

# HOUSE . . . . . No. 35

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Accompanying the second recommendation of the Department of Public Health  
(House, No. 33). Public Health.

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## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Nine.

AN ACT PROVIDING THAT RULES AND REGULATIONS PRESCRIBED BY THE DEPARTMENT OF PUBLIC HEALTH RELATIVE TO THE CONTROL OF ATMOSPHERIC POLLUTION SHALL TAKE EFFECT UPON THE FILING THEREOF WITH THE STATE SECRETARY UNLESS OTHERWISE SPECIFIED BY SAID DEPARTMENT.

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

1 Chapter 111 of the General Laws is hereby amended by  
2 striking out section 142A, inserted by chapter 672 of the acts  
3 of 1954, and inserting in place thereof the following section:—  
4 *Section 142A.* The department may from time to time, after  
5 notice to all persons interested and a public hearing, and subject  
6 to the approval of the governor and council, prescribe and  
7 establish minimum rules and regulations to prevent pollution or  
8 contamination of the atmosphere within the commonwealth.  
9 Said rules and regulations, after being so prescribed and estab-  
10 lished, shall have the force of law. Such rules and regulations  
11 shall become effective upon filing with the state secretary, unless  
12 a later date is specified by the department. Such filing shall be  
13 prima facie evidence of compliance with all regulation making  
14 requirements imposed by law. Any municipality, corporation  
15 or person, which, after due notice, continues to violate any  
16 such rule or regulation shall be deemed guilty of a misdemeanor,  
17 and upon conviction thereof shall be punished by a fine of not  
18 less than ten nor more than fifty dollars for the first offence,  
19 and not less than twenty nor more than one hundred dollars for  
20 every succeeding offence. The supreme judicial or superior

21 court, upon the application of the department, or upon the  
 22 application of any person interested, with the approval of the  
 23 department, may enforce such rules and regulations, and restrain  
 24 the use or occupation of the premises or such portion thereof as  
 25 the department may specify until such rules and regulations  
 26 have been complied with.

The Commission of Organization

Let it be the order of the Commission that the

of the Commission, with the approval of the Commission, may enforce such rules and regulations, and restrain the use or occupation of the premises or such portion thereof as the Commission may specify until such rules and regulations have been complied with.

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Section 111 of the General Laws is hereby amended by striking out section 111, inserted in chapter 111 of the General Laws, and inserting in place of the following section:

Section 111. The department may, from time to time, make a survey of all persons employed and a general survey of all persons in the employ of the government and, for the purpose of the general and special surveys, may require the attendance of the members within the jurisdiction of the department and, for the purpose of the general and special surveys, may require the attendance of the members within the jurisdiction of the department and, for the purpose of the general and special surveys, may require the attendance of the members within the jurisdiction of the department.