

Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, as follows:

SECTION 1: The Town of Fairhaven may purchase for an amount not exceeding twenty-five thousand dollars, or may take by eminent domain under chapter seventy-nine of the General Laws, the wharf property in said Town known as Union wharf, and may maintain and operate the same as a wharf.

SECTION 2: The powers conferred by this act may be exercised by the selectmen, who shall also have power to make rules and regulations governing the use of said wharf, subject, however, to such rules and regulations as the Town may fix by vote.

SECTION 3: For the purpose of meeting the expense incurred by the purchase or taking of Union wharf as aforesaid, the Town of Fairhaven may borrow from time to time, within a period of five years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, twenty-five thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Fairhaven Wharf Loan, Act of 1926. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than ten years from their dates, but no issue shall be authorized under this act unless a sum equal to an amount not less than ten percent of such authorized issued is voted for the same purpose to be provided from available funds or to be raised by the tax levy of the year when authorized. Indebtedness incurred under this act shall be inside the statutory limit and shall, except as herein provided, be subject to chapter forty-four of the General Laws, exclusive of the provision inserted in section seven of said chapter by chapter three hundred and thirty-eight of the acts of nineteen hundred and twenty-three.

SECTION 4. This act shall take effect upon its passage.

House of Representatives,
February 17, 1926.

Passed to be enacted,
JOHN C. HULL, Speaker,
In Senate,
February 23, 1926.

Passed to be enacted,
WELLINGTON WELLS,
President.

February 25, 1926.
Approved.

§ A502-2. Limited Town Meetings

Chapter 285 of the Acts of 1930, Massachusetts General Laws, "An Act Establishing in the Town of Fairhaven Representative Town Government by Limited Town Meetings," Approved by the Massachusetts General Court May 7, 1930. Voted acceptance 1434-572 Referendum November 4, 1930.

Chapter 168 of the Acts of 1945, "An Act Relative to Quorums of Town Meeting Members in the Town of Fairhaven"; Approved by the Massachusetts General Court March 29, 1945.

Chapter 562 of the Acts of 1955, "An Act Relative to Referendum Procedure in the Town of Fairhaven" Approved by the Massachusetts General Court July 19, 1955. Voted Acceptance 133-82 at Special Town Meeting of August 11, 1965. (Article No. 3.)

Chapter 589 of the Acts of 1955, "An Act Relative to Representative Town Government by Limited Town Meetings in the Town of Fairhaven"; Approved by the Massachusetts General Court July 22, 1955. Voted Acceptance 2202 to 1135 at Annual Election of February 6, 1956.

AN ACT ESTABLISHING IN THE TOWN OF FAIRHAVEN REPRESENTATIVE TOWN GOVERNMENT BY LIMITED TOWN MEETINGS.

Be it enacted, etc., as follows:

Section 1. Upon the acceptance of this act by the Town of Fairhaven, as hereinafter provided, the selectmen and board of registrars of voters, acting jointly, and hereinafter referred to as the districting board, shall forthwith divide the territory thereof into not less than four nor more than eight voting precincts, each of which shall be plainly designated and shall contain not less than five hundred registered voters.

The precincts shall be so established as to consist of compact and contiguous territory, to be bounded as far as possible by the center line of known streets and ways or by other well defined limits. Their boundaries shall be reviewed and, if need be, wholly or partially revised by the districting board in November, once in five years, or in November of any year when so directed by a vote of a representative Town meeting not later than October thirtieth of that year. The

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town clerk shall notify every registered voter affected by a change in precinct boundaries or a change in polling place.

