Senate, April 3, 1930.

The committee on Public Safety, to whom was referred so much of the report of the special commission (Commissioner of Public Safety and others) established (under Chapter 14 of the Resolves of 1929) to study the laws relative to fire prevention and the rules and regulations of the Department of Public Safety pertaining thereto (House, No. 1060), as relates to fire protection report the accompanying Bill (Senate, No. 378).

For the committee,

Donald W. Nicholson.
The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty.

An Act relative to Fire Prevention.

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. The General Laws are hereby amended by striking out chapter one hundred and forty-eight, as amended, and inserting in place thereof the following:

CHAPTER 148.

FIRE PREVENTION.

Section 1. In this chapter the following words, unless a different meaning is required by the context or is specifically prescribed, shall have the following meanings:—

"Commissioner", the commissioner of public safety of the commonwealth.

"Department", the department of public safety.

"Division", the division of fire prevention of the department of public safety.

"Head of the fire department", the fire commissioner, board of fire commissioners or fire engineers, or commissioner of public safety in those cities and towns having such an officer or officers; the chief
20 executive officer of the fire department of each other
21 city, town or fire district; and, in towns not having
22 a fire department, the chief engineer, if any, otherwise
23 the chairman of the board of selectmen.
24 “Inspector”, an inspector or police officer of the
25 department of public safety.
26 “Local licensing authority”, in towns, the board
27 of selectmen; in Boston, the board of street com-
28 missioners; in other cities, the board of aldermen,
29 or the licensing board or commission in cities wherein
30 such a board or commission is authorized to grant
31 licenses under this chapter. In case the board of
32 aldermen or city council constitute such authority,
33 any hearing required by this chapter may be held
34 before a committee thereof.
35 “Marshal”, the state fire marshal.
36 Section 2. Heads of fire departments in cities,
37 towns or fire districts shall, and the marshal in his
38 discretion may, investigate the cause and circum-
39 stances of every fire in their respective jurisdictions
40 by which property has been destroyed or damaged,
41 especially to ascertain whether it was caused by
42 carelessness or design. They shall begin such in-
43 vestigation forthwith after such fire, and if it ap-
44 pears to the official making such investigation,
45 other than the marshal, that the fire is of suspicious
46 origin or is the result of a violation of law, or if he
47 is unable to determine the cause, he shall immedi-
48 ately notify the marshal. All other fires by which
49 a loss is sustained shall, within forty-eight hours,
50 excluding Sundays and holidays, be reported in
51 writing to the marshal. Reports required by this
52 section shall be on forms furnished by the depart-
ment, and shall contain a statement of all facts relating to the cause and origin of the fire that can be ascertained, the extent of damage thereof, the insurance upon the property damaged, and other information as may be required. The marshal shall keep in his office a record of all fires occurring in the commonwealth, with the results of such investigations, and such records shall be open to public inspection.

Section 3. The marshal shall investigate or cause to be investigated the circumstances of all fires of suspicious origin of which he has notice, and may investigate or cause to be investigated the circumstances of any fire. For such purpose the marshal, or some person designated by the commissioner, may summon and examine on oath, administered by the marshal or such person, any person supposed to know or have means of knowing any material facts touching the subject of investigation. Such witnesses may be kept apart and examined separately, and such examination shall be reduced to writing, and false testimony therein shall be perjury. Any justice of a district court or of the superior court, upon application of the marshal or person so designated, may compel the attendance of such witnesses and the giving of such testimony in the same manner and to the same extent as before said court. If, upon such investigation, the marshal or person so designated believes that the evidence is sufficient to charge any person with crime, he shall make a complaint therefor, and shall furnish the proper officers with the evidence and names of witnesses obtained by him. He shall, when required, report to the
Section 4. The marshal, an inspector, the head of the fire department, or any person to whom the marshal or the head of the fire department may delegate the authority, may, in the performance of the duties imposed by this chapter, or in furtherance of the purpose of any provision of any law, ordinance or by-law, or of any rule or regulation of the department, or any order of the marshal or head of the fire department, enter at any reasonable hour any building or other premises, except as provided in section five, or any ship or vessel, to make inspection or investigation, without being held or deemed to be guilty of trespass.

