract, and in so doing to call for proposals for furnishing and delivering such supplies or doing such work and to make a contract therefor in the name and behalf of said city (provided such contract shall first be approved by the commissioners) and the party to whom the contract is awarded shall furnish proper surety for the faithful performance of said contract provided however, that in the employment of labor, citizens of Manchester shall be given preference, and in making of contracts such preference shall be stipulated for when practicable; said surveyor shall annually on or before the fifteenth day of January prepare and transmit to the commissioners and board of mayor and aldermen an estimate of the appropriation required for the maintenance of city yards and street cleaning, for the construction, repairing and maintaining of highways and sewers in said city for the ensuing year, and he shall make a report to said board of mayor and aldermen of the doings of the department for the year ending with the December draft of each year. The surveyor shall with the advice and consent of the commissioners have full charge and control of the engineer's department and shall have in charge the performance of all duties heretofore pertaining to the office of an engineer; he may appoint with the advice and consent of the commissioners one competent person to act as superintendent of highways, one competent person to act as superintendent of sewers and one competent

person to act as superintendent of street cleaning; he shall with the advice and consent of the commissioners establish a schedule of grades or relative positions to include all superintendents, subordinate officers, agents, clerks and all other persons who are employed or may be employed in carrying on the work contemplated under this act, and he shall for the carrying out of the purposes of this act have all the powers now by law vested in the board of public works, or department of public works and the various city departments and officials of said city now having control of the matters covered by this act, and he shall have the authority to appoint or hire, to dismiss or discharge such superintendents, subordinate officers, agents, clerks and other persons as he may deem expedient.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 1, 1949.]

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## CHAPTER 412.

### AN ACT TO INCREASE THE SALARIES OF THE ASSESSORS OF THE CITY OF CONCORD.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Increase in Salary.** Amend section 38, chapter 305, Laws of 1909 as amended by chapter 245, Laws of 1919, as amended by chapter 194, Laws of 1923, as amended by chapter 258, Laws of 1931 and chapter 349, Laws of 1947 by striking out said section and inserting in place thereof the following: Sect. 38. The board of assessors shall meet for taking their oaths of office and organization at three o'clock in the afternoon on the fourth Tuesday of January in the years 1911, 1912 and biennially thereafter. At such meeting they shall choose one of their number to act as chairman for a term of two years, except that the term of the chairman chosen in the year 1911 shall be one year. The member acting as clerk shall receive the sum of three thousand four hundred dollars annually, and the other members each the sum of three thousand dollars annually in full for their services.

**2. Takes Effect.** This act shall take effect as of January 1, 1949.

[Approved June 4, 1949.]

**CHAPTER 413.**

AN ACT AUTHORIZING THE TILTON AND NORTHFIELD UNION SCHOOL DISTRICT TO ISSUE NOTES FOR THE PAYMENT OF AN OPERATIONAL DEFICIT FOR THE YEAR 1948-1949 AND VALIDATING PROCEEDINGS OF THE ANNUAL DISTRICT MEETING ON MARCH 9, 1949.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Authorization.** The Tilton and Northfield union school district is hereby authorized to issue serial notes in an amount not exceeding eleven thousand dollars, in the manner provided by chapter 72 of the Revised Laws and amendments thereto, for the purpose of paying an estimated operational deficit for the 1948-1949 school year, section 5 of said chapter 72 or any other provisions of law to the contrary notwithstanding.

2. **Proceedings Validated.** The proceedings and votes of the annual district meeting of the Tilton and Northfield union school district held on March 9, 1949, so far as they relate to the appropriation for the purpose set forth in section 1 and the issuance of notes in pursuance thereof, are hereby legalized, ratified and confirmed and made as effective as if such proceedings and votes were taken after the passage of this act.

3. **Takes Effect.** This act shall take effect upon its passage.

[Approved June 7, 1949.]

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**CHAPTER 414.**

AN ACT RATIFYING CERTAIN ACTION OF THE TOWN OF WHITEFIELD RELATIVE TO THE SO-CALLED MORRISON HOSPITAL.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Proceedings Ratified.** The votes and proceedings of the town of Whitefield in 1927 whereby said town accepted a gift of a hospital from Dr. George H. Morrison and the further proceedings in 1929 relative to conveyance of said hospital to

Morrison Hospital Training School subject to reversion to said town when certain conditions had been met, are hereby legalized, ratified and confirmed.

2. **Authority Granted.** The town of Whitefield is hereby authorized to maintain the so-called Morrison Hospital and to raise and appropriate money for said purpose.

3. **Takes Effect.** This act shall take effect upon its passage.

[Approved June 9, 1949.]

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## CHAPTER 415.

AN ACT AUTHORIZING THE TOWN OF HAMPTON TO ISSUE SERIAL NOTES OR BONDS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Authority Granted.** The town of Hampton is hereby authorized to issue serial notes or bonds, from time to time, not exceeding in aggregate principal amount the sum of one hundred fifty thousand dollars, for the purpose of providing funds for constructing and equipping a new town hall in said town. Action taken under authority of this act at any meeting of the town of Hampton held in the current year shall be as effective in all respects as though this act had been in full force and effect on the date when the warrant for such meeting was posted.

2. **Notes or Bonds Authorized.** Said town, at a town meeting or meetings called and held for the purpose, shall determine the aggregate principal amount of such notes or bonds to be issued, and may determine or may delegate to the board of selectmen of said town authority to determine, the date or dates of issue or issues, the maturity thereof and the amount of the annual maturities.

3. **Issued and Sold.** Such notes or bonds shall be sold by or under the direction of the board of selectmen of the town, at public or private sale, and said board shall prescribe, subject to the limitations of this act, the denomination and the form of the notes or bonds, the rate of interest (which shall not exceed four per cent per annum) to be paid thereon, the

bank or trust company by which said notes or bonds shall be certified, the place or places of paying the interest on and principal of said notes or bonds and all other details relating to the issue and sale of said notes or bonds.

4. **Debt Limit.** Except as otherwise provided in this act, the provisions of the Municipal Bonds Statute shall apply to notes or bonds herein authorized, provided, however, that in ascertaining and fixing the net debt of said town under the provisions of the said Municipal Bonds Statute or any amendment thereof, all indebtedness incurred under the authority of this act shall be deducted.

5. **Exercise of Authority; Limitation.** Powers hereinbefore granted to the town of Hampton may be exercised by said town only at the annual town meeting in March 1950 or at any special town meeting held before March 1, 1950.

6. **Takes Effect.** This act shall take effect upon its passage.

[Approved June 10, 1949.]

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## CHAPTER 416.

AN ACT TO REVISE THE CHARTER OF THE CITY OF CLAREMONT.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Incorporation.** The inhabitants of the city of Claremont shall continue to be a body politic and corporate under the name of the "City of Claremont" and as such to enjoy all the rights, immunities, powers, and privileges and be subject to all the duties and liabilities now appertaining or incumbent upon them as a municipal corporation. All existing property of the city shall remain vested in it, and all its existing debts and obligations shall remain obligatory upon it, under this revised charter.

2. **Wards.** The city shall continue to be divided into three wards as at present constituted, and except as herein otherwise provided the general laws relative to wards of cities, officers thereof, and voters, check-lists, elections and jurors, therein shall be applicable to such wards.

3. **School District.** The school district of the city of Claremont as presently constituted shall be a body corporate and politic and shall have all the powers and shall be subject to the same obligations and duties as are conferred or imposed upon school districts by the laws of the state of New Hampshire, in such case made and provided.

4. **Administration of City Affairs.** The administration of the fiscal, prudential, municipal and other affairs of the city, and the government thereof, shall be vested in a principal officer to be called the mayor, and a city council. The city council shall consist of the mayor as *ex-officio* chairman and nine councilmen, sitting and acting together as a single body. The mayor shall be chosen by the qualified voters of the city at large, voting in their respective wards, and of the nine councilmen, three shall be elected at-large and two shall be elected from each ward, to be chosen by the qualified voters thereof. A majority of five members shall constitute a quorum for the transaction of business and the city clerk shall act as clerk of the city council.

5. **Municipal Elections.** All city and ward officers who are to be elected by the legal voters of the city or any ward therein, except moderators, ward clerks and supervisors of the check-list, shall be chosen at the regular municipal elections, holden on the first Tuesday after the first Monday of November, biennially as now established in the odd numbered years.

6. **Filing of Candidacy.** Any person qualified to be elected to any office to be filled at the succeeding municipal election shall be entitled to have his name printed upon such official ballots as a candidate for such office upon his filing with the city clerk, not later than thirty days preceding the election, his declaration in writing that he is a candidate therefor, and paying to the city clerk, if a candidate for the office of mayor, the sum of five dollars, and councilmen or other officers to be chosen by the voters, two dollars.

7. **Official Ballots.** The official ballots prepared by the city clerk for use at the municipal elections shall conform as nearly as may be in form and manner of folding to the ballot prepared by the secretary of state for use at general biennial elections. Upon such official ballots the names of the candidates for each office shall be grouped in the alphabetical order of their surnames, without party name or designation of any

kind. Over each group shall be a statement of the office for which they are candidates and a direction as to the number of candidates to be voted for. Under each group shall be left as many blank spaces as there are persons to be elected to such office at the municipal election. At the left of each printed name shall be a square. The voter shall indicate his choice by making a cross in the square at the left of the printed name of each candidate for whom he desires to vote, or by writing the name of any person or persons for whom he desires to vote in the appropriate blank space or spaces.

**8. Contested Elections.** Within seven days after a municipal election the council shall canvass the votes cast and the candidates receiving the highest number of votes for the offices to be filled shall be declared elected. Within seven days thereafter the council shall, subject to such rules and regulations as it may prescribe, upon the request of any candidate, recount the ballots cast in the election and hear and determine any contest on the ground of fraud or misconduct therein. Decisions of the council in cases of contested elections shall be final. Tie votes for any elective office shall be resolved by lot in the manner that the council may determine. In cases arising under this section the council shall have the power to subpoena witnesses and compel the production of all pertinent books, records and papers.

**9. Terms of Office.** Terms of office shall begin from the first secular day of January next following election, and shall continue for the term of two years and until their successors are chosen and qualified. The mayor shall hold office for a term of two years.

**10. Vacancies.** Vacancies occurring in the office of councilman or mayor at any time after the election of a candidate or candidates thereto shall be filled by the appointment of some qualified person who receives the votes of at least five members of the council by the second regular meeting following the occurrence of the vacancy to serve until the next regular election at which time his successor shall be elected for the unexpired term.

**11. Organization of City Council.** The mayor and councilman so chosen, shall meet at ten o'clock in the forenoon on the first secular day of January next following their election, in their capacity as the city council for the purpose of taking



their respective oaths of office, organizing, adopting rules for the transaction of business required by laws or ordinance to be transacted at such meeting. The city council shall elect by a majority vote one of its members as acting mayor who shall serve in the absence of the mayor.

**12. Compensation.** The mayor shall receive a salary of five thousand dollars per annum, payable monthly. Councilmen shall receive ten dollars for each regular council meeting which they attend but in the aggregate not to exceed the sum of two hundred dollars each in full for their services.

**13. Meetings.** The mayor shall preside over all meetings of the council and the city clerk shall act as clerk of the council. All meetings of the council shall be public. Regular meetings shall be held at seven o'clock in the evening on the second Monday of each month and special meetings upon notice delivered to the mayor and to each councilman by the city clerk at the written request of the mayor or at least six councilmen. The council shall establish its own rules, and a majority shall constitute a quorum for the transaction of the business of the council. The mayor shall have the right to introduce and initiate other measures in the council, and to speak therein upon pending measures without resigning the chair; but he shall not be counted to make a quorum of such council, nor vote therein except in case of equal division. He shall have no negative on any ordinance, resolution or vote of the council. The mayor-elect and the newly-elected members of the council shall assume office at the regular January meeting in each even numbered year.

**14. Removal of Mayor, Councilmen.** The council may, on specific charges and after due notice and hearing, at any time remove from office the mayor or one of its own members for prolonged absence from or other inattention to duty, mental or physical incapacity, incompetency, crime, immorality, or misconduct in office upon affirmative vote on roll call of at least six councilmen. A vacancy occasioned by removal under this section shall be filled in the manner provided in section 10 of this charter.

**15. Ordinances.** Municipal legislation shall be by ordinance. Each ordinance shall be identified by a number and a short title. The enacting clause of each ordinance shall be "The City of Claremont Ordains," and the effective date of each

ordinance shall be specified in it. All ordinances shall be recorded at length uniformly and permanently by the city clerk, and each ordinance so recorded shall be authenticated by the signature of the mayor and the city clerk. Ordinances shall be published, compiled and revised in such manner and at such time as the council shall determine. A public hearing shall be held before any ordinance takes effect.

**16. General Powers.** Except as herein otherwise provided, the council hereby established shall have all the powers and discharge all the duties conferred or imposed upon city councils in convention, city councils voting concurrently, or boards of mayor and aldermen acting separately, by chapters 62 to 66 inclusive, of the Revised Laws or other general law now in force or hereinafter enacted, or upon the existing city council of the city of Claremont by special laws not hereby repealed. The council shall have the powers of selectmen of towns so far as consistent with this charter. All provisions of such laws pertaining to the powers or duties of any or all such bodies shall be construed to apply to the council hereby established unless a contrary intent of provision herein appears, it being the purpose of this act to confer upon said council all functions of the existing council whether legislative, executive or judicial.

#### **Administrative Service**

**17. General Powers and Duties of the Mayor.** The mayor shall be the chief administrative officer and the head of the administrative branch of the city government. He shall supervise the administrative affairs of the city and shall carry out the policies enacted by the council. He shall enforce the ordinances of the city, this charter, and all general laws applicable to the city. He shall keep the council informed of the condition and needs of the city and shall make such reports and recommendations as he may deem advisable, and perform such other duties as may be prescribed by this charter or required of him by ordinance or resolution of the council, not inconsistent with this charter. He shall have and perform such other powers and duties not inconsistent with the provisions of this charter as now are or hereafter may be conferred or imposed upon him by municipal ordinance or upon mayors of cities by general law.

**18. Appointive Power of Mayor.** The mayor shall have the power to appoint and remove all officers and employees in the administrative services of the city, subject to the provisions of this charter, and he may authorize and empower the head of a department or officer responsible to him to appoint and remove subordinates in such department or office. All such appointments shall be without definite term unless made for a provisional, temporary or emergency service not to exceed the maximum limits which may be prescribed by the merit plan.

**19. Non-interference by the Council.** It is the intention of this charter that the council shall act in all matters as a body, and it is contrary to the spirit of this charter for any of its members to seek individually to influence the official acts of the mayor, or any other officer, or to direct or request the appointment of any person to, or his removal from office; or to interfere in any way with the performance by such officers of their duties. The council and its members shall deal with the administrative service solely through the mayor and shall not give orders to any subordinates of the mayor either publicly or privately. Nothing herein contained shall prevent the council from appointing committees of its own members or of citizens to conduct investigations into the conduct of any officer or department, or any matter relating to the welfare of the municipality, and delegating to such committee such powers of inquiry as the council may deem necessary. Any councilman violating the provisions of this section shall upon conviction thereof in a court of competent jurisdiction forfeit his office.

**20. Appointive Offices.** The mayor shall appoint a city clerk, a treasurer, an assessor, a fire chief, a health officer, a city solicitor, overseer of the poor, comptroller, tax collector, and such other officers as may be necessary to administer all departments which the council shall establish, subject to the confirmation by a majority vote of the city council. The assessor shall, prior to his appointment, have demonstrated knowledge of property appraisal or assessment and of the laws governing the assessment and collection of property taxes. It shall be his duty to assess all taxable property in the city in accordance with general law and such administrative regulations as may be promulgated pursuant thereto, maintain a standard system of assessment records, and perform

such other duties as the council may prescribe by ordinance. The powers and duties of other officers and heads of departments appointed by the mayor shall be those prescribed by state law, by this charter or by ordinance.

**21. Departments; Administrative Code.** The city shall have a department of administration headed by the mayor, and such other departments, divisions and bureaus as the council may establish by ordinance. It shall be the duty of the first mayor elected under the provisions of this charter to draft and submit to the council within six months after assuming office, ordinance providing for the division of the administrative service of the city into departments, divisions and bureaus, and defining the functions and duties of each. Subsequent to the adoption of such ordinance, upon recommendation of the mayor, the council by ordinance may create, consolidate or abolish departments, divisions and bureaus of the city and define or alter their functions and duties. The compilation of such ordinances shall be known as the "Administrative Code." Each officer shall have supervision and control of his department and of the employees therein and shall have power to prescribe rules and regulations, not inconsistent with general law, this charter, the administrative code, and the provisions of the merit plan. Prior to adoption of the administrative code the mayor shall have the power to establish temporary rules and regulations to insure economy and efficiency in the several divisions of the city government.

**22. Purchasing Procedure.** The administrative code shall establish a centralized purchasing and contract system, including the combination of purchasing of similar articles for different departments, and purchasing by competitive bids whenever practical. The mayor shall be charged with the administration of the system so established.

### Finance

**23. Fiscal Year.** The fiscal and budget year of the city shall begin on the first day of January unless another date shall be fixed by ordinance.

**24. Fiscal Control.** The administrative code shall provide for the exercise of a control function, in the management of the finances of the city, by the city clerk. The control function shall include provisions for an incumbrance system of budget

operation, for expenditure only upon written requisition, for the pre-audit of all claims and demands against the city prior to payment, and for the control of all payments out of any public funds by individual warrants for each payment to the official having custody thereof.

**25. Budget Procedure.** The municipal budget shall be prepared by the mayor. At such time as may be specified by the administrative code, each officer or director of a department shall submit an itemized estimate of the expenditures for the next fiscal year for the department or activities under his control. The mayor shall submit the proposed budget to the council at least one month before the start of the fiscal year of the budget.

**26. Budget Hearing.** A public hearing on the budget shall be held before its fiscal adoption by the council, at such time and place as the council shall direct, and notice of such public hearing together with a copy of the budget as submitted shall be published at least two weeks in advance of the hearing by the city clerk.

**27. Adoption of Budget.** The council may reduce any item or items in the mayor's budget by a vote of a majority of the council, but an increase in or addition of any item or items therein shall become effective only upon an affirmative vote of two-thirds of the members of the council. The budget shall be finally adopted not later than the first day of the third month of the fiscal year.

**28. Transfer of Appropriations.** After the budget has been adopted, no money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except pursuant to a budget appropriation unless there shall be a specified appropriation therefor specifying the source from which the funds shall come. Except as otherwise provided in this charter the council may transfer any unencumbered appropriation balance or any portion thereof from one department, fund, or agency, to another.

**29. Depository.** The council shall designate the depository or depositories for city funds, and shall provide for the daily deposit of all city moneys. The council may provide for such security for city deposits as it may deem necessary, except that personal surety bonds shall not be deemed proper security.

**30. Independent Audit.** An independent audit shall be made of all accounts of the city government at least annually and more frequently if deemed necessary by the council. Such audit shall be made by qualified public accountants experienced in municipal accounting and appointed by the council. An abstract of the results of such audit shall be made public. An annual report of the city's business shall be made available in such form as will disclose pertinent facts concerning the activities and finances of the city government.

**31. Official Bonds.** Any city officer elected or appointed by authority of this charter may be required by the council to give a bond to be approved by the city solicitor for the faithful performance of the duties of his office, but all officers receiving or disbursing city funds shall be so bonded. All official bonds shall be corporate surety bonds, and the premiums thereon shall be paid by the city. Such bonds shall be filed with the city clerk.

#### Personnel Administration

**32. Merit Plan.** Appointments and promotions to all positions in the service of the city shall be made solely on the basis of merit and only after examination of the applicants' fitness. The first mayor shall draft and submit to the council within six months after assuming office an ordinance providing for the establishment of a merit system of personnel administration. Such ordinance shall include provisions with regard to classification, compensation, selection, training, promotion, discipline, vacations, retirement and any other matters necessary to the maintenance of efficient service and the improvement of working conditions of such ordinance. With reasonable dispatch thereafter the council shall enact, amend or revise the ordinance so submitted, but in any event the council shall enact a merit plan which embodies the provisions herein required. It shall be the duty of the mayor to administer the merit plan so enacted. He may submit revisions of the merit plan to the council from time to time as changes in conditions and circumstances in the city service justify.

**33. Personnel Advisory Board.** There is hereby established a personnel advisory board of three citizens holding no other public office and appointed by the mayor, subject to the

approval of a majority of the council. The term of each member shall be for three years and until his successor is appointed and qualified. However, in the case of first appointments, one member shall be appointed for one year, one for two years, and one for three years. Vacancies shall be filled for the remainder of any term in the same manner as the original appointment. It shall be the duty of the personnel advisory board to study the broad problems of personnel policy and administration, to advise the council concerning the personnel policies of the city and the mayor regarding the administration of the merit plan, and to hear appeals from an employee aggrieved as to the status or condition of his employment. The council shall issue written reports containing findings of fact and recommendations to the mayor upon such appeals. But the council shall have no power to reinstate an employee unless it finds, after investigation, that disciplinary action was taken against the employee for religious, racial or political reasons.

**34. Retirements.** The merit plan may contain provisions for a system for the retirement of any city employee who shall have attained an age or condition of health which warrants retirement from further service. Any such plan shall provide payments to retired employees only as additional compensation for services rendered after the inauguration of such plan and before retirement.

#### Special Assessments

**35. Council Resolution.** The council shall have power to determine that the whole or any part of the expense of any public improvement shall be defrayed by special assessments upon the property especially benefited and shall so declare by resolution. Such resolution shall state the estimated cost of the improvement, what proportion of the cost thereof shall be paid by special assessments, and what part, if any, shall be a general obligation of the city, the number of installments in which assessments may be paid, and shall designate the districts or land and premises upon which special assessments shall be levied.

**36. Procedure Fixed by Ordinance.** The council shall prescribe by general ordinance complete special assessment procedure concerning plans and specifications, estimate of costs,

notice and hearing, the making of assessment roll and correction of errors, the collection of special assessments, and any other matters concerning the making of improvements by the special assessment method.

#### Miscellaneous Provisions

**37. Oath of Office.** Every person elected or appointed to any city office before entering upon the duties of his office shall take and subscribe to an oath of office as provided by law which shall be filed and kept in the office of the city clerk.

**38. Notice of Election or Appointment.** Written notice of election or appointment by any city officer shall be mailed to him at his address by the city clerk within forty-eight hours after the appointment is made or the vote canvassed. If within ten days from the date of the notice, such officer shall not take, subscribe to and file with the city clerk an oath of office, such neglect shall be deemed a refusal to serve and the office shall thereupon be deemed vacant, unless the council shall extend the time in which such officer may qualify.

**39. Vacancy Defined.** In addition to other provisions of this charter, a vacancy shall be deemed to exist in any office when an officer dies, resigns, is removed from office, moves from the city, is convicted of a felony or judicially declared to be mentally incompetent.

**40. Official Interest in Contracts.** No officer or employee of the city shall take part in a transaction or decision in which he has a financial interest aside from his salary as such officer or employee, direct or indirect, greater than any other citizen or taxpayer.

**41. Private Use of Public Property.** No officer or employee shall devote any city property or labor to private use except as may be provided by law or ordinance.

**42. Use of Streets by Public Utilities.** Every public utility shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges and public places as shall arise from its use thereof, and shall protect and save the city harmless from all damages arising from said use.

**43. Liability for Discharge.** The removal in accordance with this charter with or without cause of a person elected or appointed or otherwise chosen for a fixed term shall give no right of action for breach of contract.



44. **Notice of Claim.** No action at law or bill in equity shall be sustained against the city unless a notice setting forth the nature and amount, if any, of the claim shall have been delivered or sent by registered mail to the office of the city clerk not less than sixty days prior to commencement of said action at law or bill in equity.

45. **Referendum.** This charter shall not take effect unless it is adopted by a majority vote at a special election to be held in the city of Claremont on the second Tuesday in September, 1949, or at a subsequent referendum as is hereinafter provided for. The city clerk then in office shall cause to be included on the ballot then used the following question: "Shall the city manager form of government be abolished and the provisions of an act entitled, An act to revise the charter of the city of Claremont under the mayor and council form of government be adopted?" Beneath this question shall be printed the word "Yes" and the word "No" with a square immediately opposite each word, in which the voter may indicate his choice. The referendum relative to the adoption of this charter shall be conducted in every way, except as otherwise herein provided, in the same manner as the election of candidates for councilmen under the present charter. If a majority of those voting at this election vote in the affirmative on this question, this act shall be declared to have been adopted. If this act should not be adopted at said special election, the question of the adoption of this act shall again be voted on at any regular municipal election during the ten years immediately following the passage of this act if at least ten per cent of the number voting at the last previous municipal election, all qualified voters of the city, shall sign a petition requesting such vote, said petition to be submitted to the city clerk at least thirty days prior to said election.

46. **Separability.** The sections of this charter and the parts thereof are separable. If any portion of this charter or the application thereof to any circumstances shall be held invalid the remainder thereof and the application of such portion to other circumstances shall not be affected thereby.

47. **Repeal.** Sections. 1, 2, 5, 7, 9, 10, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 69 of chapter 392 of

the Laws of 1947 are hereby repealed and all other provisions of law inconsistent herewith are hereby repealed to the extent of such inconsistency.

**48. Municipal Court.** The municipal court of the city as at present constituted is hereby continued.

**49. Police Commission.** All special legislation relative to the police commission is hereby continued in force.

**50. Water Works, Sewers, Center.** All special legislation in force relating to the water works, sewers, the E. Charles Goodwin Center is hereby continued in force.

**51. Takes Effect.** Section 45 of this act shall take effect upon its passage, and if adopted at the special election or a referendum provided for in said section, the remainder of this act shall take effect as follows: So much as relates to the preliminaries for and the holding and conduct of the first municipal election shall take effect immediately upon such adoption. For all other purposes this charter shall take effect on the first secular day of January following the first election under this charter.

[Approved June 13, 1949.]

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## CHAPTER 417.

### AN ACT RELATING TO THE RECONSTRUCTION AND FINANCING OF THE WATER WORKS SYSTEM OF THE PLYMOUTH VILLAGE FIRE DISTRICT.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Authorization.** The Plymouth Village Fire District in the town of Plymouth in the county of Grafton is hereby authorized to incur indebtedness in an amount not exceeding four hundred thousand dollars (\$400,000), including the amount authorized by chapter 72 of the Revised Laws, for the purpose of purchasing land, constructing and reconstructing, and maintaining and operating such water works system as it may deem necessary for municipal use and for the use of its inhabitants and others. Said district shall have all necessary power to take any property it may need in connection with the establishment of such water system, by condemnation proceedings.

**2. Issuance of Bonds or Notes.** For the purpose and to the extent set forth in section 1 of this act, the Plymouth Village Fire District in the town of Plymouth is hereby authorized and empowered to issue serial notes or bonds payable at such times, not more than thirty years from their date of issue, and in such amounts, and in such manner as the said district may determine at any regular or special meeting called for the purpose at a rate of interest to be fixed by said district in accordance with the remaining provisions of chapter 72 of the Revised Laws, as amended by chapter 5, Laws of 1947, except as hereinafter provided.

**3. Debt Limit.** The debt authorized by this act shall be exempt from the limitations imposed upon the borrowing capacity of said Plymouth Village Fire District in the town of Plymouth by section 7 of chapter 72 of the Revised Laws, and in ascertaining and fixing the net debt of the district under the provisions of chapter 72 of the Revised Laws, all indebtedness incurred under the authority of this act shall be deducted.

**4. Application of Laws.** Except as herein otherwise provided, the provisions of chapter 72 of the Revised Laws relative to municipal bonds shall apply to the water works of the Plymouth Village Fire District in the town of Plymouth and to bonds and notes herein authorized.

**5. Takes Effect.** This act shall take effect when approved by a majority of those present and voting at a regular or any special meeting of the voters of said Plymouth Village Fire District in the town of Plymouth, held on or before May 1, 1952; provided that the warrant of such meeting shall contain an article calling for the consideration of such approval; and provided further that the requirements in section 4, chapter 70, and section 9, chapter 72 of the Revised Laws to the effect that a majority of all the legal voters must be present and voting at such special meeting, and the limitations set forth in section 5 of chapter 51 of the Revised Laws, shall not be applicable.

[Approved June 13, 1949.]

**CHAPTER 418.****AN ACT PROVIDING A COUNCIL-MANAGER PLAN CHARTER FOR THE CITY OF CONCORD.**

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**City Established**

**1. Incorporation.** The inhabitants of the city of Concord shall continue to be a body politic and corporate under the name of the "City of Concord," and as such to enjoy all the rights, immunities, powers, and privileges and be subject to all the duties and liabilities now appertaining to or incumbent upon them as a municipal corporation. All existing property of the city shall remain vested in it, and all its existing debts and obligations shall remain obligatory upon it, under this revised charter.

**2. Wards.** The city shall continue to be divided into nine wards as at present constituted, and except as herein otherwise provided the general laws relative to wards of cities, officers thereof, and voters, check-lists, elections, and jurors therein shall be applicable to such wards; but the office of selectmen is hereby abolished in the city, and all the duties pertaining to that office shall hereafter be performed in each ward thereof by the supervisors of the check-list, who, for all purposes requiring such officers, shall be deemed selectmen of the ward.

**Elections**

**3. Conduct of Elections.** The election officers in each ward whose duty it is to conduct regular biennial elections shall conduct a municipal election at the expense of the city in the same manner as a regular biennial election on the Tuesday following the first Monday in November of the odd numbered years, to elect three councilmen-at-large to serve for four years each chosen by the qualified voters of the city at large, voting in their respective wards, and nine ward councilmen to serve for two years each, chosen from each ward by the qualified voters thereof. In the first election held under this charter the three aldermen-at-large whose terms have not expired shall continue in office as councilmen-at-large until the expiration of the terms of office for which they were elected. At each municipal election thereafter nine ward councilmen shall be chosen to

serve for two years each and three councilmen-at-large shall be chosen to serve for four years each. The supervisors of the check-list in each ward shall fix the polling place therein and give notice thereof when the check-list for the municipal election is first posted.

**4. Qualification of Voters.** Persons who would be qualified to vote in a biennial election if held on the day of such municipal election shall be the qualified voters therein. Municipal elections hereunder shall be deemed elections within the meaning of all general statutes, penal and otherwise, and said statutes shall apply to municipal elections so far as consistent with this charter. The polls shall be open at each municipal election from nine o'clock in the forenoon to seven o'clock in the evening in each ward.

**5. Preparation of Ballots.** The city clerk shall prepare the ballots to be used at the municipal elections. The ballot shall contain the names in alphabetical order without party designation of all who file with the city clerk as candidates for the office of ward councilman or councilmen-at-large not later than five o'clock in the afternoon of the fifteenth day before the election. Each candidate shall pay the city clerk a fee of three dollars except one on whose behalf a petition shall have been filed by at least fifty qualified voters. No name shall be printed on the ballot by reason of such a petition unless consent thereto shall be endorsed on the petition by the candidate himself not later than five o'clock in the afternoon of the tenth day before the election. Below the list of names of the candidates there shall be as many blank spaces as there are councilmen to be elected. The city clerk shall have the same powers and duties with reference to municipal elections as has the secretary of state with reference to general biennial elections so far as such powers and duties are not inconsistent herewith.

**6. Contested Elections.** Within seven days after a municipal election the council shall canvass the votes cast and the candidates receiving the highest number of votes for the offices to be filled shall be declared elected. Within seven days thereafter the council shall, subject to such rules and regulations as it may prescribe, upon request of any candidate, recount the ballots cast in the election and hear and determine any contest on the ground of fraud or misconduct therein. Decisions of the council in cases of contested elections shall be

final. Tie votes for any elective office shall be resolved by lot in the manner that the council may determine. In cases arising under this section the council shall have the power to subpoena witnesses and compel the production of all pertinent books, records, and papers.