The districting board shall, within twenty days after any establishment or revision of the precincts, but not later than December twentieth of that year, file a report of their doings with the town clerk, the registrars of voters and the assessors, with a map or maps or descriptions of the precincts and the names and residences of the registered voters therein. The districting board shall also cause to be posted in the town hall a map or maps or description of the precincts as established or revised from time to time, with the names and residences of the registered voters therein; and it shall also cause to be posted in at least one public place in each precinct a map or description of that precinct with the names and residences of the registered voters therein. The division of the town into voting precincts and any revision of such precincts shall take effect upon the date of the filing of the report thereof by the districting board with the town clerk. Whenever the precincts are established or revised, the town clerk shall forthwith give written notice thereof to the state secretary, stating the number and designation of the precincts. Meetings of the registered voters of the several precincts for elections, for primaries, and for voting upon any question to be submitted to all the voters of the town, shall be held on the same day and at the same hour and at such place or places within the town as the selectmen shall in the warrant for such meeting direct. The provisions of the general laws relating to precinct voting at elections, so far as the same are not inconsistent with this act, shall apply to all elections and primaries in the town upon the establishment of voting precincts as hereinbefore provided.

Section 2. Other than the officers designated in section three as town meeting members at large, the representative town meeting membership shall in each precinct consist of the largest number divisible by three which will not exceed five percent of the registered voters in the precinct. The registered voters in every precinct shall, at a special election called for that purpose, to be held not sooner than thirty days after the establishment of precincts under this act, or at the first annual town election held after the establishment thereof, and at the first annual town election following any precinct revision where the number of precincts is changed, conformably to the laws relative to elections not inconsistent with this act, elect by ballot the number of registered voters in the precinct, other than the officers designated in section three as town meeting members at large, provided for in the first sentence of this section, to be town meeting members of the town. The first third in order of votes received of members so elected shall serve three (3) years, the second third in such order shall serve two (2) years, and the remaining third in such order shall serve one (1) year, from the day of the annual town meeting, or, in case such election is at a special meeting, from the next annual town meeting; in case of a tie vote affecting the division into thirds, as aforesaid, the members elected from the precinct shall by ballot determine the same; and thereafter, except as is otherwise provided herein, at each annual town election the registered voters of each precinct shall, in like manner, elect one third of the number of town meeting members to which that precinct is entitled for the term of three years, and shall at such election fill for the unexpired term or terms any vacancy or vacancies then existing in the number of town meeting members in their respective precincts. The name of town meeting candidates for three-year terms and of candidates to fill vacancies shall be listed together in one group on the ballot, and all three-year terms shall first be filled in order of the votes received, then the vacancies for two years, if any, in such order, and then any vacancies for one year. Upon every revision of the precincts where the number of precincts is changed, the terms of office of all town meeting members from every precinct shall cease upon

the election of their successors. The town clerk shall, after every election of town meeting members, forthwith notify each member by mail of his election.

Section 3. Any representative town meeting held under the provision of this act, except as otherwise provided herein, shall be limited to the voters elected under section two, together with the following, designated town meeting members at large; namely, any member of the general court of the commonwealth who is a resident of the town, the moderator, the town clerk and treasurer, the members of the board of selectmen, the tax collector, the members of the board of health, the members of the school committee, the members of the board of assessors, the members of the sewer commission, the members of the park commission, the chairman of the finance committee, the members of the planning board, and the tree warden. All the foregoing shall be included within the general designation of town meeting members. The town clerk shall notify the town meeting members of the time and place at which representative town meetings are to be held, the notices to be sent by mail at least seven days before the meeting.

The town meeting members, as aforesaid, shall be the judges of the election and qualifications of their members. One hundred town meeting members shall constitute a quorum for doing business; but a less number may organize temporarily and may adjourn from time to time, and at an adjourned meeting seventy-five town meeting members shall constitute a quorum. Notice of every adjourned representative town meeting shall be posted by the town clerk in at least one public place in each precinct, and he shall notify the members by mail of the adjournment at least forty-eight hours before the time of the adjourned representative town meeting. The notices shall state briefly the business to be acted upon at any meeting and shall include notice of any proposed reconsideration. All town meetings shall be public. The town meeting members as such shall receive no compensation. Subject to such conditions as may be determined from time to time by the representative town meeting, any voter of the town who is not a town meeting member may speak at any representative town meeting, but shall not vote. A town meeting member may resign by filing a written resignation with the town clerk, and such resignation shall take effect upon the date of such filing. No elected member whose official position entitles him to be a member at large shall act as a member at large during such time as he remains an elected member. A town meeting member who removes from the town shall cease to be a town meeting member and an elected town meeting member who removes from one precinct to another or is so removed by a revision of precincts shall not retain membership after the next annual election.

Section 4. Nomination of candidates for town meeting members to be elected under this act shall be made by nomination papers signed by not less than ten voters of the precinct in which the candidate resides, filed with the registrars of voters for certification at least thirty-five days before the election and filed with the town clerk at least twenty-eight days before the election; provided, that any town meeting member may become a candidate for re-election by giving written notice thereof to the town clerk at least forty-two days before the election. No nomination papers shall be valid in respect to any candidate whose written acceptance is not thereon or attached thereto when filed.

Section 5. The articles in the warrant for every town meeting, so far as they relate to the election of the town officers, town meeting members, and, as herein provided, to referenda and all matters to be acted upon and determined by ballot of the town, shall be acted upon and determined by the voters in their respective meetings by precinct. All other articles in the warrant for any town meeting, beginning with the town meeting at which said town meeting

members are first elected, shall be acted upon and determined exclusively by town meeting members at a meeting to be held at such time and place as shall be set forth by the selectmen in the warrant for the meeting, subject to the referendum provided for by section eight.

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

Section 7. Any vacancy in the full number of town meeting members from any precinct, whether arising from a failure of the registered voters thereof to elect, or from any other cause, may be filled until the next annual election by the remaining elected town meeting members of the precinct from among the registered voters thereof. Notice of any vacancy shall be given by the town clerk to the remaining members from the precinct in which the vacancy or vacancies exist and he shall call a special meeting of such members prior to any annual or special town meeting for the purpose of filling any vacancy. He shall cause to be mailed to every such member, not less than seven days before the time set for the meeting, a notice specifying the object, time and place of the meeting. At the said meeting one third of the members from such precinct shall constitute a quorum, and they shall elect from their own number a chairman and a clerk. The choice to fill any vacancy shall be by written ballot, unless waived by a two-thirds vote of those present, and a majority of the votes cast shall be required for a choice. The chairman and clerk shall count the ballots and shall make a certificate of the choice and forthwith file the same with the town clerk, together with a written acceptance by the member or members so chosen who shall thereupon be deemed elected and qualified a town meeting member or members, subject to the right of all the town meeting members to judge of the election and qualifications of the members as set forth in section three.

Section 8. A vote passed at any representative town meeting authorizing the expenditure of twenty thousand dollars or more, as an appropriation other than town charges, shall not be operative until after the expiration of five days, exclusive of Sundays and holidays, from the dissolution of the meeting. If, within said five days a petition, signed by not less than five percent of the registered voters of each precinct, containing their names and addresses as they appear on the list of registered voters, is filed with the selectmen requesting that the question or questions involved in such vote be submitted to the voters of the town at large, then the selectmen, within fourteen days after the filing of the petition, shall call a special meeting, which shall be held within ten days after the issuing of the call, for the purpose of presenting to the voters at large the question or questions so involved. The polls shall be opened at two o'clock in the afternoon and shall be closed not earlier than eight o'clock in the evening, and all votes upon any questions so submitted shall be taken by ballot, and the check list shall be used in the several precinct meetings in the same manner as in the election of town officers. The questions so submitted shall be determined by a majority vote of the registered voters of the town voting thereon, but no action of the representative town meeting shall be reversed unless at least twenty percent of the registered voters shall vote to disapprove such action. The questions so submitted shall be stated upon the ballot in substantially the same language and form in which they were stated when presented to said representative town meeting by the moderator as appears from the records of the said meeting. If such petition is not filed within

the said period of five days, the vote of the representative town meeting shall become operative upon the expiration of the said period.

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

Section 10. The representative town meeting may make such rules consistent with general law as may be considered necessary for conducting its meetings.

Section 11. The representative town meeting may appoint such committees for investigation and report as it may consider necessary.

