

HOUSE No. 291

Bill accompanying the recommendations of the Supervisor of Administration (House, No. 290). Public Service. January 8.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Seventeen.

AN ACT

To enable the Deputies of the Supervisor of Administration to conduct Hearings.

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 seven hundred and nineteen of
2 the acts of the year nineteen hundred and twelve is
3 hereby amended by striking out section nine thereof and
4 inserting in place thereof the following: — *Section 9.* The
5 supervisor, or in his absence his deputy, after first ob-
6 taining the approval of the governor or of the finance
7 committee of the council, may require the attendance
8 and testimony of witnesses and the production of all
9 books, papers, contracts and documents relating to any
10 matter authorized by this act. Witnesses shall be sum-
11 moned in the same manner and shall be paid the same
12 fees as witnesses before the superior court. The super-
13 visor may prescribe rules and regulations for the conduct

14 of hearings before himself and his deputies and he or his
15 deputies may administer oaths to witnesses or take their
16 affirmation. If any person summoned and paid as a
17 witness shall refuse to attend, or to be sworn or to
18 affirm, or to answer any question, or to produce any
19 book, contract, document or paper pertinent to the mat-
20 ter before the supervisor or deputy, a justice of the su-
21 preme judicial court or of the superior court, upon ap-
22 plication by the supervisor or his deputy, may issue an
23 order requiring such person to appear before the super-
24 visor or deputy, and to produce his books, contracts,
25 documents and papers and to give evidence touching
26 the matter in question. Failure to obey such order of
27 the court may be punished by such court as a contempt
28 thereof. Any person summoned and paid who shall
29 refuse to attend, or to be sworn or to affirm, or to answer
30 any proper question, or to produce any material, book,
31 contract, document or paper, and any person who wil-
32 fully interrupts or disturbs any hearing or who is dis-
33 orderly thereat, shall be punished by a fine not exceeding
34 fifty dollars, or by imprisonment for not more than thirty
35 days, or by both such fine and imprisonment. Any
36 person who wilfully swears or affirms falsely before the
37 supervisor or deputy upon any point material to the
38 matter of inquiry shall be guilty of perjury, and shall
39 be punished as provided in sections one to five, both
40 inclusive, of chapter two hundred and ten of the Revised
41 Laws and amendments thereof. Upon application by
42 the supervisor or his deputy, commissions to take deposi-
43 tions of persons without the commonwealth may be
44 issued by a justice of the supreme judicial court or of
45 the superior court to be used in hearings before the
46 supervisor or deputy, and all statutes and rules relating
47 to such commissions in civil actions shall apply to com-

48 missions issued under the provisions of this act. Nothing
49 in this act shall be construed to compel any person to
50 give any testimony or to produce any evidence, docu-
51 mentary or otherwise, which may tend to incriminate
52 him.

1 SECTION 2. Section eight of chapter two hundred and
2 ninety-six of the acts of the year nineteen hundred and
3 sixteen is hereby repealed.

1 SECTION 3. Nothing in this act shall be construed to
2 take away or affect the power of the supervisor to re-
3 quire the production of books, papers, contracts and
4 documents relating to any matter within the scope of
5 any investigation.