Section 5. The marshal, the head of the fire department or any person to whom the marshal or the head of the fire department may delegate his authority may, and upon complaint of a person having an interest in any building or premises or property adjacent thereto, shall, at any reasonable hour, enter into buildings and upon premises, which term for the purposes of the remainder of this section shall include alleys adjacent thereto, within their jurisdiction and make an investigation as to the existence of conditions likely to cause fire. They shall, in writing, order such conditions to be remedied, and whenever such officers or persons find in any building or upon any premises any accumulation of combustible rubbish, including waste paper, rags, cardboard, string, packing material, sawdust, shavings, sticks, waste leather or rubber, broken boxes or barrels or other refuse that is or may become dangerous as a fire menace or as an obstacle to easy ingress into or egress from such
buildings or premises, they shall, in writing, order the
same to be removed or such conditions to be reme-
died. Notice of such order shall be served upon the
owner, occupant or his authorized agent. If said
order is not complied with within twenty-four hours,
the person making such order, or any person design-
ated by him, may enter into such building or upon
such premises and remove such rubbish or abate
such condition at the expense of such owner or occu-
pant. Any expense so incurred shall be a lien upon
such building or premises, and shall be enforced
within the time and in the manner provided for the
collection of taxes upon real estate. Any such owner
or occupant who fails or refuses to comply with said
order shall be punished by a fine of not more than
fifty dollars for each consecutive forty-eight hours
during which such failure or refusal to comply con-
tinues. This section shall not authorize entry into
a one-family or two-family dwelling without the
consent of the occupant.

Section 6. Any city, town or district officer who
wilfully neglects or refuses to comply with any duty
or requirement imposed upon him by the preceding
sections shall be punished by a fine of not less than
twenty-five nor more than two hundred dollars.

Section 7. The marshal shall submit annually,
before February fifteenth, a detailed report of all
official action in relation to fires to the commissioner
of insurance, who shall embody the material portions
thereof in his annual report.

Section 8. The marshal shall report to insurance
companies, to owners of property, or to other persons
interested in the subject matter of an investigation
of the cause and circumstances of a fire any informa-
tion obtained by such investigation which may in his opinion require attention from or by such insurance companies, owners of property or other persons. He shall also report to the head of the fire department the results of any investigation into fires of suspicious origin reported to him by such head as required by section two.

Section 9. The department shall make rules and regulations for the keeping, storage, use, manufacture, sale, handling, transportation or other disposition of gunpowder, dynamite, crude petroleum or any of its products, or explosive or inflammable fluids or compounds, tablets, torpedoes or any explosives of a like nature, or any other explosives, fireworks, firecrackers, or any substance having such properties that it may spontaneously, or acting under the influence of any contiguous substance, or of any chemical or physical agency, ignite, or inflame or generate inflammable or explosive vapors or gases to a dangerous extent, and may prescribe the location, materials and construction of buildings to be used for any of the said purposes, except that cities and towns may by ordinances or by-laws prohibit the sale or use of fireworks or firecrackers within the city or town, or may limit the time within which firecrackers and torpedoes may be used. Such rules and regulations shall require persons keeping, storing, using, selling, manufacturing, handling or transporting dynamite or other high explosives to make reports to the department in such particulars and in such detail that the quantity and location thereof will always be a matter of authentic record in the department. Cities and towns may also make and enforce ordinances and by-laws, not inconsistent
with said rules and regulations, relative to the subject matter of this section, other than fireworks and firecrackers.

Section 10. The marshal shall submit to the commissioner rules and regulations required or authorized to be made by the department under any of the provisions of this chapter, and the same shall take effect, subject to section thirty-seven of chapter thirty, when approved by the commissioner and by the governor and council, and on such dates as the governor and council may fix.

Section 11. The commissioner may expend the amount annually appropriated for maintaining a laboratory to aid in the enforcement of the laws relative to explosives and inflammable fluids and compounds, and for the employment of expert assistance to aid in the enforcement of such laws and to perform such other duties as the commissioner may prescribe.

Section 12. No building shall be used for the manufacture of fireworks or firecrackers without a license from the local licensing authorities and a permit from the marshal.

