

**REPORT OF THE ATTORNEY
GENERAL FOR
THE YEAR ENDING,
JUNE 30, 1975; NO. 12**

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Report of the attorney general for the year ending, June 30, 1975; No. 12 by Various

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VARIOUS

**REPORT OF THE ATTORNEY
GENERAL FOR
THE YEAR ENDING,
JUNE 30, 1975; NO. 12**

The Commonwealth of Massachusetts

REPORT

OF THE

ATTORNEY GENERAL

FOR THE

Year Ending June 30, 1975



The Commonwealth of Massachusetts

Boston, December 3, 1975

To the Honorable Senate and House of Representatives:

I have the honor to transmit herewith the report of the Department of the Attorney General for the year ending June 30, 1975.

Respectfully submitted,

FRANCIS X. BELLOTTI
Attorney General

The Commonwealth of Massachusetts
DEPARTMENT OF THE ATTORNEY GENERAL

Attorney General
FRANCIS X. BELLOTTI

First Assistant Attorney General
Robert M. Bonin

Assistant Attorneys General

James R. Adams ²	Edward J. McCormack III ²
Phyllis H. Allen ¹	Barton J. Menitove ³
Nicholas P. Aranella	Michael B. Meyer ⁴
George W. Arvanitis ^{1,2}	John C. Mihos ⁵
Kenneth M. Barna ¹	Stephen Miller ²
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Paul Donaher ²	Paula Rosen ¹
Michael C. Donahue	Steven A. Rosconi
Richard C. Donovan ¹⁰	S. Stephen Rosenfeld
Eleanor A. Dwyer	Barbara J. Rouse ³
Michael Eby ²	Frank J. Scharaffa
Katherine Farrell ²	William A. Schroeder ¹
Charles P. Gamer ²	Stephen Schultz
Mary Ann Gilleece ²	Marc S. Scigle ¹
Brian F. Gilligan	Mitchell Sikora
David B. Gittelsohn ²	Bruce Singal ²
Paula W. Gold	Susan K. Sloane ²
Paul A. Good	Barbara A. Smith
Robert V. Greco	Deborah S. Solomon ¹
Richard A. Gross ²	Piroska Soos ¹
L. Scott Harshbarger	George A. Stella ²
William E. Howell ³	Donald Stern ³
John F. Hurley ²	Paul J. Swartz ²
John J. Irwin	Bruce D. Twyon
William D. Jackson ²	Frank K. Upham III ²
James P. Kiernan ¹⁰	David Vigoda ⁸
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Thomas R. Kiley	Ellen R. Weiss
Dennis LaCroix	Wade M. Welch
Timothy J. Lane, Jr.	Howard Whitehead ²
John P. Larkin ²	Robert A. Williams ¹
George Lemelman	Timothy J. W. Wise
Steven M. Leonard ²	Donald P. Zerendow
William F. Linnehan	Stephen Ziedman
Bernard Manning	

Assistant Attorney General; Director Division of Public Charities
Francis V. Hanify

Assistant Attorneys General Assigned to Department of Public Works

Jerold E. Berman	Hugh J. Morgan Jr. ⁷
Elizabeth A. Bowen	Robert Mulligan ⁸
Jacob Brier ⁵	Howard R. Palmer
Garrett M. Byrne ⁶	Joseph A. Pelligrino
John P. Davey	Edward J. Quinlan ²
Dennis L. Ditelberg ⁵	Richard Rafferty
Allan Gottlieb	T. David Raftery
James J. Haroules	Robert Rodophele
John F. Houton ⁶	Herbert L. Schultz
David A. Leone ⁶	Sidney Smookler ²
Michael J. Marks	John J. Twomey
Michael J. McCormack	Gerald Van Dam
Leo S. McNamara ¹	Christopher H. Worthington

*Assistant Attorneys General Assigned
to the Division of Employment Security*

Joseph S. Ayoub Hartley C. Cutter¹⁰

Chief Clerk

Russell F. Landrigan

Assistant Chief Clerk

Edward J. White

¹Appointed February 1975

²Appointed March 1975

³Appointed April 1975

⁴Appointed May 1975

⁵Appointed June 1975

⁷Terminated February 1975

⁸Terminated March 1975

⁹Terminated April 1975

¹⁰Terminated May 1975

¹¹Terminated June 1975

**STATEMENT OF APPROPRIATIONS AND EXPENDITURES
FOR THE PERIOD
JULY 1, 1974 - JUNE 30, 1975**
APPROPRIATIONS

0810-0000	Administration	\$3,510,696.68
0810-0014	Public Utilities; Expense Authorized by c. 1224-1973	250,000.00
0810-0100	L.E.A.A. Hard Cash Match Funds	25,000.00
0810-6610	Trust Fund Settlements	84,560.83
0810-6613	Consumer Protection Research and Pilot Program	4,191.92
0810-6614	Organized Crime Investigation Training and Preliminary Design of Technical Assistance	575.20
0810-6615	Organized Crime: Law Enforcement Training	46.03
0810-6616	Drug Training, Manual and Technical Assistance	2,457.89
0810-6617	Organized Crime Unit Phase 2: Retrieval and Dissemination System	39.45
0810-6618	Training and Reference Materials	19,415.08
0810-6619	Organized Crime Unit	9,322.80
0810-6620	Drug Intelligence Information System	654.16
0810-6621	Criminal Appellate Program	57,931.83
0810-6622	Prosecution Management Study	4,000.00
0810-6623	WIN Public Service Employment Program	9,266.85
0810-6624	Organized Crime Unit	134,895.27
0810-6625	Drug Intelligence Information System	62,215.00
0810-6626	Appellate Legal Services	22,500.00
0810-6701	Dexter Nursing Home Case	344.95
0810-6702	Pine Grove Mobil Homes	35,569.05
0810-6703	Miami Vacations Inc. D.B.A. Resort Hotel Associations	1,000.00
0811-6614	Attorney General Trust Fund	219.30
0821-0100	Claims — Damages by State Owned Cars	200,000.00
		\$4,434,902.29

The Commonwealth of Massachusetts

INTRODUCTION

My first Annual Report as Attorney General of the Commonwealth of Massachusetts, as required by General Laws, Chapters 30 and 32, encompasses the fiscal year from July 1, 1974 to June 30, 1975.

Upon taking office on January 15, 1975, my first priority was to professionalize and reorganize the Department of the Attorney General. All assistant attorneys general now must work full-time. The use of special assistant attorneys general has been diminished appreciably. I have hired professionals of diverse background and viewpoints with expertise in their given fields. The staff has been reduced by twenty percent. At the same time, programs have been established with local colleges and law schools where students work part-time for course credit or as volunteers, saving the taxpayers money, while helping the professional staff, who have profited from the students' hard work as well as their contagious enthusiasm.

The Department of the Attorney General has been reorganized into four bureaus and eighteen divisions. Separate sections have been established to deal with the areas of Women's Rights, Privacy, and Affirmative Litigation. We have begun to build a professional law library in the Department of the Attorney General. Finally, plans are being made to consolidate physically the entire Department by moving to the new McCormack State Office Building.

During my first six months in office, this Department's accomplishments have not been limited to organizational and personnel matters. A full description of the accomplishments and activities of the Department is set forth in the remainder of this report.

The major accomplishments of the office include the substantial reduction of the backlog of requests for Attorney General's opinions. Important opinions were issued discussing the registration of lobbyists, the revealing of names of persons who have failed to file campaign statements and the impoundment of state funds.

The Civil Bureau, through its efforts in collecting unpaid employer taxes, unpaid rents on state owned property, unclaimed bankbooks, and money owed to the Commonwealth because of automobile accidents, college loans, and charges for care in state hospitals, etc., as well as through its efforts in prosecuting fraudulent unemployed claims, recovered over \$1,868,000 for the Commonwealth.

The Criminal Bureau obtained indictments against nursing home operators allegedly committing large scale welfare fraud, and started an investigation into alleged campaign law violations by various officials of the Boston Fire Department.

The Governmental Bureau defended before the United States Supreme Court the Commonwealth's mandatory retirement statute for uniformed state police officers and successfully defended against constitutional attack Department of Welfare policy changes necessitated by this year's fiscal crisis. The Affirmative Litigation Division of the Governmental Bureau initiated lawsuits challenging the license fees on oil imposed by the President, and seeking a return of income taxes collected by New Hampshire from Massachusetts residents.

The Public Protection Bureau has initiated proceedings to stop unfair and deceptive advertising practices, to enforce lead paint laws, and to protect consumers dealing with vocational schools, mobile homes and health spas. In addition, the Environmental Protection Division of the Public Protection Bureau has challenged the EPA permit issued to the MDC for its discharge into the Charles River, closed down the Bridgewater dump, and preliminarily enjoined the draining and filling of a two thousand acre wetland in Plymouth County.

I have tried to build a diverse staff to present me all sides of issues. In addition, I have made every effort to leave my office at least one-half day each week to meet with the people and hear their views. I have tried to assure that all decisions made by this Department be carefully considered under the law and considerate of the needs and desires of the people of the Commonwealth. The one thing I have insisted on is taking personal responsibility for all decisions, both popular and unpopular, made by this office. I look forward to continuing to serve as the Attorney General of this Commonwealth.

I. CIVIL BUREAU

Contracts Division

The work of the Contracts Division is generally divided into three areas: (a) Litigation, (b) Advice and counsel to state agencies, and (c) Contract review.

A. Litigation

The Division represents state officers and agencies at all stages of litigation involving contracts.

Chapter 258 of the General Laws is, for the most part, the controlling statute. Essentially, it is mandatory that all actions against the Commonwealth be brought in Suffolk County if the amount claimed exceeds \$2,000.00. The cases are tried without a jury and, almost universally, are referred to a master for hearing.

At present, there are 235 active cases in the Division. Forty-one cases were closed out this year.

These cases involve state highway, building or public work construction claims. Most of these cases involve contract or specification interpretation and entail extensive preparation and investigation. Discov-