

The Commonwealth of Massachusetts



WILLIAM F. WELD
GOVERNOR

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THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE DEPARTMENT

STATE HOUSE • BOSTON 02133

May 30, 1991

To the Honorable Senate and House of Representatives:

There are many important public protection functions presently performed by three separate state police agencies whose jurisdictions often overlap, and whose separate support and administrative functions are duplicative. We are filing the attached Act to Reorganize Certain Police Forces of the Commonwealth to consolidate these functions and agencies into a single state police force which will have the capability of maximizing the utilization of existing resources, improving administration and providing more effective and efficient law enforcement.

The reorganization plan consolidates the duties and responsibilities of the State Police, Metropolitan Police, and the Capitol Police Departments into a new Department of State Police under the Executive Office of Public Safety. This consolidation into one department will result in improved coordination and assignment of police coverage through a single chain of command. Additional efficiencies, including long term savings, will be achieved by combining equipment, communication systems and training efforts.

This bill represents the tireless work of many dedicated law enforcement professionals who have demonstrated their total commitment to creating one of the largest, most efficient, and most professional unified state police departments in the country. We urge your speedy consideration of this bill.

Respectfully submitted,

William F. Weld

William F. Weld
Governor

Argeo Paul Cellucci
Argeo Paul Cellucci
Lieutenant Governor

The Commonwealth of Massachusetts

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

AN ACT TO REORGANIZE CERTAIN POLICE FORCES OF THE COMMONWEALTH.

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. Notwithstanding the provisions of any general or
2 special law, rule or regulation to the contrary, the following police
3 forces of the Commonwealth are declared to be consolidated
4 within and under the supervision and control of the department
5 of state police, as established by section 2 of Chapter 22 as
6 amended by this Act: the division of state police, as formerly
7 organized under the provisions of Chapter 22; the department of
8 metropolitan district police, as formerly organized under the
9 provisions of Chapter 255 of the Acts of 1990; and the department
10 of capitol police, as formerly organized under the provisions of
11 Chapter 22B.

1 SECTION 2. Section 18 of Chapter 6A of the General Laws,
2 as most recently amended by Chapter 255 of the Acts of 1990,
3 is hereby amended by inserting in line 2 after the word "safety:"
4 the following: "the department of state police,;" said section is
5 further amended by striking out, beginning in line 12 the words
6 "the department of capitol police"; and by striking out, beginning
7 in line 13, the words "the department of metropolitan district
8 police".

1 SECTION 3. Chapter 22 of the General Laws is hereby
2 amended by striking out said chapter and substituting in place
3 thereof the following:

4
5

CHAPTER 22.

DEPARTMENT OF STATE POLICE.

6 Section 1. As used in this chapter the following words or
7 phases shall have the following meanings:

8 “Colonel” — shall mean the colonel/superintendent of the
9 state police.

10 “Commissioned officers of the state police” — shall mean
11 members of the state police who hold titles of lieutenant, detective
12 lieutenant, captain, detective captain whether serving in the
13 uniformed branch appointed under the provisions of General
14 Laws, Chapter 22, Section 6 or Section 9A prior to the effective
15 date of this chapter. Provisions of Chapter 31 of the General Laws
16 shall not apply to members of the state police.

17 “Department” — department of state police.

18 “Longevity” shall mean length of service in the state police, the
19 department of metropolitan police, or the capitol police
20 department, or from the date of entry into a recruit training
21 academy as assigned by one of said agencies, whichever first
22 occurs.

23 “Members of the state police” — shall mean the members of
24 the uniformed branch, the members of the detective force in the
25 department of state police who were appointed under the provi-
26 sions of Chapter 22, Section 6, prior to the effective date of this
27 chapter, and former members of the department of metropolitan
28 district police and capitol police who remain in service in the
29 department established by section 2 of this chapter.

30 “Staff officers of the state police” — shall mean members of
31 the state police who hold titles of major, lieutenant colonel,
32 colonel. The provisions of Chapter 31 of the General Laws shall
33 not apply to members of the state police.

34 “Service under the civil service system” — shall mean service
35 as an employee of the Commonwealth under the provisions of
36 chapter thirty-one of the General Laws or amended and as it may
37 be amended, and “civil service status” shall mean status as an
38 employee serving under the civil service system.

39 “Uniform branch or member of the uniformed branch” — shall
40 mean persons who were members of the state police on the
41 effective date of this chapter, and former members of metropolitan

42 district police and capitol police who remain in service in the
43 department established by section 2 of this chapter. Personnel in
44 the state police who were appointed under provisions of General
45 Laws, Chapter 22, Section 6 prior to the effective date of this
46 chapter shall not be considered as persons serving in the
47 uniformed branch, whether or not they wear uniforms. References
48 to the uniformed branch of the state police in other statutes shall
49 mean the uniformed branch as defined in this section.

50 Section 2. There shall be within the executive office of public
51 safety a department of state police under the supervision and
52 control of the colonel of state police.