Section 13. No building or other structure shall, except as provided in section fourteen, be used for the keeping, storage, manufacture or sale of any of the articles named in section nine, except fireworks, firecrackers and torpedoes, unless the local licensing authority shall have granted a license therefor after a public hearing, notice of the time and place of which hearing shall have been given, at the expense of the applicant, by the clerk of the city or of the local licensing authority, by publication, not less than seven days prior thereto, in a newspaper pub-
lished in the representative district, if any, other-
wise in the city or town, wherein the land on which
such license is to be exercised is situated, and also
by the applicant by registered mail, not less than
seven days prior to such hearing, to all owners of
real estate abutting on said land, and unless the
application for such license shall have endorsed
thereon the approval or disapproval of the head of
the fire department, or, in case of an appeal as
hereinafter provided, the approval of the marshal,
that the exercise of such license will not constitute a
fire or explosion hazard; provided, that any build-
ing or other structure once used under a license
granted as aforesaid, or any building or other struc-
ture lawfully used for any of said purposes, may be
continued in such use from year to year if the owner
or occupant thereof shall annually, on or before
April thirtieth, while such use continues, file for
registration with the clerk of the city or town where
such building or other structure is situated, except
in Boston, where such filing shall be with the fire
commissioner, a certificate reciting such use and
occupancy; and provided, further, that any building
used as a garage for storing not more than two
vehicles, when once used under such a license, or
lawfully used for such purpose, may be continued
in such use from year to year without such annual
registration, and continuous use and occupancy
thereof for such purpose shall be presumed. The
department may by regulation prescribe the amount
of ammunition, crude petroleum or any of its prod-
ucts, or of any other inflammable fluid or com-
pound, that may be kept for private use in a building
or other structure without a license or registration, or either of them. Every license issued hereunder shall expire on April thirtieth following the date of issue, and registrations hereunder shall be effected on or before April thirtieth to take effect on May first following. Such fee as may be established from time to time by ordinance or by-law may be charged for any such license, registration or certificate of the head of the fire department, respectively; provided, that the fee for such registration shall be not more than one half of the amount of the fee for such a license.

The right to use a building or other structure for any of said purposes may be revoked for cause, after notice and a hearing given to such owner or occupant, by the local licensing authority, or by the marshal. Such building or structure shall always be subject to such alterations in construction and to such regulations of its use in respect to protection against fire or explosion as the department may prescribe.

An applicant for a license hereunder aggrieved by the refusal of the head of the fire department to approve his application as aforesaid may appeal to the marshal, who shall hear and finally determine whether the exercise of such a license would constitute a fire or explosion hazard. If, in his opinion, no such hazard would result, he shall approve the application.

Section 14. Gasoline or any other volatile inflammable fluid which emits a vapor at a temperature below one hundred degrees Fahrenheit when tested in the open air shall, when in any motor vehicle which is in a building or other structure, be deemed to be kept in such building or other structure within
the meaning of the preceding section; provided, that
this section shall not apply to any building in exist-
ence on July first, nineteen hundred and eleven, in
which not more than two automobiles or motor
vehicles are kept, if such building or part thereof
is not used either for human habitation or for hold-
ing gatherings of more than twenty persons, or for
giving entertainments, instruction or employment to
more than that number.

Section 15. Whoever knowingly violates or know-
ingly causes or permits the violation of any regula-
tion adopted and prescribed for the transportation of
gunpowder and other explosives or explosive or in-
flammable fluids or compounds shall be punished
by a fine of not more than one thousand dollars or
by imprisonment for not more than one year, or both.

Section 16. Whoever keeps, stores, uses, manu-
factures, sells, handles or otherwise disposes of any
of the articles mentioned in section nine, in violation
of section twelve or thirteen or of any regulation,
ordinance or by-law made under section nine, or
whoever violates any regulation made under section
thirteen, shall, except as provided in section fifteen,
be punished by a fine of not more than one hundred
dollars or by imprisonment for not more than one
month, or both.

Section 17. The supreme judicial or superior
court may restrain the erection, occupation or use
of a building in violation of section thirteen or of
any regulation made thereunder.

Section 18. The mayor of a city and the select-
men of a town shall annually appoint one or more
inspectors of petroleum, who, before entering upon
their official duties, shall be sworn, and who shall
not be interested in the manufacture, sale or dis-
tribution of petroleum or any products thereof. Said
inspectors shall enforce in their respective cities and
towns the rules and regulations of the department
relative to the selling or keeping for sale, for illumi-
nating, heating, power or cooking purposes, of
kerosene, petroleum or any product thereof. Their
compensation shall be fixed in cities by the aldermen
and in towns by the selectmen, and shall be paid by
the city or town. Cities and towns may establish
reasonable fees for inspections required by said rules
or regulations, payable into the city or town treasury
unless otherwise provided by ordinance or by-law.

