The final exam consists of two parts:

Part A. Take home drafting exercise

Part B. In class exam on the procedure and requirements of enacting legislation and drafting legislation
1. Penalties for violating the provisions of G. L. c. 120E1/2 are included in clauses (d) and (e).

Both clauses provide a punishment for the first offense or a fine of not more than five hundred dollars or not more than three months in a jail or house of correction or both, and subsequent offenses are punished by a fine of not less than five hundred dollars or not more than 2 1/2 years in a jail or house of correction, or both fine and imprisonment.

Amend both clauses to provide punishment for the first offense of not less than five hundred dollars and not more than one thousand dollars or by imprisonment of not more than six months in a jail or house of correction, or both fine and imprisonment. Subsequent violations shall be punished by a fine of not less than one thousand dollars and not more than five thousand dollars or by imprisonment of not less than six months nor more than 2 1/2 years in a jail or house of correction, or both fine and imprisonment.
2. Times have changed and, while in the early 1900's the legislature prohibited the sale or exchange of imitation fur which is represented to be genuine fur, our sensibilities are now exactly the opposite. Rep. Quisenberry would like you to amend G. L. c. 266, § 79 to prohibit the sale or exchange of genuine (real) fur which is represented to be imitation fur.

Also

Add a new section to G. L. c. 266 which prohibits the sale or exchange of genuine leather which is represented to be imitation leather.

Both proposed changes should be included in a single proposed Act.
3. The Town of Ripton has been plagued recently with vandalism. Hooligans are breaking glass on its only public beach located on Darey's pond. Since the youth of Ripton are all above average and law abiding citizens the hooligans are almost certainly from nearby communities. Rep. Quisenberry has asked you to draft legislation increasing the penalties contained in G. L. c. 265, § 32. He wants a fine of not more than a thousand dollars or imprisonment of not more than one year, in a house of correction, or both fine and imprisonment.
4. The Town of Ripton is losing many of its historic stonewalls to greedy landscapers from nearby communities. The penalty for unauthorized removal of stone walls is only ten dollars. (G. L. c. 266, § 105)

Rep Quisenberry has asked you to draft a legislative proposal increasing the penalty to a fine of not less than five hundred dollars or imprisonment in a house of correction of not less than three months or both fine and imprisonment.
5. The Appeals Court has asked Rep. Quisenberry to increase its proposed appropriation, as recommended by the Senate Ways and Means Committee. The Appeals Court has always been supportive of the Town of Ripton, so the Rep. is willing to offer a floor amendment.

Draft a floor amendment increasing the appropriation by one million dollars.
that any person or entity is about to engage in conduct proscribed herein may commence a civil action for injunctive and other equitable relief, including the award of compensatory and exemplary damages. Said civil action shall be instituted either in superior court for the county in which the conduct complained of occurred; or in the superior court for the county in which any person or entity complained of resides or has a principal place of business. An aggrieved facility which prevails in an action authorized by this paragraph, in addition to other damages, shall be entitled to an award of the costs of the litigation and reasonable attorney’s fees in an amount to be fixed by the court.

Nothing herein shall be construed to interfere with any rights provided by chapter one hundred and fifty A or by the federal Labor-Management Act of 1947 or other rights to engage in peaceful picketing which does not obstruct entry or departure.

266:120E½. Reproductive health care facilities

Section 120E½. (a) For the purposes of this section, “reproductive health care facility” means a place, other than within or upon the grounds of a hospital, where abortions are offered or performed.

(b) No person shall knowingly enter or remain on a public way or sidewalk adjacent to a reproductive health care facility within a radius of 35 feet of any portion of an entrance, exit or driveway of a reproductive health care facility or within the area within a rectangle created by extending the outside boundaries of any entrance, exit or driveway of a reproductive health care facility in straight lines to the point where such lines intersect the sideline of the street in front of such entrance, exit or driveway. This subsection shall not apply to the following:—

(1) persons entering or leaving such facility;

(2) employees or agents of such facility acting within the scope of their employment;

(3) law enforcement, ambulance, firefighting, construction, utilities, public works and other municipal agents acting within the scope of their employment; and

(4) persons using the public sidewalk or street right-of-way adjacent to such facility solely for the purpose of reaching a destination other than such facility.

(c) The provisions of subsection (b) shall only take effect during a facility’s business hours and if the area contained within the radius and rectangle described in said subsection (b) is clearly marked and posted.

(d) Whoever knowingly violates this section shall be punished, for the first offense, by a fine of not more than $500 or not more than three months in a jail or house of correction, or by both such fine and impris-
onment, and for each subsequent offense, by a fine of not less than $500 and not more than $5,000 or not more than two and one-half years in a jail or house of correction, or both such fine and imprisonment. A person who knowingly violates this section may be arrested without a warrant by a sheriff, deputy sheriff or police officer if that sheriff, deputy sheriff, or police officer observes that person violating this section.