53 Section 3. Upon the expiration of the term of office of the
54 colonel, and upon the recommendation of the secretary of public
55 safety, his successor shall be appointed by the governor for a term
56 coterminous with that of the governor. The position of colonel
57 of state police salary shall be determined in accordance with
58 section twenty-five of this chapter and the colonel shall devote
59 his full time during business hours to the duties of his office. The
60 colonel shall be the executive and administrative head of the
61 department and shall have charge of the administration and
62 organization thereof. The colonel shall, subject to the approval
63 of the governor and the secretary of public safety, organize
64 divisions, bureaus, sections and units necessary for the effective
65 management of the department, and shall, when necessary for
66 such purpose, abolish, merge or consolidate such divisions,
67 bureaus, sections or units, notwithstanding the provisions of
68 sections 4 through 69 of this chapter. The colonel shall, except
69 as otherwise provided, direct all inspections and investigations.
70 The colonel shall make all necessary rules for the government of
71 the department, for reports to be made by officers under him and
72 for the performance of their duties. He shall make an annual
73 report to the governor and the secretary of public safety.

74 Section 4. There shall be within the department of state police
75 four divisions which shall be known as: (a) division of field
76 services; (b) division of investigation and intelligence; (c) division
77 of special police services; and (d) the division of support services.
78 The head of each division shall be designated by the colonel from
79 staff officers or commissioned officers of the uniformed branch
80 and shall hold such rank or temporary rank as the colonel may
81 determine.

82 Section 5. There shall be within the division of field services
83 two bureaus which shall be designated as bureau of eastern field
84 operations and bureau of western field operations. The head of
85 these bureaus shall be designated by the colonel from staff officers
86 or commissioned officers of the uniformed branch and shall hold
87 such rank or temporary rank as the colonel may determine. The
88 colonel may from time to time assign to said bureau such members
89 of the uniformed branch as he may deem necessary to carry out
90 its duties.

91 Section 6. There shall be within the division of investigation
92 and intelligence two bureaus which shall be designated as bureau
93 of investigative services/eastern region and bureau of investigative
94 services/western region. The head of said bureau shall be
95 designated by the colonel from staff officers or commissioned
96 officers of the uniformed branch and shall hold such rank or
97 temporary rank as the colonel may determine. The colonel may
98 from time to time assign to said bureau such members of the
99 department and other assistants as in his opinion are necessary
100 to carry out its duties.

101 Section 7. There shall be within the division of special police
102 services two bureaus which shall be designated as bureau of facility
103 security and bureau of metropolitan district operations. The head
104 of each bureau shall be designated by the colonel from staff
105 officers or commissioned officers of the uniformed branch and
106 shall hold such rank or temporary rank as the colonel may
107 determine. The colonel may from time to time assign to each
108 bureau such members of the department as in his opinion are
109 necessary to carry out its duties.

110 An officer of the department may, upon view of any
111 misdemeanor committed in his presence while on duty, arrest the
112 person committing such misdemeanor, where such misdemeanor
113 was committed in any building or grounds owned or occupied
114 wholly or in part by the commonwealth, or on streets adjacent
115 to any such building, and shall enforce all traffic rules, regula-
116 tions and ordinances on streets adjacent to buildings owned, or
117 occupied wholly or in part, by the commonwealth.

118 Section 8. There shall be within the division of support services
119 two bureaus which shall be designated as a bureau of adminis-
120 trative services and a bureau of technical services. The heads of

121 each bureau shall be designated by the colonel from staff officers
122 or commissioned officers of the uniformed branch and shall hold
123 such rank or temporary rank as the colonel may determine. The
124 colonel may from time to time assign to said bureau such members
125 of the department as in his opinion are necessary to carry out its
126 duties.

127 Section 9. The colonel may appoint, transfer and remove
128 officers, experts, clerks and other assistants. Except as provided
129 in Section 13, 14, or 47, the number of officers heretofore
130 authorized by law may be increased only with the approval of the
131 governor, subject to appropriation. The colonel shall establish the
132 requirements and qualifications for officers appointed pursuant
133 to this section.

134 The colonel may, in case of an emergency, engage the services
135 of persons who are experienced in areas necessary to the
136 preservation of public safety. Each such person shall be
137 compensated at the rate of his usual occupation, and shall be paid
138 by the treasurer upon a voucher verified by oath and approved
139 by the colonel.

140 Section 10. No person who has been convicted of a felony shall
141 be appointed as an officer or clerk of the department.

142 Section 11. Each officer shall, before entering upon the
143 performance of his duties, be sworn to the faithful performance
144 thereof, and unless his oath of office is taken within ten days after
145 the date of his appointment, the appointment shall be void.

146 Section 12. The colonel may authorize the payment, out of any
147 appropriation made for traveling or other expenses of the
148 department, of the reasonable hospital, medical and surgical
149 expenses incurred by any trainee, or officer of the department
150 when temporarily or permanently disabled by reason of injuries
151 sustained while in the course of his employment without serious
152 and wilful misconduct by the officer. In determining the right of
153 any officer of the department performing police service, or his
154 legal representatives, to receive compensation under any provi-
155 sion of law on account of injuries or death suffered by such officer
156 during the course of his employment, such officer shall be deemed
157 to be so engaged while travelling on public ways from his home
158 to his station of duty and from such station to his home.

