

SENATE No. 396

[Mr. Rhodes moves that this bill be substituted for the House Report of the committees on Public Safety and Education, sitting jointly, reference to the next annual session, on the petition (accompanied by bill, Senate, No. 94) of Lemuel H. Murlin, president of Boston University, and others relative to the use of cinematographs in schools.]

The Commonwealth of Massachusetts.

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

AN ACT

Relative to the Use in Schools and for Other Purposes of Moving Picture Apparatus adapted to Standard Width Safety Films.

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 seventy-two of chapter
2 one hundred and forty-three of the General Laws
3 is hereby amended by striking out, in the fifth
4 line, the words "section eighty-five", and insert-
5 ing in place thereof the words: — sections eighty-
6 five and eighty-six, — so as to read as follows: —
7 *Section 72.* No cinematograph or similar appa-
8 ratus, involving the use of a combustible film more
9 than ten inches in length, except one using only an

10 enclosed incandescent lamp and cellulose acetate
11 films not more than one and one quarter inches
12 in width, shall, except as provided by sections
13 eighty-five and eighty-six, be kept or used for the
14 purpose of exhibiting such films in or upon the
15 premises of a public building until such cine-
16 matograph or similar apparatus has been in-
17 spected and approved by an inspector, who shall
18 have placed thereon a numbered metal tag; nor
19 until a booth or enclosure, which has been in-
20 spected and approved by such an inspector and
21 his certificate issued therefor, has been provided
22 for said apparatus; nor until such precautions
23 against fire as the commissioner of public safety
24 may specify have been taken by the owner, user
25 or exhibitor; provided, that no such apparatus
26 shall be operated with oxyhydrogen gas, so called,
27 or with limelight. In addition, in Boston the
28 location of any booth or enclosure surrounding
29 such apparatus shall be approved by the building
30 commissioner, who may order such additional pre-
31 cautions against fire as he may deem necessary.

1 SECTION 2. Said chapter one hundred and
2 forty-three is hereby amended by adding at the
3 end thereof the following additional sections:—

4 *Section 86.* Notwithstanding any of the pro-
5 visions of sections seventy-two to eighty-five, in-
6 clusive, a cinematograph or similar apparatus
7 adapted to the use of standard width films, if
8 specifically licensed and approved by the com-
9 missioner of public safety as evidenced by a tag

10 attached thereto by his authority, may be used
11 as hereinafter provided, in connection with a
12 portable projector and without a booth and
13 subject to such further conditions and regula-
14 tions as the commissioner may prescribe, for
15 educational purposes in schools and other insti-
16 tutions of learning, or for business or demonstra-
17 tion purposes. Said cinematograph or apparatus
18 shall be used only with cellulose acetate or
19 equally incombustible films marked in the margin
20 at least once in every linear foot as safe and in-
21 combustible, and tagged or marked as inspected
22 by an inspector, and only in connection with an
23 incandescent electric lamp of not more than six
24 hundred watts. Such approval and license shall
25 be granted only upon the written application,
26 accompanied by a fee of two dollars, of the
27 superintendent of schools in a city or town in
28 case of use in a public school, or of the responsible
29 head of the university, college, technical or
30 private school or county extension service, as
31 the case may be, or if to be used for business or
32 demonstration purposes, upon the written appli-
33 cation of a responsible citizen. The commissioner
34 shall also cause to be posted on apparatus so
35 approved and licensed a statement of the terms
36 and conditions governing its use and the penalty
37 hereinafter prescribed for their violation. The
38 said commissioner, or such local authority as the
39 commissioner may designate, may grant a license
40 for the term of one year to operate such a cine-
41 matograph or apparatus, under the conditions

42 herein specified, to any suitable person twenty-
43 one years of age or over. Said license may be
44 renewed on payment of a like fee. The commis-
45 sioner or local authority so designated may revoke
46 any license or approval granted under this sec-
47 tion. Violation of any provision of this section
48 or of any rule, regulation or condition imposed
49 by the commissioner of public safety under its
50 provisions shall be punished by a fine of not
51 more than five hundred dollars or by imprison-
52 ment for not more than six nor less than two
53 months, or both.

54 *Section 87.* Whoever sells or leases or offers
55 or exposes for sale or lease, or loans any nitrous
56 or combustible film as cellulose acetate, incom-
57 bustible or safety film, or whoever stamps or
58 marks any nitrous or combustible film as cellulose
59 acetate, incombustible or safety film, shall be
60 punished by a fine of not less than one hundred
61 nor more than five hundred dollars or by im-
62 prisonment for not less than six months nor
63 more than two years, or both.

64 *Section 88.* No cinematograph or similar
65 apparatus intended for use as a motion picture
66 machine shall be sold, offered for sale or leased
67 unless and until it has been inspected and ap-
68 proved by an inspector as evidenced by a plate
69 which the inspector shall affix thereto upon which
70 shall be described the kind of film which may
71 lawfully be used in operating said machine or
72 apparatus, and the penalties prescribed for its

73 unlawful use. Violation of this section shall be
74 punished by a fine of not less than one hundred
75 nor more than five hundred dollars, or by im-
76 prisonment for not less than six months nor
77 more than two years, or both.

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