

HOUSE No. 235

The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER
1010 COMMONWEALTH AVENUE
BOSTON, MASSACHUSETTS 02215-1201

The Honorable Michael J. Connolly, *Secretary of the Commonwealth*
State House, Boston, Massachusetts 02133

Dear Mr. Secretary:

Enclosed please find proposed legislation as filed by the Massachusetts Department of Public Safety for the 1989 Session of the Great and General Court. Copies of these proposals have been filed with House Counsel.

Very truly yours,

WILLIAM McCABE,
Commissioner.

*LEGISLATIVE RECOMMENDATIONS OF
THE DEPARTMENT OF PUBLIC SAFETY*

1. AN ACT REGULATING THE KNOWINGLY NEGLIGENT AND CARELESS OPERATION OF A MOTOR VEHICLE WHEN SIGNALLED TO STOP BY A POLICE OFFICER.

PURPOSE:

The purpose of this legislative proposal is to provide for a penalty over and above and more severe than the penalty for the offense for which the offender was originally ordered to stop.

Many injuries to police officer, innocent bystanders, and to the offender him/herself are incurred as the result of pursuits initiated by an operator's refusal to respond to a police officer's signal.

Operating a motor vehicle in a knowingly negligent manner to avoid prosecution for another offense is not acceptable. This proposal provides a severe penalty for those who do.

2. AN ACT RELATIVE TO POLICE EQUIPMENT.

PURPOSE:

a. The vast majority of suppressed weapons require the round to travel at sub-sonic speed (below 1000fps) to be efficient. The average 9mm round for example fired from a 4" barrel is moving approximately 1200fps. This same round fired from a suppressed weapon which has the capability to reduce the bullet to sub-sonic has also reduced the bullets penetration capability as well. The chances of a round going through a target and hitting an innocent victim are greatly reduced.

b. A suppressed weapon is not totally silent. You can hear it from a short distance away. Unless a round is being fired directly at you, it is very difficult to determine from which direction the round is coming from. For example, if a target was being shot at in a backyard there is a good chance that nobody in the house, or even in front of the house would hear it. Even if a person did hear something, it would be difficult for a person to identify it as a gunshot, especially in an urban environment. This situation would give a police officer the added tactical advantage of surprise, while not compromising his position.

c. The muzzle flash on a suppressed weapon is almost nonexistent and is therefore less apt to attract attention to a police officers position.

d. Another advantage is that a suppressed weapon is very intimidating to a criminal, especially if he sees a police officer carrying one while bursting through a door, or running for cover, e.g., from tree to tree. Such action might cause the criminal to hesitate just for a second, thus giving a policeman a "Tactical Edge" that could save his life.

e. Weapons equipped with suppressors create less recoil because of a muzzle brake effect and the additional weight of the suppressor adds stability and control for quick repeat shots.

f. When a suppressed weapon is fired in a closed room the sound will not hurt your ears or the ears of any innocent bystander. This may not seem to be important, but with all the frivolous lawsuits against the police this would be one less thing to worry about. A .357 fired in an enclosed area can seriously damage your hearing. Additionally, officers are not deafened by loud explosions which can effect communications with fellow officers.

3. AN ACT FURTHER REGULATING THE MEMBERSHIP OF THE RECREATIONAL TRAMWAY BOARD.

PURPOSE:

Currently there are just under 50 aerial tramways in operation throughout the Commonwealth. To give proper credence to their important input in this industry and to glean from them information which provides for a better type of safety for the citizens who ride these devices, it is necessary and vital to have a representative of the aerial tramways as a member of the Board.

The wire rope industry is an essential part of the recreational tramway industry. Input and information from a representative of the wire rope industry would also be very valuable to the Board.

This request would add two additional members to the Board which now consists of four paid members and the non-paid representative of the Commissioner.

This proposal received favorable reports in 1987 and 1988.

4. AN ACT DEFINING THE TERMS RIFLE AND SHOTGUN.

PURPOSE:

Chapter 300, Acts of 1987 refers to rifle and shotgun "as defined by section one hundred and twenty-one".

Currently neither rifle or shotgun is defined in section one hundred and twenty-one.

The insertion of these recognized definitions will preclude any misinterpretations of what a shotgun or rifle is under the firearms law and will respond to the requirement of Chapter 300.

Committee reported out favorably in 1988.

5. AN ACT FIXING THE SALARIES OF THE STATE BOXING COMMISSIONERS.

PURPOSE:

Our request to increase the salaries of the commissioners serves to provide a differential between the salary of the chairman (\$400) and the other commissioners, plus a general increase in remuneration for the Commissioners, which has not been upgraded in many years.