159 Section 13. Whenever the governor shall deem it necessary to
160 provide more effectively for the protection of persons and

161 property and for the maintenance of law and order in the
162 commonwealth, he may authorize the colonel to make additional
163 appointments, not exceeding one hundred in number, to the
164 department of state police together with such other employees as
165 the governor may deem necessary for the proper administration
166 thereof. The appointment of the additional officers shall be
167 temporary until the general court has authorized their permanent
168 addition to the department. The colonel may make rules and regu-
169 lations for the said additional force, including matters pertaining
170 to their discipline, organization and government, compensation
171 and equipment, rank structure and means of swift transportation.

172 Section 14. Whenever the governor shall deem it necessary to
173 provide more effectively for the protection of persons and
174 property and for the maintenance of law and order in the
175 commonwealth, he may authorize the colonel to make additional
176 appointments to the department of state police, together with such
177 other employees as the governor may deem necessary for the
178 proper administration thereof. The appointment of the additional
179 officers herein provided for shall be by enlistment for terms not
180 exceeding three years, and such appointees shall be exempt from
181 the requirements of civil service law and rules. Said additional
182 officers shall have and exercise within the commonwealth all the
183 powers of constables, except the service of civil process, and of
184 police officers and watchmen. The colonel may, subject to the
185 provisions of sections 19 to 25, inclusive, make rules and regu-
186 lations for said additional force, including matters pertaining to
187 their discipline, organization and government, compensation and
188 equipment, rank structure, and means of swift transportation;
189 provided, that said force shall not be used or called upon for
190 service in any industrial dispute, unless actual violence has
191 occurred therein, and then only by order of the governor or the
192 person acting in this place. Any member of said force violating
193 any of the rules or regulations for said force shall be subject to
194 discipline or discharge in accordance with said rules and regula-
195 tions. The colonel may select, maintain, and train a group of
196 persons who when so trained shall be eligible either by
197 appointment to fill vacancies therein, or, upon order of the
198 governor, to be called for service in case of emergency as
199 temporary members thereof. The colonel may expend annually
200 for the expenses of administration, organization, government,

201 training, compensation, equipment and maintenance such
202 amount as the general court may appropriate. No person who has
203 not reached his nineteenth birthday nor any person who has
204 passed his thirty-fifth birthday shall be enlisted for the first time
205 as an officer of the state police. Subsequent to January first,
206 nineteen hundred and eighty-eight, no person who smokes any
207 tobacco product shall be eligible for appointment as a uniformed
208 member of the department of state police, and no person so
209 appointed after said date shall continue in such office or position
210 if such person thereafter smokes any tobacco product; the
211 personnel administrator shall promulgate regulations for the
212 implementation of the provisions of this sentence.

213 No officer appointed under this section shall be denied
214 reenlistment if he has served satisfactorily for six years or more;
215 provided, that he has passed such physical examination as is
216 prescribed by rules and regulations made hereunder. Any officer
217 appointed under this section who has served for one year or more,
218 against whom charges have been preferred, shall be tried by a
219 board to be appointed by the colonel, or a board to be appointed
220 by any other commissioned officer designated by the colonel, at
221 the request of the officer, may be tried by a board consisting of
222 the colonel, or a board consisting of any other commanding officer
223 designated by the colonel. Any person aggrieved by the finding
224 of such trial board may within sixty days after being notified
225 thereof, bring a petition in the district court within the judicial
226 district of which he resides or in the municipal court of the city
227 of Boston addressed to the justice of the court praying that the
228 action of the department trial board be reviewed by the court, and
229 after such notice to the colonel as the court deems necessary, it
230 shall review such finding and determine whether or not upon all
231 the evidence such finding and punishment was justified. In
232 conducting such review, the court, in its discretion, may direct that
233 the record of the departmental trial board be supplemented by
234 such additional evidence or testimony as the court deems
235 necessary for a just resolution of such review. If the court finds
236 that such finding and punishment was justified the action of the
237 departmental court shall be affirmed; otherwise it shall be reversed
238 and the petitioner shall be reinstated in his office without loss of
239 compensation or other benefits. The decision of the court shall

240 be final and conclusive upon the parties, and a copy of the decision
241 shall be forwarded forthwith by the clerk of the court to the
242 colonel. A member of the uniformed branch who was dismissed
243 from the force after trial before a trial board, or who resigned
244 while charges, to be tried by a trial board, were pending against
245 him, shall not be reinstated by the colonel.

246 Notwithstanding any contrary provision of law, no officer
247 appointed under this section shall be discharged because of his
248 failure to pass such physical examination as is prescribed by rules
249 and regulations made hereunder, but he shall continue to be
250 employed as such officer with duties adapted to his physical
251 condition.

