

**MEMORANDUM
OF THE SECRETARY OF THE COMMONWEALTH
IN RESPECT TO THE PETITION OF RICHARD M. HAGGERTY, CINDY F. FRIEDMAN
AND MICHELLE L. CICCOLO (WITH THE APPROVAL OF THE MAYOR AND CITY COUNCIL)
FOR LEGISLATION TO ALLOW THE MAYOR OF THE CITY OF WOBURN TO FILL
VACANCIES ON THE BOARD OF TRUSTEES OF THE WOBURN LIBRARY CORPORATION**

May 24, 2021

To: The Honorable Senate and
House of Representatives

On May 20, 2021 the Clerk of the House of Representatives transmitted the above-referenced petition to me with a request for a memorandum pursuant to the provisions of General Laws Chapter 3 § 7.

Woburn Public Library (hereinafter referred to as the “Corporation”) was organized by Chapter 273 of the Acts of 1885, for the purpose of establishing and maintaining in Woburn an institution to aid in the promotion of education and the diffusion of knowledge by means of a library, free to all inhabitants of Woburn. Chapter 261 of the Acts of 1915 amended Chapter 273 of the Acts of 1855 to create the board of trustees, providing the powers of the board to manage, control and direct the affairs of the corporation.

The docket before you seeks to amend Chapter 273, section 2 of the Acts of 1855 to allow the Corporation to hold property, real or personal, exceeding three hundred thousand dollars in value. Finally, the bill amends Section 5 of Chapter 261 of the Acts of 1915 relative to the board of trustees.

Special legislation is not necessary to accomplish that end. General Laws Chapter 180 applies to all corporations organized for one or more purposes specified in said chapter and created by special act enacted before March 11, 1831 and not subject to amendment, alteration or repeal by the General Court. Section 6 of that Chapter provides

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that any corporation subject to its provisions may hold real and personal property to an unlimited amount which estate or income shall be devoted to its purposes, notwithstanding the specification of a limited amount in any special law.

Of course it is within your discretion to enact this legislatively. This office has no opinion on the merits of the legislation. No fee is required to be paid to the Commonwealth by a corporation of this type.

Respectfully submitted,

William Francis Galvin
Secretary of the Commonwealth

WFG/mso