### **The Governing Body**

**7. Term and Number of Members.** Except as otherwise provided in this chapter, all the powers of the city shall be vested in a council of six councilmen-at-large and nine ward councilmen. The city clerk shall act as clerk of the council.

**8. Mayor.** The council shall, at its first regular meeting following each election, choose one of its members mayor for a term of two years. The council shall choose one of its members mayor pro tem, who shall act in the absence or disability of the mayor. In the event of a vacancy occurring in the office of mayor, the council shall choose one of its members mayor at the next regular meeting to serve for the unexpired term. The mayor shall be the official head of the city for all ceremonial purposes, he shall preside at all meetings of the council, and may speak and vote in such meetings. All other duties of the mayor prescribed by law shall be exercised by the manager provided for in this charter.

**9. Qualifications.** No person shall be a candidate for election as councilman who is not a duly qualified voter in the city. No councilman shall, during his term as councilman, be eligible to hold any other municipal office except mayor or mayor pro tem.

**10. Vacancies.** Vacancies occurring in the office of councilman at any time after the election of a candidate or candidates thereto shall be filled by the appointment of some qualified person who receives the votes of at least eight members of the council by the second regular meeting following the creation of the vacancy.

**11. Compensation.** Councilmen shall receive ten dollars for each council meeting upon attendance not to exceed in the aggregate two hundred dollars per year in full for their services.

**12. Meetings.** All meetings of the council shall be public. Regular meetings shall be held on the second Monday of each month and special meetings upon notice delivered to each

councilman by the city clerk at the written request of the manager or at least eight councilmen. The council shall establish its own rules and a majority shall constitute a quorum for the transaction of the business of the council. Newly elected members of the council shall assume office at the regular January meeting in each even numbered year.

**13. Ordinances.** Municipal legislation shall be by ordinance. Each ordinance shall be identified by a number and a short title. The enacting clause of each ordinance shall be "The City of Concord ordains" and the effective date of each ordinance shall be specified in it. All ordinances shall be recorded in full uniformly and permanently by the city clerk and each ordinance so recorded shall be authenticated by the signature of the mayor and the city clerk. Ordinances shall be published, compiled, and revised in such manner and at such times as the council shall determine.

**14. General Powers.** Except as herein otherwise provided, the council hereby established shall have all the powers and discharge all the duties conferred or imposed upon city councils in convention, city councils voting concurrently or boards of mayor and aldermen acting separately, by chapters 50 to 54 of the Public Laws or other general laws now in force or hereafter enacted, or upon the existing city councils or board of mayor and aldermen of the city of Concord by special laws not hereby repealed. The council shall have the powers of selectmen of towns so far as consistent with this charter. All provisions of such laws pertaining to the powers or duties of any or all such bodies shall be construed to apply to the council hereby established unless a contrary intent or provision herein appears, it being the purpose of this act to confer upon said council all functions of either or both branches of the existing city councils, except such as are specifically transferred to the manager. All committees of the council and all boards shall be deemed advisory and policy making only except as herein otherwise provided.

#### Administrative Service

**15. Manager.** The chief administrative officer of the city shall be called the manager. The council shall appoint as manager for an indefinite term, and fix the salary of, a qualified person who receives the votes of at least eight members of the

council. The first council elected under this charter shall appoint a manager within three months after the effective date of this charter.

**16. Qualifications.** The manager shall be chosen solely on the basis of his executive and administrative qualifications, but he need not be a resident of the city or the state at the time of his appointment. No person who has within two years been selected by popular vote to any office in the city of Concord, in Merrimack county, or in the state of New Hampshire, shall be chosen manager.

**17. Removal.** The manager may be removed by a majority vote of the members of the council as herein provided. At least thirty days before the proposed removal of the manager, the council shall adopt a resolution stating its intention to remove him and the reasons therefor, a copy of which shall be served forthwith on the manager who may, within ten days, demand a public hearing in which event the manager shall not be removed until such public hearing has been held. Upon or after passage of such a resolution the council may suspend him from duty, but his pay shall continue until his removal. In case of such a suspension the council may appoint an acting manager to serve at the pleasure of the council for not more than ninety days. The action of the council in removing the manager shall be final.

**18. General Powers and Duties of Manager.** The manager shall supervise the administrative affairs of the city and shall carry out the policies enacted by the council. He shall be charged with the preservation of the public peace and health and the safety of persons and property, and shall see to the enforcement of the ordinances of the city, this charter, and the laws of the state. He shall keep the council informed of the condition and needs of the city and shall make such reports and recommendations as he may deem advisable, and perform such other duties as may be prescribed by this charter, or required of him by ordinance or resolution of the council, not inconsistent with this charter. He shall have and perform such other powers and duties not inconsistent with the provisions of this charter as now are or hereafter may be conferred or imposed upon him by municipal ordinance or upon mayors of cities by general law. He shall have the right



to take part in the discussion of all matters coming before the council, but not the right to vote.

**19. Appointive Power of Manager.** The manager shall have the power to appoint and remove, subject to the provisions of this charter, all officers and employees in the administrative service of the city; but the manager may authorize the head of a department or office responsible to him to appoint and remove subordinates in such department or office. All such appointments shall be without definite term unless for provisional, temporary, or emergency service not to exceed the maximum periods which may be prescribed by the rules and regulations of the merit plan.

**20. Non-Interference by the Council.** Neither the council nor any of its members shall direct or request, except in writing, the appointment of any person to office or employment, or his removal therefrom, by the manager or any of the administrative officers. Neither the council nor any member thereof shall give orders to any of the administrative officers either publicly or privately, but they may make suggestions and recommendations. Any violation of the provisions of this section by a councilman shall be a misdemeanor, a conviction of which shall constitute immediate forfeiture of his office.

**21. Appointive Officers.** There shall be appointed by the manager, three assessors, a city clerk, treasurer, police chief, fire chief, city solicitor, one overseer of the poor for wards 2-9 inclusive, one overseer of the poor for ward 1, and such other officers as are necessary to administer all departments which the council shall establish, which departments shall replace all existing departments, boards and commissions. The powers and duties of these officers and heads of departments so appointed shall be those prescribed by state law, by this charter or by ordinance.

**22. Administrative Departments.** The first manager under this charter shall draft and submit to the council within nine months after assuming office an ordinance dividing the administrative service of the city into departments, divisions, and bureaus and defining the functions and duties of each. After the adoption of that ordinance, upon recommendation of the manager, the council by ordinance may create, consolidate, or abolish departments, divisions, and bureaus of the city and

define or alter their functions and duties. Such ordinances shall be known as the "administrative code." Each officer shall have supervision and control of his department and the employees therein and shall have power to prescribe rules and regulations, not inconsistent with general law, this charter, the administrative code, and the rules and regulations of the merit plan. Pending passage of such code the manager may establish temporary regulations.

**23. Purchasing Procedure.** The administrative code shall establish purchasing and contract procedure including the assignment of all responsibility for purchases to a single person, the combination of purchasing of similar articles by different departments, and purchasing by competitive bids wherever practical.

### Finance

**24. Fiscal Year.** The fiscal and budget year of the city shall begin on the first day of January unless another date shall be fixed by ordinance.

**25. Financial Control.** The manager shall appoint an officer other than the treasurer who shall maintain accounting control over the finances of the city, make financial reports, and perform such other duties as may be required by the administrative code. He shall audit and approve all authorized claims against the city before paying the same.

**26. Budget Procedure.** At such time as may be requested by the manager or specified by the administrative code, each officer or director of a department shall submit an itemized estimate of the expenditures for the next fiscal year for the departments or activities under his control. The manager shall submit the proposed budget to the council at least one month before the start of the fiscal year of the budget.

**27. Budget Hearing.** A public hearing on the budget shall be held before its final adoption by the council, at such time and place as the council shall direct, and notice of such public hearing together with a summary of the budget as submitted shall be published at least one week in advance by the city clerk.

**28. Date of Final Adoption.** The budget shall be finally adopted not later than the twenty-seventh day of the first month of the fiscal year. Should the council take no final

action on or prior to such day, the budget, as submitted, shall be deemed to have been finally adopted by the council. This section shall not apply to the first fiscal year after this charter takes effect.

**29. Appropriations After Budget is Adopted.** No appropriation shall be made for any purpose not included in the annual budget as adopted unless voted by a two-thirds majority of the council after a public hearing held to discuss said appropriation. The council shall by resolution designate the source of any money so appropriated.

**30. Budget Control.** At the beginning of each quarterly period during the fiscal year and more often if required by the council, the manager shall submit to the council data showing the relation between the estimated and actual income and expenses to date; and if it shall appear that the income is less than anticipated, the council or manager may reduce the appropriation for any item or items, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the cash income. The manager may provide for monthly or quarterly allotments of appropriations to departments, funds, or agencies under such rules as he shall prescribe.

**31. Transfer of Appropriations.** After the budget has been adopted, no money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except pursuant to a budget appropriation unless there shall be a specific additional appropriation therefor. The head of any department, with the approval of the manager, may transfer any unencumbered balance or any portion thereof from one fund or agency within his department to another fund or agency within his department; the manager, with the approval of the council, may transfer any unencumbered appropriation balance or any portion thereof from one department to another.

**32. Depository.** The council shall designate the depository or depositories for city funds, and shall provide for the daily deposit of all city moneys. The council may provide for such security for city deposits as it may deem necessary, except that personal surety bonds shall not be deemed proper security.

**33. Independent Audit.** An independent audit shall be made of all accounts of the city government at least annually and more frequently if deemed necessary by the council. Such audit shall be made by certified public accountants experienced in municipal accounting. An abstract of the results of such audit shall be made public. At least once every five years the council shall request that such audit be made by the New Hampshire state tax commission or by auditors selected by said commission if then authorized by law to make such audit. An annual report of the city's business shall be made available.

**34. Official Bonds.** Any city officer elected or appointed by authority of this charter may be required by the manager to give a bond to be approved by the city solicitor for the faithful performance of the duties of his office, but all officers receiving or disbursing city funds shall be so bonded. All official bonds shall be corporate surety bonds, and the premiums thereon shall be paid by the city. Such bonds shall be filed with the city clerk.

**35. Borrowing Procedure.** Subject to the applicable provisions of state law and the rules and regulations provided by ordinance in the administrative code, the council, by resolution, may authorize the borrowing of money for any purpose within the scope of the powers vested in the city and the issuance of bonds of the city or other evidence of indebtedness therefor, and may pledge the full faith, credit, and resources of the city for the payment of the obligation created thereby. Borrowing for a term exceeding one year shall be authorized by the council only after a duly advertised public hearing.

#### Merit Plan

**36. Appointments.** Appointments and promotions to all positions in the service of the city shall be made solely on the basis of merit and only after examination of the applicants' fitness. So far as practicable examinations shall be competitive.

**37. Rules and Regulations.** The first manager under this charter shall draft and submit to the council within three months after assuming office a set of rules and regulations, which shall become effective one month after its submission unless vetoed by the council within that period, providing for the establishment of a merit system of personnel administra-

tion and for the implementation of such portions of that system as are prescribed by this charter. The rules and regulations shall include provisions with regard to classification, compensation, selection, training, promotion, discipline, vacations, and any other matters necessary to the maintenance of efficient service and the improvement of working conditions. The rules and regulations shall continue in force subject to amendments submitted from time to time by the manager which shall become effective one month after their submission unless vetoed by the council within that period. Until the first set of such rules and regulations becomes effective, the manager may establish temporary rules and regulations.

**38. Compensation.** The compensation of all officers and employees not fixed by this charter shall be fixed in the rules and regulations of the merit plan by a schedule of pay which shall include a minimum and maximum and such intermediate rates as may be deemed desirable for each class of position provided for in said rules and regulations. In increasing or decreasing items in the city budget, the council shall not increase or decrease any individual salary item but shall act solely with respect to total salaries in the various departments of the city.

**39. Personnel Advisory Board.** There is hereby established a personnel advisory board of three citizens holding no other municipal office and appointed, one member by the manager, one by the council, and the third by these two appointees. In the first instance only the member appointed by the manager shall serve for one year, the member appointed by the council for two years, and the third member for three years, in each case beginning on the effective date of this charter; the terms of all succeeding members shall be for three years beginning on the expiration of the term each succeeds. It shall be the duty of the personnel advisory board to study the broad problems of personnel policy and administration, to advise the council concerning the personnel policies of the city and the manager regarding the administration of the merit plan and to hear appeals from any employee aggrieved as to the status or condition of his employment. The board shall issue written reports containing findings of facts and recommendations to the manager upon such appeals but the board shall have no power to reinstate an employee unless it finds, after investigation,

that disciplinary action was taken against the employee for religious, racial, or political reasons.

**40. Certification of Compensation.** No compensation shall be paid without certification by the manager, or such officer as he may direct, that the recipients are employed by the city and that their rates of compensation comply with the pay schedule provided for in section 38. If such officer approves payments not in conformity therewith, he and his surety shall be liable for the amount of such payments. A taxpayer may maintain a civil action to restrain payment of compensation to persons unlawfully appointed or employed or to recover for the city any sums paid contrary to the provisions of this charter.

**41. Employees When Charter Adopted.** No employee of the city at the time this charter is adopted shall be required to take any examination in order to continue within the employment of the city. All other provisions of the merit plan will apply to such employees.

#### Special Assessments

**42. Council Resolution.** The council shall have power to determine that not exceeding fifty per cent of the expense of any public improvement shall be defrayed by special assessments upon the property especially benefited and shall so declare by resolution. Such resolution shall state the estimated cost of the improvement, what proportion of the cost thereof shall be paid by special assessments, and what part, if any, shall be a general obligation of the city, the number of installments in which special assessments may be paid, and shall designate the districts or land and premises upon which special assessments shall be levied.

**43. Procedure Fixed by Ordinance.** The council shall prescribe by general ordinance complete special assessment procedure concerning plans and specifications, estimate of costs, notice and hearing, the making of the special assessment roll and correction of errors, the collection of special assessments, and any other matters concerning the making of improvements by the special assessment method.

#### Miscellaneous Provisions

**44. Oath of Office.** Every person elected or appointed to any city office before entering upon the duties of his office

shall take and subscribe to an oath of office as provided by law which shall be filed and kept in the office of the city clerk.

**45. Notice of Election or Appointment.** Written notice of election or appointment of any city officer shall be mailed to him at his address by the city clerk within forty-eight hours after the appointment is made or the vote canvassed. If within ten days from the date of the notice, such officer shall not take, subscribe to, and file with the city clerk an oath of office, such neglect shall be deemed a refusal to serve and the office shall thereupon be deemed vacant, unless the council shall extend the time in which such officer may qualify.

**46. Vacancy Defined.** In addition to other provisions of this charter, a vacancy shall be deemed to exist in any office when an officer dies, resigns, is removed from office, is convicted of a felony, or is judicially declared to be mentally incompetent.

**47. Official Interest in Contracts.** No elective or appointive officer or employee of the city shall take part in a decision concerning the business of the city in which he has a financial interest aside from his salary as such officer or employee, direct or indirect, greater than any other citizen or taxpayer.

**48. Private Use of Public Property.** No officer or employee shall devote any city property or labor to private use except as may be provided by law or ordinance.

**49. Use of Streets by Public Utilities.** Every public utility shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges, and public places as shall arise from its use thereof, and shall protect and save the city harmless from all damages arising from said use.

**50. Liability for Discharge.** The removal in accordance with this charter with or without cause of a person elected or appointed or otherwise chosen for a fixed term shall give no right of action for breach of contract.

**51. Notice of Claim.** No action at law or bill in equity for money or damages claimed due shall be sustained against the city unless a notice setting forth the nature and amount, if any, of the claim shall have been delivered or sent by registered mail to the office of the city clerk not less than sixty days prior to the commencement of said action at law of [or] bill in equity.

52. **Municipal Court.** The municipal court of the city as at present constituted is hereby continued.

53. **Violations.** Any person who violates any provisions of this charter, unless otherwise provided, or violates any city ordinance for which no other punishment is provided, shall be fined not exceeding five hundred dollars or imprisoned not exceeding ninety days, or both.

54. **Public Records.** All records of the city shall be public.

#### **Saving Clauses and Adoption of Charter**

55. **Saving Clause.** So much of the previous charter of the city and of laws passed in amendment or supplementary thereof, as is now in force relative to the constitution and bounds of its several wards, its school districts and sewer, lighting, and other special precincts and their government and affairs, to its water works, municipal court, and to the borrowing of money in aid of its school districts, is hereby continued in force, with the exception of such provisions as are inconsistent with this charter; but all special legislation relative to the government of the city, not herein expressly saved, is hereby repealed. All general laws relative to the government of cities shall remain in force in the city so far as the same can be applied consistently with the intents and purposes of this charter, but shall be deemed superseded as to this city so far as inconsistent herewith. Existing ordinances and other municipal regulations shall remain in force so far as the same can be applied consistently with the intents and purposes of this charter, but are hereby annulled so far as inconsistent herewith. In all existing laws, ordinances, and regulations hereby saved, references to the city councils, board of mayor and aldermen, board of public works, or other bodies or officers hereby abolished and superseded, or to bodies or officers whose constitution or functions are hereby altered, shall be taken to mean the body or officer upon whom jurisdiction of the matter in question is conferred by this charter or by the administrative code.

56. **Tenure of Office.** The incumbents when this charter takes effect, who are not elected by popular vote, of all municipal offices not hereby abolished or superseded shall continue to hold the same until the expiration of their respective terms



where a term of years exists, or until such offices are abolished or superseded by lawful ordinances.

**57. Referendum.** This act shall be submitted to the registered voters of the city of Concord at the forthcoming municipal primary election to be held on October 11, 1949, and shall be designated as "Plan 2, Council-Manager Plan." At the top of the ballot used at said primary there shall appear questions in bold-face type and instructions, as hereinafter provided, relative to the adoption of said plan 2 together with plan 1 as set forth in "An Act to revise the charter of the city of Concord." The primary ballot shall be prepared by the city clerk in accordance with the provisions of this section. The qualified voters shall vote primarily on the following question, namely: Shall the present charter of the city of Concord be repealed? And secondly on the following question, namely: If the present charter of the city of Concord is repealed, shall the new charter be Plan 1, Revised Mayor-Alderman Plan or Plan 2, Council-Manager Plan? If a majority of those voting on the primary question cast ballots in favor of a repeal of the present charter, the plan receiving the larger number of votes on the secondary question shall be adopted as the charter of the city, but should there be a tie vote on the secondary question, the present charter shall remain in force. If a majority of those voting on the primary question cast ballots opposing repeal of the present charter, it shall remain in force, and the balloting on the secondary question shall be disregarded. A voter may vote on the secondary question who has voted in the negative on the primary question; but if on any ballot the voter shall vote for both Plan 1 and Plan 2, so much of said ballot as refers to the secondary question shall not be counted. The ballots shall contain questions substantially in this form:

(All voters are eligible to vote on both questions)

**First Question**

Shall the present charter of the city of Concord be repealed?

(Make a cross (X) opposite and to the right of either  
the word YES or the word NO, as you prefer).

YES

NO

**Second Question**

(Make a cross (X) opposite and to the right of either Plan 1 or Plan 2, as you prefer, but do not vote on both).

If the present charter of the city is repealed,  
I want the new charter to be as follows:

Plan 1—Revised Mayor-Aldermen Plan

Plan 2—Council-Manager Plan

The ballots shall be cast, counted and canvassed as provided in the election ordinances and laws of the city of Concord and state respectively. The mayor and board of aldermen, at a special meeting to be held on the Monday following the primary, shall canvass the returns and declare the results, which shall be duly recorded by the city clerk.

**58. Separability.** The sections of this charter and the parts thereof are separable. If any portion of this charter, or the application thereof to any person or circumstance, shall be held invalid, the remainder thereof or the application of such invalid portions to other persons or circumstances shall not be affected thereby.

**59. Takes Effect.** Section 57 of this act shall take effect upon its passage, and if adopted at the referendum provided for in said section the remainder of this act shall take effect as follows: So much as relates to the preliminaries for and the holding and conduct of the first municipal election shall take effect immediately upon such adoption. For all other purposes this charter shall take effect on the second Monday of January following the first election under this charter. .

[Approved June 15, 1949.]

## CHAPTER 419.

AN ACT TO REVISE THE CHARTER OF THE CITY OF CONCORD.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**City Established**

**1. Incorporation.** The inhabitants of the city of Concord shall continue to be a body politic and corporate under the name of the "City of Concord," and as such to enjoy all the rights, immunities, powers and privileges and be subject to all the duties and liabilities now appertaining to or incumbent upon them as a municipal corporation. All existing property of the city shall remain vested in it, and all its existing debts and obligations shall remain obligatory upon it, under this revised charter.

**2. Wards.** The city shall continue to be divided into nine wards as at present constituted, and except as herein otherwise provided the general laws relative to wards of cities, officers thereof, and voters, check-lists, elections and jurors therein shall be applicable to such wards; but the office of selectmen is hereby abolished in the city, and all the duties pertaining to that office shall hereafter be performed in each ward thereof by the supervisors of the check-list, who for all purposes requiring such officers, shall be deemed the selectmen of the ward.

**Elections**

**3. Conduct of Elections and Primaries.** The election officers in each ward, whose duty it is to conduct regular biennial elections, shall conduct a municipal election in the same manner as a regular biennial election on the Tuesday following the first Monday, in November in the odd-numbered years to choose a mayor, three aldermen-at-large, and an alderman from each ward. The candidates for all offices to be filled at such municipal elections shall be nominated at primary elections, hereinafter called primaries, to be held on the fourth Tuesday preceding each municipal election. The supervisors of the check-list in each ward shall fix the polling place therein and give notice thereof when the check-list for the primary is first posted. Primaries and municipal elections held under the provisions of this charter shall be deemed to be

elections within the meaning of all general statutes, penal and otherwise, and said statutes shall apply to such elections so far as consistent with this charter.

**4. Qualifications of Voters and Check-lists.** Persons who would be qualified to vote in a biennial election if held on the day of a primary or municipal election shall be the qualified voters therein. The supervisors of the check-list in each ward shall make, post, and correct a check-list for use at each primary in the manner in which check-lists are by law required to be prepared for use at regular biennial elections. The check-list so prepared shall be further corrected for use at the succeeding municipal election at a session of the supervisors to be holden on the Saturday next preceding such municipal election, notice of which session shall be given on the check-lists posted before the preceding primary; and no further posting or notice shall be required before such municipal election. All provisions of general statutes relating to the preparation, use and preservation of check-lists used at regular biennial elections shall apply to the check-lists used at the municipal elections and primaries, except as otherwise expressly provided herein.

**5. Preparation of Ballots.** The city clerk shall prepare the ballots to be used in the municipal elections and primaries in form as nearly like the ones used in the regular biennial elections as the requirements of this charter permit. Upon such ballots shall be printed the words "Official Ballot," and they shall be authenticated by a facsimile of the signature of the city clerk. The names of the candidates shall be grouped in the alphabetical order of their surnames, without party name or designation of any kind. Over each group shall be printed the title of the office to be filled and a direction as to the number of candidates to be voted for. Under each group shall be left as many blank spaces as there are persons to be elected to each office at the municipal election. To the right of each printed name shall be a square. The voter shall indicate his choice by making a cross in the square to the right of the printed name of each candidate for whom he desires to vote, or by writing the name of any person or persons for whom he desires to vote in the appropriate blank space or spaces. If a voter, either at a municipal election or the preceding primary votes for more candidates for any office than are to be elected

to that office at such municipal elections, he shall be regarded as not having voted for any candidate for that office. The city clerk shall have the same powers and duties with reference to municipal elections and primaries as has the secretary of state with reference to regular biennial elections, so far as such powers and duties are not inconsistent herewith.

**6. Nomination and Election of Candidates.** The name of any person shall be printed upon the primary ballots upon his filing with the city clerk, not later than five o'clock in the afternoon of the fifteenth day before the primary, his declaration in writing that he is a candidate for any office to be filled at the succeeding municipal election and paying to the city clerk a filing fee of five dollars; provided, however, that the name of any person shall be printed upon the primary ballot without the filing of a declaration or the payment of a fee, if a petition in his behalf signed by at least fifty qualified voters shall have been filed with the city clerk not later than five o'clock in the afternoon of the tenth day before the primary. The petition shall consist of at least fifty individual certificates, each in form substantially as follows:

“I do hereby join in a petition for the publication on the primary ballot of the name of .....  
....., residing at .....  
(street, ward) for the office of .....  
to be voted for at the primary election to be held by the City of Concord on the .....  
day of ....., 19...., and I certify that I am qualified to vote for a candidate for said office, and am not a signer of any other similar petition for any other candidate for the above office; that my residence is ..... (street, ward). I further certify that I believe the above-named person is especially qualified to fill said office.  
(Signed) .....”

Several certificates may be printed on one paper. One of the signers of each such paper shall make an oath before an officer competent to administer oaths that the statements therein made are true to his best knowledge and belief, and that each signature to the paper is the genuine signature of the person whose name it purports to be. The city clerk shall furnish upon application a reasonable number of forms of individual

certificates of the above character. No primary petition shall be accepted by the city clerk without an endorsement thereon by the candidate consenting to the printing of his name on the primary ballot as requested in the petition. When a primary petition is presented for filing to the city clerk, he shall forthwith examine the same and ascertain whether it conforms to the provisions of this section, and if not found in conformity thereto, he shall designate the defect and return the petition to the candidate in whose behalf it was filed. Such petition may again be presented when properly amended if this can be done within the time allowed for filing such primary petitions.

The names of the two candidates for mayor and of the six candidates for aldermen-at-large receiving the greatest number of votes cast in the city at large at the primary, and of the two candidates in each ward receiving the largest number of the votes cast at the primary for alderman from each ward, shall be printed upon the ballot to be used at the succeeding municipal election as nominees for such offices. The nominee or nominees where more than one are to be elected to the same office who shall receive the greatest number of votes shall be elected.

**7. Contested Elections.** Within seven days after a municipal primary or election the board of aldermen shall canvass the votes cast, and the candidates or nominees receiving the greatest number of votes as provided in the preceding section shall be declared nominated or elected. Within seven days thereafter the board of aldermen shall, subject to such rules and regulations as it may prescribe, upon request of any candidate, recount the ballots cast at any primary or election and hear and determine any contest on the ground of fraud or misconduct therein. Decisions of the board of aldermen in cases of contested elections shall be final. Tie votes in any primary or election shall be resolved by lot in the manner that the board of aldermen may determine. In cases arising under this section, the board of aldermen shall have the power to subpoena witnesses and compel the production of all pertinent books, records and papers.

### The City Government

**8. The Governing Body.** The city shall be governed by a principal officer called the mayor and a board of fifteen aldermen. The mayor shall be elected from the city at large for a

term of two years. Six aldermen shall be elected from the city at large for terms of four years and one shall be elected from each ward for a term of two years, provided that at the first election held under this charter the three aldermen-at-large elected under the previous charter whose terms have not expired shall continue in office until the second election hereunder.

**9. Qualifications for Office.** No person shall be a candidate for the office of mayor or alderman-at-large who is not a duly qualified voter of the city. No person shall be a candidate for the office of ward alderman who is not a duly qualified voter in the ward in which he seeks election.

**10. Vacancies.** Vacancies occurring in the office of alderman from any cause shall be filled for the unexpired term with the election of some qualified person by the recorded votes of at least eight members of the board of aldermen at the next regular meeting or at a special meeting called for the express purpose of filling the vacancy within thirty days following the creation of the vacancy.

The business administrator shall act as mayor whenever the mayor shall be prevented by absence from the city, disability or other cause from attending to the duties of his office, During such time the business administrator shall possess all the rights, powers and duties of mayor. In case a vacancy occurs in the office of mayor by death, resignation or otherwise, the board of aldermen shall fill the vacancy for the unexpired term with the election of one of the aldermen-at-large by the recorded votes of at least eight members of the board at the next regular meeting or at a special meeting called for the express purpose of filling the vacancy within thirty days following the creation of the vacancy. The person so elected shall have the same powers and duties in all respects as if elected mayor by the people, and upon his qualifying as mayor his office as alderman shall be deemed to be vacant.

**11. Compensation.** The mayor shall receive a salary of five thousand dollars per annum, payable monthly. Aldermen shall receive fifteen dollars per meeting upon attendance, not to exceed in the aggregate three hundred dollars per annum in full for their services.

**12. Meetings.** The mayor shall preside over all meetings of the board of aldermen and the city clerk shall act as clerk

of the board. All meetings of the board of aldermen shall be public. Regular meetings shall be held at seven o'clock in the evening on the second Monday of each month and special meetings upon notice delivered to the mayor and to each alderman by the city clerk at the written request of the mayor or at least five aldermen. The board of aldermen shall establish its own rules, and a majority shall constitute a quorum for the transaction of the business of the board. The mayor shall have the right to introduce bills and initiate other measures in the board of aldermen, and to speak therein upon pending measures without resigning the chair; but he shall not be counted to make a quorum of such board, nor vote therein except in case of equal division. He shall have no negative on any ordinance, resolution or vote of the board of aldermen. The mayor-elect and the newly elected members of the board of aldermen shall assume office at the regular January meeting in each even numbered year.

**13. Removal of Mayor, Aldermen.** The board of aldermen may, on specific charges and after due notice and hearing, at any time remove from office the mayor or one of its own members for prolonged absence from or other inattention to duty, mental or physical incapacity, incompetency, crime, immorality, or misconduct in office upon affirmative vote on roll call of at least ten aldermen. A vacancy occasioned by removal under this section shall be filled in the manner provided in section 10 of this charter.

**14. Ordinances.** Municipal legislation shall be by ordinance. Each ordinance shall be identified by a number and a short title. The enacting clause of each ordinance shall be "The City of Concord ordains," and the effective date of each ordinance shall be specified in it. All ordinances shall be recorded at length uniformly and permanently by the city clerk, and each ordinance so recorded shall be authenticated by the signature of the mayor and the city clerk. Ordinances shall be published, compiled and revised in such manner and at such times as the board of aldermen shall determine.

**15. General Powers.** Except as herein otherwise provided, the board of aldermen hereby established shall have all the powers and discharge all the duties conferred or imposed upon city councils in convention, city councils voting concurrently, or boards of mayor and aldermen acting separately, by



chapters 62 to 66 inclusive, of the Revised Laws or other general law now in force or hereinafter enacted, or upon the existing city councils of board of mayor and aldermen of the city of Concord by special laws not hereby repealed. The board of aldermen shall have the powers of selectmen of towns so far as consistent with this charter. All provisions of such laws pertaining to the powers or duties of any or all such bodies shall be construed to apply to the board of aldermen hereby established unless a contrary intent or provision herein appears, it being the purpose of this act to confer upon said board all functions of either or both branches of the existing board of aldermen, whether legislative, executive or judicial.

### Administrative Service

**16. General Powers and Duties of the Mayor.** The mayor shall be the chief administrative officer and the head of the administrative branch of the city government. He shall supervise the administrative affairs of the city and shall carry out the policies enacted by the board of aldermen. He shall enforce the ordinances of the city, this charter, and all general laws applicable to the city. He shall keep the board of aldermen informed of the condition and needs of the city and shall make such reports and recommendations as he may deem advisable, and perform such other duties as may be prescribed by this charter or required of him by ordinance or resolution of the board of aldermen, not inconsistent with this charter. He shall have and perform such other powers and duties not inconsistent with the provisions of this charter as now are or hereafter may be conferred or imposed upon him by municipal ordinance or upon mayors of cities by general law.

**17. Appointive Power of Mayor.** The mayor shall have the power to appoint and remove all officers and employees in the administrative services of the city, subject to the provisions of this charter, and he may authorize and empower the head of a department or officer responsible to him to appoint and remove subordinates in such department or office. All such appointments shall be without definite term unless made for a provisional, temporary or emergency service not to exceed the maximum limits which may be prescribed by the merit plan.

