

By Mr. Spartichino of Cambridge, petition of George W. Spartichino for the establishment in the Department of Public Safety of a board of electricians' appeals and relative to the powers and duties of said board. Public Safety.

The Commonwealth of Massachusetts

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

AN ACT TO PROVIDE FOR APPEALS IN CONNECTION WITH MATTERS RELATING TO INSTALLATION OF WIRING AND FIXTURES.

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. Chapter 22 of the General Laws is hereby
2 amended by adding thereto the following section: —
3 *Section 15.* There shall be in the department of public safety,
4 but not under the control of the commissioner, a board to be
5 known as the board of electricians' appeals, which shall consist
6 of the commissioner or a member of the department designated
7 by him and six members to be appointed by the governor, with
8 the advice and consent of the council for terms of six years each.
9 One of such members shall be an inspector of wires appointed
10 pursuant to the provisions of section thirty-two of chapter one
11 hundred and sixty-six, one a representative of a public utility
12 corporation engaged in the manufacture, transmission or sale of
13 electricity, one a member of a national organization of electrical
14 engineers, one a representative of a national organization of fire
15 underwriters, one a master electrician holding a "Certificate A"
16 license, issued under chapter one hundred and forty-one, and
17 shall have had at least ten years' experience as an employing
18 master electrician, and one a journeyman electrician holding a
19 "Certificate B" license issued under said chapter, shall be a wage
20 earner, and shall have had at least ten years' practical experience
21 in the installation of wires and appliances for carrying electricity
22 for light, heat or power purposes, and all shall be citizens of the
23 commonwealth. No member of the board of fire prevention
24 regulations shall serve as a member of the board of electricians'

25 appeals. Upon the expiration of the term of a member appointed
26 by the governor, his successor shall be appointed in the same
27 manner for a term of six years. Any vacancy shall be filled in
28 the manner aforesaid for the remainder of the unexpired term.
29 The chairman of the board shall be designated from time to time
30 by the governor.

31 The board may make such rules or by-laws, not inconsistent
32 with law, as it may deem necessary in the performance of its
33 duties and may establish forms of appeals and petitions, and
34 reasonable fees for the filing thereof. The board shall hold only
35 such meetings as are required to perform its duties. Time, place
36 and notice of all meetings shall be required by rules or by-laws.
37 A majority of said board, constituted as above provided, may
38 transact business, but a lesser number may adjourn from time
39 to time.

40 No member shall act as a member of the board, or vote as
41 such, in connection with any matter as to which his private right,
42 distinct from the public interest, is immediately concerned.

43 Each appointive member of said board shall be paid twenty-
44 five dollars for each day while in the actual performance of his
45 duties as such, but not exceeding one thousand dollars in any
46 fiscal year, and shall also receive from the commonwealth all
47 expenses necessarily incurred by him in connection with his offi-
48 cial duties.

49 Such clerical, technical and other assistants as may be re-
50 quired by the board shall be assigned by the commissioner.

1 SECTION 2. Section 3L of chapter 143 of the General Laws
2 is hereby amended by adding at the end the following para-
3 graph:—

4 Any person referred to in the prior paragraph shall notify the
5 inspector of wires upon the completion of the work. The in-
6 spector of wires shall, within five days of such notification, give
7 written notice of his approval or disapproval of the work. Any
8 notice of disapproval shall contain specifications of the part of
9 the work disapproved, together with a reference to the rule or
10 regulation of the board of fire prevention regulations which has
11 been violated.

1 SECTION 3. Chapter 143 of the General Laws is hereby
2 amended by striking out section 3M as repealed by chapter 752

3 of the acts of 1951, and inserting in place thereof the following
4 section:—

5 *Section 3M.* (a) Whoever is aggrieved by a notice, interpre-
6 tation, order, requirement or direction of an inspector of wires
7 or other person charged with the enforcement of the rules and
8 regulations of the board of fire prevention regulations may,
9 within ten days after the service of notice thereof, appeal from
10 such notice, interpretation, order, requirement or direction to
11 the board of electricians' appeals, established under section fif-
12 teen of chapter twenty-two. After such notice as said board
13 shall direct a public hearing shall be had before the board at an
14 early and convenient time and place fixed by it, not later than
15 thirty days after the entry of such appeal, unless such time is
16 extended by agreement with the appellant or petitioner. Any
17 such party may appear in person or by agent or attorney at
18 such hearing. Said board shall hear all pertinent evidence and
19 determine the facts, and, upon the facts so determined, shall
20 issue an appropriate decision or order reversing, affirming or
21 modifying in whole or in part said notice, interpretation, order,
22 requirement or direction. Such decision or order of the board of
23 electricians' appeals shall be made within a reasonable time and
24 not later than forty-five days after such hearing, unless such time
25 is extended by like agreement. A copy of such decision or order
26 shall be sent forthwith by registered mail to all interested parties.

27 (b) Any person aggrieved by a decision of the board of elec-
28 tricians' appeals, whether or not previously a party to the pro-
29 ceeding, or any municipal officer or board, may appeal to the
30 superior court sitting in equity for the county in which the
31 building or installation concerned is situated; provided, that
32 such appeal is filed in said court within thirty days after receipt
33 of notice of such decision. It shall bear all pertinent evidence
34 and determine the facts, and, upon the facts as so determined,
35 annul such decision if found to exceed the authority of such
36 board, or make such other decree as justice and equity may re-
37 quire. The foregoing remedy shall be exclusive, but the parties
38 shall have all rights of appeal and exception as in other equity
39 cases. Costs shall not be allowed against the board of electri-
40 cians' appeals unless it shall appear to the court that such board
41 acted with gross negligence or in bad faith or with malice in
42 making the decision appealed from. Costs shall not be allowed
43 against the party appealing from the decision of such board un-

44 less it shall appear to the court that said appellant or appellants
45 acted in bad faith or with malice in making the appeal to the
46 court.

47 (c) Compliance with any notice, interpretation, order, require-
48 ment or direction of an inspector of wires or other person charged
49 with the enforcement of the rules and regulations of the board
50 of fire prevention regulations shall be excused pending the final
51 determination of any appeal or petition hereunder.

1 SECTION 3. The six members first appointed by the governor
2 to the board of electricians' appeals, established under section
3 fifteen of chapter twenty-two of the General Laws, as inserted
4 by section one of this act, shall serve for terms of one, two, three,
5 four, five or six years respectively, as the governor shall deter-
6 mine. Upon the expiration of the term of each such member,
7 his successor shall be appointed for a term of six years, as pro-
8 vided by said section fifteen of said chapter twenty-two.