Section 19. Before the issue of a permit to use
an explosive in the blasting of rock or any other sub-
stance as prescribed by the department, the appli-
cant for the permit shall file with the clerk of the
city or town where the blasting is to be done a bond
running to the city or town, with sureties approved
by the treasurer thereof, for such penal sum, not
exceeding ten thousand dollars, as the marshal or
the officer granting the permit shall determine to be
necessary in order to cover the risk of damage that
might ensue from the blasting; provided, that the
marshal or the officer granting the permit may deter-
mine that a single and blanket bond in a penal sum
not exceeding fifteen thousand dollars is sufficient to
cover the risk of damage from all blasting operations
of the applicant, either under the permit so issued or
under future permits to use explosives in blasting
operations. The bond shall be conditioned upon the
payment of any loss, damage or injury resulting to
persons or property by reason of the use or keeping
of said explosive.
Section 20. Action on a bond filed under the preceding section may be brought by any person to whom loss, damage or injury has resulted by reason of the blasting, and shall be brought in the name of, and for the use and at the cost and expense of, such person; but in no event shall action be brought on the bond for personal injury of an employee of the person receiving the permit. If claims on any bond are established to an amount greater than the penal sum thereof, such claims shall be paid pro rata to the amount of the penal sum, and executions shall issue accordingly.

Section 21. The superior court shall have jurisdiction in equity, upon the petition of the commonwealth or of a city or town, to enforce the laws of the commonwealth and the regulations of the department relative to the blasting of rock, stone or other substance with any explosive.

Section 22. Whoever suffers injury by the explosion of an explosive which is being kept or transported contrary to the provisions of this chapter or of the regulations of the department may recover damages therefor in tort against the persons who so violate said provisions or regulations.

Section 23. No volatile inflammable fluid except an amount not exceeding one quart when contained in an approved safety can and no non-volatile inflammable fluid except an amount not exceeding ten gallons for domestic use shall be kept, used or stored in any part of any building used for habitation, and no volatile inflammable fluid in quantity exceeding one gallon when contained in an approved safety can, and no non-volatile inflammable fluid in quantity exceeding thirty gallons, shall be kept, used
or stored except in the tank of an automobile, motor
boat or stationary engine within fifty feet of any
building used for habitation, unless a permit has first
been obtained therefor from the head of the fire de-
partment under such terms and conditions as he
may prescribe.

Section 24. No part of any building used for
habitation nor that part of any lot within fifty feet
of any building so used shall, except as permitted
by section twenty-three, be used for the storage,
keeping or handling of any article or material that
is or may become dangerous to the public safety as a
fire menace, and no part of any such building shall
be used as a carpenter shop or paint shop, nor for
the storage, keeping or handling of excelsior, shav-
ings, sawdust, cotton, paper stock, feathers or
rags, except under such terms and conditions as
the head of the fire department may prescribe in
writing.

Section 25. No salamander or stove for drying
any construction material shall be used in any build-
ing except under such conditions as may be pre-
scribed by the marshal; and no such salamander
or stove shall be set upon a wooden floor unless it
is raised above the floor at least four inches and
set upon brick or other incombustible material in
a bed of sand at least two inches thick, spread
upon the floor and covering an area of at least
two feet in all directions larger than the area of
the salamander or stove.

Section 26. Any building used in whole or in
part for the business of woodworking, or for the
business of manufacturing or working upon wooden,
basket, rattan or cane goods or articles, or tow, shav-
ings, excelsior, oakum, rope, twine, string, thread,
426 bagging, paper, paper stock, cardboard, rags, cotton
427 or linen, or cotton or linen garments or goods, or
428 rubber, feathers, paint, grease, soap, oil, varnish,
429 petroleum, gasoline, kerosene, benzine, naphtha or
430 other inflammable fluids or compounds, and any
431 building used in whole or in part for the business of
432 keeping or storing any such goods or articles except
433 in such small quantities as are usual for domestic
434 use or for use in connection with and as incident to
435 some business other than such keeping or storing,
436 shall, upon the order of the marshal, be equipped
437 with automatic sprinklers; provided, that no such
438 order shall apply to any building unless four or more
439 persons live or are usually employed therein above the
440 second floor.

Section 27. Any owner of a building who, within
442 six months after having received an order from the
443 marshal under the preceding section, fails to com-
444 ply with the requirement of such order shall be
445 punished by a fine of not more than one thousand
446 dollars.

Section 28. The department shall make such
448 regulations, and the head of the fire department
449 shall make such orders or rules not inconsistent
450 therewith, as may be necessary for the purpose of
451 remedying any condition found to exist in or about
452 any building or other premises or on any ship or
453 vessel in respect to fires, the prevention of fire and
454 fire hazard, limited, however, to the following sub-
455 jects:

A. Requiring the keeping of portable fire extin-
457 guishers, buckets of water or other portable fire ex-
458 tinguishing devices on any premises by the occupant
thereof, and prescribing the number and situation of such devices.

