

HOUSE No. 3062

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 12, 1961.

The committee on Ways and Means, to whom was referred the Bill to provide for appeals in connection with matters relating to installation of wiring and fixtures (House, No. 1150), report that the same ought to pass in the form of a new draft herewith submitted (House, No. 3062).

For the committee,

LEO J. COURNOYER.

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 13, section 32, of the General Laws, is
2 hereby amended by adding thereto the following paragraph:—

3 The members of the state examiners of electricians shall also
4 act as the board of electricians' appeals. The chairman of the
5 state examiners of electricians shall also act as the chairman of
6 the electricians' board of appeals. The board of electricians'
7 appeals may make such rules or by-laws, not inconsistent with
8 law, as it may deem necessary in the performance of its duties
9 and may establish forms of appeals and petitions, and reason-
10 able fees for the filing thereof. The board of electricians' ap-
11 peals shall hold only such meetings as are required to perform
12 its duties. Time, place and notice of all meetings shall be re-
13 quired by rules or by-laws. A majority of said board of electri-
14 cians' appeals, constituted as above provided, may transact busi-
15 ness, but a lesser number may adjourn from time to time.

16 No member shall act as a member of the board of electricians,
17 appeals, or vote as such, in connection with any matter as to
18 which his private right, distinct from the public interest, is
19 immediately concerned.

20 Such clerical, technical and other assistance as may be re-
21 quired by the board of electricians' appeals, shall be assigned
22 by the state examiners of electricians.

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

3 Any person referred to in the prior paragraph shall notify the
4 inspector of wires in writing upon the completion of the work.
5 The inspector of wires shall, within five days of such notification,
6 give written notice of his approval or disapproval of the work.
7 Any notice of disapproval shall contain specifications of the part

8 of the work disapproved, together with a reference to the rule or
9 regulation of the board of fire prevention regulations, which has
10 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, interpreta-
6 tion, order, requirement or direction of an inspector of wires or
7 other person charged with the enforcement of the rules and regu-
8 lations of the board of fire prevention regulations, may, within
9 ten days after the service of notice thereof, appeal from such
10 notice, interpretation, order, requirement or direction to the
11 board of electricians' appeals, established under section thirty-
12 two of chapter thirteen. After such notice as said board shall
13 direct a public hearing shall be had before the board at an early
14 and convenient time and place fixed by it, not later than thirty
15 days after the entry of such appeal, unless such time is extended
16 by agreement with the appellant or petitioner. Any such party
17 may appear in person or by agent or attorney at such hearing.
18 Said board shall hear all pertinent evidence and determine the
19 facts, and, upon the facts so determined, shall issue an appropri-
20 ate decision or order reversing, affirming or modifying in whole
21 or in part said notice, interpretation, order, requirement or direc-
22 tion. Such decision or order of the board of electricians' appeals
23 shall be made within a reasonable time and not later than forty-
24 five days after such hearing, unless such time is extended by like
25 agreement. A copy of such decision or order shall be sent forth-
26 with 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
37 require. 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 elec-
40 tricians' appeals unless it shall appear to the court that such
41 board acted with gross negligence or in bad faith or with malice
42 in making the decision appealed from. Costs shall not be allowed
43 against the party appealing from the decision of such board
44 unless it shall appear to the court that said appellant or appel-
45 lants acted in bad faith or with malice in making the appeal to
46 the 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 of
50 fire prevention regulations shall be excused pending the final
51 determination of any appeal or petition hereunder.