**18. Non-Interference by the Board of Aldermen.** It is the intention of this charter that the board of aldermen shall act

in all matters as a body, and it is contrary to the spirit of this charter for any of its members to seek individually to influence the official acts of the mayor, or any other officer, or to direct or request, except in writing, the appointment of any person to, or his removal from, office; or to interfere in any way with the performance by such officers of their duties. The board of aldermen and its members shall deal with the administrative service solely through the mayor and shall not give orders to any subordinate of the mayor either publicly or privately, but they may make suggestions and recommendations. Nothing herein contained shall prevent the board of aldermen from appointing committees of its own members or of citizens to conduct investigations into the conduct of any officer or department, or any matter relating to the welfare of the municipality, and delegating to such committees such powers of inquiry as the board of aldermen may deem necessary. Any alderman violating the provisions of this section shall upon conviction thereof in a court of competent jurisdiction forfeit his office.

**19. Appointive Officers.** The mayor shall appoint a business administrator, a city clerk, a treasurer, three assessors, a fire chief, a health officer, a city solicitor, one overseer of the poor for Wards 2-9 inclusive, one overseer of the poor for Ward 1, and such other officers as may be necessary to administer all departments which the board of aldermen shall establish.

The business administrator shall be chosen solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. At the time of his appointment, he need not be a resident of the city or state, but during his tenure of office he may reside outside the city only with the approval of the board of aldermen. He shall have, exercise and discharge the functions, powers and duties of the department of administration. The department, under the direction and supervision of the mayor, shall assist in the preparation of the budget, administer a centralized purchasing and contract system, be responsible for the development and administration of a sound personnel system, and perform such other duties as the board of aldermen may prescribe by ordinance.

Each assessor shall prior to his appointment have demonstrated knowledge of property appraisal or assessment and of the laws governing the assessment and collection of property taxes. It shall be the duty of the board of assessors to assess all taxable property in the city in accordance with general law and such administrative regulations as may be promulgated pursuant thereto, to maintain a standard system of assessment records, and to perform such other duties as the board of aldermen may prescribe by ordinance.

The powers and duties of other officers and heads of departments appointed by the mayor shall be those prescribed by state law, by this charter or by ordinance.

**20. Departments; Administrative Code.** The city shall have a department of administration headed by the business administrator, and such other departments, divisions and bureaus as the board of aldermen may establish by ordinance. It shall be the duty of the first mayor elected under the provisions of this charter to draft and submit to the board of aldermen within six months after assuming office, an ordinance providing for the division of the administrative service of the city into departments, divisions and bureaus, and defining the functions and duties of each. Subsequent to the adoption of such ordinance, upon recommendation of the mayor, the board of aldermen by ordinance may create, consolidate or abolish departments, divisions and bureaus of the city and define or alter their functions and duties. The compilation of such ordinances shall be known as the "Administrative Code." Each officer shall have supervision and control of his department and of the employees therein and shall have power to prescribe rules and regulations, not inconsistent with general law, this charter, the administrative code, and the provisions of the merit plan. Prior to adoption of the administrative code the mayor shall have the power to establish temporary rules and regulations to insure economy and efficiency in the several divisions of the city government.

**21. Purchasing Procedure.** The administrative code shall establish a centralized purchasing and contract system, including the combination of purchasing of similar articles for different departments, and purchasing by competitive bids whenever practical. The business administrator shall be charged with the administration of the system so established.

### Finance

**22. Fiscal Year.** The fiscal and budget year of the city shall begin on the first day of January unless another date shall be fixed by ordinance.

**23. Fiscal Control.** The administrative code shall provide for the exercise of a control function, in the management of the finances of the city, by the city clerk. The control function shall include provisions for an incumbrance system of budget operation, for expenditure only upon written requisition, for the pre-audit of all claims and demands against the city prior to payment, and for the control of all payments out of any public funds by individual warrants for each payment to the official having custody thereof.

**24. Budget Procedure.** The municipal budget shall be prepared by the mayor with the assistance of the business administrator. At such time as may be requested by the mayor or specified by the administrative code, each officer or director of a department shall submit an itemized estimate of the expenditures for the next fiscal year for the department or activities under his control. The mayor shall submit the proposed budget to the board of aldermen at least one month before the start of the fiscal year of the budget.

**25. Budget Hearing.** A public hearing on the budget shall be held before its adoption by the board of aldermen, at such time and place as the board of aldermen shall direct, and notice of such public hearing together with a copy of the budget as submitted shall be published at least one week in advance of the hearing by the city clerk.

**26. Adoption of Budget.** The board of aldermen may reduce any item or items in the mayor's budget by a vote of a majority of the board, but an increase in or addition of any item or items therein shall become effective only upon an affirmative vote of two-thirds of the members of the board of aldermen. The budget shall be finally adopted not later than the first day of the second month of the fiscal year.

**27. Transfer of Appropriations.** After the budget has been adopted, no money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except pursuant to a budget appropriation unless there shall be a specific appropriation therefor specifying the source from which the funds shall come. Except as otherwise

provided in this charter the board of aldermen may transfer any unencumbered appropriation balance or any portion thereof from one department, fund, or agency, to another.

**28. Depository.** The board of aldermen shall designate the depository or depositories for city funds, and shall provide for the daily deposit of all city moneys. The board of aldermen may provide for such security for city deposits as it may deem necessary, except that personal surety bonds shall not be deemed proper security.

**29. Independent Audit.** An independent audit shall be made of all accounts of the city government at least annually and more frequently if deemed necessary by the board of aldermen. Such audit shall be made by qualified public accountants experienced in municipal accounting and appointed by the board of aldermen. An abstract of the results of such audit shall be made public. An annual report of the city's business shall be made available in such form as will disclose pertinent facts concerning the activities and finances of the city government.

**30. Official Bonds.** Any city officer elected or appointed by authority of this charter may be required by the board of aldermen to give a bond to be approved by the city solicitor for the faithful performance of the duties of his office, but all officers receiving or disbursing city funds shall be so bonded. All official bonds shall be corporate surety bonds, and the premiums thereon shall be paid by the city. Such bonds shall be filed with the city clerk.

#### Personnel Administration

**31. Merit Plan.** Appointments and promotions to all positions in the service of the city shall be made solely on the basis of merit and only after examination of the applicants' fitness. The first business administrator appointed under the provisions of this charter shall, under the supervision of the mayor, draft and submit to the board of aldermen within six months after assuming office an ordinance providing for the establishment of a merit system of personnel administration. Such ordinance shall include provisions with regard to classification, compensation, selection, training, promotion, discipline, vacations, retirement and any other matters necessary to the maintenance of efficient service and the improvement of working conditions. Officials elected by the people shall be

exempt from the provisions of such ordinance. With reasonable dispatch thereafter the board of aldermen shall enact, amend or revise the ordinance so submitted, but in any event the board of aldermen shall enact a merit plan which embodies the provisions herein required. It shall be the duty of the business administrator to administer the merit plan so enacted. He may submit revisions of the merit plan to the board of aldermen from time to time as changes in conditions and circumstances in the city service justify.

**32. Personnel Advisory Board.** There is hereby established a personnel advisory board of three citizens holding no other public office and appointed by the mayor, subject to the approval of a majority of the board of aldermen. The term of each member shall be for three years and until his successor is appointed and qualified. However, in the case of first appointments, one member shall be appointed for one year, one for two years, and one for three years. Vacancies shall be filled for the remainder of any term in the same manner as the original appointment. It shall be the duty of the personnel advisory board to study the broad problems of personnel policy and administration, to advise the board of aldermen concerning the personnel policies of the city and the mayor regarding the administration of the merit plan, and to hear appeals from any employee aggrieved as to the status or condition of his employment. The board shall issue written reports containing findings of fact and recommendations to the mayor upon such appeals. But the board shall have no power to reinstate an employee unless it finds, after investigation, that disciplinary action was taken against the employee for religious, racial or political reasons.

**33. Retirements.** The merit plan may contain provisions for a system for the retirement of any city employee who shall have attained an age or condition of health which warrants retirement from further service. Any such plan shall provide payments to retired employees only as additional compensation for services rendered after the inauguration of such a plan and before retirement.

#### Special Assessments

**34. Board of Aldermen Resolution.** The board of aldermen shall have power to determine that the whole or any part of the expense of any public improvement shall be defrayed by

special assessments upon the property especially benefited and shall so declare by resolution. Such resolution shall state the estimated cost of the improvement, what proportion of the cost thereof shall be paid by special assessments, and what part, if any, shall be a general obligation of the city, the number of installments in which assessments may be paid, and shall designate the districts or land and premises upon which special assessments shall be levied.

**35. Procedure Fixed by Ordinance.** The board of aldermen shall prescribe by general ordinance complete special assessment procedure concerning plans and specifications, estimate of costs, notice and hearing, the making of the assessment roll and correction of errors, the collection of special assessments, and any other matters concerning the making of improvements by the special assessment method.

#### Miscellaneous Provisions

**36. Oath of Office.** Every person elected or appointed to any city office before entering upon the duties of his office shall take and subscribe to an oath of office as provided by law which shall be filed and kept in the office of the city clerk.

**37. Notice of Election or Appointment.** Written notice of election or appointment of any city officer shall be mailed to him at his address by the city clerk within forty-eight hours after the appointment is made or the vote canvassed. If within ten days from the date of the notice, such officer shall not take, subscribe to and file with the city clerk on oath of office, such neglect shall be deemed a refusal to serve and the office shall thereupon be deemed vacant, unless the board of aldermen shall extend the time in which such officer may qualify.

**38. Vacancy Defined.** In addition to other provisions of this charter, a vacancy shall be deemed to exist in any office when an officer dies, resigns, is removed from office, moves from the city, is convicted of a felony or judicially declared to be mentally incompetent.

**39. Official Interest in Contracts.** No officer or employee of the city shall take part in a transaction or decision in which he has a financial interest aside from his salary as such officer or employee, direct or indirect, greater than any other citizen or taxpayer.

**40. Private Use of Public Property.** No officer or employee shall devote any city property or labor to private use except as may be provided by law or ordinance.

**41. Use of Streets by Public Utilities.** Every public utility shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges and public places as shall arise from its use thereof, and shall protect and save the city harmless from all damages arising from said use.

**42. Liability for Discharge.** The removal in accordance with this charter with or without cause of a person elected or appointed or otherwise chosen for a fixed term shall give no right of action for breach of contract.

**43. Notice of Claim.** No action at law or bill in equity for money or damages claimed due shall be sustained against the city unless a notice setting forth the nature and the amount, if any, of the claim, shall have been delivered or sent by registered mail to the office of the city clerk not less than sixty days prior to the commencement of said action at law or bill in equity.

**44. Municipal Court.** The municipal court of the city as at present constituted is hereby continued.

#### **Saving Clauses and Adoption of Charter**

**45. Saving Clauses.** So much of the previous charter of the city and of laws passed in amendment or supplement thereof, as is now in force relative to the constitution and bounds of its several wards, to its school districts and sewer, lighting and other special precincts and their government and affairs, to its water works, municipal court, police commission, overseers of the poor and to the borrowing of money in aid of its school districts, is hereby continued in force, with the exception of such provisions as are inconsistent with this charter; but all special legislation relative to the government of the city, not herein expressly saved, is hereby repealed. All general laws relative to the government of cities shall remain in force in the city so far as the same can be applied consistently with the intents and purposes of this charter, but shall be deemed superseded as to this city so far as inconsistent herewith. Existing ordinances and other municipal regulations shall remain in force so far as the same can be applied consistently with the intents and purposes of this charter, but are



hereby annulled so far as inconsistent herewith. In all existing laws, ordinances and regulations hereby saved, references to the city council, board of public works, or other bodies or officers hereby abolished and superseded, or to bodies or officers whose constitution or functions are hereby altered, shall be taken to mean the body or officer upon whom jurisdiction of the matter in question is conferred by this charter.

**46. Tenure of Office.** The incumbents when this charter takes effect, of all municipal offices except those of mayor and aldermen, not hereby abolished or superseded shall continue to hold the same until the expiration of their respective terms where a term of years exists, or until such offices are abolished or superseded by lawful ordinances.

**47. Referendum.** This act shall be submitted to the registered voters of the city of Concord at the forthcoming municipal primary election to be held on October 11, 1949, and shall be designated as "Plan 1, Revised Mayor-Aldermen Plan." At the top of the ballot used at said primary there shall appear questions in bold-face type and instructions, as hereinafter provided, relative to the adoption of said plan 1 together with plan 2 as set forth in "An Act providing a council-manager plan charter for the city of Concord." The primary ballot shall be prepared by the city clerk in accordance with the provisions of this section. The qualified voters shall vote primarily on the following question, namely: Shall the present charter of the city of Concord be repealed? And secondarily on the following question, namely: If the present charter of the city of Concord is repealed, shall the new charter be Plan 1, Revised Mayor-Aldermen Plan or Plan 2, Council-Manager Plan? If a majority of those voting on the primary question cast ballots in favor of a repeal of the present charter, the plan receiving the larger number of votes on the secondary question shall be adopted as the charter of the city, but should there be a tie vote on the secondary question, the present charter shall remain in force. If a majority of those voting on the primary question cast ballots opposing repeal of the present charter, it shall remain in force, and the balloting on the secondary question shall be disregarded. A voter may vote on the secondary question who has voted in the negative on the primary question, but if on any ballot the voter shall vote for both Plan 1 and Plan 2, so much of said ballot as refers

to the secondary question shall not be counted. The ballots shall contain questions substantially in this form:

(All voters are eligible to vote on both questions)

#### First Question

Shall the present charter of the city of Concord be repealed?

(Make cross (X) opposite and to the right of either the word Yes or the word No, as you prefer.)

Yes

No

#### Second Question

(Make a cross (X) opposite and to the right of either Plan 1 or Plan 2, as you prefer, but do not vote for both.)

If the present charter of the city is repealed, I want the new charter to be as follows:

Plan 1—Revised Mayor-Aldermen Plan

Plan 2—Council-Manager Plan

The ballots shall be cast, counted and canvassed as provided in the election ordinances and laws of the city of Concord and state, respectively. The mayor and board of aldermen, at a special meeting to be held on the Monday following the primary, shall canvass the returns and declare the results, which shall be duly recorded by the city clerk.

48. **Separability.** If any portion of this charter, or the application thereof to any person or circumstance, shall be held invalid, the remainder thereof or the application of such invalid portion to other persons or circumstances shall not be affected thereby.

49. **Takes Effect.** Section 47 of this act shall take effect upon its passage, and if adopted at the election provided for in said section, the remainder of this act shall take effect as follows: So much as relates to the preliminaries for and the holding and conduct of the first municipal election shall take effect immediately upon such adoption. For all other purposes this charter shall take effect on the second Monday of January, 1950.

[Approved June 15, 1949.]

## CHAPTER 420.

AN ACT IN AMENDMENT OF THE LAWS RELATIVE TO THE UNION  
SCHOOL DISTRICT IN CONCORD.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Name of District.** The name of the Union School District in Concord, New Hampshire, as now geographically constituted shall be "Concord Union School District."

**2. Preparation of Budget.** It shall be the duty of the board of education of Concord Union School District annually to prepare a budget covering operating, capital and other expenditures and expected receipts for the ensuing fiscal year according to such form as may be prescribed by the state tax commission or the state board of education and in such further detail as the Concord board of education may determine. The budget so prepared shall be published once in a newspaper of general circulation in Concord Union School District, and the Concord board of education shall hold a public hearing upon the published budget not less than seven nor more than fourteen days after such publication. Thereafter the Concord board of education shall finally determine the budget for the ensuing year by a vote of not less than a majority of its members and shall publish the final budget once in a newspaper of general circulation in Concord Union School District not less than seven days prior to the annual meeting.

**3. Limitation; Annual Meetings.** So long as the provisions of this chapter remain in force, the total amount appropriated at any annual meeting of Concord Union School District shall not exceed or diminish by more than ten per cent the total amount specified in the final budget as adopted by the Concord board of education after public hearing and no appropriation shall be made for any purpose not included in said budget; provided however, the Concord board of education may submit without approval, in addition to the items included in the final budget, items which it does not wish to recommend but which it believes the voters should be allowed to consider and act upon, either favorably or unfavorably. In the event that any part of an appropriation included in the final budget is to be secured by borrowing, only the amount to be raised currently by taxation shall be included as controlling the ten per cent in-

crease hereby allowed above the total amount specified in the final budget for the meeting.

**4. Special Meetings.** In case a special meeting of Concord Union School District shall be called, the Concord board of education shall consider any proposals looking toward the appropriation of money and shall make a written report of their recommendations thereon which shall be read by the moderator in open meeting prior to consideration of the proposals.

**5. Limitation; Special Meetings.** So long as the provisions of this chapter shall remain in force, no appropriation shall be made at any special meeting for any purpose not approved by the Concord board of education and no increase or decrease of more than ten per cent above or below the amount recommended by the Concord board of education shall be made.

**6. Exceeding Appropriations.** The Concord board of education shall not pay or agree to pay any money or incur any liability involving the expenditure of money for any purpose for which an appropriation has not been made or in excess of the amounts set forth in the budget except (a) for the purpose of paying judgments against the Concord Union School District, (b) to meet a sudden and unexpected emergency which is certified and approved as to character and amount by the mayor and board of aldermen of Concord after public hearing, or (c) in the event that the anticipated receipts or the anticipated fiscal year-end balance as set forth in the budget are not realized in whole or in part, the Concord board of education may exceed the total of the appropriations by the amount of the deficiency.

**7. Transfer of Appropriations.** In any fiscal year, if it shall appear that it is unnecessary to use the full amount of any appropriation for the purpose or purposes specified in the appropriation, the Concord board of education may transfer funds from one appropriation to another provided (a) the total amount expended for all purposes does not exceed the total amount appropriated and (b) that no funds shall be transferred from funds appropriated for specified capital purposes.

**8. Penalty.** Any person or persons violating the provisions of sections 6 or 7 shall be subject to removal from office on proper petition brought before the superior court. Such

petition shall take precedence of other actions pending in said court and shall be heard as speedily as possible.

**9. Name.** The provisions of sections 2 through 10 of this act shall be called "Concord Union School District Budget Act."

**10. Repeal.** Section 8 of chapter 230 of the Laws of 1927 relative to financial budget is hereby repealed.

**11. Takes Effect.** This act shall take effect at such time as its provisions have been adopted at an annual or special meeting of Concord Union School District by a majority vote of those present and voting, the warrant for which contains an article "To see if the Concord Union School District will vote to adopt the provisions of the Concord Union School District Budget Act" and shall stay in effect until rescinded by a majority vote of those present and voting at an annual meeting duly warned for such vote.

[Approved June 16, 1949.]

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## CHAPTER 421.

AN ACT TO REVISE THE CHARTER OF THE CITY OF FRANKLIN.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

### I. City Established

**1. City of Franklin.** The city of Franklin in the county of Merrimack shall continue to be a body corporate and politic under the name of the city of Franklin, with boundary as heretofore constituted.

**2. Wards.** Said city of Franklin is hereby divided into three wards, which shall be constituted as follows, namely:

Ward 1 shall include all that part of said Franklin located west of the Merrimack and Pemigewasset rivers.

Ward 2 shall include all that part of said Franklin bounded and described as follows: Westerly by said Merrimack and Pemigewasset rivers; southerly by that part of Northfield town line lying between said Merrimack river and the Gerrish road, so-called; easterly by said Gerrish road from said Northfield line to its intersection with View street, thence by View street

to its intersection with Winnepesaukee street; thence by said Winnepesaukee street to the Franklin and Tilton Railroad; thence by said railroad to Central street; then by Central street to Sanborn road, so-called; thence by Sanborn road, so-called, to its intersection with the highway leading to Giles' mills; thence by said last named highway to its intersection with another highway leading to said Giles' mills; thence by a due west line from the intersection of said highways to the Pemigewasset river.

Ward 3 shall include all that portion of said Franklin not embraced in wards 1 and 2 as herein constituted.

**3. School District.** Said city shall constitute one school district. The general management and control of the public schools and of the buildings and property pertaining thereto, shall be vested in a board of education consisting of five members who shall be elected at a special meeting to be called by the board in the month of December of each year. They shall hold office for three years and until their successors are elected and qualified. Their term of office shall begin on the first Monday of January. Members of the city council shall be ineligible for election as members of the board of education. The board of education shall present to the city council its annual budget for approval not later than forty-five days after the beginning of the fiscal year. Purchasing for the school other than that specifically relating to education shall be done by the city manager. At the first board of education election following the adoption of this charter, three members will be elected to the board of education. The candidate receiving the largest number of votes will serve for three years; the candidate receiving the second largest number of votes will serve for two years; and the candidate receiving the third largest number of votes will serve for one year. At the election the following year, two members will be elected for three year terms. In the following year, two members will be elected to three year terms. In the following year, one member will be elected for a three year term. Thereafter, two members will be elected in each of two successive years, and in the third year a single member will be elected.

**4. Property.** All property of said city of Franklin or of the school district of said city, or of the water board of said city shall be vested in said city and all debts of said city, said

school district and said water board shall be considered for all purposes as the debts of said city.

## II. Governing Body

5. **Term and Number of Members.** Except as otherwise provided in this charter, all powers of this city shall be vested in a council of nine councilmen, two of whom shall be elected from each ward, and three of whom shall be elected from the city at large. Councilmen shall serve for a term of four years. At each biennial election in each ward there shall be elected one ward councilman and, alternately, one and two councilmen-at-large. The council shall choose one of its members mayor for a term of two years. The council shall also choose one of its members mayor pro tem who shall act in the absence or disability of the mayor. In the event of a vacancy occurring in the office of mayor, the council shall choose one of its members mayor at the next regular meeting to serve for the unexpired term. The mayor shall be the official head of the city for all ceremonial purposes, he shall preside at all meetings of the council, and may speak and vote at such meetings. All other duties of the mayor prescribed by law shall be exercised by the manager as provided for in this charter.

In the first city election following the adoption of this charter, there shall be chosen nine councilmen, two to be elected from each ward and three to be elected by the city at large. The candidate for ward councilman from each ward receiving the largest number of votes shall serve for four years. The candidate for ward councilman in each ward receiving the second largest number of votes shall serve for two years. The two candidates for councilman-at-large receiving the first and second largest number of votes shall serve for four years. The candidate for councilman-at-large receiving the third largest number of votes shall serve for two years.

6. **Qualifications.** No person shall be a candidate for election as councilman who is not a duly qualified voter in the city and who has not been a resident of the city for at least two years immediately preceding the election in which he is a candidate. No councilman shall, during his term as councilman, be eligible to hold any other municipal office except that of mayor or mayor pro tem.

7. **Vacancies.** Vacancies occurring in the office of councilman at any time after the election of a candidate or candidates thereto shall be filled not later than the second regular meeting following the creation of the vacancy by the appointment of some qualified person who receives the votes of at least five members of the council, and such appointee shall serve until the next regular election at which time his successor shall be elected for the unexpired term.

8. **Compensation.** Councilmen shall receive five dollars for each council meeting attended, not to exceed the aggregate of seventy-five dollars per year in full for their services; except that any expenses incurred while on city business shall be paid as the council may direct.

9. **Meetings.** All regular and special meetings of the council shall be public. Regular meetings shall be held at 7:30 p. m. on the first Monday of each month, and special meetings shall be held upon notice delivered to each councilman and to the manager by the city clerk at the written request of the mayor, manager or at least five councilmen. Should the first Monday of the month fall on a holiday, the meeting may be postponed not exceeding one week by vote of the council or by order of the mayor or city clerk. The council shall establish its own rules and a majority shall constitute a quorum for the transaction of the business of the council. Newly elected members of the council shall assume office at the regular January meeting in each year.

10. **Ordinances.** Municipal legislation shall be by ordinance. Each ordinance shall be identified by a number and a short title. The enacting clause of each ordinance shall be: "Be it ordained by the City Council of the City of Franklin as follows:" and the effective date of each ordinance shall be specified therein. All ordinances shall be recorded in full uniformly and permanently by the city clerk and each ordinance so recorded shall be authenticated by the signature of the mayor and the city clerk. Ordinances shall be published, compiled and revised in such manner and at such times as the council shall determine.

11. **General Powers.** The city council created by this act shall have all of the powers and do and perform, in reference to each other or otherwise, all of the duties which mayors, boards of aldermen and common councils of cities and selectmen of towns are by law authorized or required to do and per-



form, either separately or otherwise, except insofar as such powers or duties are inconsistent with other provisions of this charter or with powers or duties specifically transferred to the manager, and all provisions of statutes pertaining to the duties or powers of aldermen or common councils, separately or otherwise, shall be construed to apply to said city council, except insofar as a contrary intention appears in this act or insofar as they may be inconsistent with other provisions of this charter or with powers or duties specifically transferred to the manager. All committees of the council and all boards shall be deemed advisory and policy-making except as herein otherwise provided. No councilman shall, by contract or otherwise except by open competitive bid, sell or buy goods, commodities or services to or from the city.

### III. Elections

**12. Qualifications of Voters.** Persons who would be qualified to vote in a state biennial election if held on the day of such municipal election shall be qualified voters therein. Municipal elections hereunder shall be deemed elections within the meaning of all general statutes, penal and otherwise, and said statutes shall apply to municipal elections so far as they are consistent with this charter. The polls shall be open at each municipal election from seven o'clock in the forenoon to six o'clock in the evening in each ward.

**13. Conduct of Elections.** Each ward shall at each state biennial election choose by ballot a moderator, a clerk and three supervisors of check-lists, who shall hold office for two years and until their successors are elected and qualified. Said supervisors shall perform all the duties required by law of selectmen of wards in cities and of supervisors of check-lists in towns, and for all purposes requiring such officers, shall be considered selectmen of said ward. Said supervisors in regulating and posting check-lists shall be governed by the law applying to cities. The biennial meeting of each ward shall be held on the fourth Tuesday of November in each odd-numbered year, at such place as fixed by said city council.

**14. Preparation of Ballots.** The city clerk shall prepare the ballots to be used at the municipal elections in form as nearly like the ones used in state biennial elections as the requirements of this charter permit. The ballot shall contain the names in alphabetical order without party designation of

all who file with the city clerk as candidates for the office of councilman not later than five o'clock in the afternoon of the thirtieth day before the election. Each candidate shall pay the city clerk a fee of three dollars except one on whose behalf a petition shall have been filed by at least fifty qualified voters. No name shall be printed on the ballot by reason of such a petition unless consent thereto shall be endorsed on the petition by the candidate himself not later than ten days before the election, provided, however, that no political party caucuses, primaries or conventions shall nominate any candidate for said council. Below the list of names of the candidates there shall be as many blank spaces as there are councilmen to be elected. The city clerk shall have the same powers and duties with reference to municipal elections as has the secretary of state with reference to general biennial elections so far as such powers and duties are not inconsistent herewith.

**15. Canvass of Votes and Contested Elections.** Within seven days after a municipal election, the council shall canvass the votes cast and the candidates receiving the highest number of votes for the offices to be filled shall be declared elected. Within seven days thereafter the council shall, subject to such rules and regulations as it may prescribe, upon request of any candidate, recount the ballots cast in the election and hear and determine any contest on the ground of fraud or misconduct therein, subject to appeal as specified in the Revised Laws of New Hampshire, chapter 41. Tie votes for any elective office shall be resolved by lot in the manner that the council may determine. In cases arising under this section the council shall have the power to subpoena witnesses and compel the production of all pertinent books, records and papers.

#### IV. Administrative Service

**16. Manager.** The chief administrative officer of the city shall be called the manager. The council shall appoint as manager for an indefinite term, and fix the salary of, a qualified person who receives the votes of at least six members of the council. The first council elected under this charter shall appoint a manager within three months after the effective date of this charter.

**17. Qualifications.** The manager shall be chosen solely on the basis of his executive and administrative qualifications, but

he need not be a resident of the city or the state at the time of his appointment. No person who has within three years been elected by popular vote to any office in the city of Franklin shall be chosen manager.

**18. Removal.** The manager may be removed by a majority vote of the members of the council as herein provided. At least thirty days before the proposed removal of the manager, the council shall adopt a resolution stating its intention to remove him and the reason therefor, a copy of which resolution shall be served forthwith on the manager. The manager may, within ten days, demand a public hearing in which event he shall not be removed until such public hearing has been held. Upon or after passage of such a resolution the council may suspend him from duty, but his pay shall continue until his removal.

**19. Vacancy.** Should a suspension or vacancy occur in the office of manager, the council may appoint a temporary manager, not necessarily qualified under the provisions of section 17, who shall serve at the pleasure of the council, or until the suspension is withdrawn or a permanent manager is appointed. In no event shall a temporary manager serve for a period in excess of four months, nor shall he be paid a salary in excess of two hundred dollars per month.

**20. General Powers and Duties of Manager.** The manager shall supervise the administrative affairs of the city and all municipally owned utilities and projects and shall carry out the policies enacted by the council. He shall be charged with the preservation of the public peace and health and the safety of persons and property, and shall see to the enforcement of the ordinances of the city, this charter, and the laws of the state. He shall keep the council informed of the condition and needs of the city and shall make such reports and recommendations as he may deem advisable, and perform such other duties as may be prescribed by this charter, or required of him by ordinance or resolution of the council, not inconsistent with this charter. He shall have and perform such other powers and duties not inconsistent with the provisions of this charter as now are or hereafter may be conferred or imposed upon him by municipal ordinance or upon mayors of cities by general law. He shall have the right to attend all meetings of the council and committees thereof and to take part in the dis-

cussion of all matters coming before the council, except when his removal or suspension is being discussed. He shall not have the right to vote. He shall attend any meeting of the council or committee thereof on request.

**21. Appointive Power of Manager.** The manager shall have the power, subject to the provisions of this charter, and excepting for the offices of tax assessors and city treasurer who shall be appointed by the city council, to appoint and remove all officers and employees in the administrative service of the city; but the manager may authorize the head of a department or office responsible to him to appoint and remove subordinates in such department or office. All such appointments shall be without definite term unless for provisional, temporary or emergency service.

**22. Non-Interference by the Council.** Neither the council nor any of its members shall direct or request the appointment of any person to office or employment, or his removal therefrom, by the manager or any of the administrative officers. Neither the council nor any member thereof shall give orders to any of the administrative officers either publicly or privately. Any violation of the provisions of this section by a councilman shall be a misdemeanor, conviction of which shall constitute immediate forfeiture of his office.

**23. Appointive Officers.** There shall be appointed by the manager a city clerk, police chief, fire chief, highway commissioner and such other officers as are necessary to administer all departments which the council shall establish, which departments shall replace all existing departments, boards and commissions. The powers and duties of these officers and heads of departments so appointed shall be those prescribed by state law, by this charter, or by ordinance.

**24. Purchasing Procedure.** The manager shall be the sole purchasing agent and shall establish purchasing and contracting procedure, including the combination of purchasing of similar articles by different departments, and purchasing by competitive bids wherever practicable, except as otherwise provided in this charter.

## V. Finance

**25. Fiscal Year.** The fiscal and budget year of the city and its departments shall begin on the sixteenth day of December unless another date shall be fixed by ordinance.

**26. Financial Control.** The manager shall maintain accounting control over the finances of the city, make monthly financial reports, and perform such other duties as may be required by the council. He shall examine all claims against the city and shall pay the same upon the approval of the finance committee of the council.

**27. Budget Procedure.** At such time as may be requested by the manager, each officer or director of a department shall submit an itemized estimate of the expenditures for the next fiscal year for the departments or activities under his control. The manager shall submit a proposed budget to the council not later than forty-five days after the start of the fiscal year of the budget.

**28. Budget Hearing.** A public hearing on the budget shall be held before its final adoption by the council, at such time and place as the council shall direct, and notice of such public hearing together with a copy of the budget as submitted shall be published at least one week in advance by the city clerk.

**29. Date of Final Adoption.** The budget shall be finally adopted not later than the first meeting of the third month of the fiscal year. Should the council take no final action at or prior to such meeting, the budget, as submitted, shall be deemed to have been finally adopted by the council.

**30. Appropriations After Budget is Adopted.** No appropriation shall be made for any purpose not included in the annual budget as adopted unless voted by a two-thirds majority of the council after a public hearing held to discuss said appropriation. The council shall by resolution designate the source of any money so appropriated.