252 Section 15. The department of state police shall forward to the
253 secretary of public safety and secretary of administration and
254 finance its estimates of expenses for the department of state police,
255 as required under section three of chapter twenty-nine, a statement
256 of the approximate proportion of the time of the department
257 devoted to the service of patrolling the highways of the common-
258 wealth for the purpose of controlling and supervising traffic. Said
259 statement shall be the basis for a recommendation by the governor
260 as to the proportion of the appropriations made for expenses of
261 said division which it appears may fairly be charged to the
262 Highway Fund.

263 Section 16. The colonel may, in the event of any public
264 emergency, or of any unusual demand for the services of members
265 of the state police serving in any bureau of the department, or
266 whenever he deems it necessary in the public interest, require such
267 members to work additional hours of duty and prevent such
268 members from taking time off when entitled thereto, or at the time
269 assigned therefor; provided, however, that such members shall be
270 compensated for any additional work in accordance with the
271 provisions of section thirty C of chapter one hundred and forty-
272 nine.

273 The colonel may grant further time off to such members, in
274 every instance without loss of compensation.

275 Section 17. The colonel may prescribe by rules and regulations
276 a standard form or forms of uniform to be worn by members of
277 the department of state police. A uniform or any distinctive part

278 thereof so prescribed shall be worn only by members of said
279 department entitled thereto under said rules and regulations.
280 Violations of this section shall be punished by a fine of not less
281 than five hundred nor more than one thousand dollars.

282 Section 18. The colonel may conduct programs for training
283 police officers of the cities and towns of the commonwealth and
284 for those employees who are authorized to exercise police powers
285 in the various state departments or agencies and the colonel shall
286 appoint necessary instructors. Said programs shall be conducted
287 and instructors appointed in accordance with section one hundred
288 eighteen of Chapter six. Cities, towns, state departments and
289 agencies voluntarily participating in such training shall reimburse
290 the commonwealth for the necessary expense thereof. Attendance
291 at such programs by police officers of any city or town and those
292 employees who are authorized to exercise police powers in the
293 various state departments or agencies shall be on a voluntary
294 basis.

295 Section 19. The colonel may promote members of the
296 uniformed branch of the department of state police who are
297 eligible for promotion to the grade of noncommissioned officers,
298 lieutenant and captain. All promotions shall be based on the
299 following factors which shall be marked on a percentage basis:

300 (1) a competitive promotional examination open to all
301 candidates who have completed not less than one year of service
302 in the next subordinate grade, or who have completed a total of
303 ten years of service as a member of the uniformed branch prior
304 to the final date of filing the application;

305 (2) performance evaluation reports which shall be submitted
306 annually to the commissioner by each candidate's first
307 line supervisor under whom each such candidate has served, and
308 the average of said reports since said candidate's previous
309 promotional filing date, in the then current grade of such
310 candidate, if there was such a date or, if not, since said candidate's
311 initial enlistment, shall be the performance evaluation mark;

312 (3) in the case of promotions to the grades of noncommissioned
313 officers, lieutenant and captain a determination of longevity based
314 upon the granting of five percent for each year of service plus one-
315 twelfth of such five percent for each additional full month of
316 service, up to twenty years of service, computed as of the final
317 date for filing applications for such promotions;

318 (4) In the case of promotions to the grades of lieutenant and
319 captain, an oral interview conducted by members of the uniformed
320 branch of the department of state police, or by officers of state
321 police departments outside the commonwealth holding a grade
322 higher than that for which the examination is being conducted.

323 The colonel shall prepare notice of all promotional examina-
324 tions, which shall be written examinations, and shall cause notice
325 thereof to be published in the departmental orders no later than
326 thirty days prior to the final date for filing application therefor.
327 No examination shall be held less than thirty days after the final
328 date for filing such applications. All performance evaluation
329 reports required by this section shall be submitted to the colonel
330 annually on the anniversary date of the officer's enlistment, or
331 whenever there is a change in first-line supervisors and prior to
332 a promotional examination, if the candidate has not been
333 evaluated in his current rank, the candidate shall be evaluated
334 prior to the filing date. A candidate who has not been evaluated
335 within sixty days prior to the final date for promotional
336 examination shall be reevaluated.

337 No member who is a candidate for promotion to the grade of
338 a noncommissioned or commissioned officer shall be eligible for
339 promotion unless he has attained a mark of at least seventy percent
340 in the written examination.

341 The standards for promotion to the noncommissioned officers
342 grades shall be based upon the following factors which shall be
343 weighted as follows: written examinations, nine; performance
344 evaluation, four; longevity, seven.

345 The standards for promotion to the grades of lieutenant and
346 captain shall be based upon the following factors which shall be
347 weighted as follows: written examinations, eight; performance
348 evaluation, three; oral interview, three; longevity, six.

349 Each candidate for promotion to any such grade who is a
350 veteran shall have two points added to his general average mark.

351 Before making any promotions in accordance with this section,
352 the colonel shall publish and distribute in departmental orders a
353 list of members of the uniformed branch of the department of state
354 police who are eligible for promotion to a specified grade. Such
355 lists shall remain valid for a period of two years from the date
356 of publications. Appointment to a vacancy occurring in any grade

357 shall be made from the top three candidates on the appropriate
358 list who are eligible for promotion.