B. Causing obstacles that may interfere with the means of access or exit or with the operations of the fire department in case of fire to be removed from floors, halls, stairways and fire escapes.

C. The removal of any vessel moored to or anchored near any dock or pier if such vessel is in danger of catching fire, or is by reason of its condition or the nature of its cargo a menace to shipping or other property.

D. The cleaning of chimney flues and smoke and vent pipes and incinerators, and the installation of spark arresters in incinerators and in chimneys connected with permanent wood-burning furnaces.

E. The keeping of covered metal containers as receptacles for waste paper, oily rags and oily waste, and metal containers for ashes.

F. The use of self-closing safety cans of a type approved by the marshal for the keeping of volatile inflammable liquids.

G. Prohibiting or regulating the storage in any lot, building, shed, enclosure or other structure, of any empty packing boxes, cases, or barrels in such quantity as to amount to a fire hazard, and regulating the height of piles of lumber in lumber yards.

H. Prohibiting the fumigation of warehouses, factories or commercial buildings by the use of any volatile inflammable liquid, or any material requiring flame, without a permit from the marshal or the head of the fire department.

I. Prohibiting or regulating smoking in factories, workshops, mercantile establishments, docks, wharves and warehouses.
J. Requiring and regulating fire drills for employees of hospitals, theatres and other places of public amusement, and in public and private schools.

K. Requiring proper safeguards to be placed and maintained about or over roof skylights and about outer or inner courts or shafts at the roof line.

L. Prohibiting or regulating inflammable decorations in stores, halls and places of public assembly.

Section 29. If buildings or other premises are owned by one person and occupied by another under lease or otherwise, the orders of the marshal shall apply to the occupant alone, except where the rules or orders require the making of additions to or changes in the premises themselves, such as would immediately become real estate and be the property of the owner of the premises. In such cases the rules or orders shall affect the owner and not the occupant; and unless it is otherwise agreed between the owner and the occupant, the occupant whose use of the premises has caused the making of such additions or changes, in addition to his rent or other payments, shall, after the additions or changes are made, pay a reasonable per cent of the cost thereof annually to the owner of the premises. No rule or order shall be made or enforced which requires an expenditure by the owner or occupant of more than five per cent of the last annual assessed valuation of the buildings to which such rule or order relates.

Section 30. If any city or town, or any head of a fire department, or any officer, servant or agent of the commonwealth or of any city or town refuses or unreasonably neglects to obey any lawful rule, order or regulation of the marshal, such city or town, upon
information presented by him, shall be liable to a fine of not more than one thousand dollars, and such head of a fire department or other person shall be punished by a fine of not more than fifty dollars, and the rule or order may, upon application of the marshal, be enforced by the supreme judicial or superior court by writ of mandamus or otherwise. Violation or unreasonable neglect of such rules or orders by any person other than as aforesaid shall be punished by a fine of not more than ten dollars for each day during which such violation continues after notice to the person violating such rule or order. Such notice may be given by personal service or by posting the same in a conspicuous place on the premises affected thereby.

Section 31. Any person aggrieved by any act, order or decision of the head of a fire department, or other person or persons acting or purporting to act under authority derived from this chapter or any rule or regulation thereunder except as provided in section five, may appeal to the marshal, who shall make all necessary and proper orders thereon, but only in so far as the appeal presents a direct question of fire or explosion hazard. Such appeal shall be filed with the marshal not later than ten days following the decision on which the appeal is based.

Section 32. The marshal may require every fire insurance company authorized to transact business in the commonwealth to report to him, through the secretary or some other officer of the company designated by the board of directors, such information as he may deem desirable concerning all fire losses on property insured in such company. Every insurance company adjusting a fire loss shall forward forthwith
561 to the marshal a written statement of the amount
562 of such adjustment on building and contents.

Section 33. The marshal shall study fire hazard
563 and fire prevention and all matters relating thereto,
564 hear suggestions and complaints from all persons and
565 from all cities and towns, advise with the officers of
566 such cities and towns and make suggestions to the
567 general court and to the cities and towns looking to
568 the improvement of the laws, ordinances and by-laws
569 relating to fire departments, construction of build-
570 ings, building or fire limits, use and occupation of
571 buildings and other premises, protection of existing
572 buildings, fire escapes and other life-saving devices,
573 segregation and licensing of trades dangerous by
574 reason of fire hazard, and all other matters relating
575 to fire prevention and fire hazard.

The marshal may designate the head of a fire de-
578 partment to assist, in his jurisdiction, in carrying out
579 the provisions of this chapter.