**31. Budget Control.** At the beginning of each quarterly period during the fiscal year, and more often if required by the council, the manager shall submit to the council data showing the relation between the estimated and actual income and expenses to date together with the outstanding indebtedness and estimated future expenditures, and if it shall appear that the income is less than anticipated, the council or manager may reduce the appropriation for any item or items, except amounts required for the debt and interest charges, to such a degree as may be necessary to keep expenditures within the actual income. The manager may provide for monthly or quarterly

allotments of appropriations to departments, funds, or agencies under such rules as he shall prescribe.

**32. Transfer of Appropriations.** After the budget has been adopted, no money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except pursuant to a budget appropriation, unless there shall be a specific additional appropriation therefor. The head of any department, with the approval of the manager, may transfer any unencumbered balance or any portion thereof from one fund or agency within his department to another fund or agency within his department; the manager, with the approval of the council, may transfer any unencumbered appropriation balance or any portion thereof from one department to another.

**33. Depository.** The council shall designate the depository or depositories for city funds, and shall provide for the daily deposit of all city moneys. The council may provide for such security for city deposits as it may deem necessary, except that personal surety bonds shall not be deemed proper security.

**34. Independent Audit.** An independent audit shall be made of all accounts of the city government annually, and more frequently if deemed necessary by the council. Such audit shall be made by certified public accountants experienced in municipal accounting or by the state tax commission or its representatives. An abstract of the results of such audit shall be made public. At least once every five years the council shall request that such audit be made by the New Hampshire state tax commission or by auditors selected by said commission if then authorized by law to make such audit. An annual report of the city's business shall be made available to the public.

**35. Official Bonds.** Any city officer elected or appointed by authority of this charter may be required by the manager or the council to give a bond for the faithful performance of the duties of his office, but the manager and all officers receiving or disbursing city funds shall be so bonded. All official bonds shall be corporate surety bonds, and the premiums thereon shall be paid by the city. Such bonds shall be filed with the city clerk.

**36. Borrowing Procedure.** Subject to the applicable provisions of state law and the rules and regulations provided by

ordinance, the council, by resolution, may authorize the borrowing of money for any purpose within the scope of the powers vested in the city, and the issuance of bonds of the city or other evidence of indebtedness therefor, and may pledge the full faith, credit, and resources of the city for the payment of the obligation created thereby. Borrowing for a term exceeding one year shall be authorized by the council only after a duly advertised public hearing.

## VI. Miscellaneous Provisions

**37. Oath of Office.** Every person elected or appointed to any city office before entering upon the duties of his office shall take and subscribe to an oath of office as provided by law which shall be filed and kept in the office of the city clerk.

**38. Notice of Election or Appointment.** Written notice of election or appointment of any city officer shall be mailed to him at his address by the city clerk within forty-eight hours after the appointment is made or the vote canvassed. If, within ten days from the date of the notice, such officer shall not take, subscribe to, and file with the city clerk an oath of office, such neglect shall be deemed a refusal to serve and the office shall thereupon be deemed vacant, unless the council shall extend the time in which such officer may qualify.

**39. Vacancy Defined.** In addition to other provisions of this charter, a vacancy shall be deemed to exist in any office when an officer dies, resigns, is removed from office, is convicted of a felony, is physically incapacitated, or is judicially declared to be mentally incompetent.

**40. Official Interest in Contracts.** No elective or appointive officer or employee of the city shall take part in a decision concerning the business of the city in which he has a financial interest aside from his salary as such officer or employee, direct or indirect, greater than any other citizen or taxpayer.

**41. Private Use of Public Property.** No officer or employee shall devote any city property or labor to private use except as may be provided by law or ordinance.

**42. Use of Streets as Public Utilities.** Every public utility shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges, and public places as shall arise from its use thereof, and shall protect and save the city harmless from all damages arising from said use.

43. **Liability for Discharge.** The removal in accordance with this charter with or without cause of a person elected or appointed or otherwise chosen for a fixed term shall give no right of action for breach of contract.

44. **Notice of Claim.** No action at law or bill in equity shall be sustained against the city unless a notice setting forth the nature and amount, if any, of the claim shall have been delivered or sent by registered mail to the office of the city clerk not less than sixty days prior to the commencement of said action at law or bill in equity.

45. **Municipal Court.** The municipal court of the city as at present constituted is hereby continued.

46. **Violations.** All violations of provisions of this charter unless otherwise provided are hereby declared to be misdemeanors and all such violations and all violations of city ordinances for which no other punishment is provided, shall be punishable by a fine not exceeding five hundred dollars or imprisonment for a period not exceeding ninety days, or both, in the discretion of the court.

47. **Public Records.** All records of the city shall be public.

#### VII. Saving Clauses and Adoption of Charter

48. **Saving Clause.** All ordinances and by-laws of the city of Franklin or its council shall continue in force until altered or repealed except where a contrary intent herein appears.

49. **Tenure of Office.** The incumbents when this charter takes effect, who are not elected by popular vote, of all municipal offices not hereby abolished or superseded shall continue to hold the same until the expiration of their respective terms where a term of years exists, or until such offices are abolished or superseded by lawful ordinances, or by authority vested in the manager by section 21 of this charter.

50. **Referendum.** This charter shall not take effect unless it is adopted by a majority vote at a special election to be held in the city of Franklin on the last Tuesday of October, 1949, or at a subsequent referendum as is hereinafter provided for. On the ballot then used the following question shall appear "Shall the provisions of an act entitled, 'An act to revise the charter of the City of Franklin' be adopted?" Beneath this question shall be printed the word "yes" and the word "no" with a square immediately opposite each said word, and the



voter shall indicate his choice by making a cross in the appropriate square. The election relative to the adoption of this charter shall be conducted in every way in the same manner as the election of candidates for mayor and councilmen under the present charter. If a majority of those voting on this question vote in the affirmative on this question, this act shall be declared to have been adopted. If this act should not be adopted at said special election the question of the adoption of this act may again be voted on at any regular municipal election during the ten years immediately following the passage of this act if at least three per cent of the number voting at the last previous municipal election, all qualified voters of the city, shall sign a petition requesting such vote, said petition to be submitted to the city clerk at least fourteen days prior to said election.

**51. Recount.** The ballots used at the special election held in the city of Franklin in 1949, or at any regular election subsequent thereto, relative to the adoption of the provisions of this act, shall be sealed up and preserved by the city clerk for a period of at least thirty days after said meeting. Twenty-five legal voters of the city of Franklin may, within said thirty-day period but not afterwards, petition the city clerk for a recount of the votes cast upon said question of the adoption of the charter provided by this act. The city clerk, upon receipt of said petition, shall fix a time for such recount and shall notify the petitioners and the mayor and councilmen, by mail, of the time and place so fixed. At the time and place so appointed in said notification the city clerk shall produce the ballots and the mayor and councilmen shall count the same and the mayor shall make declaration of the results thereof. If the result of such recount shall be different than the results as announced by the moderators at the original counting of the ballots the city clerk shall correct the records in his office accordingly. The decision of the mayor and councilmen as to the result of the balloting on said question shall be final.

**52. Repeal or Amendment.** No section or provision of this charter shall be construed as repealed or amended unless the act making such repeal or amendment refers specifically to this charter and to the sections or provisions so repealed or amended.

**53. Separability.** The sections of this charter and the parts thereof are separable. If any portion of this charter, or the application thereof to any person or circumstance, shall be held invalid, the remainder thereof or the application of such invalid portions to other persons or circumstances shall not be affected thereby.

**54. Repeal.** Such parts of chapter 260 of the Laws of 1895 and any other acts or parts of acts inconsistent with the provisions of this act are hereby repealed to the extent of such inconsistency.

**55. Takes Effect.** Section 50 of this act shall take effect upon its passage, and if adopted at the special election or a referendum provided for in said section, the remainder of this act shall take effect as follows: So much as relates to the preliminaries for and the holding and conduct of the first municipal election shall take effect immediately upon such adoption. For all other purposes this charter shall take effect on the first weekday of January following the first election under this charter.

[Approved June 16, 1949.]

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## CHAPTER 422.

### AN ACT RELATIVE TO THE SALARY OF THE MAYOR AND ESTABLISHING A DEPARTMENT OF PUBLIC WORKS IN THE CITY OF ROCHESTER.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Salary.** The mayor of the city of Rochester shall receive an annual salary of twelve hundred dollars to be paid him at stated periods out of the city treasury and said salary shall be in full for services of any kind rendered by him in the discharge of all the duties pertaining to his office.

**2. Application of Laws.** Such part of section 14 of chapter 241 of the Laws of 1891 as amended by chapter 186, Laws of 1897, as may be inconsistent with the provisions of this act, are hereby repealed to the extent of such inconsistency.

**3. Department of Public Works.** There is hereby established and constituted a department of public works for the

city of Rochester which shall be under the control of a commissioner of public works appointed by the city council. Said commissioner of public works shall exercise general supervision, control and direction, within said city, over all matters pertaining to construction, maintenance and sprinkling of all highways, public parking lots, sidewalks and drains. He shall also have the management, care and preservation of the parks, commons, playgrounds and shade trees in the city. He shall also have general management of the department of water works and the department of sewers and shall perform all duties heretofore imposed upon the superintendent of water works and superintendent of sewers.

**4. Offices Abolished.** On and after the appointment of the commissioner of public works in the city of Rochester, as provided in section 3, the offices of street commissioner and superintendent of water works and sewers shall be abolished.

**5. Takes Effect.** This act shall take effect upon its passage.

[Approved June 16, 1949.]

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## CHAPTER 423.

### AN ACT PROVIDING FOR A DEPUTY REGISTRAR FOR THE CITY OF MANCHESTER.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Deputy Registrar; Appointment.** The board of registrars of the city of Manchester is hereby empowered to appoint from time to time as a deputy an employee in the office of the board of registrars who may execute any instrument required by law to be signed by a member of the board of registrars and in the absence or disability of a member of the board of registrars shall perform all of his duties.

**2. Oath.** Such deputy registrar before taking office shall be sworn to the faithful discharge of his duties.

**3. Record of Appointment.** Whenever a deputy registrar is so appointed and sworn the city clerk shall execute and maintain in his office a certificate of the appointment and oath of said deputy and thereupon shall notify the board of mayor and

aldermen thereof, and a record of said certificate shall be entered in the journal of said board.

4. **Tenure of Office.** Such deputy registrar shall hold office during the pleasure of the board of registrars.

5. **Takes Effect.** This act shall take effect upon its passage.

[Approved June 21, 1949.]

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## CHAPTER 424.

AN ACT RELATIVE TO THE INCORPORATION OF GRANITE LODGE  
No. 1056, LOYAL ORDER OF MOOSE OF BERLIN,  
NEW HAMPSHIRE.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

1. **Change of Name.** Amend section 1 of chapter 290 of the Laws of 1915, being the charter of Granite Lodge No. 1056, Loyal Order of Moose of Berlin, New Hampshire, approved March 24, 1915, by striking out the word "Granite" and substituting therefor the word, Berlin, so that said section as amended shall read as follows: Section 1. That Ovide J. Coulombe, Charles E. Clark, Thomas H. Milligan, C. E. Bushey, Alexander Hamilton, Eugene Bean, L. H. Wilkins, and R. P. Griffith, their associate members of said lodge and their successors, be and hereby are made a body politic, incorporate by the name of Berlin Lodge No. 1056, Loyal Order of Moose of Berlin, N. H., for charitable and benevolent purposes, and by that name may sue, be sued, prosecute and defend all actions to final judgment and execution, and shall be and hereby are made subject to all liabilities of corporations of a similar nature.

2. **Property Holding.** Amend section 3 of said chapter 290 by striking out the words "twenty-five thousand" and substituting therefor the words, one hundred thousand, so that said section as amended shall read as follows: Sect. 3. Said corporation shall have power to hold real and personal estate by purchase, gift, devise, bequest, or otherwise to the amount of not exceeding one hundred thousand dollars, and may dispose of the same at pleasure.

3. **First Meeting.** Amend section 4 of said chapter 290 by striking out the word "dictator" and substituting therefor the word, governor, so that said section as amended shall read as follows: Sect. 4. The governor of the lodge may call the first meeting of this corporation at such time and place and in such manner as he may think proper, at which time the necessary and usual officers may be chosen.

4. **Takes Effect.** This act shall take effect as of June 1, 1949.

[Approved June 29, 1949.]

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## CHAPTER 425.

AN ACT TO REVISE THE CHARTER OF THE CITY OF KEENE.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

### I. City Established

1. **Incorporation.** The inhabitants of the city of Keene shall continue to be a body politic and corporate under the name of the "City of Keene," and as such to enjoy all the rights, immunities, powers, and privileges and be subject to all the duties and liabilities now appertaining to or incumbent upon them as a municipal corporation. All existing property of the city shall remain vested in it, and all its existing debts and obligations shall remain obligatory upon it, under this revised charter.

2. **Wards.** The city shall continue to be divided into five wards as at present constituted, and except as herein otherwise provided the general laws relative to wards of cities, officers thereof, and voters, check-lists, elections, and jurors therein shall be applicable to such wards.

### II. Elections

3. **Conduct of Elections.** The election officers in each ward whose duty it is to conduct regular biennial elections shall conduct a municipal election at the expense of the city in the same manner as a regular biennial election on the Tuesday following the first Monday in November of the odd numbered years, to choose councilmen at large; in the first election under this

charter there shall be chosen nine councilmen at large, the five with the largest number of voters to serve for four-year terms, and the four with the next largest number of votes to serve for two-year terms; and thereafter at such municipal elections there shall be elected councilmen for four-year terms to replace the ones whose terms expire on the first day of January following such election. The city council shall fix the polling place, or places, and give notice thereof when the check-list for the municipal election is first posted, provided that the first election be held in a central location.

**4. Qualification of Voters.** Persons who would be qualified to vote in a biennial election if held on the day of such municipal election shall be the qualified voters therein. Municipal elections hereunder shall be deemed elections within the meaning of all general statutes, penal and otherwise, and said statutes shall apply to municipal elections so far as consistent with this charter. The polls shall be open at each municipal election from ten o'clock in the forenoon to seven o'clock in the evening in each ward.

**5. Preparation of Ballots.** The city clerk shall prepare the ballots to be used at the municipal elections in form as nearly like the ones used in biennial elections as the requirements of this charter permit. The ballot shall contain the names in alphabetical order without party designation of all who file in writing with the city clerk as candidates for the office of councilman not later than five o'clock in the afternoon of the fifteenth day before the election. Candidates for councilman shall pay the city clerk a fee of three dollars except those on whose behalf a petition shall have been filed by at least fifty qualified voters. No name shall be printed on the ballot by reason of such a petition unless consent thereto shall be endorsed on the petition or otherwise filed in writing in the office of the city clerk by the candidate himself not later than ten days before the election. Below the list of names of the candidates there shall be as many blank spaces as there are councilmen to be elected. The city clerk shall have the same powers and duties with reference to municipal elections as has the secretary of state with reference to general biennial elections so far as such powers and duties are not inconsistent herewith.

**6. Contested Elections.** Within seven days after a municipal election the council shall canvass the votes cast and the candidates receiving the highest number of votes for the offices to be filled shall be declared elected. Within seven days thereafter the council shall, subject to such rules and regulations as it may prescribe, upon request of any candidate, recount the ballots cast in the election and hear and determine any contest on the ground of fraud or misconduct therein. Decisions of the council in cases of contested elections shall be final. Tie votes for any elective office shall be resolved by lot in the manner that the council may determine. In cases arising under this section the council shall have the power to subpoena witnesses and compel the production of all pertinent books, records, and papers.

### III. The Governing Body

**7. Term and Number of Members.** Except as otherwise provided in this charter, all the powers of the city shall be vested in a council of nine councilmen elected at large for terms of four years. The city clerk shall act as clerk of the council.

**8. Mayor.** The council shall, at its first regular meeting following each election, choose one of its members mayor for a term of two years. The council shall choose one of its members mayor pro tem, who shall act in the absence or disability of the mayor. In the event of a vacancy occurring in the office of mayor, the council shall choose one of its members mayor at the next regular meeting to serve for the unexpired term. The mayor shall be the official head of the city for all ceremonial purposes, he shall preside at all meetings of the council, and may speak and vote in such meetings. All other duties of the mayor prescribed by law shall be exercised by the manager provided for in this charter.

**9. Qualifications.** No person shall be a candidate for election as councilman who is not a duly qualified voter in the city and who has not been a resident of the city for at least two years immediately preceding his election. No councilman shall, during his term, be eligible to hold any other municipal office except mayor or mayor pro tem.

**10. Vacancies.** Vacancies occurring in the office of councilman at any time after the election of a candidate or candidates

thereto shall be filled by the appointment of some qualified person who receives the votes of at least five members of the council by the second regular meeting following the creation of the vacancy to serve until the next regular election at which time his successor shall be elected for the unexpired term.

**11. Compensation.** Councilmen shall receive ten dollars for each regular council meeting upon attendance not to exceed in the aggregate two hundred dollars per year in full for their services.

**12. Meetings.** All meetings of the council shall be public. Regular meetings shall be held on such day of each month at such time as the council shall, from time to time, by ordinance or resolution direct, and special meetings upon notice delivered to each councilman by the city clerk at the written request of the manager or at least five councilmen. The council shall establish its own rules and a majority shall constitute a quorum for the transaction of the business of the council. Newly elected members of the council shall assume office at the regular January meeting in each even numbered year.

**13. Ordinances.** Municipal legislation shall be by ordinance. Each ordinance shall be identified by a number and a short title. The enacting clause of each ordinance shall be "The City of Keene ordains" and the effective date of each ordinance shall be specified in it. All ordinances shall be recorded in full uniformly and permanently by the city clerk and each ordinance so recorded shall be authenticated by the signature of the mayor and the city clerk. Ordinances shall be published, compiled, and revised in such a manner and at such time as the council shall determine.

**14. General Powers.** Except as herein otherwise provided, the council hereby established shall have all the powers and discharge all the duties conferred or imposed upon city councils in convention, city councils voting concurrently or boards of mayor and aldermen acting separately, by chapters 62 to 66 of the Revised Laws or other general laws now in force or hereafter enacted or upon the existing city councils or board of mayor and aldermen of the city of Keene by special laws not hereby repealed. The council shall have the powers of selectmen of towns so far as consistent with this charter. All provisions of such laws pertaining to the powers or duties of any or all such bodies shall be construed to apply to the council



hereby established unless a contrary intent or provision herein appears, it being the purpose of this act to confer upon said council all functions of either or both branches of the existing city councils, except such as are specifically transferred to the manager. All committees of the council and all boards shall be deemed advisory and policy making only except as herein otherwise provided.

#### IV. Administrative Service

**15. Manager.** The chief administrative officer of the city shall be called the manager. The council shall appoint as manager for an indefinite term, and fix the salary of, a qualified person who receives the votes of at least six members of the council.

**16. Qualifications.** The manager shall be chosen solely on the basis of his executive and administrative qualifications, but he need not be a resident of the city or the state at the time of his appointment. No person who has within three years been elected by popular vote to any office in the city of Keene shall be chosen manager.

**17. Removal.** The manager may be removed by a vote of at least six members of the council as herein provided. At least thirty days before the proposed removal of the manager, the council shall adopt a resolution stating its intention to remove him and the reason therefor, copy of which shall be served forthwith on the manager, who may within ten days demand a public hearing, which must be called by the council to be held not earlier than fourteen nor later than twenty days from the date of such demand. Upon or after passage of such a resolution, the council may suspend him from duty, but his pay shall continue until his removal. In case of such a suspension the council may appoint an acting manager to serve at the pleasure of the council for not more than ninety days. The action of the council in removing the manager shall be final.

**18. Vacancy.** If the office of city manager shall become vacant for any cause, the city council may appoint an acting manager to serve at the pleasure of the council for not more than ninety days and shall appoint a permanent manager in accordance with section 15 within ninety-one days of the date of vacancy.

**19. General Powers and Duties of Manager.** The manager shall supervise the administrative affairs of the city and shall carry out the policies enacted by the council. He shall be charged with the preservation of the public peace and health and the safety of persons and property, and shall see to the enforcement of the ordinances of the city, this charter, and the laws of the state. He shall keep the council informed of the condition and needs of the city and shall make such reports and recommendations as he may deem advisable, and perform such other duties as may be prescribed by this charter, or required of him by ordinance or resolution of the council, not inconsistent with this charter. He shall have and perform such other powers and duties not inconsistent with the provisions of this charter as now are or hereafter may be conferred or imposed upon him by municipal ordinance or upon mayors of cities by general law. He shall have the right to take part in the discussion of all matters coming before the council, but not the right to vote.

**20. Appointive Power of Manager.** The manager shall have the power to appoint and remove, subject to the provisions of this charter, all officers and employees in the administrative service of the city; but the manager may authorize the head of a department or office responsible to him to appoint and remove subordinates in such department or office. All such appointments shall be without definite term unless for provisional, temporary, or emergency service not to exceed the maximum periods which may be prescribed by the rules and regulations of the merit plan.

**21. Non-Interference by the Council.** Neither the council nor any of its members shall direct or request the appointment of any person to office or employment, or his removal therefrom, by the manager or any of the administrative officers. Neither the council nor any member thereof shall give orders to any of the administrative officers either publicly or privately. Any violation of the provisions of this section by a councilman shall be a misdemeanor, conviction of which shall constitute immediate forfeiture of his office.

**22. Appointive Officers.** There shall be appointed by the manager an assessor or assessors as determined from time to time by the city council, city clerk, treasurer, police chief, fire chief, and such other officers as are necessary to administer all

departments which the council shall establish, which departments shall replace all existing departments, boards, and commissions. The powers and duties of these officers and heads of departments so appointed shall be those prescribed by state law, by this charter, or by ordinance.

**23. Administrative Departments.** The first manager under this charter shall draft and submit to the council within six months after assuming office an ordinance dividing the administrative service of the city into departments, divisions, and bureaus and defining the functions and duties of each. After the adoption of an ordinance or ordinances on the foregoing subject, the council by ordinance may create, consolidate, or abolish departments, divisions, and bureaus of the city and define or alter their functions and duties. Such ordinances shall be known as the "Administrative Code." Each officer shall have supervision and control of his department and the employees therein and shall have power to prescribe rules and regulations, not inconsistent with general law, this charter, the administrative code, and the rules and regulations of the merit plan. Pending passage of such code the manager may establish temporary regulations.

**24. Purchasing Procedure.** The administrative code shall establish purchasing and contract procedure including the assignment of all responsibility for purchasing to one or more persons, the combination of purchasing of similar articles by different departments, and purchasing by competitive bids.

## V. Finance

**25. Fiscal Year.** The fiscal and budget year of the city shall begin on the first day of January unless another date shall be fixed by ordinance.

**26. Financial Control.** The manager shall maintain accounting control over the finances of the city, make financial reports, and perform such other duties as may be required by the administrative code. He shall audit and approve all authorized claims against the city before payment of the same by the treasurer.

**27. Budget Procedure.** At such time as may be requested by the manager or specified by the administrative code, each officer or director of a department shall submit an itemized estimate of the expenditures for the next fiscal year for the department or activities under his control. The manager shall

submit the proposed budget to the council at least one month before the start of the fiscal year of the budget.

**28. Budget Hearing.** A public hearing on the budget shall be held before its final adoption by the council at such time but not later than the third Thursday of the second month of the fiscal year and such place as the council shall direct, and notice of such public hearing together with a copy of the budget as submitted shall be published at least one week in advance by the city clerk.

**29. Date of Adoption.** The budget shall be adopted by the council not later than the first meeting of the third month of the fiscal year.

**30. Appropriations After Budget is Adopted.** No appropriation shall be made for any purpose not included in the annual budget as adopted unless voted by a two-thirds majority of the council after a public hearing held to discuss said appropriation. The council shall by resolution designate the source of any money so appropriated.

**31. Budget Control.** At the beginning of each quarterly period during the fiscal year and more often if required by the council, the manager shall submit to the council data showing the relation between the estimated and actual income and expenses to date, together with outstanding indebtedness and estimated future expenses; and if it shall appear that the income is less than anticipated the manager, with the approval of the council, may reduce the appropriation for any item or items, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the cash income. The manager may provide for monthly or quarterly allotments of appropriations to departments, funds, or agencies under such rules as he shall prescribe.

**32. Transfer of Appropriations.** After the budget has been adopted, no money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred except pursuant to a budget appropriation unless there shall be a specific additional appropriation therefor. The head of any department, with the approval of the manager, may transfer any unencumbered balance or any portion thereof from one fund or agency within his department to another fund or agency within his department; the manager, with the

approval of the council, may transfer any unencumbered appropriation balance or any portion thereof from one department to another.

**33. Depository.** The council shall designate the depository or depositories for city funds, and shall provide for the daily deposit of all city moneys. The council may provide for such security for city deposits as it may deem necessary, except that personal surety bonds shall not be deemed proper security.

**34. Independent Audit.** An independent audit shall be made of all accounts of the city government at least annually and more frequently if deemed necessary by the council. Such audit shall be made by certified public accountants experienced in municipal accounting or by the state tax commission, or its representatives. An abstract of the result of such audit shall be made public.

**35. Official Bonds.** Any city officer elected or appointed by authority of this charter may be required by the manager to give a bond to be approved by the city solicitor for the faithful performance of the duties of his office, but the manager and all officers receiving or disbursing city funds shall be so bonded. All official bonds shall be corporate surety bonds, and the premiums thereon shall be paid by the city. Such bonds shall be filed with the city clerk.

**36. Borrowing Procedure.** Subject to the applicable provisions of state law and the rules and regulations provided by ordinance in the administrative code, the council, by resolution, may authorize the borrowing of money for any purpose within the scope of the powers vested in the city or other evidence of indebtedness therefor, and may pledge the full faith, credit, and resources of the city for the payment of the obligation created thereby. Borrowing for a term exceeding one year shall be authorized by the council only after a duly advertised public hearing.

## VI. Merit Plan

**37. Appointment.** Appointment and promotions to all positions in the service of the city shall be made solely on the basis of merit and only after examination of the applicant's fitness. So far as practicable examinations shall be competitive.

**38. Rules and Regulations.** The city manager shall draft and submit to the council within three months after the

adoption of this charter a set of rules and regulations, which shall become effective one month after its submission unless vetoed by the council within that period providing for the establishment of a merit system of personnel administration and the implementation of such portions of that system as are prescribed by this charter. The rules and regulations may be amended during said month by the council. The rules and regulations shall include provisions with regard to classification, compensation, selection, training, promotion, discipline, vacations, retirement, and any other matters necessary to the maintenance of efficient service and the improvement of working conditions. The rules and regulations shall continue in force subject to amendments submitted from time to time by the manager which shall become effective one month after the submission unless vetoed by the council within that period. Until the first set of such rules and regulations becomes effective, the manager may establish temporary rules and regulations.

**39. Compensation.** The compensation of all officers and employees not fixed by this charter shall be fixed in the rules and regulations of the merit plan by a schedule of pay which shall include a minimum and maximum and such intermediate rates as may be deemed desirable for each class of positions provided for in said rules and regulations. In increasing or decreasing items in the city budget, the council shall not increase or decrease any individual salary item but shall act solely with respect to total salaries in the various departments of the city.

**40. Personnel Advisory Board.** There is hereby established a personnel advisory board of three citizens holding no other political office and appointed one member by the manager, one by the council, and the third by these two appointees. In the first instance only the member appointed by the manager, shall serve for one year, the member appointed by the council for two years, and the third member for three years, in each case beginning on the first day of January following the adoption of this charter; the terms of all succeeding members shall be for three years beginning on the expiration of the term each succeeds. No member, who has served a full three-year term shall be appointed to succeed himself. It shall be the duty of the personnel advisory board to study the broad problems of

personnel policy and administration, to advise the council concerning the personnel policies of the city and the manager regarding the administration of the merit plan and retirement system, and to hear appeals from any employee aggrieved as to the status or condition of his employment or retirement. The board shall issue written reports containing findings of facts and recommendations to the manager upon such appeals but the board shall have no power to reinstate an employee unless it finds, after investigation, that disciplinary action was taken against the employee for religious, racial, or political reasons.

**41. Certification of Compensation.** No compensation shall be paid without certification by the manager, or such officer as he may direct, that the recipients are employed by the city and that their rates of compensation comply with the pay schedules provided for in section 39. If such officer approves payments not in conformity therewith, he and his surety shall be liable for the amount of such payments.

**42. Employees When Charter Adopted.** No employee of the city at the time this charter is adopted shall be required to take any examination in order to continue within the employment of the city. All other provisions of the merit plan will apply to such employees. All officers and employees of the city holding office at the time this charter takes effect, except those whose position or office has been abolished hereby, shall continue to hold office until their respective successors shall be elected or appointed, as the case may be, and qualified.

## VII. Special Assessments

**43. Special Improvements.** The council shall have power to determine that the whole or any part of the expense of any public improvement shall be defrayed by special assessments upon the property especially benefited and shall so declare by resolution. Such resolution shall state the estimated cost of the improvement, what proportion of the cost thereof shall be paid by special assessments, and what part, if any, shall be a general obligation of the city, the number of installments in which special assessments may be paid, and shall designate the districts or land and premises upon which special assessment shall be levied.

**44. Procedure Fixed by Ordinance.** The council shall prescribe by general ordinance complete special assessment procedure concerning plans and specifications, estimate of costs,

notice and hearing, the making of the special assessment roll and correction of errors, the collection of special assessments, and any other matters concerning the making of improvements by the special assessment method.

### VIII. Sewer Rents

**45. Sewerage System.** For the defraying of the cost of construction, management, maintenance, operation, reconstruction, extension, replacement and repair of city sewers and sewer systems, including treatment and disposal works, and for depreciation accruals not to exceed five per cent annually of total sewer plant value, and for the payment or repayment of the interest and principal on any debt incurred by the city to pay such costs, the city council may by ordinance establish a scale of rents, to be called sewer rents, which shall be paid by the owner or owners of real estate connected by sewage drains with city sewers and sewer systems, or whose real estate receives special benefit therefrom in any way. The city council may prescribe the manner in which and the time at which such rents are to be paid and collected and may change the scale of rents from time to time as may be deemed advisable. Such rents may be based upon the metered consumption of water on the premises connected with the sewer system, the number and kind of plumbing fixtures connected with the sewer system, the number of persons served by the sewer system or upon any other equitable basis. Funds raised from sewer rents shall be used only for the purposes prescribed in this section.

**46. Notice.** Notice of the charges for sewer rents shall be given to the owner or owners of real estate chargeable therefor in such manner as the city council may prescribe.

**47. Lien.** All charges for sewer rents shall become a lien upon the real estate served by the city sewer system or the real estate on account of which they are charged. Such lien shall continue for one year from the last item charged in said sewer rents and may be enforced by suit in behalf of the city against the owner or owners of such real estate. In case an appeal has been taken and the charges sustained in whole or in part, such lien shall continue until the expiration of one year from such decision. The record of the charge for sewer rents made by the city shall be sufficient notice to maintain suit upon such lien against subsequent purchasers or attaching creditors of such real estate.



**48. Rules and Regulations.** The city council may adopt rules and regulations pertaining to the use of the sewerage system and other regulations relating to the system as in their judgment the sewerage system, pumping station, treatment plant or other structure demands for proper maintenance or operation. Any person wilfully violating such regulations shall be fined not more than ten dollars for each day of neglect or refusal after written notice has been given.

### IX. Water Utilities

**49. Water System.** For the defraying of the cost of construction, management, maintenance, operation, reconstruction, extension, replacement and repair of the city water system, including treatment plant, distribution mains, hydrants, watershed, and for depreciation accruals not to exceed five per cent annually of the total water plant value, and for the payment or repayment of the interest and principal on any debt incurred by the city to pay such costs, the city council may, by ordinance, establish a scale of rates to be called water rates, which shall be paid by the owner or owners of real estate connected to the city water system, or whose real estate receives special benefit therefrom in any way. The city council may prescribe the manner in which and the time at which such rates are to be paid and collected, and may change the scale of rates from time to time as may be deemed advisable. Such rates may be paid upon the metered consumption of water on the premises connected with the water system, the number and kind of plumbing fixtures connected with the water system, and number of persons served by the water system, or upon any other equitable basis. Funds raised from water rates shall be used only for the purposes prescribed in this section.

**50. Notice.** Notice of the charges for water rates shall be given to the owner or owners of real estate chargeable therefor in such manner as the city council may prescribe.

**51. Lien.** All charges for water shall become a lien upon the real estate served by the city water system or the real estate on account of which they are charged. Such lien shall continue for one year from the last item charged for said water rents and may be enforced by suit in behalf of the city against the owner or owners of such real estate. In case an appeal has been taken and the charges sustained in whole or

in part, such lien shall continue until the expiration of one year from such decision. The record of the charge for water made by the city shall be sufficient notice to maintain suit upon such lien against subsequent purchasers or attaching creditors of such real estate.

**52. Rules and Regulations.** The city council may adopt rules and regulations pertaining to the water system and other regulations relating to this system as in their judgment the system, pumping station, treatment plant, or other structures demand for proper maintenance and operation. Any person wilfully violating such regulations shall be fined not more than ten dollars for each day of neglect or refusal after written notice has been given.

#### X. Other Service Charges

**53.** The council shall have power to determine that the whole or any part of the expense of any service or activity provided by the city shall be defrayed by a special charge on the person or property benefited by the service or activity. The council may prescribe by general ordinance the procedure to be followed in making such charges and the amount thereof.

#### XI. Capital Reserve Funds

**54. Establishment of Reserves Authorized.** The city council may raise and appropriate money for the establishment of a capital reserve fund for the financing of all or part of the cost of (a) the construction, reconstruction or acquisition of a specific capital improvement, or the acquisition of a specific item or specific items of equipment, or (b) the construction, reconstruction, or acquisition of a type of capital improvement or the acquisition of a type of equipment.

**55. Payments Into Fund.** There may be paid into any such capital reserve fund such amounts as may from time to time be raised and appropriated therefor, and the city council may also vote to transfer to said fund any unencumbered surplus funds remaining on hand at the end of any fiscal year.

**56. Limitation on Appropriation.** The city council shall not raise and appropriate in any one year for such capital reserve fund an amount in excess of one-half of one per cent of the last assessed valuation of the city.

**57. Investment.** The moneys in each such fund shall be kept in a separate account and not intermingled with other

funds of said city. Said capital reserve fund shall be invested only by deposit in some savings bank or in the savings department of a national bank or trust company in this state, or in bonds, notes or other obligations of the United States government, or in bonds or notes of this state and when so invested the trustees hereinafter named shall not be liable for the loss thereof. Any interest earned or capital gains realized on the moneys so invested shall accrue to and become a part of the fund. Deposits in banks shall be made in the name of the city and it shall appear upon the book thereof that the same is a capital reserve fund.

**58. Trustees of Funds.** The trustees of trust funds of Keene shall have custody of any capital reserve of the city. Said trustees shall give bond in such amount and in such form as the state tax commission shall prescribe, and any such trustee who shall make any payment of income or principal from any such capital reserve fund before the approval of his bond in writing by the tax commission shall be personally liable to the city for any loss resulting from such payment, to be recovered for the city at the suit of any citizen. The expenses of said trustees in said capacity and the expense of their bonds shall be charged as incidental city charges.

**59. Expenditures.** The trustees holding said capital reserve funds in trust, as hereinbefore provided, shall hold the same until such time as the city council shall have named trustees or agents to carry out the objects designated by said city councils. Expenditures from said capital reserve funds shall be made only for or in connection with the purposes for which said fund was established, or as amended as provided by the next succeeding section.

**60. Change of Purpose.** After the purpose for which a capital reserve fund is established has been determined, no change shall be made in the purpose for which said fund may be expended, unless and until such change has been authorized by the affirmative vote of at least six members of the city council at a regular meeting. Notice of proposed change shall be advertised in a local publication of general circulation at least one week before the meeting at which action is taken.

## XII. Miscellaneous Provisions

**61. Oath of Office.** Every person elected or appointed to any city office before entering upon the duties of his office shall

take and subscribe to an oath of office as provided by law which shall be filed and kept in the office of the city clerk.

**62. Notice of Election or Appointment.** Written notice of election or appointment of any city officer shall be mailed to him at his address by the city clerk within forty-eight hours after the appointment is made or the vote canvassed. If within ten days from the date of the notice such officer shall not take, subscribe to, and file with the city clerk an oath of office, such neglect shall be deemed a refusal to serve and the office shall thereupon be deemed vacant, unless the council shall extend the time in which such officer may qualify.

**63. Vacancy Defined.** In addition to other provisions of this charter, a vacancy shall be deemed to exist in any office when an officer dies, resigns, is removed from office, is convicted of a felony, is physically incapacitated, or is judicially declared to be mentally incompetent.

**64. Personal Interest.** No member of the council or any officer or employee of the city shall take part in a decision in which he shall have a financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract or in the sale to the city or to a contractor supplying the city of any land or rights or interests in any land, material, supplies or services. Any wilful violation of this section shall constitute malfeasance in office, and any officer or employee of the city found guilty thereof shall thereby forfeit his office or position. Any violation of this section with the knowledge, expressed or implied, of the person or corporation contracting with the city shall render the contract voidable by the city manager or the council.

**65. Private Use of Public Property.** No officer or employee shall devote any city property or labor to private use except as may be provided by law or ordinance.

**66. Notice of Claim.** No action at law or bill in equity shall be sustained against the city unless a notice setting forth the nature and amount, if any, of the claim shall have been delivered or sent by registered mail to the office of the city clerk not less than sixty days prior to the commencement of said action at law or bill in equity.

**67. Municipal Court.** The municipal court of the city as at present constituted is hereby continued.

**68. Violations.** All violations of provisions of this charter unless otherwise provided are hereby declared to be misdemeanors and all such violations and all violations of city ordinances for which no other punishment is provided, shall be punishable by a fine not exceeding five hundred dollars or imprisonment for a period not exceeding ninety days, or both, in the discretion of the court.

**69. Public Records.** All records of the city shall be public.

**70. Trust Funds.** Trust funds, except where otherwise provided by the instrument creating such trust, shall be kept separate.

**71. Saving Clause.** So much of the previous charter of the city and of laws passed in amendment or supplement thereof, as are in force when this act is adopted relative to the constitution and bounds of its several wards, its school districts and sewer, lighting, and other special precincts and their government and affairs, municipal court, and to the borrowing of money in aid of its school districts, are hereby continued in force, with the exception of such provisions as are inconsistent with this charter; and all special legislation relative to the government of the city, inconsistent herewith, is hereby repealed. All general laws relative to the government of cities shall remain in force in the city so far as the same can be applied consistently with the intents and purposes of this charter, but shall be deemed superseded as to this city so far as inconsistent herewith. Existing ordinances and other municipal regulations shall remain in force so far as the same can be applied consistently with the intents and purposes of this charter, but are hereby annulled so far as inconsistent herewith. In all existing laws, ordinances, and regulations hereby saved, references to the city councils, board of mayor and aldermen, or other bodies or officers hereby abolished and superseded, or to bodies or officers whose constitution or functions are hereby altered, shall be taken to mean the body or officer upon whom jurisdiction of the matter in question is conferred by this charter or by the administrative code.

**72. Tenure of Office.** The incumbents when this charter takes effect, who are not elected by popular vote, of all municipal offices not hereby abolished or superseded shall continue to hold the same until the expiration of their respective terms

where a term of years exists or until such offices are abolished or superseded by lawful ordinances.

**73. Referendum.** This charter shall not take effect unless it is adopted by a majority vote at a special election to be held in the city of Keene on the second Tuesday in September, 1949, or at a subsequent referendum as is hereinafter provided for. The city clerk then in office shall cause to be included on the ballot then used the following question: "Shall the provisions of an act entitled 'An act to revise the charter of the city of Keene' be adopted?" Beneath this question shall be printed the word "yes" and the word "no" with a square immediately opposite each said word, in which the voter may indicate his choice. The referendum relative to the adoption of this charter shall be conducted in every way, except as otherwise herein provided, in the same manner as the election for the nomination of candidates for mayor and aldermen under the present charter. If a majority of those voting on this question vote in the affirmative on this question, this act shall be declared to have been adopted. If this act should not be adopted at said special election, the question of the adoption of this act shall again be voted on at any regular municipal election during the ten years immediately following the passage of this act if at least three per cent of the number voting at the last previous municipal election, all qualified voters of the city, shall sign a petition requesting such vote, said petition to be submitted to the city clerk at least thirty days prior to said election.

**74. Separability.** The sections of this charter and the parts thereof are separable. If any portion of this charter, or the application thereof to any person or circumstance, shall be held invalid, the remainder thereof or the application of such invalid portions to other persons or circumstances shall not be affected thereby.

**75. Takes Effect.** Section 73 of this act shall take effect upon its passage, and if adopted at the special election or a referendum provided for in said section, the remainder of this act shall take effect as follows: So much as relates to the preliminaries for and the holding and conduct of the first municipal election shall take effect immediately upon such adoption. For all other purposes this charter shall take effect on the first day of January following the first election under this charter. [Approved June 29, 1949.]

## CHAPTER 426.

AN ACT TO REPEAL CHARTERS OF CERTAIN CORPORATIONS.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Charters Repealed.** The charter or certificate of incorporation of each of the following named corporations is hereby repealed, revoked and annulled except as otherwise here specified:

- Advertisers Associated, Inc. (Nashua, 1947)
- Air Service, Inc. (Manchester, 1947)
- Alexander Motor Sales, Inc. (Lancaster, 1947)
- Algenite Chemical, Inc. (Laconia, 1947)
- Allied Arts, Inc. (Portsmouth, 1946)
- Allied Industries, Inc. (Laconia, 1940)
- Amcan Jewelry Manufacturing Company, Inc. (Nashua, 1947)
- American Fern Co., Inc. (Brookline, 1947)
- Amoskeag Metal Products, Inc. (formerly W. T. Marsh Co., Manchester, 1941)
- Anton, Joseph N., Company, Inc. (Dover, 1947)
- Arnel Footwear, Inc. (Manchester, 1947)
- Art & Gene's Service Station, Inc. (Merrimack, 1946)
- Arthur Weaving Mills, Inc. (Concord, 1947)
- B & B Food Shop, Inc. (Manchester, 1946)
- Bay State Fashions, Inc. (Berlin, 1946)
- Bay State Garment Co., Inc. (Berlin, 1944)
- Beacon Realty Co., The (Manchester, 1946)
- Bee Air Lines, Inc. (Dover, 1945)
- Bevlies, Inc. (Derry, 1946)
- Blue Cab, Inc. (Keene, 1947)
- Boxell School of Navigation, Inc., The (Portsmouth, 1947)
- Bretton Manufacturing Company, Inc. (Berlin, 1946)
- Bristol Furniture Co., Inc. (Bristol, 1947)
- Broadview Farm, Inc. (Mt. Vernon, 1946)
- Brown, "Shep," Incorporated (formerly George N. Varney Company, Laconia, 1929)
- C & L Trucking Company, Inc. (Nashua, 1947)
- Capital Home Improvement Co., Inc. (Concord, 1946)
- Carroll County Cooperative Incorporated (Tamworth, 1941)

- Central Block, Inc. (Wolfeboro, 1922)  
Central Lumber Company (Laconia, 1944)  
Central Valley Contractors, Inc. (Hopkinton, 1947)  
Chapman & Parfitt Construction Corporation (Manchester, 1947)  
Chelmsford Shoe Company (Derry, 1936)  
Cherete Realty Corporation (Manchester, 1945)  
City Grain Company, Inc. (Nashua, 1946)  
Cold River Telephone Company, The (Chatham, 1907)  
Colonial Restaurant, Inc. (Franklin, 1946)  
Colonial Valet, Inc. (Nashua, 1947)  
Conant Park Corporation (Concord, 1947)  
Concord Brick Company (Concord, 1923)  
Concord College of Business, Inc. (Concord, 1934)  
Condon-Jackson, Inc. (Greenfield, 1946)  
Conway Development Company, Inc., The (Conway, 1946)  
Conway Shoe Company, Inc. (Salem Depot, 1947)  
Coos Investment Corporation (Whitefield, 1941)  
Country Properties Incorporated (Laconia, 1935)  
Cranton, W. H., Insulation Company of New Hampshire, Inc. (Manchester, 1946)  
Crestwood Lodge, Inc. (Holderness, 1946)  
Dakin Lumber, Inc. (Conway, 1946)  
Dartmouth Airways, Inc. (Hanover, 1946)  
Davis Paper Company (Hopkinton, 1906)  
Donovan & Lutes, Inc. (Nashua, 1935)  
Doranne, Inc. (Nashua, 1945)  
Dowd Real Estate Company, Inc., The (Nashua, 1937)  
DuBarry Shoe Company, Inc. (Manchester, 1946)  
Eastern Construction Company, Inc. (Manchester, 1947)  
Edman Lodge, Inc. (West Rindge, 1947)  
Fabyan House, Inc. (Carroll, 1946)  
Fabyan Management Corporation (Twin Mountains, 1947)  
Fitzpatrick, P. F., and Son, Inc. (Manchester, 1937)  
Fitzwilliam Co., Inc., The (Fitzwilliam, 1946)  
Foot Delight Shoe Corporation (Manchester, 1946)  
French Knitting Mills, Inc. (Franklin, 1944)  
Garden Apartments, Inc. (Manchester, 1947)  
Gate City Food Stores, Inc., The (Nashua, 1930)  
General Minerals Corporation (Walpole, 1942)  
George Company, Inc. (Plymouth, 1946)



- Gilbert Associates, Inc. (Walpole, 1940)  
Gilkey, Dean H., Inc. (formerly Gosselin & Gilkey, Inc.,  
Colebrook, 1924)  
Golden Woodcraft Products, Inc., The (Nashua, 1945)  
Goolsby, Inc. (Claremont, 1946)  
Granite State Garage, Inc., The (Tilton, 1929)  
Granite State Properties, Inc. (Manchester, 1946)  
Granite State Stock Farms, Inc. (Manchester, 1947)  
Granite State Surveys, Inc. (Manchester, 1946)  
Hague Realty Company, Inc. (Northfield, 1946)  
Hale & Bosselait, Inc. (Franklin, 1947)  
Hanover Street Apartments, Inc. (Manchester, 1947)  
Hardwood Toy Manufacturing Corporation (Keene, 1945)  
Harkeem Shirts, Inc. (formerly Harkeem Co., Inc., Man-  
chester, 1946)  
Hayes Hennery, Inc., The (Dover, 1932)  
Heat Savers Incorporated (Plymouth, 1945)  
Henry's Diner, Inc. (Nashua, 1946)  
Heywood Mills, Inc. (Northfield, 1943)  
Home Industries, of New Hampshire, Inc. (Andover, 1947)  
Howard Hotel Company (Bartlett, 1912)  
Hubbard's, Inc. (Portsmouth, 1941)  
Johnny's Fine Clothes, Inc. (Claremont, 1945)  
Johnson and Staff Lumber Co., Incorporated (Claremont,  
1946)  
Junior Shoe Company, Inc. (Manchester, 1946)  
Juvenile Furniture Center Company Incorporated, The  
(Manchester, 1945)  
Katahdin Co., Inc. (Goffstown, 1946)  
Keene Country Club Associates (Keene, 1923)  
Keene Dy-Dee Wash, Inc. (Keene, 1947)  
Keene Lumber Company, Inc. (Keene, 1942)  
Keene Summer Theatre, Inc. (Keene, 1941)  
Kelren Oil Company, Inc. (Nashua, 1946)  
Koburg Realty Corporation (Keene, 1945)  
Laconia Mills, Inc. (Laconia, 1946)  
Laconia Transit Co., (Laconia, 1926)  
Lafley, Harry D., Co., Inc. (Manchester, 1941)  
LaFrance Motor Corp. (Nashua, 1947)  
Lawrence Live Poultry Co., Inc. (Derry, 1945)  
Lincoln Company, Inc., The (Lincoln, 1946)

- Little Miss and Master Shops, Inc. (Manchester, 1946)  
Little Squam Lodges, Incorporated (Holderness, 1929)  
Littleton Ski Tows, Inc. (Littleton, 1939)  
Lochmere Lumber Corporation (Manchester, 1946)  
M. & M. Lumber Company, Inc. (Hampstead, 1942)  
MacMaster, F. A., Inc. (formerly Nashua Auto Company, Inc., Nashua, 1923)  
Manchester Coaster Co., The (Manchester, 1929)  
Maple Street Realty Corporation (Derry, 1945)  
Mar-No-Lawn, Inc. (Whitefield, 1937)  
Marshall Music Center, Inc. (Portsmouth, 1946)  
McLeod's Nursery, Inc. (formerly New Hampshire Nursery, Concord, 1926)  
Merrimack Packing Co., Inc. (Manchester, 1946)  
Metal Products, Inc. (formerly Amoskeag Metal Products, Inc., Manchester, 1941)  
Milburn and Company, Inc. (Colebrook, 1946)  
Minerals, Inc. (Newport, 1947)  
Monadnock Forestry Associates (Temple, 1946)  
Montello Shoe Company (Suncook, 1942)  
Mt. Eustis Ski Tows, Inc. (Littleton, 1946)  
Mountain Haulage, Inc. (North Haverhill, 1946)  
Nashua Bowl, Inc. (Nashua, 1946)  
Nashua Metal Finishing Corp. (Nashua, 1947)  
Nashua Products Corporation (Nashua, 1947)  
Nebasaki, Inc. (Meredith, 1944)  
New Hampshire Forge and Foundry Corporation (Rollinsford, 1945)  
North Eastern Sales Service Company, Inc. (Concord, 1946)  
North Hampton Racing and Breeding Association, Incorporated (North Hampton, 1946)  
North Wilmot Telephone Company, The (Wilmot, 1914)  
Olcott's Motor Sales, Inc. (Dover, 1946)  
Oliver Engineering Laboratory, Inc. (Portsmouth, 1946)  
180 Inc. (Keene, 1946)  
Our Camp Inc. (Andover, 1932)  
Pagan's Garage, Inc. (Claremont, 1927)  
Paris Electric Co., Inc. (Manchester, 1947)  
Parisian Cafe, Inc. (Manchester, 1938)  
Pendergast Sales Co., Inc. (Newmarket, 1927)

- Personnel Research Foundation, Inc. (Wolfeboro, 1946)  
Peterborough Wood Products, Inc. (Peterborough, 1947)  
Phoenix Reed Company (Manchester, 1943)  
Pioneer Engineering Co. Inc. (Manchester, 1947)  
Premier Cafe, Inc. (Littleton, 1936)  
Products, Inc. (New York City, 1946)  
Profile Deluxe Cottages, Inc. (Carroll, 1945)  
Purcell's Cleaning Company, Inc. (Dover, 1946)  
Purity Dairy, Inc. (Manchester, 1938)  
Pyne Enterprises, Inc. (Dover, 1947)  
R & M Trucking Company, Inc. (formerly R & W Trucking Company, Inc., Nashua, 1944)  
Rand, "Rube," Inc. (Concord, 1945)  
Ready Homes Inc. (Manchester, 1946)  
Reid & Goodwin, Inc. (formerly Lord and Goodwin, Inc., Meredith, 1946)  
Richer Auto Rental Corporation (Nashua, 1947)  
Rollins, Edward W., Incorporated (Dover, 1926)  
Ross, J. H., Fuel Co., Inc. (Franklin, 1946)  
Roy Realty Corporation (Berlin, 1946)  
Salmon Falls Food Process Co. Inc. (Rollinsford, 1946)  
Scott Oil Co., Inc. (Manchester, 1932)  
Seacoast Amusement Corporation (Portsmouth, 1947)  
Seals, Inc. (Manchester, 1947)  
Senco, Inc. (Manchester, 1947)  
17th Century House, Inc. (Hampton Falls, 1948)  
Sheehan, Griffin and Burns, Inc. (Concord, 1947)  
Shepard Grocery Company, Incorporated (Franklin, 1938)  
Shepherd and Evans Inc. (Nashua, 1946)  
Shepherd's Automotive Supply Inc. (Nashua, 1943)  
Splendid Restaurant, Inc. (Berlin, 1945)  
State Building & Contracting Company, Inc. (Concord, 1945)  
Stevens Advertising Agency, Inc. (Manchester, 1946)  
Strobochrome Inc. (Keene, 1947)  
Tarullo Bros. Sportwear Company, Inc. (Newport, 1946)  
Thomas, Berry & Thomas, Inc. (Plaistow, 1946)  
Tic Toc Restaurant, Inc. (Nashua, 1947)  
Tilton Engineering Company, Inc. (Tilton, 1945)  
Triple-State-Foods Inc., The (Woodsville, 1947)  
Twin Mountain House, Inc. (Carroll, 1946)

Twin State Publishing Co. (Woodsville, 1940)  
United Improvement Corporation (Concord, 1941)  
United Motorists, Inc. (Manchester, 1945)  
Universal Furniture & Bedding Mfg. Co., Inc. (Manchester, 1946)  
Victory Cafe, Inc. (Manchester, 1945)  
Washington Shoe Co. Inc. (Salem Depot, 1938)  
Waterville Valley Association, Inc. (Waterville, 1919)  
Web-Lock Lumber Co. Inc. (Alton, 1946)  
Webster Textiles, Inc. (Laconia, 1947)  
Wendy Shoe Co., Inc. (Hampstead, 1947)  
Western New Hampshire Lumber Company, Incorporated (Walpole, 1941)  
White Mountain Mineral Camps (North Conway, 1929)  
White, William R., Insurance Agency, Incorporated (Claremont, 1947)  
Whitefield Lumber Co., Inc. (Whitefield, 1945)  
Willow Realty Corporation (Manchester, 1946)  
Winchester Paint and Varnish Corporation (Winchester, 1947)  
Wingwood, Inc. (Conway, 1946)  
Wolfeboro Woodcraft, Inc. (Wolfeboro, 1946)  
Wood Waste Products, Inc. (Laconia, 1942)  
Woodstock Lumber Company, The (Lincoln, 1912)  
Woodsville Ski Tow, Inc., (Woodsville, 1947)  
World Fine Arts Foundation, Inc. (Concord, 1946)

The principal place of business and date and year of incorporation, when given in the above list, are included for the purpose of distinguishing corporations of the same or similar names.

**2. Remedies Preserved.** No remedy against any such corporation, its stockholders or officers, for any liability previously incurred, shall be impaired hereby.

**3. Reinstatement.** Any such corporation may, within ninety days after the date that this act takes effect, reinstate itself as a corporation by the payment of any fees in arrears and the filing with the secretary of state of any annual returns required by law and a statement under oath, signed by the clerk or secretary of such corporation, that it desires that its charter or certificate of incorporation shall remain in full force and effect.

**4. Disposition of Property.** Any corporation whose charter is hereby repealed, revoked and annulled, shall, nevertheless, continue as a body corporate for the term of three years from the date that this act takes effect, for the purpose of presenting and defending suits by or against it and of gradually closing and settling its concerns and distributing its assets, including the disposition and transfer of all or any part of its property and for no other purpose; provided that for the purpose of any suit or action by or against any such corporation, pending at the end of said term of three years, such corporation shall continue as a body corporate until ninety days after final judgment or decree in such suit or action; and provided further that the superior court shall have power at any time when it shall be made to appear, upon the petition of any interested party, that the protection of proprietary or other rights requires the doing of any act or thing by or in behalf of any such corporation, to order the doing of such acts or things, and for this purpose may appoint and authorize an agent to act for and in the name of such corporation and any action so ordered and done shall be effective corporate action.

**5. Takes Effect.** This act shall take effect upon its passage.

[Approved June 29, 1949.]

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## CHAPTER 427.

### AN ACT RELATIVE TO ISSUANCE OF BONDS OR NOTES BY HAMPTON BEACH VILLAGE DISTRICT.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Authorization.** The Hampton Beach Village District is hereby authorized to issue serial notes or bonds on the credit of the district to an amount not exceeding sixty thousand dollars (\$60,000) for the purpose of the construction of a salt water fire protection system.

**2. Debt Limit.** In ascertaining the debt limit of said Hampton Beach Village District the debt hereby authorized shall be excluded.

**3. Application of General Laws.** Except as otherwise provided by this act the provisions of chapter 72 of the Revised Laws shall apply to the serial notes or bonds herein authorized.

**4. Proceedings Legalized.** The proceedings and votes of the meeting of the Hampton Beach Village District held in said Hampton on March 29, 1949, are hereby legalized, ratified and confirmed so far as they relate to the appropriation and issuance of serial notes and bonds for the purposes set forth in section 1 of this act.

**5. Takes Effect.** This act shall take effect upon its passage.

[Approved June 30, 1949.]

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## CHAPTER 428.

### AN ACT RELATIVE TO ZONING POWERS OF THE RYE WATER DISTRICT.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Authority Granted.** The Rye Water District is hereby empowered and authorized to enact zoning regulations and for that purpose shall have all the powers conferred upon towns by sections 50 to 71 inclusive of chapter 51 of the Revised Laws.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 30, 1949.]

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## CHAPTER 429.

### AN ACT AMENDING THE CHARTER OF THE CITY OF DOVER.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Term of Office.** Amend section 15 of chapter 385 of the Laws of 1947 by striking out in the third line the words "an indefinite term" and inserting in place thereof the words, a

term of two years, so that said section as amended shall read as follow: **15. Manager.** The chief administrative officer of the city shall be called the manager. The council shall appoint as manager for a term of two years, and fix the salary of, a qualified person who received the votes of at least six members of the council. The first council elected under this charter shall appoint a manager within three months after the effective date of this charter.

**2. Takes Effect.** This act shall take effect January 1, 1950. [Approved June 30, 1949.]

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## CHAPTER 430.

AN ACT RELATIVE TO THE CHARTER OF THE CITY OF DOVER.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Referendum.** A special election shall be held in the city of Dover on Tuesday, October 4, 1949, for the purpose of determining whether the present charter of the city of Dover shall be rescinded. The city clerk shall have printed on official ballots the following question: "Shall the city abolish the present city manager form of government and adopt an act entitled 'An act relative to the city charter of Dover' as provided in the laws of 1949?" Beside this question shall be printed the word "Yes" and the word "No" with a square immediately opposite each said word, in which the voter may indicate his choice. The referendum relative to the rescission of this charter shall be conducted in the same manner as regular municipal elections. If a majority of those voting on this question vote in the affirmative on this question, the present charter shall be declared to have been rescinded; such rescission shall become effective on the first Wednesday of January, 1950, and on that date, January 4, 1950, the terms of office of councilmen, school committee, and mayor elected under the provisions of said rescinded charter shall terminate and on the same date the office of city manager shall terminate; the terms of office of all officers, trustees and commissioners elected or appointed by the city council, mayor, or city manager under chapter 385, Laws of 1947, shall terminate on January 4, 1950 provided how-

ever, that such officers shall continue in office until their respective successors have been duly elected, or appointed, and qualified. If the present charter is not rescinded at said special election, said question shall again be voted on at any regular municipal election during the ten years immediately following the passage of this act if at least three per cent of the number voting at the last previous municipal election, all qualified voters of the city, shall sign a petition requesting such vote, said petition to be submitted to the city clerk at least thirty days prior to said election; and if a majority of those voting on this question vote in the affirmative the present charter shall be declared to have been rescinded; such rescission shall become effective on the first Wednesday of January next following such vote, and on that date the terms of office of councilmen, school committee, and mayor elected under the provisions of said rescinded charter shall terminate and on the same date the office of city manager shall terminate. The terms of office of all officers, trustees and commissioners, elected or appointed by the city council, mayor or city manager under chapter 385, Laws of 1947, shall terminate on the first Wednesday of January next following such vote, provided however, that such officers shall continue in office until their respective successors have been duly elected, or appointed, and qualified.

**2. New Charter.** If the present city charter is rescinded at the special election provided in section 1, the regular election shall be held on the first Tuesday of November, 1949; and if the present city charter is rescinded at a regular municipal election as provided in section 1, then a special election shall be held on the first Tuesday of December next following; in either event the city of Dover shall be governed by the provisions of the following charter, and the elections provided in this section shall be in accordance therewith.

### **I. City Established**

**1. Incorporation.** The inhabitants of the city of Dover shall continue to be a body politic and corporate under the name of the "City of Dover," and as such shall enjoy all the rights, immunities, powers, and privileges and be subject to all the duties and liabilities now appertaining to or incumbent upon them as a municipal corporation. All existing property



of the city shall remain vested in it, and all its existing debts and obligations shall remain obligatory upon it, under this revised charter.

**2. Wards.** The city shall continue to be divided into five wards as at present constituted, and except as herein otherwise provided, the general laws relative to wards of cities, officers thereof, and voters, check-lists, elections, and jurors therein shall be applicable to such wards.

**3. Conduct of Elections.** The election officers in each ward whose duty it is to conduct regular biennial elections shall conduct a municipal election at the expense of the city in the same manner as a regular biennial election on the Tuesday following the first Monday in November of the odd numbered years to choose one councilman from such ward and four councilmen at large.

**4. Preparation of Ballots.** The city clerk shall prepare the ballots to be used at the municipal election in form as nearly like the ones used in biennial elections as the requirements of this charter permit. Nomination of candidates for mayor and city councilors shall be by party caucus at least twenty days before the regular biennial election and such names shall appear on the ballot, with party designations.

**5. Term and Number of Members.** Except as otherwise provided in this charter all the powers of the city shall be vested in a council which shall consist of one councilman from each ward who shall be elected by such ward and four councilmen at large. Members shall be elected for a term of two years, shall take office on the January fourth next after their election and shall hold office until their successors are duly elected and qualified. The city clerk shall act as the clerk of the council.

**6. Mayor.** There shall be elected at the regular biennial election a mayor. Candidates for mayor shall be nominated in accordance with the laws relating to nomination of city officials. The mayor shall hold office for a term of two years and until his successor is duly elected and qualified. In the event of a vacancy in the office of mayor, the same shall be filled as provided in chapter 63 of the Revised Laws. The mayor shall be the official head of the city. He shall preside at all meetings of the council. He may speak at all meetings but may vote only in case of a tie. In addition to the powers

conferred on the mayor by the charter he shall have all the powers conferred upon mayors of cities by law.

**7. Salary of Mayor.** The salary of the mayor shall be five thousand dollars per year, payable monthly, and he shall devote his full time to his duties.

**8. Qualifications.** No person shall be a candidate for election as councilman or school committee member who is not a duly qualified voter in the city and who has not been a resident of the city for at least two years immediately preceding his election. No councilman nor school committee member nor mayor shall be eligible to hold any other remunerative position with the city. No person shall be elected mayor who has not been a resident of the city for at least six years immediately preceding his election.

**9. Vacancies.** Vacancies occurring in the office of councilman at any time after the election of a candidate or candidates thereto shall be filled by the appointment of some qualified person who receives the votes of at least a majority of the members of the council by the second regular meeting following the creation of the vacancy. Every vacancy shall be filled from the same political party as the prior incumbent.

**10. Organization of City Council.** The mayor and councilmen so chosen, shall meet at ten o'clock in the forenoon on the first Wednesday of January next following their election, in their capacity as the city council, for the purpose of taking their respective oaths of office, organizing, adopting rules and for the transaction of business required by law or ordinance to be transacted at such meeting. The city council shall elect, by a majority vote, one of its members as acting mayor who shall serve in the absence of the mayor.

**11. Compensation of Councilmen.** Each councilman shall receive ten dollars for each council meeting which he attends, but not more than the sum of two hundred dollars in the aggregate in any year, in full for his services.

