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forty-one of the General Laws shall continue to apply to said Joseph E. McCain, Jr. relative to his receiving such indemnification by said commission for all hospital, medical and related expenses that have been or may be incurred after the date of his retirement as a result of the aforementioned incapacity.

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

Approved June 14, 1988.

EMERGENCY LETTER: June 15, 1988 @ 5:01 P.M.

Chapter 68. AN ACT ESTABLISHING AN ARCHIVES AND RECORDS ADVISORY COMMISSION AND AN ARCHIVES AND RECORDS MANAGEMENT DIVISION IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. There shall be in the city of Boston an archives and records advisory commission hereinafter called the commission.

The commission shall consist of the city clerk who shall serve as its chairman, the city registrar, the corporation counsel, the director of the public library, the director of the office of arts and humanities, and the director of administrative services, ex-officio, or their respective designees, and three persons to be appointed by the mayor. The appointed members of the commission shall serve for a term expiring on the first Monday of the January following the next biennial municipal election at which a mayor is elected. In making such appointments, the mayor shall give preference to those persons associated with or representative of public or private institutions concerned with the care, custody or use of archival materials.

All members of the commission shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties. They shall be deemed special municipal employees for the purposes of chapter two hundred and sixty-eight A of the General Laws.

SECTION 2. There shall be within the office of the city clerk the archives and records management division. Said division shall establish and maintain a program for the administration and preservation of the records of the city of Boston under the provisions of chapter sixty-six of the General Laws. Said division's program shall be subject to the approval of the commission.

Said division shall be supervised by a professional archivist who shall be appointed by the city clerk, subject to the approval of the commission. The archivist shall perform the duties required by law, and with the assistance of the city clerk, city registrar, departmental custodians, and the commission, shall execute the responsibilities of chief records officer of the inactive records of the city.

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The city clerk may employ within said division, professional and technical experts and such other employees as may be required in the performance of its duties subject to the qualifications set by the commission.

SECTION 3. The commission shall approve, disapprove or modify all plans and schedules prepared by the archivist relative to the retention, disposition and preservation of records.

The commission shall advise in the administration of said division and render annually to the mayor and city council a report regarding the development and status of municipal archives and records management.

The commission shall encourage departmental cooperation with municipal records regulations as provided for by this statute and shall be the final arbiter regarding any matters that may arise between departments and said division.

SECTION 4. Said division shall develop procedures, standards and techniques and promulgate policies in relation to records and archives management; prepare inventories, indexes, guides, and other resource aids to facilitate the use of the public records of the city in its custody; create and implement retention and disposition schedules in compliance with regulations issued under section one of chapter sixty-six of the General Laws; establish procedures for the lawful transfer and disposition of all noncurrent records, including those of semi-active status which must be retained for varying periods of time, but which are not needed frequently for the transaction of current business, and provide a central records center for accepting, storing, retrieving, servicing and protecting such records; appraise and preserve all inactive municipal records for their historical, administrative, legal, fiscal, cultural or other important value; receive, arrange and describe all inactive records which come into the division's possession; establish and operate an archives repository in order to store, secure, process and conserve said records and to make them available for governmental reference and public use; and receive inactive archival records, being those records which have an enduring historical or administrative value from departments, agencies, offices, commissions, boards and public corporations, whether extant or defunct, as well as the records of all officials and agents of the city of Boston when those records are no longer necessary for conducting current business.

SECTION 5. All public records, as defined in section seven of chapter four and section three of chapter sixty-six of the General Laws shall be the property of the city and unless otherwise provided for by law, shall be kept in the custody of the sole officer in charge of a department or office. All records shall be delivered by outgoing officials and employees to their successors.

Inactive records in the custody of departments may be designated as archival records by the archivist subject to the approval of the city clerk and the commission. Such records shall, after identification and appraisal by the archivist to determine their value, be transferred to the

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city's archival repository where they shall be processed, conserved and made available for reference.