359 Section 20. Any vacancy that occurs in the rank of lieutenant
360 colonel, shall be filled by the colonel from officers of the
361 uniformed branch and who hold the grade of major or captain.

362 Any vacancy that occurs in the rank of major, shall be filled
363 by the colonel from officers from the uniformed branch and who
364 hold the rank of captain.

365 Any vacancy that occurs in the grade of lieutenant colonel in
366 the division of investigation and intelligence shall be filled by the
367 colonel from the grades of major or captain of detectives.

368 Any vacancy that occurs in the grade of major in the division
369 of investigation and intelligence shall be filled by the colonel from
370 the grades of captain of detectives or detective lieutenant.

371 Section 21. No person shall be eligible for appointment to any
372 of the following grades until he has completed the following period
373 of service in the uniformed branch of the department of state
374 police: sergeant, four years; lieutenant, eight years; captain, twelve
375 years; and major, fourteen years. All promotional lists in existence
376 prior to the effective date of this chapter shall continue in existence
377 until their respective expiration dates.

378 Section 22. The colonel shall include in the rules and regula-
379 tions of the department the procedure affording the right of appeal
380 and the time within which vacancies shall be filled.

381 Section 23. There shall be within the division of investigation
382 and intelligence the position of state police detective lieutenant.

383 The colonel may promote members of the uniform branch of
384 the department of state police who are eligible for promotion to
385 the position of state police detective lieutenant. All such
386 promotions shall be based on the following factors which shall
387 be marked on a percentage basis:

388 (1) a competitive promotional examination open to all
389 candidates who have completed not less than one year of service
390 in the grade of sergeant or above and who have completed a total
391 of six years of service as a member of the uniform branch prior
392 to the final date of filing the application;

393 (2) performance evaluation reports which shall be submitted
394 annually to the colonel by each troop commanding officer or
395 bureau head and first-line supervisor, under whom each candidate

396 has served and the average percentage of all such annual reports
397 in the then current grade of such candidate shall be the
398 performance evaluation mark;

399 (3) a determination of longevity based upon the granting of five
400 per cent for each year of service plus one-twelfth of such five per
401 cent for each additional full month of service, up to twenty years
402 of service, computed as of the final date for filing applications
403 for such promotions;

404 (4) an oral interview conducted by members of the division of
405 investigation and intelligence of the department of state police,
406 or by officers of a state police department outside the common-
407 wealth holding a grade of detective or higher.

408 The colonel shall prepare notice of all promotional examina-
409 tions, which shall be written examinations, and shall cause notice
410 thereof to be published in the departmental orders no later than
411 thirty days prior to the final date for filing application therefor.
412 No examination shall be held less than thirty days after the final
413 date for filing such applications. All performance evaluation
414 reports required by this section shall be submitted to the colonel
415 annually on the anniversary date of the officer's enlistment, or
416 whenever there is a change in first-line supervisors and prior to
417 the promotional examination, if the candidate has not been
418 evaluated in his current rank, the candidate shall be evaluated
419 prior to the filing date. A candidate who has not been evaluated
420 within sixty days prior to the final date for promotional
421 examination shall be reevaluated.

422 No member who is a candidate for promotion shall be eligible
423 for promotion unless he has attained a mark of at least seventy
424 percent in the written examination.

425 The standards for promotion shall be based upon the following
426 factors which shall be weighted as follows: written examinations,
427 eight; performance evaluation, three; oral interview, three;
428 longevity, six.

429 Each candidate for promotion who is a veteran shall have two
430 points added to his general average mark.

431 Before making any promotions in accordance with this section,
432 the colonel shall publish and distribute in departmental orders a
433 list of members of the uniformed branch of the department of state
434 police who are eligible for promotion. Such lists shall remain valid
435 for a period of two years from the date of publication.

436 Appointment to a vacancy occurring in any grade shall be made
437 from the top three candidates on the appropriate list who are
438 eligible for promotion.

439 Section 24. Within twelve months following the effective date
440 of this act, the colonel shall require that all component members
441 of the uniformed branch successfully complete a newly designed
442 in-service training program relating to the rules and regulations
443 and the policies and procedures of the new state police organi-
444 zation.

445 All those successfully completing this training program shall be
446 subject to the currently existing physical examination standards
447 in the component from which they are transferring.

448 Those members who meet the above qualifications shall be
449 enlisted in the uniformed branch with the rights therein which they
450 would have had if they had enlisted in the uniformed branch at
451 the time of their appointment to the department of metropolitan
452 district police or the capitol police.

453 Section 25. Notwithstanding the provisions of sections forty-
454 five and forty-six of chapter thirty, each officer in the grade of
455 lieutenant in the department of state police shall receive a base
456 salary of fifteen point five per cent greater than the regular salary
457 payable to the next subordinate grade and all other commissioned
458 officers and staff officers shall receive a base salary nine per cent
459 greater than the regular salary payable to the next subordinate
460 grade, in accordance with a schedule submitted by the commis-
461 sioner of administration to the house and senate committees on
462 ways and means. The commissioner of administration in
463 consultation with the colonel of state police shall establish
464 procedures for a review of said salary schedule and shall submit
465 recommendations for adjustments in subsequent years in the
466 house and senate committees on ways and means.