(e) Any person who knowingly obstructs, detains, hinders, impedes or blocks another person’s entry to or exit from a reproductive health care facility shall be punished, for the first offense, by a fine of not more than $500 or not more than three months in a jail or house of correction, or by both such fine and imprisonment, and for each subsequent offense, by a fine of not less than $500 nor more than $5,000 or not more than two and one-half years in a jail or house of correction, or by both such fine and imprisonment. A person who knowingly violates this provision may be arrested without a warrant by a sheriff, deputy sheriff or police officer.

(f) A reproductive health care facility or a person whose rights to provide or obtain reproductive health care services have been violated or interfered with by a violation of this section or any person whose rights to express their views, assemble or pray near a reproductive health care facility have been violated or interfered with may commence a civil action for equitable relief. The civil action shall be commenced either in the superior court for the county in which the conduct complained of occurred, or in the superior court for the county in which any person or entity complained of resides or has a principal place of business.

266:120F. Unauthorized access to computer system; penalties

Section 120F. Whoever, without authorization, knowingly accesses a computer system by any means, or after gaining access to a computer system by any means knows that such access is not authorized and fails to terminate such access, shall be punished by imprisonment in the house of correction for not more than thirty days or by a fine of not more than one thousand dollars, or both.

The requirement of a password or other authentication to gain access shall constitute notice that access is limited to authorized users.

266:121. Entry on land with firearms

Section 121. Whoever, without right, enters upon the land of another with firearms, with intent to fire or discharge them thereon, and, having been requested by the owner or occupant of such land or by his agent to leave such land, remains thereon, shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than two months, or both.
such article is enclosed or wrapped, any word or mark indicating or designed or intended to indicate that the gold or alloy of gold upon such article is of a greater percentage of weight of the article by more than or per cent than the actual percentage of gold or alloy of gold, shall be punished by a fine of not more than five hundred dollars. The word or mark upon the article or upon the tag or label attached thereto, or upon the package, cover or wrapper in which such article is enclosed, shall be held to apply to the whole article, all the gold, alloys, solder and base metals being assayed as one piece, unless the word or mark plainly indicates that it applies to the plating, surface or other particular part of such article.

266:79. Imitation of furs; false representation; prohibition

Section 79. Whoever, himself, or by his agent or servant, or as the agent or servant of another person, sells or exchanges, or has in his custody or possession with intent so to do, or exposes for sale or exchange any manufactured imitations of furs of fur-bearing animals, representing the same to be the genuine fur of certain animals, shall be punished by a fine of not less than two hundred nor more than five hundred dollars.

266:80. Encumbered land; conveyance without notice

Section 80. Whoever conveys land, knowing that an encumbrance exists thereon, without informing the grantee, before the consideration is paid, of the existence and nature of such encumbrance, so far as he has knowledge thereof, shall be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars.

266:81. Attached land; conveyance without notice

Section 81. Whoever, knowing that his land is attached on mesne process, sells and conveys it without giving notice of the attachment to the grantee, and with intent to defraud, shall be punished by imprisonment in the state prison for not more than three years or in jail for not more than one year.

266:82. Concealment of mortgaged personality; use of rented personality in legal sale of liquor

Section 82. Whoever, with a fraudulent intent to place personal property which is subject to a mortgage beyond the control of the mortgagee, removes or conceals or aids or abets in removing or concealing the same, and a mortgagor of such property who assents to such removal or concealment, or whoever shall use rented, leased or mortgaged personal property as a container or implement of sale of intoxicating liquor contrary to law, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year.

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265:28. Poison; use with intent to injure; punishment

Section 28. Whoever mingles poison with food, drink or medicine with intent to kill or injure another person, or wilfully poisons any spring, well or reservoir of water with such intent, shall be punished by imprisonment in the state prison for life or for any term of years.

265:29. Assault; intent to commit felony; punishment

Section 29. Whoever assaults another with intent to commit a felony shall, if the punishment of such assault is not hereinbefore provided, be punished by imprisonment in the state prison for not more than ten years or by a fine of not more than one thousand dollars and imprisonment in jail for not more than two and one half years.

265:30. Gross negligence; persons having care of common carrier; penalty

Section 30. Whoever, having the management or control of or over a steamboat or other public conveyance used for the common carriage of persons, is guilty of gross negligence in or relative to the management or control of such steamboat or other public conveyance, while being so used for the common carriage of persons, shall be punished by a fine of not more than five thousand dollars or by imprisonment in jail for not more than two and one half years.

265:31. Repealed, 1962, 285, Sec. 2

265:32. Glass; throwing in public streets and beaches; penalty

Section 32. Whoever throws or drops glass on a public way, or on or near a bathing beach, or on a public way, sidewalk or reservation in the immediate neighborhood of a bathing beach, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than one month.

265:33. Repealed, 1962, 285, Sec. 2

265:34. Tattooing body of person by other than qualified physician; punishment

Section 34. Whoever, not being registered as a qualified physician under section two of chapter one hundred and twelve, or corresponding
moves, carries away, interferes with or releases any animal shall, if such
injury, damage, trespass, removal, carrying away, interference or release
is malicious and wilful, be punished by imprisonment in the state prison
for not more than ten years or by a fine of not more than twenty-five
thousand dollars and imprisonment in a jail or house of correction for not
more than two and one-half years; or if such injury, damage, trespass,
removal, carrying away, interference or release is wilful but not malici-
ous, be punished by imprisonment in the state prison for not more than
five years or by a fine of not more than ten thousand dollars and imprison-
ment in a jail or house of correction for not more than two and one-
half years.

266:105. Stone walls or fences; unauthorized removal

Section 105. Whoever wilfully and without right pulls down or re-
moves any portion of a stone wall or fence which is erected or maintained
for the purpose of enclosing land shall be punished by a fine of not more
than ten dollars. Natural resource officers and deputy natural resource
officers of the office of the secretary of the executive office of environ-
mental affairs, may arrest without a warrant any person found violating
this section.

266:106. Ice ponds; injury

Section 106. Whoever wilfully, intentionally and without right or li-
cense, cuts, injures, mars or otherwise damages or destroys ice upon wa-
ters from which ice is or may be taken as an article of merchandise,
whereby the taking thereof is hindered or the value thereof diminished
for that purpose, shall be punished by a fine of not more than one hun-
dred dollars.

266:107. Bridge or canal; injury

Section 107. Whoever wilfully, intentionally and without right breaks
down, injures, removes or destroys a public bridge, or a lock, culvert or
embankment of a canal, or wilfully, intentionally and without right makes
an aperture or breach in such embankment with intent to destroy or in-
jure the same, shall be punished by imprisonment in the state prison for
not more than five years or by a fine of not more than five hundred dol-
lars and imprisonment in jail for not more than two years.

266:108. Vessel; destruction to injure or defraud owner or insurer; punish-
ment; restitution

Section 108. Whoever casts away, burns, sinks or otherwise destroys
a ship or vessel, with intent to injure or defraud an owner thereof, or of
any property laden on board the same, or an insurer of such ship, vessel
or property, or of any part thereof, shall be punished by imprisonment in
EXAM

1. Briefly describe our three branches of government specifically explaining each branch's role in the creation and maintenance of and rule of law.

2. Briefly explain/define

   a) Acts and Resolves
   b) General Laws
   c) Effective Dates
   d) Ways and Means Committee
   e) Fiscal Year
   f) Chapter 29
   g) Adverse Report
   h) Emergency preamble
   i) Conference Committee
   j) Engrossed bill
   k) Enactment
   l) Veto override
   m) Outside section
   n) Line item
   o) Prior Appropriation continued
   p) Favorable report
   q) Second reading
3. Provide an overview, in as much detail as time allows, including steps and stages necessary to create or amend a law through the legislative process. Finally, explain the Governor's role in this process.

4. a) What is an initiative Petition?
    b) What is a referendum Petition?

5. Rep Quisenberry has asked you to begin the draft of a legislative proposal creating a new chapter of the general laws. The new chapter will be titled "Crimes Against The Environment". Don't worry about the contents of the new chapter because other staff members are drafting the various sections of the new chapter. You should draft the title and caption necessary to amend the general laws. This new chapter should be inserted after G. L. c. 266 (Crimes Against Property).
6. In 1962 the legislature repealed the provisions of the General Laws, (G. L. c. 265, § 31), which prohibited leaving a stage coach unattended when carrying passengers. Rep. Quisenberry would like you replace that section with one that prohibits leaving a cab unattended when it contains a passenger or passengers. He wants a fine of not more than five hundred dollars.
CRIMES AGAINST THE PERSON

§ 31. Repealed, 1962, 285, Sec. 2

Historical and Statutory Notes

St.1962, c. 285, § 2, repealing this section, was approved March 26, 1962.

The repealed section, which related to penalties for leaving a stage coach carrying passengers unattended, was derived from:

St.1826, c. 140.
R.S.1836, c. 51, § 4.
G.S.1860, c. 160, § 36.
P.S.1882, c. 202, § 35.
R.L.1902, c. 207, § 31.

§ 32. Glass; throwing in public streets and beaches; penalty

Whoever throws or drops glass on a public way, or on or near a bathing beach, or on a public way, sidewalk or reservation in the immediate neighborhood of a bathing beach, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than one month.

Amended by St.1975, c. 322.

Historical and Statutory Notes

St.1913, c. 214.
St.1914, c. 76.

St.1975, c. 322, approved June 12, 1975, substituted "one hundred dollars" for "fifty dollars."

Library References

Malicious Mischief §§1, 12. C.J.S. Malicious or Criminal Mischief or Damage to Property §§ 2 to 3, 11.

Research References

Treatises and Practice Aids

§ 33. Repealed, 1962, 285, Sec. 2

Historical and Statutory Notes

St.1962, c. 285, § 2, repealing this section, was approved March 26, 1962.

The repealed section derived from St.1913, c. 256, established a fine for wearing protruding hat pins.

§ 34. Tattooing body of person by other than qualified physician; punishment

Whoever, not being registered as a qualified physician under section two of chapter one hundred and twelve, or corresponding provisions of earlier laws, marks the body of any person by means of tattooing, shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than one year, or both.

Added by St.1957, c. 76. Amended by St.1962, c. 214.

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