SECTION 6. The officer in charge of any city department, agency, board, office, commission or public corporation shall make and preserve public records containing proper documentation of its organization, functions, policies, and procedures; establish and maintain effective controls over the creation, maintenance and use of records and guard against the loss or the unauthorized or unlawful removal of city records; apply the provisions of approved records retention schedules to execute the orderly disposition of records including transfer to the city's central records center or archives repository of noncurrent or inactive records; appoint a clerk as provided in section six of chapter sixty-six of the General Laws who shall act as a liaison between the agency and said division on all matters relating to the department's records and record-keeping practices.

SECTION 7. No records shall be destroyed or otherwise disposed of by any department, agency, office, commission, board or public corporation until they have been reviewed by the archivist and written approval has been obtained from the city clerk and the corporation counsel, subject to the approval of the supervisor of public records.

The city clerk and the corporation counsel shall base their determinations on the potential administrative, fiscal, legal, research or historical values of the record and the applicable laws of the commonwealth, ordinances of the city, and record retention schedules promulgated by said division.

Requests to dispose of records shall be accompanied by a description of the records by series, inclusive dates, quantities and with reference to approved state and city retention schedules and shall include notification of time, place and method of disposal.

Upon disposal of the records, the department, agency, office, commission, board or public corporation which requested the disposal shall submit to the archivist a certificate of disposal listing the records and certifying to their disposal. Said division shall insure the proper destruction of all disposable records, in accordance with the preceding provisions, within ninety days of the date of eligibility.

Records designated as archival shall be retained for historical or research purposes and shall be transferred to the municipal archives for permanent custody.

SECTION 8. Said division shall seek the return of public records of the city which have been alienated from its possession or provide for the reproduction of alienated records, or provide information concerning the location of these records, if they have been maintained in a safe and usable manner and are available for public use.

Upon the request of the city clerk and the commission, the corporation counsel may take action to recover any municipal records, artifacts or documents deemed to have historical significance which were previously sold, transferred, loaned or otherwise removed from the city without

proper authorization.

Approved June 15, 1988.

Chapter 69. AN ACT FURTHER REGULATING THE PRACTICE OF OPTOMETRY.

Be it enacted, etc., as follows:

Chapter 112 of the General Laws is hereby amended by striking out section 73B, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 73B. No person shall practice optometry on premises not separate from premises whereon eyeglasses, lenses or eyeglass frames are sold by any other person; nor shall any person practice optometry under any lease, contract or other arrangement whereby any person, not duly authorized to practice optometry, shares, directly or indirectly, in any fees received in connection with said practice of optometry. For the purposes of this section, any room, suite of rooms or area in which optometry is practiced shall be considered separate premises if either (a) it has a separate and direct entrance from a street, public corridor or area available to the public, whether or not it has an entrance from any other room or area in the same building; or (b) (i) the space is definite and distinct from space occupied by other occupants of the premises, (ii) all signs and displays concerning the optometric office are separate and distinct from that of the other occupants of the premises and have the name of the doctor of optometry and the words "doctor of optometry" prominently displayed in connection therewith, and (iii) a written notice, of a size and type reasonably expected to attract the attention of the public, shall be put in a conspicuous place where the public will be exposed to it, prior to or upon entrance thereto, which states that the doctor of optometry is independent from other occupants of the premises and identifies the location of the optometric office, if such office is not clearly visible by the public from such entrance.

Whoever violates any provision of this section shall be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment for not more than six months, or both.

Approved June 15, 1988.

Chapter 70. AN ACT EXEMPTING THE TOWN OF ROCHESTER FROM ALTERNATE COMPETITIVE BIDDING PROCEDURES IN PROCURING A MODULAR BUILDING FOR USE AS CLASSROOMS BY THE SCHOOL DEPARTMENT OF SAID TOWN.

Be it enacted, etc., as follows: