

of all energized wires and cables owned by the electric company in the area to be excavated, and if the wires and cables of the telephone company cannot be repaired without exposing the employee of the telephone company to contact with the energized wires and cables of the electric company, the electric company shall at the time of the excavation furnish a qualified employee of the electric company to identify and designate to the telephone company employee or employees all energized wires and cables owned by the electric company in such location.

*Approved April 2, 1970.*

**Chap. 174.** AN ACT DEFINING THE RIGHTS OF INHABITANTS OF THE COMMONWEALTH INDUCTED OR SERVING IN THE MILITARY FORCES OF THE UNITED STATES.

*Be it enacted, etc., as follows:*

SECTION 1. No inhabitant of the commonwealth inducted or serving in the military forces of the United States shall be required to serve outside the territorial limits of the United States in the conduct of armed hostilities not an emergency and not otherwise authorized in the powers granted to the President of the United States in Article 2, Section 2, of the Constitution of the United States designating the President as the Commander-in-Chief, unless such hostilities were initially authorized or subsequently ratified by a congressional declaration of war according to the constitutionally established procedures in Article 1, Section 8, of the Constitution of the United States.

SECTION 2. The attorney general shall, in the name and on behalf of the commonwealth and on behalf of any inhabitants thereof who are required to serve in the armed forces of the United States in violation of section one of this act, bring an appropriate action in the Supreme Court of the United States as the court having original jurisdiction thereof under clause two of section 2 of Article III of the Constitution of the United States to defend and enforce the rights of such inhabitants and of the commonwealth under section one; but if it shall be finally determined that such action is not one of which the Supreme Court of the United States has original jurisdiction, then he shall bring another such action in an appropriate inferior federal court. Any inhabitant of the commonwealth who is required to serve in the armed forces of the United States in violation of section one of this act may notify the attorney general thereof, and all such inhabitants so notifying the attorney general shall be joined as parties in such action. If such action shall be commenced hereunder in an inferior federal court, the attorney general shall take all steps necessary and within his power to obtain favorable action thereon, including a decision by the Supreme Court of the United States.

*Approved April 2, 1970.*

THE COMMONWEALTH OF MASSACHUSETTS,  
EXECUTIVE DEPARTMENT, STATE HOUSE,  
BOSTON, April 2, 1970.

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

DEAR MR. SECRETARY: — I, Francis W. Sargent, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion

the immediate preservation of the public convenience requires that the law being Chapter 174 of the Acts of 1970, entitled "AN ACT DEFINING THE RIGHTS OF INHABITANTS OF THE COMMONWEALTH INDUCTED OR SERVING IN THE MILITARY FORCES OF THE UNITED STATES." and the enactment of which received my approval on April 2, 1970, should take effect forthwith.

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

That legal proceedings under the authority of this act may be immediately initiated to produce a court decision on the rights of the inhabitants of the commonwealth inducted or serving in the military forces of the United States in the conduct of armed hostilities not authorized or ratified by a Congressional declaration of war.

Sincerely,

FRANCIS W. SARGENT,  
*Acting Governor of the Commonwealth.*

OFFICE OF THE SECRETARY, BOSTON, April 2, 1970.

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

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

**Chap. 175.** AN ACT AUTHORIZING THE TOWN OF STOCKBRIDGE TO ISSUE AN ANNUAL ALL ALCOHOLIC BEVERAGES CLUB LICENSE TO THE TENT CLUB, INC.

*Be it enacted, etc., as follows:*

SECTION 1. The local licensing authority of the town of Stockbridge may, notwithstanding any provision of chapter one hundred and thirty-eight of the General Laws requiring that the sale of alcoholic beverages by a licensed club shall be in a building or space in a building, but subject to all other provisions of said chapter one hundred and thirty-eight, issue to The Tent Club, Inc., under the provisions of section twelve of said chapter one hundred and thirty-eight, an annual club license to sell all alcoholic beverages on so much of premises at Tanglewood in said town owned by the Boston Symphony Orchestra, Inc. as shall be described with particularity in said license.

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

*Approved April 7, 1970.*

**Chap. 176.** AN ACT INCREASING THE RATES OF PILOTAGE FOR THE PORT OF BOSTON.

*Be it enacted, etc., as follows:*

SECTION 1. Section 31 of chapter 103 of the General Laws, as most recently amended by chapter 304 of the acts of 1967, is hereby further