**12. Meetings.** The mayor shall preside over all meetings of the council and the city clerk shall act as clerk of the council. All meetings of the council shall be public. Regular meetings shall be held at eight o'clock in the evening on the second Thursday of each month and special meetings upon notice delivered to the mayor and to each councilman by the clerk at the written request of the mayor or a majority of the council-

men. The council shall establish its own rules, and a majority shall constitute a quorum for the transaction of the business of the council.

**13. Ordinances.** Municipal legislation shall be by ordinance. Each ordinance shall be identified by a number and a short title. The enacting clause of each ordinance shall be "The City of Dover ordains," and the effective date of each ordinance shall be specified in it. All ordinances shall be recorded at length uniformly and permanently by the city clerk, and each ordinance so recorded shall be authenticated by the signature of the mayor and the city clerk. Ordinances shall be published, compiled and revised in such manner and at such time as the council shall determine.

**14. General Powers.** Except as herein otherwise provided, the council hereby established shall have all the powers and discharge all the duties conferred or imposed upon city councils in convention, city councils voting concurrently or boards of mayor and aldermen acting separately, by chapters 62 to 66 of the Revised Laws or by other general laws now in force or hereafter enacted, or upon the city councils or board of mayor and aldermen of the city of Dover by special laws not hereby repealed. The council shall have the powers of selectmen of towns so far as consistent with this charter. All provisions of such laws pertaining to the powers or duties of any or all such bodies shall be construed to apply to the council hereby established unless a contrary intent or provision herein appears, it being the purpose of this act to confer upon said council all functions of either or both branches of the existing city councils, except such as are specifically transferred to the mayor. All committees of the council and all boards shall be deemed advisory and policy making only except as herein otherwise provided. The city clerk shall be elected by a majority vote of the council for a term of two years.

## II. Administrative Service

**15. General Powers and Duties of the Mayor.** The mayor shall be the chief administrative officer and the head of the administrative branch of the city government. He shall supervise the administrative affairs of the city and shall carry out the policies enacted by the council. He shall enforce the ordinances of the city, this charter, and all laws applicable to

the city. He shall keep the council informed of the condition and needs of the city and shall make such reports and recommendations as he may deem advisable, and perform such other duties as may be prescribed by this charter or required of him by ordinance or resolution of the council, not inconsistent with this charter. He shall have and perform such other powers and duties not inconsistent with the provisions of this charter as now are or hereafter may be conferred or imposed upon him by municipal ordinance or upon mayors of cities by general law.

**16. Appointive Power of Mayor.** The mayor shall have the power to appoint and remove all officers and employees in the administrative services of the city, subject to the provisions of this charter, and he may authorize and empower the head of a department or officer responsible to him to appoint and remove subordinates in such department or office. All such appointments shall be without definite term unless made for a provisional, temporary, or emergency service not to exceed the maximum limits which may be prescribed by the merit plan.

**17. Non-Interference by the Council.** It is the intention of this charter that the council shall act in all matters as a body, and it is contrary to the spirit of this charter for any of its members to seek individually to influence the official acts of the mayor, or any other officer, or to direct or request the appointment of any person to, or his removal from office; or to interfere in any way with the performance by such officers of their duties. The council and its members shall deal with the administrative service solely through the mayor and shall not give orders to any subordinates of the mayor either publicly or privately. Nothing herein contained shall prevent the council from appointing committees of its own members or of citizens to conduct investigations into the conduct of any office or department, or any matter relating to the welfare of the municipality, and delegating to such committee such powers of inquiry as the council may deem necessary. Any councilman violating the provisions of this section shall upon conviction thereof in a court of competent jurisdiction forfeit his office.

**18. Appointive Offices.** The mayor, subject to confirmation by a majority vote of the city council, shall appoint a

treasurer, a superintendent of water works, three assessors, not more than two of the same political party, a fire chief, a health officer, a city solicitor, overseer of the poor, tax collector, and such other officers as may be necessary to administer all departments which the council shall establish. There shall also be appointed and confirmed by the council a qualified person as director of public works whose duties shall be to have charge, management and control of the building, construction, oiling, sprinkling, repairing and maintaining of all the streets, bridges, highways, lanes, alleys, sidewalks, public sewers and drains, and city farm buildings, gravel banks and lands and buildings used in connection therewith, and such other lands as are not used by any other department and belonging to the said city of Dover. He shall also have charge of collection of garbage. The director of public works shall also have charge of the park department. The powers and duties of other officers and heads of departments appointed by the mayor shall be those prescribed by state law, by this charter or by ordinance.

**19. Department; Administrative Code.** The city shall have a department of administration headed by the mayor, and such other departments, divisions and bureaus as the council may establish by ordinance. It shall be the duty of the first mayor elected under the provisions of this charter to draft and submit to the council, within six months after assuming office, an ordinance providing for the division of the administrative service of the city into departments, divisions and bureaus, and defining the functions and duties of each. Subsequent to the adoption of such ordinance, upon recommendation of the mayor, the council by ordinance may create, consolidate or abolish departments, divisions and bureaus of the city and define or alter their functions and duties. The compilation of such ordinances shall be known as the "Administrative Code." Each officer shall have supervision and control of his department and of the employees therein and shall have power to prescribe rules and regulations, not inconsistent with general law, this charter, the administrative code, and the provisions of the merit plan. Prior to adoption of the administrative code the mayor shall have the power to establish temporary rules and regulations to insure economy and efficiency in the several divisions of the city government.

**20. Purchasing Procedure.** The administrative code shall establish a centralized purchasing and contract system, including the combination of purchasing of similar articles for different departments, and purchasing by competitive bids whenever practical. The mayor shall be charged with the administration of the system so established.

### III. School Committee

**21. School Committee.** There shall be a school committee for said city, to consist of five elective members, together with the mayor of said city, who shall, ex-officio, be a member thereof, but who shall have the right to cast a vote only in case of a tie in any vote, resolution, or other question before said committee. At the first election held in accordance with this charter said five school committee members shall be elected at large by the voters of the city of Dover, the three candidates receiving the largest number of votes at said election shall serve for a term of four years each, and the candidates receiving the fourth and fifth largest number of votes shall serve for a term of two years each; the terms of such five elected members shall begin on the first Wednesday of January next following; at each biennial municipal election thereafter, a sufficient number of members shall be elected at large to fill the terms expiring on the first Wednesday of January of the year following said election, and the members so elected shall serve for terms of four years each, beginning on said first Wednesday of January. Provided, however, that no political party caucus, primaries or convention shall nominate any candidate for said school committee, and the names of candidates for school committee shall appear on the ballots without any political designation whatsoever; and provided further, that the ballot for school committee shall contain the names only of such residents of Dover as shall have filed with the city clerk, not less than thirty days before the date of the biennial municipal election, a written notice of intention to be a candidate at such election. Vacancies occurring in said school committee from any cause shall be filled by majority vote of the council for the unexpired term.

### IV. Public Cemeteries

**22. Public Cemeteries; Trustees.** The control and management of the public cemeteries in the city of Dover shall be

vested in a board of five trustees of which the mayor shall be a member ex-officio. On the first Wednesday of January following the adoption of this charter, the mayor and council shall elect five trustees as follows: one for five years, one for four years, one for three years, one for two years and one for one year, and each year thereafter shall elect one trustee for a term of five years. Any vacancy shall be filled in the same manner for the unexpired term. There shall be no more than three of said trustees who are members of the same political party.

**23. Powers and Duties.** The board of trustees shall receive, hold and expend the appropriations made by the city for its public cemeteries, and shall appoint a superintendent and make all rules and regulations governing the cemeteries. They shall also receive, hold and expend the funds that arise from the sale of any cemetery lots, and the income of money given, bequeathed, or devised to the city or any public cemetery, for the beautifying and improvement of the same or such parts thereof as may be designated. Said trustees shall serve without pay. They shall enlarge any public cemetery whenever they deem it wise or necessary, and for that purpose they may from time to time, take, purchase and hold real estate for the city. If the said board of trustees are unable to purchase any land they may deem necessary to make additions to, or enlargement of, the public cemeteries at a price which they think reasonable, they may apply to the county commissioners for the county of Strafford to assess damages on the land taken by them therefor, and said commissioners after notice to the parties and hearing, shall assess the value of said land so taken and award damages therefor, which assessment shall be in writing, and filed in the office of the city clerk for said city, as soon as may be after the same is completed, and upon payment or tender to the party whose land is so taken, the right of said board of trustees to the same shall become vested and complete; but said party shall have the same right of appeal from said award to the superior court as exists in the case of land taken for highways by action of said commissioners.

**24. Deed of Trust.** The trustees may receive from the owners of lots a deed of trust which may be so written as to

forever prevent any sale or exchange of said lot, by any heir at law, or any other person.

#### V. Public Library

**25. Public Library; Trustees.** The control of the Dover public library, the appointment of librarian, the determination of the salary of the librarian, and the entire management of the affairs of the library, shall be vested in a board of five trustees, of which the mayor shall be a member, ex-officio. On the first Wednesday of January following the adoption of this charter, the mayor and council shall elect five trustees as follows: one for five years, one for four years, one for three years, one for two years and one for one year, and each year thereafter shall elect one trustee for five years. No more than three of said trustees shall be of the same political party. Any vacancy shall be filled in the same manner, but only for the unexpired term of the trustee whose place is thus filled. No member of the city councils shall be eligible as a trustee.

**26. Regulations; Report.** The board of trustees shall establish all regulations relating to the library, and purchase and use of books, and may prosecute in the name and at the expense of the city any person who may violate any of the said regulations. They shall report annually to the city, the state of the library, and render an account of the expenditures of all funds entrusted to their care.

**27. Free.** The Dover public library shall be open to the free use of every inhabitant of the city, subject to such rules and regulations as may be established by the trustees.

#### VI. Wentworth Hospital and Dover City Hospital

**28. Wentworth Hospital and Dover City Hospital; Trustees.** The city of Dover is hereby authorized to do and perform any and all acts necessary to maintain the Wentworth hospital agreeably to the terms and conditions imposed in the deed of trust creating such hospital. The mayor subject to confirmation of the council, shall appoint five trustees, one for five years, one for four years, one for three years, one for two years and one for one year, and each year thereafter shall elect one trustee for five years. No more than three of said trustees shall be of the same political party. If a vacancy occurs the mayor shall appoint, subject to the confirmation of the council, some person to fill said vacancy for the unexpired



term. Said mayor and council may remove any member of said board of hospital trustees at any time for cause, upon charges duly filed with the clerk of said city and upon a full hearing thereon; provided, however, that no member of said board shall be removed except upon the affirmative vote of two-thirds of all the members of said board of mayor and council, voting by yea and nay. The mayor shall be a member, ex-officio, with all the rights and privileges of his associates on the board.

The city of Dover is also hereby authorized to construct and do and perform any and all acts necessary to establish and maintain a Dover city hospital. The board of trustees of said Dover city hospital shall consist of the members of the board of trustees of the Wentworth hospital and shall be elected and hold office as provided in the preceding paragraph.

**29. Organization; Powers.** In the month of January, annually, said board shall organize and choose one of its members as chairman, and shall also choose a clerk who may be one of said trustees; said board may choose a treasurer, who shall file with said board such bond and receive such salary as said trustees shall determine. Said board of hospital trustees may purchase such land as may be necessary and shall have full charge, management and control of the erection, equipment and management of such building or buildings as may be necessary to carry into effect the purposes of this act; may employ and fix the compensation of such agents as they shall deem expedient, and remove any of said agents at pleasure, and make necessary and reasonable rules and regulations for their own government and for the control and management of all property, real or personal, connected with the proper conduct of said hospital.

**30. Control of Property.** The board of trustees shall hold in trust all property now bequeathed, or hereafter acquired by, or bequeathed or devised to, said city for hospital purposes; and the investment, use, disposition, and expenditure of the same, and the income thereof, shall be within the sole control and discretion of said board of trustees, and the same being in the nature of a public charity shall be exempt from taxation.

**31. Right of Eminent Domain.** If the said board of trustees are unable to purchase any land they may deem

necessary for hospital purposes at a price which they think reasonable, they may take the same and apply to the county commissioners for the county of Strafford to assess damages upon any land which they so desire to so take; and said commissioners after notice of the parties and hearing, shall assess the value of said land so taken, and award damages therefor, which assessment shall be in writing and filed in the office of the city clerk of said city as soon as may be after the same is completed; and upon the payment or tender to the party whose land is so taken, the right of said board of trustees to the same shall become vested and complete; but said party shall have the right of appeal as in the case of land taken for highways by action of said commissioners.

**32. Report.** The said board shall annually, in the month of December, make a detailed report of all matters pertaining to said hospital to the city councils, and the city councils are authorized to appropriate such sums of money from time to time for the maintenance of said hospital as in their judgment may be necessary.

## VII. Police Department

**33. Police Commission.** (a) On or before December first, following the adoption of this charter, the governor shall with the advice and approval of the council, appoint and commission for the city of Dover a police commission consisting of three persons, one of whom shall hold office for one year, one for two years and one for three years from the first Wednesday in January, following the adoption of this charter, or until their successors are duly appointed and qualified. Said commissioners shall have been residents of the city at least five years immediately preceding the date of their appointment. Not more than two of said commissioners shall be of the same political party. The governor shall, annually on or before the first day of December thereafter, with the advice and approval of the council, appoint and commission one commissioner, who shall succeed the one whose term expires and who shall serve for three years from the first Wednesday in January unless sooner removed as hereinafter provided, and any vacancy in said board shall be filled in the same manner for the unexpired term.

(b) The governor with the advice and approval of the council shall have full power to remove any commissioner at any time.

(c) It shall be the duty of said police commissioners to appoint such police officers, constables and superior officers, as they may in their judgment deem necessary, and to fix their compensation.

(d) The compensation of the police commissioners shall be fixed by the city council.

(e) The police commissioners shall have authority to remove any officer at any time for just cause and after due hearing, which cause shall be specified in the order of removal.

(f) The police commissioners shall have full power to make all rules and regulations for the government of the police force and to enforce said rules and regulations.

### VIII. Finance

**34. Fiscal Year.** The fiscal and budget year of the city shall begin on the first day of January unless another date shall be fixed by ordinance.

**35. Financial Control.** The mayor shall appoint an officer other than the treasurer who shall maintain accounting control over the finances of the city, make financial reports, and perform such other duties as may be required by the administrative code. He shall audit and approve all authorized claims against the city before authorizing payment thereof.

**36. Budget Procedure.** At such time as may be requested by the mayor or specified by the administrative code, each officer or director of a department shall submit an itemized estimate of the expenditures for the next fiscal year for the department or activities under his control. The mayor shall submit the proposed budget to the council on the second Thursday of February.

**37. Budget Hearing.** A public hearing on the budget shall be held before its final adoption by the council, at such time and place as the council shall direct, and notice of such public hearing together with a copy of the budget as submitted shall be posted in two public places, and published once at least one week in advance by the city clerk.

**38. Adoption of Budget.** The council may reduce any item or items in the mayor's budget by a vote of a majority of

the council, but an increase in or addition of an item or items therein shall become effective only upon an affirmative vote of two-thirds of the members of the council. The budget shall be finally adopted not later than the first day of the third month of the fiscal year.

**39. Transfer of Appropriations.** After the budget has been adopted, no money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except pursuant to a budget appropriation unless there shall be a specified appropriation therefor specifying the source from which the funds shall come. Except as otherwise provided in this charter the council may transfer any unencumbered appropriation balance or any portion thereof from one department, fund, or agency, to another.

**40. Depository.** The council shall designate the depository or depositories for city funds, and shall provide for the daily deposit of all city moneys. The council may provide for such security for city deposits as it may deem necessary, except that personal surety bonds shall not be deemed proper security.

**41. Independent Audit.** An independent audit shall be made of all accounts of the city government at least annually and more frequently if deemed necessary by the council. Such audit shall be made by qualified public accountants experienced in municipal accounting and appointed by the council. An abstract of the results of such audit shall be made public. An annual report of the city's business shall be made available in such form as will disclose pertinent facts concerning the activities and finances of the city government.

**42. Official Bonds.** Any city officer elected or appointed by authority of this charter may be required by the council to give a bond to be approved by the city solicitor for the faithful performance of the duties of his office, but all officers receiving or disbursing city funds shall be so bonded. All official bonds shall be corporate surety bonds, and the premiums thereon shall be paid by the city. Such bonds shall be filed with the city clerk.

**43. Borrowing Procedure.** Subject to the applicable provisions of state law and the rules and regulations provided by ordinance in the administrative code, the council, by resolution, may authorize the borrowing of money for any purpose

within the scope of the powers vested in the city and the issuance of bonds of the city or other evidence of indebtedness therefor, and may pledge the full faith, credit and resources of the city for the payment of the obligation created thereby. Borrowing for a term exceeding one year shall be authorized by the council only after a duly advertised public hearing.

#### IX. Personnel Administration

44. **Merit Plan.** Appointments and promotions to all positions in the service of the city shall be made solely on the basis of merit and only after examination of the applicants' fitness. The first mayor shall draft and submit to the council within six months after assuming office an ordinance providing for the establishment of a merit system of personnel administration. Such ordinance shall include provisions with regard to classification, compensation, selection, training, promotion, discipline, vacations, retirement and any other matters necessary to the maintenance of efficient service and the improvement of working conditions of such ordinance. With reasonable dispatch thereafter the council shall enact, amend or revise the ordinance so submitted, but in any event the council shall enact a merit plan which embodies the provisions herein required. It shall be the duty of the mayor to administer the merit plan so enacted. He may submit revisions of the merit plan to the council from time to time as changes in conditions and circumstances in the city service justify.

45. **Personnel Advisory Board.** There is hereby established a personnel advisory board of three citizens holding no other public office and appointed by the mayor, subject to the approval of a majority of the council. The term of each member shall be for three years and until his successor is appointed and qualified, provided, however, that in the case of first appointments, one member shall be appointed for one year, one for two years and one for three years. Vacancies shall be filled for the remainder of any term in the same manner as the original appointment. It shall be the duty of the personnel advisory board to study the broad problems of personnel policy and administration, to advise the council concerning the personnel policies of the city and the mayor regarding the administration of the merit plan, and to hear

appeals from any employee aggrieved as to the status or condition of his employment. The council shall issue written reports containing findings of fact and recommendations to the mayor upon such appeals. But the council shall have no power to reinstate an employee unless it finds, after investigation, that disciplinary action was taken against the employee for religious, racial or political reasons.

**46. Retirements.** The merit plan may contain provisions for a system for the retirement of any city employee who shall have attained an age or condition of health which warrants retirement from further service. Any such plan shall provide payments to retired employees only as additional compensation for services rendered after the inauguration of such plan and before retirement.

### X. Special Assessments

**47. Council Resolution.** The council shall have power to determine that the whole or any part of the expense of any public improvement shall be defrayed by special assessments upon the property especially benefited and shall so declare by resolution. Such resolution shall state the estimated cost of the improvement, what proportion of the cost thereof shall be paid by special assessments, and what part, if any, shall be a general obligation of the city, the number of installments in which assessments may be paid, and shall designate the districts or land and premises upon which special assessments shall be levied.

**48. Procedure Fixed by Ordinance.** The council shall prescribe by general ordinance complete special assessment procedure concerning plans and specifications, estimate of costs, notice and hearing, the making of assessment roll and correction of errors, the collection of special assessments, and other matters concerning the making of improvements by the special assessment method.

### XI. Miscellaneous Provisions

**50. Oath of Office.** Every person elected or appointed to any city office before entering upon the duties of his office shall take and subscribe to an oath of office, as provided by law, which shall be filed and kept in the office of the city clerk.

**51. Notice of Election or Appointment.** Written notice of election or appointment of any city officer shall be mailed to

him at his address by the city clerk within forty-eight hours after the appointment is made or the vote canvassed. If within ten days from the date of the notice, such officer shall not take, subscribe to and file with the city clerk an oath of office, such neglect shall be deemed a refusal to serve and the office shall thereupon be deemed vacant, unless the council shall extend the time in which such officer may qualify.

**52. Vacancy Defined.** In addition to other provisions of this charter, a vacancy shall be deemed to exist in any office when an officer dies, resigns, is removed from office, moves from the city, is convicted of a felony or judicially declared to be mentally incompetent.

**53. Official Interest in Contracts.** No officer or employee of the city shall take part in a transaction or decision in which he has a financial interest (aside from his salary as such officer or employee), direct or indirect, greater than any other citizen or taxpayer. No councilman or school committee member or mayor or any firm of which any such person is a member or employee shall sell material or services to the city.

**54. Private Use of Public Property.** No officer or employee shall devote any city property or labor to private use except as may be provided by law or ordinance.

**55. Liability for Discharge.** The removal in accordance with this charter with or without cause of a person elected or appointed or otherwise chosen for a fixed term shall give no right or action for breach of contract or otherwise.

**56. Notice of Claim.** No action at law or bill in equity shall be sustained against the city unless a notice setting forth the nature and amount, if any, of the claim shall have been delivered or sent by registered mail to the office of the city clerk not less than sixty days prior to the commencement of said action at law or bill in equity.

**57. Municipal Court.** The municipal court of the city as at present constituted is hereby continued.

**58. Violations.** All violations of provisions of this charter, unless otherwise provided, are hereby declared misdemeanors and all such violations and all violations of city ordinances for which no other punishment is provided, shall be punishable by a fine not exceeding five hundred dollars or imprisonment for a period not exceeding ninety days, or both, in the discretion of the court.

**59. Public Records.** All records of the city shall be public and shall be available at any time during business hours, on request.

**59-a. Bills.** Whenever practical all purchases made by the city and by the school department shall be by sealed bids but in no case shall purchases of over fifty dollars be made without such sealed bids.

**59-b. Sale by City.** All sale of city owned property shall be by public auction with notice of such sales published in the Dover Daily Democrat, or any other city of Dover newspaper, for at least three successive days, and at least one week before said sale.

**60. Trust Funds.** Trust funds, except where otherwise provided by the instrument creating such trust, shall be kept separate and apart from all other funds and shall be invested by the treasurer in investments from time to time legal for mutual savings banks in the state of New Hampshire.

## XII. Saving Clause

**61. Saving Clause.** So much of the previous charter of the city and of laws passed in amendment or supplement thereof, as are in force when this act is adopted relative to the constitution and bounds of its several wards, its school districts and sewer, lighting, and other special precincts and their government and affairs, municipal court, and to the borrowing of money in aid of its school districts, is hereby continued in force, with the exception of such provisions as are inconsistent with this charter; and all special legislation relative to the government of the city shall remain in force in the city so far as the same can be applied consistently with the intents and purposes of this charter, but shall be deemed superseded as to this city so far as inconsistent herewith. Existing ordinances and other municipal regulations shall remain in force so far as the same can be applied consistently with the intents and purposes of this charter, but are hereby annulled so far as inconsistent herewith. In all existing laws, ordinances, and regulations hereby saved, references to the city councils, board of mayor and aldermen, or other bodies or officers hereby abolished and superseded, or to bodies or officers whose constitution or functions are hereby altered, shall be taken to mean the body or officer upon whom jurisdiction of the matter



in question is conferred by this charter or by the administrative code.

**62. Tenure of Office.** When this charter takes effect, the incumbents of all municipal offices who are not elected by popular vote and whose offices are not hereby abolished or superseded shall, subject to the provisions of section 1, continue to hold the same until the expiration of their respective terms where a term of years exists, or until such offices are abolished or superseded by lawful ordinances.

**63. Separability.** The sections of this charter and the parts thereof are separable. If any portion of this charter, or the application thereof to any person or circumstance, shall be held invalid the remainder thereof or the application of such portions to other persons or circumstances shall not be affected thereby.

**3. Takes Effect.** Section 1 of this act shall take effect upon its passage, and section 2 shall take effect only as provided in sections 1 and 2.

[Approved July 6, 1949.]

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## CHAPTER 431.

AN ACT TO AUTHORIZE THE CONSTRUCTION AND FINANCING OF A  
SEWER SYSTEM BY THE TOWN OF MEREDITH.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Authorization.** The town of Meredith is hereby authorized and empowered to construct and maintain such sewer system and sewage treatment and disposal plant as it may deem necessary to comply with the requirements of the state water pollution commission and the state board of health relative thereto. Said town may determine whether the cost of construction of said system and plant shall be amortized by sewer assessments, sewer rentals, general taxation or any combination of said methods. The selectmen, in making any assessments hereunder for the purpose of amortizing construction costs, may assess the same to be paid in annual installments extending over a period not exceeding thirty years.

**2. Bonds or Notes.** The town of Meredith is hereby

authorized and empowered to issue on the credit of the town serial notes or bonds, for the purpose of raising funds to construct such sewer system and sewage treatment and disposal plant or any part thereof, to an amount not exceeding four hundred fifty thousand dollars, of which an amount not exceeding three hundred fifty thousand dollars was authorized by the annual meeting of said town held March 9, 1948. The serial notes or bonds issued in accordance with the provisions hereof shall be due and payable at such times, not more than thirty years from their date of issue, in such manner and with such provisions as the selectmen may determine.

**3. Proceedings Legalized.** The votes and proceedings of the annual meeting of the town of Meredith held March 9, 1948 relating to the construction of a sewer system and sewage disposal plant and providing for the financing of the same are hereby legalized, ratified and confirmed.

**4. Application of Laws.** Except as hereinbefore otherwise provided, the provisions of part 22, chapter 90 of the Revised Laws, as inserted by chapter 188 of the Laws of 1945, relative to sewers, and the provisions of chapter 72, Revised Laws, as amended, relative to municipal bonds, shall apply to the sewer system and sewage treatment and disposal plant of the town of Meredith and to bonds or notes herein authorized.

**5. Takes Effect.** This act shall take effect upon its passage.

[Approved July 6, 1949.]

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## CHAPTER 432.

AN ACT RELATIVE TO THE CHARTER OF THE CITY OF DOVER.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. City of Dover.** Amend section 14 of chapter 385 of the Laws of 1947 by striking out the last sentence so that said section as amended shall read as follows: **14. General Powers.** Except as herein otherwise provided, the council hereby established shall have all the powers and discharge all the duties conferred or imposed upon city councils in convention, city councils voting concurrently or boards of mayor

and aldermen acting separately, by chapters 62 to 66 of the Revised Laws or other general laws now in force or hereafter enacted or upon the existing city councils or board of mayor and aldermen of the city of Dover by special laws not hereby repealed. The council shall have the powers of selectmen of towns so far as consistent with this charter. All provisions of such laws pertaining to the powers or duties of any or all such bodies shall be construed to apply to the council hereby established unless a contrary intent or provision herein appears, it being the purpose of this act to confer upon said council all functions of either or both branches of the existing city councils, except such as are specifically transferred to the manager. All committees of the council and all boards shall be deemed advisory and policy making only except as herein otherwise provided.

**2. Ratification.** The election of the school committee for the city of Dover held in November 1947 is hereby legalized, ratified and confirmed.

**3. Posting Budget.** Amend section 27 of chapter 385 of the Laws of 1947 by striking out all of said section after the word "direct" in the third line and inserting in place thereof the words, and notice of such public hearing together with a copy of the budget as submitted shall be posted in two public places, and published once, at least one week in advance by the city clerk, so that said section as amended shall read: **27. Budget Hearing.** A public hearing on the budget shall be held before its final adoption by the council, at such time and place as the council shall direct, and notice of such public hearing together with a copy of the budget as submitted shall be posted in two public places, and published once, at least one week in advance by the city clerk.

**4. Effective Date of Budget.** Amend chapter 385 of the Laws of 1947 by striking out section 28 and inserting in place thereof the following: **28. Date of Presentation and Adoption.** Not later than the twenty-seventh day of the first month of the fiscal year the budget shall be presented to the council for action and if such budget is not acted upon by the council within thirty days after such presentation it shall automatically become effective.

**5. Takes Effect.** This act shall take effect upon its passage.

[Approved July 8, 1949.]

**CHAPTER 433.**

AN ACT CHANGING THE NAME OF NASHUA BUILDING AND LOAN ASSOCIATION TO NASHUA BUILDING AND LOAN OR COOPERATIVE BANK.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Change of Name.** The name of Nashua Building and Loan Association shall be changed to Nashua Building and Loan or Cooperative Bank.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved July 8, 1949.]

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**CHAPTER 434.**

AN ACT AMENDING THE CHARTER OF THE CITY OF CONCORD.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. City of Concord.** Amend section 24 of chapter 305 of the Laws of 1909 as amended by section 1 of chapter 299 of the Laws of 1929 by striking out said section and inserting in place thereof the following: Sect. 24. As soon as may be after a mayor takes the oath of office, the board of aldermen shall designate one of the aldermen-at-large as mayor *pro tempore* who shall, in the event of the mayor's absence from the city, or his disability from sickness or other cause, for such length of time as in the judgment of the mayor or of the board of aldermen renders such action necessary, thereupon have all the powers and perform all the duties of the mayor during the continuance of the latter's absence or disability, but shall not thereby vacate his office as alderman. In case a vacancy occurs in the office of mayor by death, resignation or otherwise, the person designated as aforesaid shall become mayor for the unexpired term, and shall have the same powers and duties in all respects as if elected mayor by the people, and upon his qualifying as mayor his office as alderman shall be deemed to be vacant. The powers of the person so designated

shall not extend by force of such designation beyond the term for which the mayor for the time being was elected. In case a disability or vacancy in the mayor's office shall occur before the designation herein provided for is made, the board of aldermen may make a designation of mayor *pro tempore* or mayor, as the case may be, and such designation shall thereafter have the same effect as if made before such disability or vacancy arose.

**2. Vacancies in Office; How Filled.** Amend section 25 of chapter 305 of the Laws of 1909 by striking out said section and inserting in place thereof the following: Sect. 25. In case a vacancy occurs in the office of alderman from any cause, the board of aldermen shall choose some duly qualified person not already a member of that body to fill the same. A person so chosen in place of an alderman-at-large shall thereby become a member of the board of public works, but shall not be eligible to fill a vacancy in the office of mayor or be chosen mayor *pro tempore* under the provisions of this section; and if the alderman-at-large whose place he takes was elected for a term extending beyond the fourth Tuesday of January next following the first municipal election after the occurrence of the vacancy, he shall serve only until such municipal election, and an additional alderman-at-large shall be chosen by popular vote at that election to fill the vacancy for the remainder of such term. Whenever an additional alderman-at-large is to be chosen at a municipal election by virtue of this section, the number of candidates for alderman-at-large to be nominated at the preceding primary shall be double the total number of such aldermen to be chosen at such election, the three candidates receiving the largest number of votes at such election shall be declared elected for the full term of four years, and the candidate or requisite number of candidates receiving the next largest number of votes shall be declared elected to fill the vacancy or vacancies. Vacancies occurring in the office of assessor, and, in case any officers other than mayor, alderman and assessors shall be required to be chosen by popular vote at municipal elections, vacancies occurring in such other offices, shall be filled by the board of aldermen for the residue of the unexpired term, or until the first municipal election after the occurrence of the vacancy and then by popular vote for the

balance of the term, as above provided concerning vacancies in the office of alderman and in like manner.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved July 14, 1949.]

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### CHAPTER 435.

#### AN ACT RELATIVE TO BOND ISSUE FOR THE PITTSBURG SCHOOL DISTRICT.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Proceedings Ratified.** The votes and proceedings taken by the Pittsburg School District at a special meeting held June 21, 1949, in so far as they relate to a change in the purpose for a bond issue for school purposes, are hereby legalized, ratified and confirmed and said Pittsburg School District is authorized and empowered to use the balance of the proceeds of said bond issue for the purpose of erecting and equipping a new school building in said district.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved July 22, 1949.]

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### CHAPTER 436.