Section 34. Except as otherwise provided, any
581 person violating any provision of this chapter shall
582 be liable to a fine of fifty dollars, or, in case of a
583 continuing offence after notice of such violation, to
584 a fine of not more than ten dollars for every day
585 during which the violation continues.

Section 35. No person shall have in his possession
586 or under his control any bomb or other high explo-
587 sive, as defined by the rules and regulations made
588 under section nine, contrary to the provisions of this
589 chapter or of any rule or regulation made thereunder.

Whoever violates this section shall, except as provided
590 in section one hundred and two A of chapter two hun-
591 dred and sixty-six, be punished by a fine of not more
592 than one thousand dollars, or by imprisonment for not
more than ten years, or both, and any bomb or explosive found in his possession or under his control on such violation shall be forfeited to the commonwealth. Any officer qualified to serve criminal process may arrest without a warrant any person violating this section.

Section 36. Notice of the seizure of any bomb or explosive owned by or found in the possession or under the control of any person violating the preceding section shall be immediately sent to the marshal by the officer making the seizure, and upon the bomb or explosive so seized shall be delivered to the marshal and disposed of at his discretion.

Section 37. No person shall construct, maintain or use any tank or container of more than ten thousand gallons' capacity, for the storage of any fluid other than water, unless the same is located underground, without first securing a permit therefor from the commissioner. The commissioner may, after notice and hearing, revoke any such permit for cause. Whoever violates this section or a rule or regulation made under the following section shall be punished by a fine of not less than fifty nor more than one thousand dollars.

Section 38. The department shall make rules and regulations governing the construction, use and maintenance of tanks to which the preceding section applies. Such rules and regulations shall not take effect until approved by the governor and council, and filed in the office of the state secretary.

Section 39. No person shall sell or keep for sale any blank cartridge, toy pistol, toy gun or toy cannon that can be used to fire a blank cartridge; or sell or
629 keep for sale, or fire, explode or cause to explode any
630 blank cartridge or bomb, or sell or keep for sale,
631 or set off, explode or cause to explode any fireworks
632 containing any picric acid or picrates, or any fire-
633 cracker exceeding two inches in length and three
634 eighths of an inch in diameter or of a greater explo-
635 sive power than a firecracker of such size containing
636 black gunpowder only; provided, that this section
637 shall not apply to illuminating fireworks set off
638 between the hours of six and twelve o’clock post
639 meridian, excepting those containing picric acid or
640 picrates, or to the sale of any article herein named
641 to be shipped directly out of the commonwealth,
642 or to the sale or use of explosives in the firing of
643 salutes by official authorities, or to the sale or use
644 of blank cartridges for a duly licensed show or
645 theatre or for signal purposes in athletic sports,
646 or to experiments at a factory for explosives, or
647 to the firing of salutes with cannon where a per-
648 mit has been secured from the marshal or some
649 officer designated by him therefor, or to the sale of
650 blank cartridges for the use of, or their use by, the
651 militia or any organization of war veterans, or other
652 organization authorized by law to parade in public
653 a color guard armed with firearms, or in teaching the
654 use of firearms by experts.

Section 40. No person shall store fireworks in
656 quantities except such as may be determined by the
657 rules and regulations of the department outside the
658 premises of a fireworks manufactory in any building
659 or other structure located within one thousand feet
660 of any church, theatre, hall, place of public assembly,
661 factory or any inhabited building, nor shall any per-
662 son manufacture fireworks, unless he has previously
filed with the clerk of the city or town in which the
said fireworks are to be manufactured or stored a
bond running to the treasurer of the said city or
town with a surety or sureties approved by the
said treasurer, in such penal sum, not less than
ten thousand dollars, as the mayor of the city or the
selectmen of the town, with the approval of the
marshal, shall determine to be necessary to cover the
losses, damages or injuries that might ensue from
the said manufacture or wholesale storage. The
bond shall be conditioned upon the payment of any
judgment obtained in an action against said person
so manufacturing or storing fireworks for or on ac-
count of any loss, damage or injury resulting to
persons or property by reason of the said manufac-
ture or wholesale storage.

Section 41. Action on a bond filed under section
forty or forty-two may be brought by any person
holding a judgment to secure the payment of which
the bond was filed and may be brought by such
person in the name of the city or town treasurer, or
of the state treasurer, as the case may be, but for
the use and benefit, and at the cost and expense, of
the person so bringing the said action; provided, that
such a judgment was recovered in an action brought
within twelve months of the time when the cause
of action accrued.

