

# SENATE . . . . No. 440

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[Senate, No. 440. — Moved (Conley) as a substitute for House Bill No. 1384.]

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## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Three.

AN ACT RELATING TO THE QUALITY OF COAL SOLD OR OFFERED FOR SALE IN THE COMMONWEALTH.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section two hundred and forty-eight  
2 of chapter ninety-four of the General Laws, as most  
3 recently amended by section fourteen of chapter two  
4 hundred and sixty-one of the acts of nineteen hundred  
5 and thirty-nine, is hereby further amended by striking  
6 out section two hundred and forty-eight and inserting  
7 in place thereof the following section:—

8 *Section 248.* Whoever violates any provision of  
9 sections two hundred and forty to two hundred and  
10 forty-seven, inclusive, if no other penalty is provided  
11 therein, or of a rule or regulation made under section  
12 two hundred and thirty-nine A, or fails to comply  
13 with any request for information or direction made  
14 under authority of sections two hundred and forty,  
15 two hundred and forty-one, two hundred and forty-  
16 four to two hundred and forty-six, inclusive, or gives

17 a false answer to any such request, shall be punished  
18 by a fine of not more than fifty dollars; and whoever  
19 is guilty of fraud or deceit as to the weighing, selling  
20 or delivering of coke, charcoal or coal, or whoever,  
21 by himself, or by his servant, agent or employee,  
22 sells or delivers or attempts to sell or deliver coal which  
23 is short in weight or which contains an unreasonable  
24 amount of shale, slate, rock or other foreign substance  
25 or which produces an excessive amount of non-  
26 combustible residue, including ash, shall be punished  
27 by a fine or not more than one thousand dollars or  
28 by imprisonment for not more than one year, or both.  
29 The director of standards and necessities of life and  
30 local sealers of weights and measures shall cause  
31 sections two hundred and forty to two hundred and  
32 forty-nine, inclusive, and rules and regulations made  
33 under section two hundred and thirty-nine A, to be  
34 enforced.

1 SECTION 2. Said chapter ninety-four is hereby  
2 further amended by striking out section two hundred  
3 and forty-nine E, as appearing in the Tercentenary  
4 Edition, and inserting in place thereof the following:—  
5 *Section 249E.* Whoever, by himself, or by his  
6 servant, agent or employee, in placing or packing  
7 coal in any basket, bag, sack or other receptacle,  
8 places or causes to be placed therein any foreign  
9 substance, or sells, or exposes or offers for sale, or has  
10 in his custody or possession with intent to sell, coal  
11 placed or packed in a basket, bag, sack or other  
12 receptacle containing an unreasonable amount of  
13 any foreign substance or producing an excessive  
14 amount of non-combustible residue, including ash,  
15 shall be punished by a fine of not more than one

16 thousand dollars or by imprisonment for not more  
17 than one year, or both.

1 SECTION 3. Said chapter ninety-four is hereby  
2 further amended by inserting after section two hun-  
3 dred and forty-nine E, as appearing in the Tercente-  
4 nary Edition, the following new section:—

5 *Section 249EE.* It shall be presumed in a prosecu-  
6 tion under sections two hundred and forty-eight or  
7 two hundred and forty-nine E that the non-com-  
8 bustible residue, including ash, is excessive if a test,  
9 as determined by the current standard method of  
10 tests for sampling and analysis for coal and coke as  
11 published by the American Society for Testing Ma-  
12 terials and designated as D 271, with the year of  
13 publication, produces non-combustible residue,  
14 including ash, in excess of the following percentages:

Trade Term.	Maximum Non-Combustible Residue, including Ash (Dry Basis) (Per Cent).
Broken . . . . .	12.5
Egg . . . . .	12.5
Stove . . . . .	13.5
Chestnut . . . . .	14.0
Pea . . . . .	15.5

1 SECTION 4. Section two hundred and forty-nine F  
2 of said chapter ninety-four is hereby amended by  
3 striking out in the third line the words “the five  
4 preceding sections”, — and inserting in place thereof  
5 the words:— sections two hundred and forty-nine A  
6 to two hundred and forty-nine EE, inclusive, — so  
7 as to read as follows:— *Section 249F.* The depart-  
8 ment of public health, local boards of health, the  
9 director of standards and local sealers of weights and

10 measures shall cause sections two hundred and forty-  
11 nine A to two hundred and forty-nine EE, inclusive,  
12 to be enforced.