#### AN ACT RELATIVE TO CAPITAL RESERVES FOR THE CITY OF MANCHESTER.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Capital Reserve Funds.** The city of Manchester may raise and appropriate money for the establishment of a capital reserve fund for the financing of all or a part of the cost of (a) construction, reconstruction or acquisition of a specified capital improvement or the acquisition of a specific item or items of equipment; or (b) the construction, reconstruction

or acquisition of a type of capital improvement or the acquisition of a type of equipment. The authority granted under this act shall be exercised by the mayor and board of aldermen only after the adoption of a capital improvement budget and program. There may be paid into any such capital reserve fund such amounts as may be raised and appropriated therefor but such amount shall not exceed, in any one year, one-tenth of one per cent of the last assessed valuation of the city. The mayor and board of aldermen may also vote to transfer to a capital reserve fund any of its unencumbered surplus funds at the end of the fiscal year, but not in excess of twenty-five thousand dollars in any twelve-month period. Any capital reserve fund so established shall be placed in the custody of the trustees of trust funds and shall be kept in a separate account. Such funds shall be invested only by deposit in some savings bank or trust company in this state, or in bonds or notes of this state. When so invested in good faith the trustees shall not be liable for any loss sustained thereby. Any interest accruing or any capital gains realized on money so invested shall become an integral part of the fund. If, after a capital reserve fund has been established for a definite purpose, it becomes apparent that it is unnecessary or inexpedient to so expend the money, the mayor and board of aldermen may, after a public hearing and by a three-fourths vote of its entire membership, transfer the unexpended funds, in whole or in part, to some other capital reserve fund. No such transfer shall take effect until it shall have been approved by the state tax commission.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved July 27, 1949.]

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### CHAPTER 437.

AN ACT TO AMEND THE CHARTER OF THE ROCKINGHAM FARMERS  
MUTUAL FIRE INSURANCE COMPANY.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Powers of the Company.** Amend section 1 of an act to incorporate the Rockingham Farmers' Mutual Fire Insurance

Company approved June 27, 1833, as amended by an act in addition to an act to incorporate the Rockingham Farmers Mutual Fire Insurance Company approved July 19, 1862, by striking out the words "insuring their respective dwelling houses and other buildings, with their contents against loss or damage by fire, whether the same shall happen by accident, lightning or any other means, except that of design in the insured, or by the invasion of an enemy, or insurrection of the citizens of this, or any other state" in said section and inserting in place thereof the following, conducting the following kinds of insurance:—

I. On property and rents and use and occupancy, against loss or damage by fire, smoke, smoke smudge, and lightning (whether such loss or damage is caused by burning or otherwise); against loss or damage by earthquake, hail, flood, rain, or drouth, rising of the waters of the ocean or its tributaries, windstorm, or other action of the elements; against loss or damage from insects, diseases, or other causes to trees, crops, or other products of the soil; explosion (other than the explosion of steam boilers or flywheels); riot, strike, or civil commotion; war, sabotage, bombardment, invasion, military or usurped power; vandalism or malicious mischief; impact by aircraft or vehicles; breakage or leakage of water pipes or other conduits or containers or against loss or damage by water entering through leaks or openings in buildings; breakage or leakage of apparatus erected for extinguishing fires and on such apparatus against loss or damage by accidental injury and against liability of the insured for loss or damage to property caused thereby.

II. On vessels, aircraft, cars or other vehicles, freight, goods, money, effects, and money loaned on bottomry and respondentia, against loss or damage from the perils of the sea and other perils usually insured against by marine insurance, or from the risk of inland navigation and transportation; and all personal property floater risks, and on motor vehicles and aircraft, excluding the liability of the insured for the death, injury, or disability of another person arising out of the ownership, maintenance, or use of motor vehicles, and aircraft, their fittings and contents and use and occupancy, against loss or damage from accident, collision, theft, or other casualty,



and against liability of the owner or user thereof for injury or damage to property caused thereby.

III. Accept and cede insurance, under contract with other companies.

IV. Such other form of insurance as is now or may hereafter be permitted by the laws of the state of New Hampshire, so that said section as amended shall read as follows:

Section 1. Be it enacted by the Senate and House of Representatives, in General Court convened, That Jacob Brown, Samuel Lamprey, Edmund Toppan, Tristram Shaw, Amos Jenness, Nathan Moulton, John Dow and their associates successors and assigns, be, and they hereby are incorporated and made a body Politic by the name of the Rockingham Farmers Mutual Fire Insurance Company, for the purpose of conducting the following kinds of insurance:—

I. On property and rents and use and occupancy, against loss or damage by fire, smoke, smoke smudge, and lightning (whether such loss or damage is caused by burning or otherwise); against loss or damage by earthquake, hail, flood, rain, or drouth, rising of the waters of the ocean or its tributaries, windstorm, or other action of the elements; against loss or damage from insects, diseases, or other causes to trees, crops, or other products of the soil; explosion (other than the explosion of steam boilers or flywheels); riot, strike, or civil commotion; war, sabotage, bombardment, invasion, military or usurped power; vandalism or malicious mischief; impact by aircraft or vehicles; breakage or leakage of water pipes or other conduits or containers or against loss or damage by water entering through leaks or openings in buildings; breakage or leakage of apparatus erected for extinguishing fires and on such apparatus against loss or damage by accidental injury and against liability of the insured for loss or damage to property caused thereby.

II. On vessels, aircraft, cars or other vehicles, freight, goods, money, effects, and money loaned on bottomry and respondentia, against loss or damage from the perils of the sea and other perils usually insured against by marine insurance, or from the risk of inland navigation and transportation; and all personal property floater risks, and on motor vehicles and aircraft, excluding the liability of the insured for the death, injury, or disability of another person arising out of the owner-

ship, maintenance, or use of motor vehicles, and aircraft, their fittings and contents and use and occupancy, against loss or damage from accident, collision, theft, or other casualty, and against liability of the owner or user thereof for injury or damage to property caused thereby.

III. Accept and cede insurance, under contract with other companies.

IV. Such other form of insurance as is now or may hereafter be permitted by the laws of the State of New Hampshire; And by that name may sue and be sued, prosecute and defend to final judgment and execution; may have and use a common seal, and the same alter or renew; may hold such real and personal estate as may be necessary to carry into effect the objects of their association, and at pleasure may dispose of the same; may establish such by-laws not repugnant to the laws of this State, as may be deemed necessary for the management of their affairs; and may have all the powers, and shall be subject to all the liabilities incident to corporations of a similar nature.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved July 28, 1949.]

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## CHAPTER 438.

AN ACT AUTHORIZING THE TOWN OF BELMONT TO ISSUE NOTES OR BONDS FOR WATER SYSTEM.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Authority Granted.** The town of Belmont is hereby authorized to issue its serial notes or bonds to an amount not exceeding fifty thousand dollars (\$50,000) for the purpose of renewing the town water system and of making additions and improvements thereto.

2. **Form; Terms.** Said serial notes or bonds shall be signed by the selectmen and countersigned by the treasurer. Said issue shall be due and payable at such times, not more than thirty years from their date of issue, and in such amounts,

and in such manner as the board of selectmen and treasurer of said town may determine at a rate of interest to be fixed by said board.

**3. Debt Limit.** The debt authorized by this act shall be exempt from the limitation imposed upon the borrowing capacity of said town by section 7 of chapter 72 of the Revised Laws.

**4. Application of Laws.** Except as otherwise provided in this act the provisions of the municipal bonds statute shall apply to the notes or bonds herein authorized.

**5. Exercise of Authority; Limitation.** The powers hereinbefore conferred upon the town of Belmont may be exercised at the annual town meetings in March 1949 or 1950 or at a special town meeting held at any time prior to December 31, 1950.

**6. Takes Effect.** This act shall take effect upon its passage.

[Approved July 28, 1949.]

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## CHAPTER 439.

AN ACT TO PROVIDE FOR MAYOR-COUNCILMEN FORM OF CHARTER  
FOR THE CITY OF KEENE.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Incorporation.** The inhabitants of the city of Keene shall continue to be a body politic and corporate under the name of the "City of Keene," and as such to enjoy all the rights, immunities, powers, and privileges and be subject to all the duties and liabilities now appertaining to or incumbent upon them as a municipal corporation. All existing property of the city shall remain vested in it, and all its existing debts and obligations shall remain obligatory upon it, under this revised charter.

**2. Wards.** The city shall continue to be divided into five wards as at present constituted, and except as herein otherwise provided the general laws relative to wards of cities, officers thereof, and voters, check-lists, elections, and jurors, therein shall be applicable to such wards.

3. **Administration of City Affairs.** The administration of the fiscal, prudential, municipal and other affairs of the city, and the government thereof, shall be vested in a principal officer to be called the mayor, and a city council. The city council shall consist of the mayor as ex-officio chairman and fifteen councilmen, sitting and acting together as a single body. The mayor shall be chosen by the qualified voters of the city at large, voting in their respective wards, and the fifteen councilmen, three from each ward to be chosen by the qualified voters thereof. A majority or eight members shall constitute a quorum for the transaction of business and the city clerk shall act as clerk of the city council.

4. **Municipal Elections.** All city and ward officers who are to be elected by the legal voters of the city or any ward therein, except moderators, ward clerks and supervisors of the check-list, shall be chosen at the regular municipal elections, holden on the Tuesday next following the first Monday of November, biennially as now established in the odd numbered years.

5. **Filing of Candidacy.** Any person qualified to be elected to any office to be filled at the succeeding municipal election shall be entitled to have his name printed upon such official ballots as a candidate for such office upon his filing with the city clerk, not later than thirty days preceding the election, his declaration in writing that he is a candidate therefor, and paying to the city clerk, if a candidate for the office of mayor, the sum of five dollars, and ward councilman or other officer to be chosen by the voters of a single ward, two dollars.

6. **Official Ballots.** The official ballots prepared by the city clerk for use at the municipal elections shall conform as nearly as may be in form and manner of folding to the ballot prepared by the secretary of state for use at general biennial elections. Upon such official ballots the names of the candidates for each office shall be grouped in the alphabetical order of their surnames, without party name or designation of any kind. Over each group shall be a statement of the office for which they are candidates and a direction as to the number of candidates to be voted for. Under each group shall be left as many blank spaces as there are persons to be elected to such office at the municipal election. At the left of each printed name shall be a square. The voter shall indicate his choice by making a cross

in the square at the left of the printed name of each candidate for whom he desires to vote, or by writing the name of any person or persons for whom he desires to vote in the appropriate blank space or spaces.

**7. Contested Elections.** Within seven days after a municipal election the council shall canvass the votes cast and the candidates receiving the highest number of votes for the offices to be filled shall be declared elected. Within seven days thereafter the council shall, subject to such rules and regulations as it may prescribe, upon request of any candidate, recount the ballots cast in the election and hear and determine any contest on the ground of fraud or misconduct therein. Decisions of the council in cases of contested elections shall be final. Tie votes for any elective office shall be resolved by lot in the manner that the council may determine. In cases arising under this section the council shall have the power to subpoena witnesses and compel the production of all pertinent books, records and papers.

**8. Terms of Office.** Terms of office shall begin from the first secular day of January next following election, and shall continue for the terms indicated below and until their successors are chosen and qualified. The mayor shall hold office for a term of two years. In the first instance only the candidate for councilman in each ward receiving the largest number of votes shall hold office for a term of four years and the two candidates in each ward receiving the second and third largest number of votes shall hold office for a term of two years. Thereafter at each municipal election the candidate in each ward receiving the largest number of votes shall hold office for a term of four years and the candidate in each ward receiving the next largest number of votes shall hold office for a term of two years.

**9. Tie Vote and Vacancies.** In case of a tie rendering impossible the determination of the choice to any office, the incoming city council at its first meeting, shall by ballot and majority vote, choose from the candidates between whom such tie exists, the person to fill such office. In case a vacancy occurs in any such office from any cause, the city council may choose some duly qualified person not already a member of that body to fill the same for the unexpired term.

**10. Organization of City Council.** The mayor and councilmen so chosen, shall meet at ten o'clock in the forenoon on the first secular day of January next following their election, in their capacity as the city council, for the purpose of taking their respective oaths of office, organizing, adopting rules for the transaction of business by such council and transacting any other business required by law or ordinance to be transacted at such meeting.

**11. Compensation.** Councilmen shall receive ten dollars for each regular council meeting upon attendance not to exceed in the aggregate two hundred dollars per year in full for their services.

**12. Takes Effect.** If an act to revise the charter of the city of Keene approved June 29, 1949 is adopted at the special election held in the city of Keene on the second Tuesday in September, 1949, then this act shall be of no effect. If the act hereinbefore mentioned shall not be adopted at said special election in September, 1949, then this act shall take effect as follows: So much as relates to the preliminaries for, and the holding and conduct of, the first municipal election under this act shall take effect immediately; for all other purposes this act shall take effect on the first day of January following the first election under this charter.

[Approved July 28, 1949.]

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## CHAPTER 440.

AN ACT RELATIVE TO THE SALARY OF THE CITY CLERK OF LACONIA.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. City Clerk.** Amend section 17 of chapter 241 of the Laws of 1893, as amended by chapter 316, Laws of 1917, chapter 271, Laws of 1921, chapter 281, Laws of 1931, and section 5, chapter 265 of the Laws of 1941, by inserting after the word "thousand" in the fifth line the words, five hundred, so that said section as amended shall read as follows: Sect. 17. The mayor and council shall, at their meeting on March 25, 1941, and thereafter biennially, on the fourth Tuesday of March, meet for the purpose of taking their respective oaths,

and shall elect a city clerk, who shall be clerk of the city council and have a salary of three thousand five hundred dollars per annum. All fees received by the city clerk shall be turned over by said clerk to the city treasurer for the use of the city of Laconia.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved July 28, 1949.]

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## CHAPTER 441.

### AN ACT RELATING TO THE CITY OF NASHUA.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. City of Nashua.** Amend section 1 of chapter 292 of the Laws of 1943 by striking out said section and inserting in place thereof the following: **1. General Retirement System.** The city of Nashua is hereby empowered to create a general retirement system, which all employees of the city of Nashua, who are not under any other system of retirement, will be eligible to become members of and receive the benefits therefrom, by complying with the requirements of said retirement system.

**2. Trustees.** Amend section 2 of chapter 292 of the Laws of 1943 by striking out said section and inserting in place thereof the following: **2. Corporation Created.** The mayor and board of aldermen under the powers granted in section 1, may create a general retirement system, which shall have the powers, privileges and immunities of a municipal corporation and shall be given such appropriate title as the mayor and board of aldermen may designate. All of its business shall be transacted, all of its funds invested, and all of its cash, securities and other property held in trust, for the purposes for which received and in the name designated as the title for said retirement system. The mayor and board of aldermen shall elect a board of trustees, the number of and tenure of office to be determined by the mayor and board of aldermen, which board of trustees shall have the control of and the duty of administering the affairs of said general retirement system.

3. **Powers of City.** Amend section 3 of said chapter 292 of the Laws of 1943 by striking out said section and inserting in place thereof the following: **3. Powers of the Board of Mayor and Aldermen.** For the purpose of this act, the city may raise and appropriate money; may accept money or other property to be held in trust and invested and reinvested under the direction of the board of trustees, and use the income thereof; may enter into contracts of insurance or annuity with insurance companies admitted to do business in New Hampshire to effectuate the purposes of this act and pay the premiums for such contracts from moneys coming into its possession under the terms of this act.

4. **Salary of Clerk.** Amend section 1 of chapter 341 of the Laws of 1947 by striking out said section and inserting in place thereof the following: **1. Clerk of Finance Committee.** From and after the thirty-first day of December 1946, the salary of each ward alderman of the city of Nashua shall be one hundred dollars per year, payable in equal quarterly payments, the salary of each alderman at large of said city shall be two hundred dollars per year, payable in equal quarterly payments, provided the alderman at large who acts as clerk of the finance committee shall receive, in addition to his salary as such alderman, an additional sum of one hundred dollars per year, payable in the same manner.

5. **Takes Effect.** This act shall take effect upon its passage.

[Approved July 28, 1949.]

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## CHAPTER 442.

AN ACT RELATING TO THE CHARTER OF THE CITY OF PORTSMOUTH.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **New Charter.** Sections 1 to 74 inclusive of chapter 398 of the Laws of 1947 are hereby repealed (except as otherwise provided in section 94 of the following charter) and the city of Portsmouth shall be governed by the following charter.



## Part 1

### The Corporation

**1. Corporate Existence Continued.** The inhabitants of the city of Portsmouth shall continue to be a body politic and corporate under the name of the "City of Portsmouth," and as such shall exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations now incumbent on or pertaining to said city as a municipal corporation.

**2. Rights and Obligations Saved.** All existing property now of said city of Portsmouth shall be vested in said city under the provisions of this charter, and all debts and obligations of said city shall be considered and shall continue for all purposes the debts and obligations of said city of Portsmouth, under this amended charter.

**3. Wards.** Said city of Portsmouth shall continue to be divided into five wards as at present constituted; Ward 1 shall contain all that part of said city included within a line commencing at the center of the waterway under the Portsmouth and Dover railroad track, where it crosses from Noble's island to Freeman's point and thence continuing along the Piscataqua river northerly to Gosling road; thence running westerly through the center of Gosling road to the line between Newington and Portsmouth; thence by said line between Newington and Portsmouth to Rockingham avenue, so-called, formerly called "The New Road," thence along the center of said Rockingham avenue, formerly called "The New Road," to Woodbury avenue at the junction of Woodbury avenue and Myrtle avenue; thence turning and running through the center of said Woodbury avenue to the junction of said Woodbury avenue and Dennett street; thence turning and running through the center of Dennett street to Maplewood avenue; thence turning and running through the center of Maplewood avenue to the center of the North Mill bridge, so-called; thence turning in a straight line southerly across the North Mill pond, so-called, to the center of the junction of McDonough and Dover streets, so-called; thence through the center of Dover street to Islington street; thence easterly through the center of Islington street to the center of Congress street; thence running through the center of Congress street to Market square; thence through the center of Market square and Market street to Deer street;

thence turning and running westerly through the center of Deer street to Vaughan street; thence turning and running northerly through the center of Vaughan street to the intersection of Vaughan street and Raynes avenue; thence by direct line from said intersection of Vaughan street and Raynes to the point begun at.

Ward 2 shall contain all that part of said city included within a line beginning at the intersection of Chapel street and Daniels street and thence running through the center of Daniels street to the center of Market square; thence through the center of Market square to Congress street, through the center of Congress street to Islington street, through the center of Islington street to Columbia street, thence through the center of Columbia street to State street; thence through the center of State street to Cass street, thence through the center of Cass street to Middle street provided, however, that all residences on the westerly side of Cass street between State and Middle streets including also those residences on Friend street shall be in ward 2, thence from the junction of Cass street and Middle street through the center of Middle street through to the intersection of Middle road and Lafayette road, provided, however, that all residences on the northerly and westerly side of Middle street between Cass street and the intersection of Middle road and Lafayette road shall be in ward 2; thence running from said intersection of Middle road and Lafayette road through the center of Lafayette road to the intersection of South street; thence turning and running through the center of South street to the junction of Junkins avenue; thence turning and running through the center of Junkins avenue northerly to the junction of said Junkins avenue and Pleasant street; thence turning and running again northerly through the center of said Pleasant street to the junction of Court and Pleasant streets; thence turning and running in an easterly direction through the center of said Court street to Atkinson street; thence turning and running northerly through the center of Atkinson street to State street; thence through the center of State street to Chapel street; thence through the center of Chapel street to the point begun at.

Ward 3 shall contain all that part of said city which lies northerly and westerly of wards 1 and 2 and westerly at the center of Lafayette road.

Ward 4 shall contain all that part of said city which lies southerly and easterly of wards 2 and 5, including all the islands except Noble's island.

Ward 5 shall contain all that part of said city included in a line beginning at the intersection of Daniels street and Chapel street and thence running westerly through the center of Daniels street to Market square; thence through the center of Market square and Market street to Deer street; thence turning and running westerly through the center of Deer street to Vaughan street; thence turning and running northerly through the center of Vaughan street to the intersection of Vaughan street and Raynes avenue; thence by direct line from said intersection of Vaughan street and Raynes avenue to the center of the waterway under the Portsmouth and Dover railroad track where it crosses from Noble's island to Freeman's point; thence southerly along the Piscataqua river to a point along the shore of said river opposite the center of the foot of Gardner street; thence across Mechanics street through the center of Gardner street to Marcy street, formerly called Water street; thence along the center of Marcy street to its intersection with the street, lane, or place which runs over Meeting House Hill, so-called, on the northerly side of the South ward room, so-called; thence turning and running northerly through the center of Manning street to the intersection of Howard street; thence turning and running westerly by the center of said Howard street to the junction of Washington, Howard and Pleasant streets; thence turning and running in a northerly direction in the center of Pleasant street to the intersection of Court and Pleasant streets; thence turning and running in an easterly direction by the center of said Court street to Atkinson street; thence turning and running northerly through the center of Atkinson street to State street; thence through the center of State street to Chapel street, thence through the center of Chapel street to the point begun at.

## Part 2

### Mayor

4. **Mayor, How Elected.** The mayor shall be elected biennially by plurality vote by the qualified voters of the city at large, voting in their respective wards, and shall hold office

for the two municipal years next following his election and until his successor is elected and qualified.

**5. Duties of Mayor.** The mayor shall preside in the city council, but shall not vote, except in case of equal division. He shall nominate all committees customarily appointed in the administration of city affairs by the mayor and city councils, subject to the approval of the council.

**6. Veto Power of Mayor.** The mayor shall have a negative upon all legislative and executive action in the administration of the fiscal, prudential and municipal affairs of the city, but not in any case where the council acts in a judicial or quasi-judicial capacity, nor where its acts concern its own membership or relate to the time, manner or order of its sessions or procedure, or to its election or appointment of any person or persons to any office established by statute or the city ordinances which is to be filled by the council. The veto of the mayor shall be exercised within seven days after the act done or vote passed, and not thereafter, and no vote can be passed over his veto except by a vote of two-thirds, at least, of all the councilmen elected.

**7. Powers of Mayor; Veto.** The mayor of said city shall have a negative upon the action of the councilmen in laying out highways and streets, and no vote relating to these subjects can be passed over his veto unless by a vote of two-thirds, at least, of all the councilmen elected.

**8. Municipal Year.** The mayor and council shall meet for the purpose of taking the oaths of their respective offices at ten o'clock in the forenoon on the first week day of January next following their election. The first week day of January of each year shall be the beginning of the municipal year.

### Part 3

#### City Council

**9. City Council.** The administration of all fiscal, prudential, and municipal affairs of said city, and the government thereof, shall, except as herein otherwise provided, be vested in one principal officer to be called the mayor, and one board consisting of nine members to be called the councilmen. The mayor and councilmen shall sit and act together and compose one body, and in their joint capacity shall be called the city council.

**10. Councilmen, How Elected.** The councilmen shall be elected biennially by plurality vote, one from each ward, and four at large, and shall hold office for the two municipal years next following their election, and until their successors are elected and qualified. The four at large shall be voted for by the voters, voting in the same manner as the mayor is voted for.

**11. Councilmen not to Hold Other Offices, etc.** No councilman, while in office, shall be elected or appointed by the mayor or city council to any office of profit. Nor shall any councilman while in office, receive any pay or compensation of any sort, either as councilman or for any other personal service rendered for the benefit of the city, or be employed by the city, or any department, or branch thereof, for any compensation, excepting that this provision shall not apply to members of the fire department.

**12. Dealings of Councilmen with City.** No councilman, or other official of the city shall sell to or buy from the city any goods or commodities while in office other than by open competitive public bid.

**13. Powers of City Council.** The city council created by this act shall, except as herein otherwise provided, have all the powers, and do and perform, in reference to each other or otherwise, all the duties which mayors, board of aldermen and common councils of cities are by law authorized or required to do and perform either separately or otherwise; and all provisions of statutes pertaining to the duties or powers of aldermen or common councils, separately or otherwise, shall be construed to apply to said city council, unless a contrary intention appears in this act.

**14. Salaries.** The city council of the city of Portsmouth is hereby empowered to fix the salaries to be paid to all officials and agents of said city of Portsmouth, except the salaries to be paid the police officers, judge of the municipal court, and school teachers and officials under the jurisdiction and authority of the board of instruction of said Portsmouth.

**15. Procedure to Fix Salaries.** No ordinance of said city council relating to salaries as above provided for shall be valid until it has had three separate readings in said council, only one reading at any meeting of said council, and at least one week to elapse between each of said meetings, and shall have

received the votes of at least two-thirds of all the members elected to said council upon its final passage.

**16. Election of City Officials by City Council.** The city council shall annually on the second Thursday of January choose by roll call vote, by majority vote, a city clerk, a chief engineer of the fire department and assistant engineers, a city messenger, a city treasurer, a collector of taxes, a city auditor, a city solicitor, an overseer of the poor, and such other officers not otherwise provided for who are by law or ordinance required to be chosen. When any vacancy shall occur in any of said offices, it shall be filled by the city council in like manner.

#### Part 4

##### Assessors

**17. Board of Assessors; Election, Duties, and Tenure of Office.** There shall be in said city a board of three assessors who shall have all the powers and perform all the duties given to and imposed on assessors of taxes by the laws of the state. The salaries of the members of said board of assessors shall be governed by the ordinances of said city. The members of said board of assessors shall be elected biennially by the qualified voters of the city at large, by plurality vote, in the same manner as councilmen at large are elected and shall hold office for the two municipal years next following their election, and until their successors are elected and qualified.

**18. Organization and Hours.** Said board shall organize by choosing one member thereof chairman and one member thereof clerk. The clerk shall devote not less than six hours per day to the business of the board, Sundays and holidays excepted. Reasonable leaves of absence may be allowed by the board.

**19. Offices.** Said board shall be entitled to a separate room for its exclusive use. If there be no suitable space available in the city building, the city council shall provide a suitable office elsewhere, with heat, light, telephone, and necessary furniture. Said board shall be the judge of suitability, but shall not involve the city in unreasonable expense.

**20. Business Hours.** The office of said board shall be open on all regular business days and in business hours. The clerk shall be in attendance at such times and place, and at

least one other member of the board shall be in attendance during business hours, for at least half of the year. Said board shall hold meetings for the transaction of business at least three times a week during the entire year, which meetings shall be held at the office provided for that purpose and in business hours, and shall hold as many additional meetings in the daytime or evening as may be necessary to give all taxpayers an opportunity to be conveniently heard.

**21. Disqualification.** No member of the board of assessors shall have a voice or a vote in the appraisal for purposes of taxation of any property in which he is interested either as owner, agent, attorney, stockholder, or employee. Violation of this rule shall constitute cause for removal from office by the city council after due hearing and reasonable proof.

**22. Clerical Expense, etc.** The city council shall make such appropriation as shall seem to them just and necessary for the employment of clerical assistance and for such other expenses as may be necessarily incurred by said board of assessors for the prompt and efficient discharge of the duties of their office.

**23. Vacancy.** If any vacancy shall occur in the board of assessors the city council shall fill it for the remainder of the term, and the city council may remove any member of said board at any time for cause, after due hearing.

## Part 5

### Auditor and Treasurer

**24. City Auditor; Duties.** The city auditor shall keep a record of the general financial condition of the city, of the amounts appropriated for each branch, board or department thereof, and of the receipts and expenditures of each branch, board or department. He shall twice in each year, and oftener if necessary, audit the accounts of all city officials, commissions and boards who receive, handle, or expend any moneys of the city, and shall report thereon to the city council twice in each year, and oftener if required. The city auditor shall give his entire time to the duties of the office.

**25. Bills Audited.** No bill against the city shall be ordered paid by the city council, or paid by the city treasurer, until the auditor shall have approved the same and certified

to said city council whether or not said bill was lawfully contracted; whether or not if it is for goods or materials, the prices charged are reasonable; also whether or not the goods were actually received by the city, and whether such bill is in favor of a person or party legally entitled to receive the same under the provisions of this act. He shall perform such other duties as are now or may hereafter be required by ordinance or by the city council.

**26. Approval of Bills by City Auditor.** All purchases in excess of one hundred dollars shall be by competitive bids, which shall be opened publicly, and a copy of the specifications, with tenders submitted, shall be filed forthwith with the city auditor. All bills and claims for the expenditures connected with the waterworks, or any department herein referred to, shall be approved by the board of public works in writing. Such bills and claims shall go to the city auditor who shall determine if the same have been legally contracted. Upon certification by the auditor and record, payment shall be made by the city treasurer.

**27. False Audit Penalty.** If the auditor shall knowingly make any false certification in any case provided for in section 25, or shall approve any bill when the appropriation from which the same should be paid is exhausted, he shall be fined not exceeding two hundred dollars or imprisoned not exceeding six months, or both.

**28. Unauthorized Payment Penalty.** If the treasurer shall pay any money from the city treasury, except an order of the city council after approval by the auditor, which order of the city council shall be certified to by the mayor, he shall be fined not exceeding two hundred dollars or imprisoned not exceeding six months or both, and he shall be personally bound to refund to the city any sum so paid.

## Part 6

### Board of Health

**29. Board of Health; Created.** There shall be in said city a board of health, consisting of three members, the chairman of which shall be a physician in active practice and shall be the city physician. The city council on the second Thursday of January, 1950, shall by roll call vote, by majority vote, elect three persons as members of said board, one of whom



shall serve for three years, one for two years, and one for one year and until their respective successors are chosen and qualified; the city council shall thereafter on the second Thursday of January choose by roll call vote one member of the board of health, who shall serve for three years and until his successor is chosen and qualified. The salaries of the members of the board of health shall be established by the city council, and the salary of the chairman of said board shall include his services in full as chairman of the board of health, and his services in full as city physician. Neither the city physician, nor the members of the board of health shall receive from the city or any department thereof any other compensation for services rendered to the city, or any department of the city, or in any form or for any purpose whatever. Said city physician and said board of health shall have no power to incur any expense whatever in behalf of the city without first submitting estimates of the same to the city council and being authorized by the city council to undertake the expenditures.

**30. Jurisdiction.** The board of health created by section 29 shall have jurisdiction over all the harbor of the Piscataqua which lies up the said harbor, below the most westerly and northerly line of said Portsmouth, and thence down said harbor to the ocean, so far as the jurisdiction of this state extends seaward, or over said harbor below said westerly and northerly line of said Portsmouth, and said jurisdiction shall be exclusive; and no health officers of any other town in this state shall have jurisdiction over the waters of said harbor within said limits.

**31. Powers and Duties.** The powers and duties of said health officers shall be such as are prescribed by the laws of this state, or by the ordinances of said city of Portsmouth; and the city council of said Portsmouth are hereby empowered to pass all such ordinances and regulations with such fines and penalties for breach thereof, as they shall think fit, in reference to said harbor, and in regard to quarantine, and place for quarantine-ground within the waters of said harbor, and for the due government of said harbor in reference to the preservation of the health of the citizens of this state, with such fees and compensation as they shall deem fit and proper; and said health officers shall see that said ordinances, rules, and

regulations are properly carried out and enforced over the whole of said harbor within said limits.

**32. Composition.** A majority of said board may act in any case.

**33. Independence and Tenure.** Said board of health, when appointed, is not to be subject to the control of said board of mayor and council, but shall be independent thereof, so long as they shall continue to hold said office; and said board shall continue each year in office until a new board is chosen and qualified in their stead, unless one or more are removed for due cause, shown on due notice and hearing, or by death, in which case others shall be appointed to take the place or places of those thus removed.

**34. Removal.** The power of removal for due cause shown shall be by a vote of a majority of the board of mayor and councilmen, present at a meeting duly called, after a hearing of the case on due notice.

**35. Harbor-Master.** The city of Portsmouth shall annually choose a harbor-master, whose duty it shall be to oversee said harbor and river, and to inquire into and prosecute for all offenses under section 37.

**36. Fee.** The harbor-master of the city of Portsmouth, when called upon to decide any question or controversy arising between the officers of the different vessels which may be lying at anchor in the harbor, or at the wharves of the city of Portsmouth, shall be entitled to a fee of not less than one dollar for his services, and the same shall be paid to him by the officer of the vessel against whom he may decide.

**37. Dumping in Harbor.** If any person shall unload, cast or throw out of any ship, vessel or boat, or from shore or wharf, any ballast, rubbish, gravel, earth, dirt, ashes or filth into the harbor, or river of Piscataqua, between the lighthouse at the entrance of said harbor and Dover Point bridge, so-called, up said river, or aid and assist therein, he shall be fined not more than ten dollars.