Section 42. No person engaged in the business of
displaying or exhibiting fireworks shall, by himself
or his agents, discharge, fire off, explode or display
fireworks unless he has on file with the state treasurer
a bond running to the state treasurer with a surety
or sureties approved by him for the penal sum of
fifteen thousand dollars, and for such additional penal
sum as the marshal shall determine to be necessary to cover the losses, damages or injuries that might ensue to persons or property by reason thereof. The bond shall be conditioned upon the payment of any judgment obtained in an action brought against said person so discharging, firing off, exploding or displaying fireworks, for or on account of any loss, damage or injury resulting to persons or property by reason of the said discharging, firing off, exploding or displaying of said fireworks.

Section 43. No action for injury to an employee of a person required to give a bond who is manufacturing, storing or exhibiting fireworks shall be brought on a bond given under section forty or forty-two if such injury arises out of and in the course of the employment. If claims under any bond filed under either of said sections are established to an amount greater than the penal sum of the bond, such claims shall be paid pro rata to the amount of the penal sum and executions shall issue accordingly. Nothing in the three preceding sections shall deprive a person suffering loss, damage or injury of any other right or remedy provided by law.

Section 44. Firecrackers and pyrotechnical ship or railway signals shall be included and classed as fireworks, but the provisions of the four preceding sections shall not apply to the storage of pyrotechnical ship or railway signals nor to the discharge, firing or exploding of the said signals when used for the protection of life and property.

Section 45. Whoever violates any provision of the five preceding sections shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or both.
Section 46. No person shall manufacture, store, keep for sale, sell or transport any compound for use as a stove polish containing any liquid or compound whatsoever which will emit a gas that will flash at a temperature of less than one hundred and forty degrees Fahrenheit, except that foundry paste which contains inflammable compound, if packed in metal containers, sealed by fusion and weighing in gross not less than five pounds, and if such container is labeled "Dangerous—Inflammable compound—Keep away from fire, heat and lights" may be manufactured, stored, kept for sale, sold or transported for use only by stove foundries, stove manufacturers and stove dealers on their own premises under regulations prescribed by the marshal. The flash point of said compound shall be ascertained by use of some standard closed cup instrument or other method approved by the marshal.

Section 47. Violation of any provision of section thirty-nine or forty-six shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than one month, or both.

Section 48. Whoever mixes for sale naphtha and illuminating oils or naphtha and oils to be used for fuel in dwellings or other buildings whereby human life is endangered or exposed, or sells or offers for sale such mixture, or oils for illuminating, heating or cooking purposes so mixed with any other substance as to render their use for such purposes a menace to human life, or sells or offers for sale, except for remanufacture, illuminating or fuel oils made from coal or petroleum which will evaporate a gas that will flash at a temperature of less than one hundred and fifteen degrees Fahrenheit or ignite at a temper-
765 ature of less than one hundred and twenty-five de-
766 gree Fahrenheit, to be ascertained by the applica-
767 tion of some standard approved instrument, or
768 whoever sells or keeps or offers for sale naphtha
769 under a name which tends to conceal its inflammable
770 character, shall be punished by a fine of not more
771 than one hundred dollars or by imprisonment for
772 not more than one month, or both, and shall also
773 be liable for any damage suffered by any person
774 from the explosion or ignition of such oil thus un-
775 lawfully sold or kept or offered for sale. Such oil
776 thus unlawfully sold or kept or offered for sale, and
777 the casks or packages containing the same, shall be
778 forfeited and sold, and the proceeds shall be paid to
779 the commonwealth.

Section 49. For the purposes of the preceding
780 section, illuminating or fuel oils made from coal or
781 petroleum and having an igniting point of less than
782 one hundred and twenty-five degrees Fahrenheit, to
783 be determined as therein provided, shall be deemed
784 to be mixed with naphtha, and shall be branded
785 unsafe for illuminating purposes or for use as fuel.

Section 50. Upon complaint made to a court of
787 justice authorized to issue warrants in criminal cases
788 that the complainant has probable cause to suspect
789 and does suspect that gunpowder, dynamite or any
790 other explosives, crude petroleum or any of its prod-
791 ucts, or explosive or inflammable fluids are kept or
792 are to be found in any place contrary to this chapter
793 or regulations made hereunder, such court or justice
794 may issue a search warrant in conformity with chap-
795 ter two hundred and seventy-six, so far as applicable,
796 commanding the officer to whom the warrant is
797 directed to enter any shop, building, manufactory,
799 vehicle or vessel specified in the warrant, and there
800 make diligent search for the articles specified in the
801 warrant, and make return of his doings forthwith to
802 the court or justice having jurisdiction thereof. Such
803 warrants may be directed to an inspector or to the
804 head of the fire department.