467 Section 26. The colonel shall enter into an agreement with the
468 Massachusetts Turnpike Authority for police service to be
469 furnished to the Authority by the department. Said agreement
470 shall fix the legal responsibility pertaining to the operation and
471 maintenance of such service and shall include, among other provi-
472 sions, a provision for payments to the commonwealth for the cost
473 of retirement, compensation of injured officers, sick leave, or
474 other employee benefits, and a minimum allowance for

475 departmental supervision. Said agreement shall also provide for
476 the applicability during the period of such service of all terms and
477 conditions of employment established under any existing
478 collective bargaining agreement reached pursuant to the provi-
479 sions of chapter one hundred and fifty E between the common-
480 wealth and the exclusive bargaining representative of any
481 employee rendering such service including, without limitation, the
482 payment by the authority of any benefit or contribution therefore.
483 Said agreement shall also include a provision that all expenses
484 incurred by the department in supplying such police service shall,
485 upon proper requisition, be paid by the Authority as such
486 expenses are incurred.

487 Section 27. The colonel may appoint and organize a state
488 police force of such size as he and the Authority may agree upon,
489 in addition to any other force authorized by law, to be assigned
490 to the Massachusetts Turnpike Authority to meet the require-
491 ments of section fifteen of chapter three hundred and fifty-four
492 of the acts of nineteen hundred and fifty-two. The officers of the
493 state police force, so appointed and so assigned, shall have the
494 same powers and be subject to the same qualifications, orders or
495 restrictions as officers appointed under the provisions of
496 section 14; provided, however, that, during such assignment, such
497 officers, in the performance of their duties, shall be subject to the
498 control of the colonel, but shall perform such police duties as may
499 be requested by the Authority. Any officer, so appointed and so
500 assigned, may be reassigned to general duties the same as those
501 officers appointed under the provisions of said section 14, and any
502 officer appointed as provided in section 14 may be substituted by
503 assignment for any officer appointed under this section. Any
504 officer so appointed, assigned or reassigned shall for the purposes
505 of salary, seniority, retirement or other rights be considered as
506 appointed under the provisions of said section 14, and the
507 assignment or reassignment shall in no way impair any rights to
508 which an officer may be entitled, and such officer shall at all times
509 be considered to be an employee of the commonwealth.

510 Any officer assigned to duty on said turnpike shall receive his
511 entire compensation during the period of his assignment from the
512 Authority, and the appointment and assignment of such officers
513 by the colonel shall in no way be considered a violation of any
514 provisions of chapter twenty-nine.

515 Section 28. The colonel shall enter into an agreement with the
516 Massachusetts Port Authority for police service to be furnished
517 to the Authority by the department at the General Lawrence
518 Logan International Airport. Said agreement shall fix the legal
519 responsibility pertaining to the operation and maintenance of such
520 service and shall include, among other provisions, a provision for
521 payments to the commonwealth for the cost of retirement,
522 compensation of injured officers, sick leave, or other employee
523 benefits, and a minimum allowance for departmental supervision.
524 Said agreement shall also provide for the applicability during the
525 period of such service of all terms and conditions of employment
526 established under any existing collective bargaining agreement
527 reached pursuant to the provisions of chapter one hundred and
528 fifty E between the commonwealth and the exclusive bargaining
529 representative of any employee requiring such service including,
530 without limitation, the payment by the authority of any benefit
531 or contribution therefor. Said agreement shall also include a
532 provision that all expenses incurred by the department in
533 supplying such police service shall, upon proper requisition, be
534 paid by the Authority as such expenses are incurred.

535 Section 29. The colonel may appoint and organize a state
536 police force of such size as he and the Authority may agree upon,
537 in addition to any other force authorized by law, to be assigned
538 to the Massachusetts Port Authority to meet the requirements of
539 section twenty-three of chapter four hundred and sixty-five of the
540 acts of nineteen hundred and fifty-six, as amended by
541 section eleven of chapter five hundred and ninety-nine of the acts
542 of nineteen hundred and fifty-eight. The officers of the state police
543 force, so appointed and so assigned, shall have the same powers
544 and be subject to the same qualifications, orders or restrictions
545 as officers appointed under the provisions of section 14. During
546 such assignment, such officers, in the performance of their duties,
547 shall be subject to the control of the colonel, but shall perform
548 such police duties as may be requested by the Authority. Any
549 officer, so appointed and so assigned, may be reassigned to general
550 duties the same as those officers appointed under the provisions
551 of said section 14, and any officer appointed as provided in
552 section 14 may be substituted by assignment for any officer
553 appointed under this section. Any officer so appointed, assigned

554 or reassigned shall for the purposes of salary, seniority, retirement
555 or other rights be considered as appointed under the provisions
556 of said section 14, and the assignment or reassignment shall in
557 no way impair any rights to which an officer may be entitled, and
558 such officer shall at all times be considered to be an employee of
559 the commonwealth.