Section 12. All by-laws or parts of by-laws of the town inconsistent with the provisions of this act are hereby repealed. The provisions of chapter forty-four of the General Laws shall continue to apply in the town of Fairhaven notwithstanding the provisions of this act.

Section 13. This act shall not abridge the right of the inhabitants of Fairhaven to hold general meetings, as that right is secured to them by the constitution of this commonwealth; nor shall this act confer upon any representative town meeting in Fairhaven the power finally to commit the town to any measure affecting its municipal existence or changing its government, without action thereon by the voters of the town at large, using the ballot and the check list therefor.

Section 14. This act shall be submitted to the registered voters of the town of Fairhaven at any annual or special town meeting. The vote shall be taken in precincts by ballot in accordance with the provisions of the General Laws, so far as the same shall be applicable, in answer to the question, which shall be placed, in case of a special meeting, upon the ballot to be used at said meeting, or, in case of an annual meeting, upon the official ballot to be used for the election of town officers: "Shall an act passed by the General Court in the year nineteen hundred and thirty, entitled 'An Act establishing in the town of Fairhaven representative town government by limited town meetings, be accepted by this town?'"

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

Section 15. If this act is rejected by the registered voters of the town of Fairhaven when submitted to said voters under section fourteen, it may again be submitted for acceptance in like manner from time to time to such voters at any annual town meeting in said town within three years thereafter, but not more than three times in the aggregate.

Chap. 587. AN ACT RELATIVE TO REPRESENTATIVE TOWN GOVERNMENT BY LIMITED TOWN MEETINGS IN THE TOWN OF FAIRHAVEN.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 285 of the acts of 1930 is hereby amended by striking out, in line 5, the word "five" and inserting in place thereof the word: — two.

SECTION 2. The first sentence of section 4 of chapter 285 of the acts of 1930, as appearing in section 4 of chapter 589 of the acts of 1955, is hereby further amended by striking out, in lines 7 to 10, inclusive, the words: — "; provided that any town meeting member may become a candidate for reelection by giving written notice thereof to the town clerk at least forty-two days before election."

SECTION 3. This act shall take effect upon its passage.

Approved July 15, 1968.

Chap. 400. AN ACT RELATIVE TO THE REPRESENTATIVE TOWN MEETING FORM OF GOVERNMENT IN THE TOWN OF FAIRHAVEN.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 285 of the acts of 1930 is hereby amended by striking out the first sentence, as amended by section 1 of chapter 587 of the acts of 1968, and inserting in place thereof the following sentence: — Other than the officers designated in section three as town meeting members at large, the representative town meeting membership shall in each precinct consist of the largest number divisible by three which will not exceed five percent of the registered voters in the precinct.

SECTION 2. Section 4 of said chapter 285 is hereby amended by striking out the first sentence, as amended by section 2 of said chapter 587, and inserting in place thereof the following sentence: — Nomination of candidates for town meeting members to be elected under this act shall be made by nomination papers signed by not less than ten voters of the precinct in which the candidate resides, and filed with the town clerk at least fifteen days before the election; provided, that any town meeting member may become a candidate for reelection by giving written notice thereof to the town clerk at least forty-two days before election.

SECTION 3. The first sentence of section 2 of said chapter 285, as amended by section 1 of this act, is hereby further amended by striking out the Word "five" and inserting in place thereof the word: — two.

SECTION 4. The first sentence of section 4 of said chapter 285, as amended by section 2 of this act, is hereby further amended by striking out the words "; provided, that any town meeting member may become a candidate for reelection by giving written notice thereof to the town clerk at least forty-two days before election".

SECTION 5. Sections one and two of this act shall take effect upon its passage. Sections three and four of this act shall take effect upon the next precinct revision by the town of Fairhaven, as set forth in chapter 285 of the acts of 1930, as amended.

Approved June 10, 1969.

Chap. 609. AN ACT PROVIDING THAT NOMINATING PAPERS OF CANDIDATES FOR TOWN MEETING MEMBER IN THE TOWN OF FAIRHAVEN SHALL BE FILED AT LEAST TWENTY-EIGHT DAYS BEFORE THE ELECTION FOR SUCH OFFICE.