### Part 7

#### Public Works or Street and Water Departments

**38. Board of Street Commissioners.** There shall be in said city a board of street commissioners consisting of three

members who shall be elected at the municipal election and who shall hold office for two municipal years next following their election and until their successors are elected and qualified.

**39. Organization.** The mayor, ex-officio, shall be chairman of the board, and they shall elect a clerk, and keep a record of their proceedings, issue all notices and attest all such papers and orders as said board shall require.

**40. Report.** The said board shall make a detailed report of their doings quarterly to the city council. The records of said board shall at all times be open to the inspection of the citizens of the city.

**41. Powers.** The said board shall have the powers and perform the duties now by law vested in and imposed on the board of water commissioners, except as herein provided. They shall also have jurisdiction, authority and control over the department of streets, highways, bridges, sewers, public parks, playgrounds, and the care of all buildings and property pertaining thereto.

**42. Oath and Removal.** Said board shall be sworn to the faithful discharge of their duties. They may be removed by the city council, for cause, after a hearing on due notice.

**43. Vacancies.** A vacancy in said board may be filled by appointment by the mayor confirmed by the city council, but if vacancy is unfilled prior to November first, it shall be filled at the succeeding municipal election.

**44. Appointments.** The said board may appoint a superintendent of waterworks, a superintendent of streets, and such other agents and employees as they may deem necessary, and may fix their compensation.

**45. Rules and Regulations.** They may make such rules and regulations for their own government and in relation to all officers and agents appointed by them as they may deem proper, and a copy of same shall be filed with the city clerk within thirty days after adoption.

**46. Disbursements.** All moneys received in any way on account of the water-works shall be paid into the city treasury and shall be kept and applied exclusively for the uses of said water-works, including the payment of the bonds issued for water purposes, and the interest thereon, until said bonds are

paid, after which time any surplus may be turned into the general revenue fund.

**47. Accounts.** The accounting system of the department shall meet the requirements of the city auditor and the fiscal year of the department shall correspond with the municipal year. The city auditor and the city treasurer shall keep the accounts relating to the water-works separately and distinctly from all other receipts and expenditures.

**48. Annual Estimates.** Annually before the first of February said board of street commissioners shall submit to the city council estimates in detail, giving amounts required to maintain the water-works, streets, highways, bridges, sidewalks, parks and playgrounds, and the city council shall make such appropriation as shall seem to them just and necessary, and no transfer therefrom shall be authorized except by resolution of the city council, and said board shall not be authorized to expend any money in excess of funds available therefor. Any member of said board who shall violate any of the provisions of this section shall be removed from office by the city council after due hearing.

**49. Compensation.** The annual compensation of said board of street commissioners shall be three hundred and fifty dollars for the member chosen clerk, and three hundred dollars each for the other two members.

**50. Rights in Aqueduct Property.** Said city shall possess the rights, powers, privileges, franchises, and property of said proprietors of the Portsmouth Aqueduct in the same manner as if the same had been originally granted to said city.

**51. Eminent Domain.** If it shall become necessary or convenient for said city in the enlargement and improvement of said water-works, or in the construction of other water-works and obtaining other supplies of water, to acquire additional lands, water rights, easements, and privileges, said city may purchase the same of the owners thereof, or, if unable to agree upon a price to be paid for such lands, water rights, easements, or privileges, with the owner or owners thereof, said city may apply to the superior court at any trial term thereof in the county of Rockingham, by petition, to appraise the value of such lands, water rights, easements, or privileges in such manner as may seem to said court just and lawful and said court may order. And upon filing such petition, and

serving such notice thereof as the court may order upon the owner, such lands, rights, easements, and privileges shall be vested in said city, and said court may issue execution for the value thereof, when fixed, with interest.

**52. Management of Water-Works; Report.** They shall have the control and management of the construction and enlargement of said works, and may make all such contracts and agreements for and on behalf of the city in relation thereto as they may deem proper and advisable, and shall have full charge and control over the said works when enlarged and constructed. They shall establish rates and tolls and prescribe rules and regulations for the use of water, and may sell and dispose of such articles of personal property connected with said works as they shall deem expedient, and may purchase such property as may be in their judgment necessary for said works and the purposes contemplated by this act; and they shall annually make a report to the city council of the condition of the water-works and the funds belonging to their department and the expenses and income thereof, which shall be published in the city report of each year.

**53. Disposition of Receipts; Separate Account.** All moneys received in any way on account of said water-works shall be paid into the city treasury and shall be kept and applied exclusively for the uses of said water-works, including the payment of the bonds issued under this act and the interest thereon; and all bills and claims for expenditures connected with said works shall be approved by the board of water commissioners before they are paid by the treasurer. And the city treasurer shall keep his accounts relating to the water-works, including said bonds, separately and distinctly from all other receipts and payments.

**54. Sale of Real Estate; Application of Proceeds.** And whereas a portion of the real estate composing a part of the property purchased by the city of the stockholders of the proprietors of the Portsmouth Aqueduct may be found unnecessary for the maintenance and use of the water-works by the city, and it may be advisable to sell the same, the water commissioners, with the approval and consent of the city council, are hereby authorized and empowered to make sale of the same, and a deed executed by the mayor of said city under said authority shall pass title to the purchaser of such real

estate. The funds derived from such sale shall be applied to the reduction of the bonded debt, hereby authorized; and said commissioners may establish a sinking fund therefrom and from any surplus income arising from the receipt of said works.

**55. By - Laws and Ordinances.** Said city is hereby authorized and empowered through its city council to establish all needful by-laws and enact such ordinances as may be required to prevent any defilement or pollution of the waters of any springs, ponds, streams, or reservoirs from which it may take water, and of the water that enters its works; and may prevent the use of its hydrants and reservoirs by any person except those duly authorized by the board of water commissioners, and may annex penalties not exceeding twenty dollars for any single violation thereof, to be recovered as provided in section 15 of chapter 66 of the Revised Laws.

**56. Vacations.** All employees of the water-works department, public works department, and the parks, commons and playground department of the city of Portsmouth shall be allowed seven days vacation each year without loss of pay after working twelve consecutive months.

**57. Enforcement.** It shall be the duty of the commissioners of said departments to enforce the provisions of this subdivision.

**58. Lien for Water Rates.** All charges as water rates for water furnished to patrons in the city of Portsmouth shall become a lien upon any real estate where said water is furnished, and said lien shall continue for one year from the last item charged in said water rates; and said lien may be enforced by suit in behalf of said city ordered by the board of public works against the owner or owners of such real estate. The record in the office of said board of public works of the water rates and charges for water furnished as aforesaid shall be sufficient notice to maintain suit upon such lien against subsequent purchasers or attaching creditors of said real estate.

**59. Sale of Water to New Castle.** The town of New Castle, its successors and assigns, is hereby empowered to purchase, receive, take, hold, and enjoy from the city of Portsmouth the franchise, rights and privileges to lay water pipe through the streets of said New Castle, and to maintain the same and to supply the inhabitants of said New Castle with

water, and the city of Portsmouth is hereby authorized to sell the same.

### Part 8

#### Police Department

**60. Police Department.** The provisions of chapter 148 of the Laws of 1913 relative to the appointment, powers and duties of the police commission for the city of Portsmouth shall continue in full force and effect.

**61. Authority Given.** The board of police commissioners of the city of Portsmouth, by the affirmative vote of a majority of the members, may at the request of any member of the police department, or at the request of the chief of police, retire from service for one year any member of the police department, who, in the judgment of said board has become disabled for useful service while in the actual performance of duty; or any member who has performed faithful service in the department for a period of not less than twenty consecutive years; and may grant a pension to such retired member for a period not exceeding one year at a time. No such member shall be granted a pension unless it shall be certified to the said board of police commissioners in writing by the city physician, that such member is permanently incapacitated either mentally or physically from performing his duty as a member of the department. In case of total permanent disability caused in or induced by the actual performance of his duty, the amount of said pension shall be one-half of the annual compensation of the office from which he is so retired. The pension of a member who has served twenty or more consecutive years shall be one-half of the annual salary or compensation of the office from which he is retired.

**62. Temporary Employment.** The said board of police commissioners are hereby authorized in case of emergency to call upon any person so pensioned for temporary service in the department for which he is fitted and during such service he shall be entitled to full pay.

### Part 9

#### Poor Department

**63. Overseer of the Poor.** The city council shall annually on the second Thursday of January choose by roll

call vote, by majority vote, an overseer of the poor who shall not be engaged during his term of office in any mercantile business or be an employee of any person, firm, or corporation so engaged. Said overseer shall have the powers and duties of the present board of overseers of the poor, and shall keep a detailed account of his receipts and expenditures authorized by him as such overseer and in detail of the persons and purposes for which such expenditures were made. If during his term of office the overseer of the poor becomes disqualified the city council shall elect his successor.

## Part 10

### Registration and Elections

#### Registration

**64. Board of Registrars Provided For.** There shall be chosen at each biennial election a board of registrars of voters for the city of Portsmouth, which board shall be composed of seven members, apportioned among the wards in said Portsmouth as follows: In ward one, two members of said board, who shall be legal voters in said ward; in ward two, two members, who shall be legal voters in said ward; in ward three, one member, who shall be a legal voter in said ward; in ward four, one member, who shall be a legal voter in said ward; and in ward five, one member, who shall be a legal voter in said ward; to be chosen by the voters of said wards by a plurality vote; and the members so chosen shall continue in office until their successors are chosen and qualified. Any vacancy occurring in said board may be filled by the remaining members by their appointing under their hands some person who is a legal voter in the ward in the membership of which the vacancy happens.

**65. Meetings of Board of Registrars.** The board of registrars of voters of the city of Portsmouth shall be in session at the city hall for the purpose of revising and correcting the list of voters, for six days before the biennial state election and for three days before other elections, within one month next preceding the day of election, the last session for registration to be held on the third Monday preceding the day of election. Said sessions shall continue from nine o'clock to twelve o'clock noon, from two o'clock to five o'clock in the afternoon and from seven o'clock to nine o'clock in the evening



of said days, the times and place of said meetings to be advertised in a newspaper published in Portsmouth for at least three days prior to the first meeting. Said board shall also meet on the Friday preceding the day of election and on election day, as hereafter provided.

**66. Further Duties and Oath.** In preparing the list of voters, said registrars shall record the first or Christian name of each voter in full, but may use initial letters to designate the middle name or names of any voter; they shall also record against the name of each voter the name of the street, and the number of the dwelling if numbered, in which said voter resides; if not numbered, then such description as shall indicate as nearly as possible the residence of such voter.

Before the list is posted in each ward the registrars shall take and subscribe before a notary public or justice of the peace the following oath, the blanks being first properly filled, which oath shall be upon each posted list and upon each copy thereof used at the election, to wit:

We, the board of registrars of voters of the city of Portsmouth, do solemnly swear that, according to our best knowledge, the within list contains the names of those persons only who are by actual residence legal voters in Ward . . . in said city. So help us God.

The magistrate before whom said oath is taken shall make on the face of said check-list a certificate thereof.

**67. Perjury and Fraud.** Any registrar who shall swear falsely in taking the oath upon the check-list prescribed by this act shall be taken and deemed to be guilty of perjury, and shall be liable to the punishment prescribed therefor; and if any registrar appointed under the provisions of this act, or hereafter elected to said office, shall wilfully, fraudulently, or wickedly place upon any check-list the name of any person who is not qualified to be put thereon as a legal voter in the ward to which the check-list belongs, or shall consent thereto, or suffer or permit the name of any person, not a lawful voter in the ward, to be or remain on the check-list, or shall refuse to place upon such check-list the name of any person who is a legal voter in the ward, or shall neglect or refuse to attend to the duties of his office, or to hear fairly and fully all applications for the corrections of any check-list, or shall in any way conduct himself dishonestly, unfairly, or unjustly in the

discharge of the duties of his office, he shall be punished by imprisonment in the county jail not exceeding six months, and by fine not exceeding five hundred dollars, to the use of the county of Rockingham.

**68. Alteration on Check-List; Duties of Clerk.** If the moderator, selectmen, or ward clerk, or any other person, shall alter any check-list after the same shall have been delivered by the board of registrars of voters to the ward clerk by adding any name or names thereto, or erasing any name or names therefrom, or in any way changing the lists, such officer or person so offending shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months. The clerk of each ward shall make out a fair and exact copy of the record of all votes given in at the biennial meeting for the election of representatives to the general court, and shall certify upon said copy that the check-list was used during the balloting on which such representatives were chosen, and that the same is a true copy of said record, and shall seal said copy, and direct and deliver the same as required by the Revised Laws, with a superscription upon the same expressing the purport thereof, within two days after such meeting.

**69. Police.** The polices commissioners of said city shall detail an officer or officers to attend upon said board during its sessions, to preserve order and obedience to law.

### Elections

**70. Election of Officers in 1949.** The legal voters of the city of Portsmouth shall meet on the second Tuesday of December, 1949 and biennially thereafter on the first Tuesday after the first Monday of November for the choice of mayor, councilmen, members of the board of assessors and members of the board of street commissioners, all of whom shall be elected for a term of two years, and for choice of six members of the board of education who shall be elected for a term of four years. All persons elected shall take office on the first weekday of January next following their election. Said elections shall be held and conducted in the same manner as is prescribed by law for the biennial election.

**71. Check-List for City Elections.** The board of registrars of voters shall make up and post for said elections, and for every subsequent municipal election in November, a list of

the legal voters of said city in the same manner in which they are now required by law to do.

**72. Canvass of the Votes.** The city council shall meet on the Thursday next following the second Tuesday of December, 1949, and on the Thursday next following the first Tuesday after the first Monday of November, 1950, and biennially thereafter on the Thursday next following the first Tuesday after the first Monday of November, for the purpose of receiving and examining the vote for mayor, councilmen, members of the board of assessors, board of street commissioners and board of education, and to take such action thereon as may be required by sections 2, 3, and 4 of chapter 63 of the Revised Laws, and said sections of said chapter shall also apply to the election of councilmen at large and members of the board of assessors, board of street commissioners and board of education.

**73. Biennial Elections; Officers to be Chosen.** At the election to be held in December, A.D. 1949, and at each biennial election thereafter, there shall be chosen in each ward in said city a ward clerk, a moderator, and three selectmen, who shall exercise in their respective wards all the powers and perform all the duties of such officers in towns, and such additional duties as may be imposed by this act, and each of said officers shall continue in office until his successor is chosen and qualified.

**74. Ballots; Preservation.** All the ballots cast at a biennial municipal election shall be kept by the city clerk, sealed, for two months, and may be opened during said two months upon a request for a recount by any candidate voted for at the election at which they were cast, or upon requirement of any court or committee of the city council or at the request of the city council.

**75. Absentee Voting.** Any legal voter of said city who is absent from said city on the day of the meeting for the election of city and ward officers, held in December, 1949, and in November biennially thereafter, or who, by reason of physical disability, is unable to vote in person at said meeting, may vote at said election by so-called absentee ballot. The provisions of sections 61 to 75 of chapter 34 of the Revised Laws as amended, so far as applicable hereto and not inconsistent herewith, shall apply to such absentee voting in said city, provided that the city clerk shall prepare the forms and

ballots for such voting and said clerk shall also prepare the instructions required in section 74 of said chapter 34, as amended.

## Part 11

### School Department

**76. One District.** The city of Portsmouth shall constitute one school district.

**77. Board of Education; Election, Duties, Tenure of Office.** There shall be in said city a board of education consisting of the mayor ex-officio and twelve other members which board shall have the powers and perform the duties now by law vested and imposed on the board of education of said city.

The members of said board of education shall be elected at the biennial election by the qualified voters of the city at large, by plurality vote, in the same manner as councilmen at large are elected, and biennially thereafter at the regular municipal election six members shall be elected in the same manner and shall hold office for the four years next following their election, and until their successors are elected and qualified.

**78. Board of Education.** The present members of the board of education shall continue in office until the expiration of the terms for which they were elected.

**79. High School.** There shall be kept and maintained in the city of Portsmouth in addition to the schools of a lower grade, at least one high school, in which shall be taught all the branches usually taught in such school, with such additional branches as the city may direct.

**80. Control of Schools.** The board of education shall have the entire control and supervision of all the public schools in the city, and may exercise said control by means of sub-committees or otherwise; and it shall be their duty to arrange, as nearly as possible, a uniform system of studies and vacations in all the schools of the same grade.

**81. Electing Teachers; Report.** The board of education shall appoint, from time to time, such teachers as they may deem expedient, prescribe their duties and affix their salaries; and shall, on the first day of January in each year, render to the mayor and aldermen a full and particular report of the receipts and expenditures for the year; the number of scholars under their control; the number of pupils of each sex belong-

ing to each school; the average number of each sex attending school; their ages, the various branches of study taught in each school, and such other matters as may serve to present a general view of the condition of each school.

**82. Control of Money.** All moneys appropriated for the support of public schools shall be subject to the control of the board of education who shall cause the same, or any part thereof, to be expended for the benefit and welfare of the schools.

**83. Treasurer.** The board shall appoint a treasurer, whose duty it shall be to draw from the city treasury, at such times as they may direct, the money appropriated for the support of schools, and to disburse the same, under the direction of the board. Said treasurer shall give bonds, if required by the board, in such sum as they may fix for the faithful performance of his duties.

**84. Estimate.** It shall be the duty of the board to present to the city council, on or before the first day of April in each year, an estimate of the amount of moneys required for the schools during that year.

**85. Nomination of Superintendent.** The superintendent of public instruction, otherwise called the superintendent of schools in the city of Portsmouth, shall hereafter be nominated by the board at its regular monthly meeting in May, or as soon thereafter as is practicable in each year, instead of in the month of July as now provided; and he shall hold his office for one year from the first day of July next following said month of May or until his successor is elected and qualified in his stead.

**86. Superintendent; His Duties and Compensation.** If any vacancy shall occur in said office by resignation or otherwise, said board shall fill the same. Said superintendent shall exercise the general supervision of the public schools in said city under the direction of the board, and shall perform such duties as relate to the visiting of schools, and shall assist in the examination of teachers and scholars. He shall make an annual report to the board at such time as said board shall determine, and shall report the proceedings and the condition and progress of the schools to the said board as often and in such manner as they may require. In addition he shall serve as secretary of the board; and for his service as superintendent

and secretary he shall receive such compensation as said board may determine.

### **Retirement**

**87. Retirement from Active Service.** The mayor and city council of the city of Portsmouth may, at the request of the superintendent of schools, and two-thirds of the members of the school board actually voting in favor thereof, retire from active service any teacher or other employee of the public schools who has performed faithful service as such teacher or employee in said Portsmouth for a period of at least thirty consecutive years, and may grant a pension to such retired teacher or employee for a period not exceeding one year at a time. The mayor and city council may, in the same manner, grant a pension, for the same period to any former teacher or employee of the public schools of said Portsmouth who has performed faithful service as such teacher or employee for a period of at least thirty consecutive years. The mayor and city council may also grant a pension for the same period to any teacher or employee who has performed faithful service in the schools of Portsmouth for at least fifteen years and has thereafter been forced to retire from active work on account of illness, or any other form of disability, in the amount not to exceed such fractional part of the amount that might be granted after thirty years of service as his actual full years of service bears to thirty years.

**88. Amount of Pension.** No pension granted in accordance with the provisions of the foregoing section shall exceed in amount one-half the annual salary or compensation received by the pensioner during the year immediately preceding retirement.

**89. Statement to Mayor and Council.** Annually in the month of January the board of education of said city of Portsmouth shall submit to the mayor and council a statement of the sum of money needed to carry out the provisions of this subdivision.

**90. Payment Quarterly.** The treasurer of said city of Portsmouth shall be authorized to pay quarterly to said pensioner the sum of money specified by the board of education.

## Part 12

### Miscellaneous Provisions

**91. Books and Records.** All books of account, in relation to the receipt, holding or disbursement of moneys of the city kept by any official of the city, shall be paid for by the city, shall remain the property of the city, and shall be turned over to the city clerk whenever the keeper of the books of account retires from office. All books pertaining to city affairs kept by the city clerk, the overseer of the poor, the board of assessors, the city treasurer, the collector of taxes, and the city auditor shall be kept in the city building in their proper places and shall not be removed therefrom without an order of court or a vote of the city council first had and obtained. All books and accounts of any official of the city and all records of the city council and any committee thereof shall at all times in business hours be open to the inspection of any citizen of the city.

**92. City Clerk.** The city clerk shall give his entire time to the duties of the office and shall be subject to the authority of the city council. He may be removed from office on vote of the city council at its pleasure. He shall have charge of all books, records, and accounts of the city.

**93. Duties of Commission Chairmen.** It shall be the duty of each chairman of a commission or board to attend the meetings of the council when specifically requested by the council or the mayor, and to answer such questions relative to the affairs of the city under his management as may be put to him by any member of the council.

**94. Saving Clause; Repeal.** So much of the previous charter of the city of Portsmouth and of laws passed in amendment thereof as is now in force relative to its water-works and sewers are continued in force, the powers thereby given to said city of Portsmouth or any board or commission thereof are hereby vested in said city council in the same manner as though they were originally so written. All special legislation relating to: the jurisdiction of the municipal health officer over the harbor; harbor-master; police retirement; municipal court; schools and school departments; and the borrowing of money for various purposes is hereby continued in force; with the exception of provisions inconsistent with this charter; but all other special legislation relative to the government of the city, not herein expressly saved, is hereby repealed. All gen-

eral laws relative to the government of cities shall remain in force in the city so far as the same can be applied consistently with the interests and purposes of this charter, but shall be deemed superseded as to this city so far as inconsistent herewith.

**95. Saving Clause Municipal Legislation.** All ordinances and by-laws of the city or its city council shall continue in force until altered or repealed, except where a contrary intent herein appears.

**96. Tenure of Office.** The incumbents when this charter takes effect, who are not elected by popular vote, of all municipal offices not hereby abolished or superseded shall continue to hold the same until the expiration of their respective terms where a term of years exists, or until such offices are abolished or superseded by lawful ordinances.

The office of city manager is hereby abolished as of December 31, 1949. The six members of the school board elected for a four-year term on December 9, 1947 shall continue in office until the expiration of their term and the six additional members shall be elected at the special election provided for by the adoption of this charter.

**97. Separability.** The sections of this charter and the parts thereof are separable. If any portion of this charter, or the application thereof to any person or circumstance, shall be held invalid, the remainder thereof or the application of such portions to other persons or circumstances shall not be affected thereby.

**2. Referendum.** This charter shall not take effect unless it is adopted by a majority of all voters voting at the municipal election to be held in the city of Portsmouth on November 8, 1949. On the ballot used in said election the following question shall appear at the bottom of said ballot, "Shall the Council-Manager form of government be abolished and the Mayor-Council Charter reinstated?" Beneath the question shall be printed the word "Yes" and the word "No" with a square immediately opposite each word, and the voter may indicate his choice by making a cross in the appropriate square. If a majority of all voters voting at the said municipal election to be held in the city of Portsmouth on November 8, 1949 shall vote "Yes" upon said question, this act shall thereby be declared to have been adopted.



3. **Takes Effect.** Section 2 of this act shall take effect upon its passage, and if this act is adopted at the municipal election to be held November 8, 1949, as provided in said section 2, then the election of officers on November 8, 1949, shall be null and void and a special election shall be held on December 13, 1949, for the election of a mayor, four councilmen at large, five ward councilmen, three members of the board of street commissioners, three members of the board of assessors, and six members of the board of education, who shall take office on the first weekday of January following their election. Said special election on December 13, 1949, shall be conducted in the same manner as prescribed by the provisions established by this act. The remainder of this act, other than section 2 shall take effect as follows: so much as relates to the preliminaries for and the holding and conduct of the first municipal election on December 13, 1949, shall take effect immediately upon adoption. For all other purposes this charter shall take effect on January 1, 1950.  
[Approved July 28, 1949.]

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### CHAPTER 443.

AN ACT TO LEGALIZE PROCEEDINGS OF CERTAIN TOWNS, SCHOOL DISTRICTS AND COUNTY DELEGATIONS, TO AUTHORIZE OTHER MUNICIPAL ACTION, AND RELATIVE TO TRUSTEES OF BRACKETT ACADEMY, THE CHARTER OF THE MANCHESTER SAVINGS BANK AND THE RECLASSIFICATION OF A ROAD IN MILTON.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. **Campton.** The votes and proceedings of the annual town meeting in the town of Campton held on March 8, 1949 are hereby legalized, ratified and confirmed.
2. **Canaan.** The votes and proceedings of the annual town meeting in the town of Canaan held on March 8, 1949 are hereby legalized, ratified and confirmed.

3. **Amherst.** The votes and proceedings of the annual town meeting in the town of Amherst held on March 8, 1949 are hereby legalized, ratified and confirmed.

4. **Ossipee School District.** The votes and proceedings of the annual school meeting in the town of Ossipee held on April 12, 1949 insofar as the same are related to the election of officers of the Ossipee school district are hereby legalized, ratified and confirmed.

5. **Coos County.** The public hearing on the budget statement of the county commissioners of the county of Coos held at Berlin on May 7, 1949 shall be deemed to have been held in accordance with the applicable statutory provisions covering such hearings.

6. **Rockingham County.** The public hearing on the budget for the county of Rockingham held at the Rockingham county farm at Brentwood on March 4, 1949 is hereby declared to have been held in accordance with the applicable provisions covering such hearings.

7. **Proceedings Validated.** The votes and proceedings of the April 12, 1949 annual meeting of Lancaster Union School District No. 1 in the town of Lancaster are hereby legalized, ratified, and confirmed insofar as they might otherwise be affected by any failure to post the warrant therefor as required by law, and by any failure to comply with the provisions of Revised Laws, chapter 52.

8. **Application of Laws.** The provisions of Revised Laws, chapter 72, as amended, including the act entitled "granting school districts temporary emergency exemption from certain provisions of the municipal bond statute" passed on March 11, 1949, shall apply to the issue and sale of bonds voted at said meeting, referred to in section 7.

9. **Wolfeboro Fire Precinct, Additional Debt Authorized.** The village fire precinct of the town of Wolfeboro is hereby authorized to incur indebtedness in an amount not exceeding one hundred thousand dollars for the purpose of improving its electric light plant, extending its electric lines and for delayed maintenance, said amount to be in addition to the amounts already authorized by law.

10. **Bonds Authorized.** In accordance with section 9 hereof, the commissioners of the village fire precinct of the town of Wolfeboro are hereby empowered and authorized to issue

for and in behalf of said district serial notes or bonds to an amount not exceeding one hundred thousand dollars for the purposes specified in said section 9. Said notes or bonds shall be issued in conformity with the provisions of chapter 72 of the Revised Laws excepting as may be otherwise provided in sections 9, 10, and 11 hereof.

**11. Wolfeboro, Interest Rate.** Said notes or bonds shall bear interest at a rate not exceeding two and one-half per cent and shall be signed by the precinct commissioners and countersigned by the precinct treasurer.

**12. Town of Greenland, Brackett Academy.** Arthur J. Sewall, Clarence Gowing, Earl W. Caswell, Irving Ralston and Leo Spencer, all of Greenland in the county of Rockingham and state of New Hampshire, are hereby designated and constituted as the board of trustees of Brackett Academy, a corporation created by chapter 54 of the Laws of 1824, there being a complete vacancy in said board. Said board of trustees is hereby authorized to convey to the town of Greenland the real estate in said town of Greenland known as Brackett Academy, heretofore leased to said town by said academy for a term of ninety-nine years. The trustees hereby named are also authorized to do anything necessary to carry out the provisions of this act relative to the transfer of property to the town of Greenland.

**13. Plymouth School District.** The vote of the Plymouth school district at its annual meeting on March 3, 1949, to finance the cost of enlarging its school facilities by a bond issue of eighty thousand dollars (\$80,000) face value, is hereby ratified, legalized and validated; and the authority of the school board and of the treasurer to execute such bonds and to affix the district seal in behalf of the district, and the authority of the school board to fix the time and place of payment and the rate of interest of such bonds and to arrange the sale thereof, are hereby confirmed so far as necessary to make said bonds the valid obligations of the district, provided, however, that the maturity dates of said bonds and the amount thereof shall comply with the provisions of Revised Laws, chapter 72, and all amendments thereof, including an act entitled, "granting school districts temporary emergency exemption from certain provisions of the municipal bonds statute" approved March 11, 1949.

14. **Gilford School District.** All votes and proceedings of the Gilford school district taken at the annual meeting of March 12, 1949, and adjournments thereof held June 4, 5 and 6, 1949 relative to borrowing the sum of ten thousand dollars for the school heating plant, are hereby legalized, ratified and confirmed.

15. **Manchester Savings Bank.** Amend section 3 of an act approved July 8, 1846 being the charter of the Manchester Savings Bank and being known as chapter 404 of the Laws of 1846, by striking out after the word "affairs" the words, "provided such real estate, held at any one time for the said purpose, shall not have exceeded in value, at the time of the purchase or acceptance thereof by said corporation, the sum of six thousand dollars "and by striking out after the word "incurred" the words, "provided, that the real estate so holden shall not at any one time exceed in value the sum of fifteen thousand dollars" so that said section as amended shall read as follows: Sect. 3. Said corporation shall be capable of receiving and holding such buildings and real estate as shall be necessary and convenient for managing its affairs. And the said corporation shall be further able to take, hold and dispose of any real estate whatever which may be *bona fide* mortgaged or pledged for the security of its loans or debts due to it, or which may be *bona fide* conveyed to or taken by said corporation, in satisfaction or discharge of debts, demands or liabilities which have been previously contracted or incurred.

16. **New Ipswich School District.** The votes and proceedings of the New Ipswich school district at the annual meeting on March 8, 1949, and the adjournment thereof on March 22, 1949, relative to the issuance of serial notes or bonds to an amount not exceeding twenty-five thousand dollars (\$25,000) for the purpose of constructing and equipping a two-room addition to the present elementary school building, and the authority of the school board to fix the time and place of payment and the rate of interest of such bonds, and to arrange the sale thereof, are hereby legalized, ratified and confirmed.

17. **City of Dover.** The city of Dover is hereby authorized and empowered to issue its serial bonds or notes for the purpose of construction of new school buildings or for the alteration of present structures, or for the enlargement and improvement of existing school facilities and for the acquisition

of school equipment to an amount not exceeding five per cent of the last assessed valuation of the taxable property of said city. The city of Dover shall not take any action under the authority of this section after December 31, 1951, provided that this limitation shall not affect the validity of any bonds or notes issued under the authority of said section prior to said date. In addition to the authorization for borrowing by said city of Dover provided for in this section, said city shall not incur debt to an amount exceeding three per cent of its last assessed valuation. During the period that this section is in effect all acts relative to borrowing by the city of Dover are hereby suspended, provided that such suspension shall not affect the validity of any bonds or notes issued under the authority of said acts prior to the date of the passage of this act.

**18. Milton Highway Reclassification.** The road in the town of Milton known as Pond Road running from Route 16 at the town house to the Maine boundary line being 1.13 miles in length, now being a part of the secondary classification of highways, is hereby changed to Class V highway.

**19. Surry School Meeting.** The votes and proceedings at the annual meeting of the Surry school district held on the third day of March, 1949 and the special meeting of said school district held the twenty-ninth day of June, 1949 are hereby legalized, ratified and confirmed.

**20. Takes Effect.** This act shall take effect upon its passage.

[Approved July 28, 1949.]

THE STATE OF NEW HAMPSHIRE

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Office of Secretary of State.

Concord, September 27, 1949.

I hereby certify that the acts and resolutions contained in this volume have been compared with the originals in this office and found to be correctly printed.

ENOCH D. FULLER,  
*Secretary of State.*

**INDEX**

Prepared by  
ELIOT U. WYMAN





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TO  
NEW HAMPSHIRE LAWS  
JANUARY SESSION, 1949

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