560 Any officer assigned to duty with the Authority shall receive
561 his entire compensation during the period of his assignment from
562 the Authority, and the appointment and assignment of such
563 officers by the colonel shall in no way be considered a violation
564 of any provisions of chapter twenty-nine.

565 Section 30. The colonel shall enter into an agreement with the
566 Massachusetts Water Resources Authority for police service to
567 be furnished to the Authority by the department. Said agreement
568 shall fix the legal responsibility pertaining to the operating and
569 maintenance of such service and shall include, among other provi-
570 sions, a provision for payments to the commonwealth for the cost
571 of retirement, compensation of injured officers, sick leave, or
572 other employee benefits, and a minimum allowance for
573 departmental supervision. Said agreement shall also provide for
574 the applicability during the period of such service of all terms and
575 conditions of employment established under any existing
576 collective bargaining agreement reached pursuant to the provi-
577 sions of chapter one hundred and fifty-E between the common-
578 wealth and the exclusive bargaining representative of any
579 employee rendering such service including, without limitation, the
580 payment by the authority of any benefit or contribution therefor.
581 Said agreement shall also include a provision that all expenses
582 incurred by the department in supply such police service shall,
583 upon proper requisition, be paid by the Authority as such
584 expenses are incurred.

585 Section 31. The colonel may appoint and organize a state
586 police force of such size as he and the Authority may agree upon,
587 in addition to any force authorized by law, to be assigned to the
588 Massachusetts Water Resources Authority to meet the
589 requirements of section fifteen of chapter three hundred and fifty-
590 four of the acts of nineteen hundred and fifty-two. The officers
591 of the state police force, so appointed and so assigned, shall have
592 the same powers and be subject to the same qualifications, orders

593 or restrictions as officers appointed under the provisions of
594 section 14. During such assignment, such officers, in the
595 performance of their duties, shall be subject to the control of the
596 colonel, but shall perform such police duties as, may be requested
597 by the Authority. Any officer, so appointed and so assigned, may
598 be reassigned to general duties the same as those officers
599 appointed under the provisions of section 14, and any officer
600 appointed as provided in section 14 may be substituted by
601 assignment for any officer appointed under this section. Any
602 officer so appointed, assigned or reassigned shall for the purposes
603 of salary, seniority, retirement or other rights be considered as
604 appointed under the provisions of said section 14, and the
605 assignment or reassignment shall in no way impair any rights to
606 which an officer may be entitled, and such officer shall at all times
607 be considered to be an employee of the commonwealth.

608 Any officer assigned to duty on said water resource authority
609 shall receive his entire compensation during the period of his
610 assignment from the Authority, and the appointment and
611 assignment of such officers by the commissioner shall in no way
612 be considered a violation of any provisions of chapter twenty-nine.

613 Section 32. The colonel shall provide within the department
614 for receiving, arranging and keeping proper means for the
615 identification of criminals and for furnishing of means of
616 identification of criminals to police departments of cities and
617 towns, to the department of correction and to prosecuting officers
618 within the commonwealth. He may in his discretion furnish means
619 of identification of criminals to proper officers in other states and
620 in foreign countries. He may secure means of identification
621 including measurements, photographs, finger prints and other
622 means, so that known criminals may be identified in this common-
623 wealth. The colonel shall, on his own initiative, or upon request
624 of the chief police officer of any city or town, or of any district
625 attorney within the commonwealth, furnish to such chief police
626 officer or district attorney such information as he has in his
627 possession which may tend to assist in the identification of or
628 apprehension of criminals. Systems operated by the criminal
629 history systems board, pursuant to sections one hundred and
630 sixty-seven to one hundred and seventy-eight, inclusive, of
631 chapter six, may be used for such record keeping purposes

632 provided that such records shall remain subject to the regulations
633 of said board.

634 Section 33. Not less than seven days before the time set for the
635 release or discharge on parole, or otherwise, of any person
636 confined in a penal or reformatory institution of the common-
637 wealth or of any county under sentence for an assault of an
638 indecent nature under section thirteen A of chapter two hundred
639 and sixty-five, for a violation of any provision of sections
640 thirteen B or twenty-two to twenty-four, inclusive, of said
641 chapter two hundred and sixty-five, of sections five, seventeen,
642 thirty-four or thirty-five of chapter two hundred and seventy-two,
643 of so much of section sixteen of said chapter two hundred and
644 seventy-two as pertains to open and gross lewdness and lascivious
645 behavior, and of so much of section fifty-three of said chapter two
646 hundred and seventy-two as pertains to lewd, wanton and
647 lascivious persons in speech or behavior or to persons guilty of
648 indecent exposure, or of any person confined in any facility, as
649 defined in section one of chapter one hundred and twenty-three,
650 or in the Bridgewater state hospital, who was removed thereto
651 after conviction of a violation of any such provision or was
652 committed thereto during the pendency of a complaint or
653 indictment for a violation of any such provision, the officer in
654 charge of such institution, department or hospital, as the case may
655 be, shall notify the colonel in writing of such intended release or
656 discharge; provided, that if any such person is released or
657 discharged as aforesaid under such circumstances that it is not
658 possible for the officer in charge to comply with the foregoing
659 provision, he shall so notify the colonel as soon as possible that
660 such person will be or has been released or discharged as aforesaid.
661 Upon receipt of any such notice the colonel shall furnish to the
662 police authorities of each city and town, and to each district
663 attorney, within the commonwealth the name of the person
664 referred to in such notice, his known aliases, if any, last known
665 address, age, height and weight, his photograph, description of
666 his finger prints, summary of his criminal history and a list of any
667 institutions for the insane and departments for defective
668 delinquents in which he has been known to have been confined,
669 and such other information as the colonel deems necessary.