Be it enacted, etc., as follows:

SECTION 1. Section 4 of chapter 285 of the acts of 1930 is hereby amended by striking out the first sentence, as most recently amended by section 2 of chapter 400 of the acts of 1969, and inserting in place thereof the following sentence: — Nomination of candidates for town meeting members to be elected under this act shall be made by nomination papers signed by no less than ten voters of the precinct in which the candidate resides and filed with the town clerk at least twenty-eight days before the election; providing, that any town meeting member may become a candidate for reelection by giving written notice thereof to the town clerk at least forty-two days before election.

SECTION 2. This act shall take effect upon its passage.

Approved August 4, 1970.

Chap. 39. AN ACT ELIMINATING THE REQUIREMENT THAT THE TOWN CLERK OF THE TOWN OF FAIRHAVEN GIVE CERTAIN NOTICES BY MAIL OF ADJOURNED REPRESENTATIVE TOWN MEETINGS.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 3 of chapter 285 of the acts of 1930 is hereby amended by striking out the third sentence and inserting in place thereof the following sentence: — Notice of every adjourned representative town meeting shall be posted by the town clerk in at least one public place in each precinct.

SECTION 2. This act shall take effect upon its passage.

Approved February 26, 1973.

Chap. 62. AN ACT RELATIVE TO THE ELECTION OF TOWN MEETING MEMBERS IN THE TOWN OF FAIRHAVEN.

Be it enacted, etc., as follows:

Section 4 of chapter 285 of the acts of 1930 is hereby amended by striking out the first sentence, as most recently amended by section 1 of chapter 609 of the acts of 1970, and inserting in place thereof the following sentence: — Nomination of candidates for town meeting members to be elected under this act shall be made by nomination papers signed by no less than ten voters of the precinct in which the candidate resides, and filed with the town clerk at least twenty-eight days before the election.

Approved April 25, 1983.

Chapter 156. AN ACT RELATIVE TO THE REPRESENTATIVE TOWN MEETING FORM OF GOVERNMENT IN THE TOWN OF FAIRHAVEN.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 285 of the acts of 1930 is hereby amended by striking out the first sentence, as most recently amended by section 3 of chapter 400 of the acts of 1969, and inserting in place thereof the following sentence:- Other than the officers designated in section three as town meeting members at large, the representative town meeting membership shall in each precinct consist of the largest number divisible by three which will not exceed two and seven tenths percent of the persons residing in the precinct.

SECTION 2. Section 4 of said chapter 285 is hereby amended by striking out the first sentence, as most recently amended by section 4 of said chapter 400, and inserting in place thereof the following sentence:- Nomination of candidates for town meeting members to be elected under this act shall be made by nomination papers signed by not less than ten voters of the precinct in which the candidate resides, and filed with the town clerk at least twenty-eight days before the election; provided, that any town meeting member may become a candidate for reelection by giving written notice thereof to the town clerk at least forty-nine days before election.

SECTION 3. This act shall take effect on April first, nineteen hundred and eighty-eight.

Approved June 22, 1987.

Chapter 41
FAIRHAVEN, TOWN OF—DESIGNATION OF TOWN
MEETING MEMBERS AT LARGE

An act relative to the designation of certain elected officials of the town of Fairhaven as town meeting members at large.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The first paragraph of section 3 of chapter 285 of the acts of 1930 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Any representative town meeting held under the provisions of this act, except as otherwise provided herein, shall be limited to the voters elected under section two, together with the following, designated town meeting members at large; namely, any member of the general court of the commonwealth who is a resident of the town, the moderator, the town clerk, the members of the board of selectmen, the members of the board of health, the members of the school committee, the members of the planning board, the members of the board of public works, the commissioners of trust funds, the elected members of the housing authority, the chairman to the finance committee, and the tree warden.

SECTION 2. This act shall take effect upon its passage.

Approved May 12, 1993.