During the past fiscal year about 50 amateur and professional boxing shows were conducted throughout the Commonwealth under the supervision of the boxing commissioners, requiring their personal attendance at most of these events. In addition, they attend regularly-scheduled meetings and hearings, noonday weigh-ins and physical examinations of boxers, plus office time when required.

Taken together, this adds up to many hours of service to the Commonwealth, and we feel that our modest request for an increase of the Chairman's salary to \$6,000 per annum and the other commissioners to \$5,600 per annum is reasonable and warranted.

6. AN ACT FURTHER CLARIFYING THE NOTICE OF UNSAFE CONDITIONS AND PROHIBITION AGAINST USE; POSTING, ETC., OF ELEVATORS.

PURPOSE:

The purpose of the legislative proposal is to allow the inspector to disable the elevator in addition to placing a posted notice that the elevator is unsafe. Many times the posted notice is either unnoticed or ignored. By physically disabling the elevator it will prevent its use and provide for a more safe environment.

7. AN ACT FURTHER REGULATING THE REPORTS AS TO UNSAFE CONDITIONS AND ACCIDENTS; INSPECTIONS OF ELEVATORS.

PURPOSE:

The purpose of this legislative proposal is to require any company engaged in the installation, repair, inspection, maintenance of elevators when they become aware of an unsafe condition to make a written report to the inspector of the department of public safety. Currently this requirement only applies to individuals who own or operate elevators.

8. AN ACT FURTHER CLARIFYING THE REQUIREMENTS FOR ELEVATOR MECHANICS LICENSES.

PURPOSE:

The purpose of this proposed legislation is to require that everyone, without exception, who does any type of work on an elevator or is present in the elevator machine be fully licensed as an elevator mechanic. This insures the safety of those individuals who have the responsibility of working on this highly technical and often dangerous type of equipment.

9. AN ACT REQUIRING THE LICENSING OF ELEVATOR COMPANIES DOING BUSINESS IN MASSACHUSETTS.

PURPOSE:

The purpose of this legislative proposal is to require elevator companies installing, repairing, maintaining elevators to be licensed. Currently the licensing provisions only apply to the individual. The

licensing of companies would make them more responsive to all legal requirements involved in elevator construction, maintenance, etc.

10. AN ACT REDEFINING THE RULES AND REGULATIONS FOR THE PROMULGATION OF A COMPREHENSIVE FIRE SAFETY CODE.

ANALYSIS:

Amends existing statute Chapter 148 Section 28 paragraph (3) to include all oxidizing and all toxic materials in the Board of Fire Prevention's rules and regulations governing hazardous materials. Current language limits these categories to the undefinable adverb "highly".

11. AN ACT TO PROVIDE FOR THE PUBLIC SAFETY THROUGH THE PROPER INSTALLATION OF UNDERGROUND STORAGE TANKS AND APPURTENANCES.

COMMENTS:

The Massachusetts Underground Storage Tank (UST) Program is evolving into one of the best programs in the country. However, without the proper installation and removal of USTs by knowledgeable contractors these regulations are ineffective. It is therefore imperative to license individuals engaging in UST work to insure the public's safety.

There will be administrative costs, and testing costs associated with the passage of this legislation. Fees would be established by the Executive Office of Administration and Finance which would offset the costs associated with this program.

12. AN ACT TO PROVIDE FOR THE PUBLIC SAFETY THROUGH THE REGULATION OF STORAGE IN UNDERGROUND STORAGE TANKS.

ANALYSIS:

The passage of this act shall give the Board of Fire Prevention Regulations the authority to promulgate regulations as it deems necessary for the protection of public safety, health and the welfare from any release of a regulated substance from an underground storage tank. This authority is necessary to comply with the recently released United States Environmental Protection Agency regulations on underground storage tanks.

COMMENTS:

The Massachusetts Underground Storage Tank (UST) Program is evolving into one of the best programs in the country. However, the United States Environmental Protection Agency (USEPA) believes that a lack of certain explicit legislative authority would prohibit the Commonwealth of Massachusetts from becoming a Federal approved program in accordance with Subtitle I of the Resource Conservation and Recovery Act. If this proposed legislation were passed the Department of Public Safety UST program would become eligible for Federal approval.

The passage of this proposed legislation would require that six (6) new staff positions in the Division of Fire Prevention, Department of Public Safety would be needed to manage and enforce provisions of this law. The funding for these six (6) new positions would come from the two (2) percent of the Massachusetts Underground Storage Tank Petroleum Cleanup Fund balance at the beginning of each fiscal year. This specified in the proposed legislation.