Section 51. Articles seized under the preceding
section may, after due notice and hearing, be ad-
judged to be forfeited, and may be ordered to be sold
or destroyed in such manner as the court or magis-
trate may direct, and the proceeds, if any, paid into
the county treasury.

Section 52. Whoever keeps matches for sale or
use in any store unless the same are in unbroken
cases or in a metal or other fireproof receptacle with
the cover closed, except when it is necessary to ob-
tain access thereto, shall be punished by a fine of not
more than fifty dollars.

Section 53. Whoever liberates or flies a fire bal-
loon shall be punished by a fine of not more than one
hundred dollars or by imprisonment for not more
than one month, or both.

Section 54. Whoever drops or throws from any
vehicle while the same is upon a public or private
way running along or near forest land, or, except as
permitted by law, drops, throws, deposits or other-
wise places in or upon forest land, any lighted
cigarette, cigar, match, live ashes or other flaming or
glowing substance, or any substance or thing which
in and of itself is likely to cause a fire, shall be
punished by a fine of not more than twenty-five
dollars.

Section 55. Whoever manufactures or sells or
knowingly uses, or has in possession for the purpose
of sale, any golf ball containing any acid, fluid, gas
or other substance tending to cause the ball to explode
and to inflict bodily injury shall for the first offence
be punished by a fine of not more than five hundred
dollars, and for any subsequent offence by a fine of
not more than one thousand dollars or by imprison-
ment for not more than one year, or both.

Section 56. In any city or town which accepts the
provisions of this section no person shall engage in
the business of conducting or maintaining an open-
air parking space without a license therefor granted
by the licensing authorities, approved in all cases by
the head of the fire department. The license shall
specify all the premises to be occupied by the li-
censee for the purpose of conducting the licensed
business. The fee for each such license shall be such
amount as may be established by the authority
granting the license, and said authority may reason-
ably classify said licenses and fees. Licenses granted
hereunder shall expire on April thirtieth following
the date of issue, or on such date as may be specified
therein, and may be suspended or revoked by such
authority and by the head of the fire department.

Whoever, not being licensed, engages in a business
required by this section to be licensed, or is con-
cerned therein, or, being licensed, engages in such
business, or is concerned therein, in any other place
than that designated in his license or after notice
to him that his license has been suspended or re-
voked, shall be punished by a fine of not more than
one hundred dollars.

SECTION 2. Section twenty-one of chapter forty-
eight of the General Laws is hereby amended by
striking out the last sentence.
1 Section 3. Section one hundred and twenty of chapter one hundred and forty of the General Laws is hereby repealed.

1 Section 4. Section eighty-six E of chapter two hundred and seventy-two of the General Laws, inserted by section two of chapter four hundred and seventy-eight of the acts of nineteen hundred and twenty-four, is hereby amended by striking out, in the first to third lines, inclusive, the words "In the metropolitan fire prevention district the state fire marshal or any person designated by him, and in cities outside said district, the" and inserting in place thereof the word: — The, — so as to read as follows: — Section 86E. The chief of the fire department or any person designated by him, may, at all reasonable hours, enter into buildings within their jurisdiction where horses or mules are stabled, or upon premises adjacent thereto, for the purpose of enforcing sections eighty-six A to eighty-six D, inclusive, and if any such official or person so authorized finds the existence of conditions likely to cause a fire in such buildings or on such premises, he shall order such conditions to be remedied.

1 Section 5. Section five of chapter one hundred and forty-seven of the General Laws, as amended by chapter three hundred and twenty of the acts of nineteen hundred and twenty-eight, is hereby further amended by striking out the words "Section fourteen or forty-five of" in lines three and four, — so as to read as follows: — Section 5. Any person affected by an order of the department or of a division or office thereof, except one made by the state fire
marshal under chapter one hundred and forty-eight, may, within such time as the commissioner may fix, which shall not be less than ten days after notice of such order, appeal to the commissioner, who shall thereupon grant a hearing, and after such hearing may amend, suspend or revoke such order. Any person aggrieved by an order approved by the commissioner, or by an order made by the state fire marshal as aforesaid, may appeal to the superior court; provided, that such appeal is taken within fifteen days from the date when such order is approved. The superior court shall have jurisdiction in equity upon such appeal to annul such order if found to exceed the authority of the department, or upon petition of the commissioner to enforce all valid orders issued by the department. Nothing herein contained shall be construed to deprive any person of the right to pursue any other lawful remedy.