670 In all cases covered by this section where a fine is imposed or
671 sentence suspended, the clerk of court shall furnish release data
672 to the colonel of state police on forms furnished by him.

673 In all cases where a person has been found guilty of an offense
674 of similar nature to those enumerated above in any court of
675 competent jurisdiction outside of the commonwealth and the
676 colonel has knowledge that such person has been released or
677 resides within the commonwealth, the aforesaid descriptive data
678 in so far as available may be furnished to the police authorities
679 of each city and town and to each district attorney, within the
680 commonwealth.

681 Section 34. The criminal information section within the
682 department of state police shall be charged with the following
683 duties and functions:

684 (a) Said section shall collect, by investigation of its own and
685 by receipt from other law enforcement agencies, information
686 concerning organized crime, organized illegal gambling, and other
687 illegal activities generally described as rackets, including infor-
688 mation as to the identity and doings of persons who engage in,
689 promote, operate or participate in such activities and of persons
690 arrested for the illegal use, sale or possession of harmful drugs
691 or narcotics.

692 (b) Said section shall maintain files of all such information
693 which it collects and receives, and shall serve as a clearinghouse
694 of intelligence for all law enforcement agencies within the
695 commonwealth concerning such activities and such persons, and
696 may provide to and receive from similar agencies outside the
697 commonwealth any such information. Any police department of
698 the commonwealth, or any of its political subdivisions, may, by
699 request, in the form and manner prescribed by said section, receive
700 such information as is in the files of said section concerning such
701 activities and such persons in which said police department has
702 an official interest. The clearinghouse functions of this
703 section shall constitute a cooperative relationship between said
704 section and said police departments; and if in the discretion of
705 the head of said section, responding to such request for infor-
706 mation might interfere with an investigation being carried on by
707 some other department or by said section, he may, with the
708 approval of the colonel, deny the request. Systems operated by

709 the criminal, history systems board, pursuant to sections one
710 hundred and sixty-seven to one hundred and seventy-eight,
711 inclusive, of chapter six, may be used for such record keeping
712 purposes provided that such records shall remain subject to the
713 regulations of said board.

714 (c) Said section shall from time to time advise the local police
715 departments of new schemes or rackets which may come to its
716 attention, and of new devices, techniques, methods of operation,
717 and other matters of interest relating to such activities and such
718 persons, so that the police of the commonwealth and its political
719 subdivisions shall be better informed and thus better able to
720 enforce the laws with respect to such activities and such persons.

721 (d) The clerk of any court in which a person is convicted of
722 a crime involving gaming of any kind, drug and narcotic
723 violations, the sale or possession of pornographic literature or the
724 improper solicitation or use of funds for charitable purposes, shall
725 forthwith report such conviction to said section. The probation
726 officer of said court shall furnish to the clerk a description of any
727 person so convicted, which shall be on a form prescribed by the
728 colonel of state police.

729 Section 35. A certificate by a chemist of the department of the
730 result of an analysis made by him of a drug furnished him by a
731 police officer of the department, signed and sworn to by such
732 chemist, shall be prima facie evidence of the composition, quality
733 and when appropriate, the net weight of such drug, or net weight
734 of any mixture containing such drug.

735 A copy of such certificate, together with detailed data relative
736 to the names and addresses of the persons involved in any way,
737 whether as violators of law or otherwise, and the time, place and
738 circumstances surrounding the seizure of such drug, shall be
739 forwarded by the department to the division of food and drugs
740 in the department of public health not later than the bringing of
741 a complaint involving such drug.

742 Section 36. The narcotics unit within the criminal information
743 section shall be charged with the following duties and functions:
744 investigate all violations of the narcotic and harmful drug laws
745 of the commonwealth; to arrest all violators of such laws; and to
746 cooperate with the department of the attorney general in training
747 personnel assigned to the narcotics unit in practices and

748 procedures relating to the narcotic and harmful drug laws
749 pursuant to section eleven B of chapter twelve.

750 Section 37. A certificate by a chemist of the department of the
751 result of analysis made by him for the presence of a sperm cell
752 or cells or seminal fluid on or in any material or substance
753 furnished him by a police officer of any department, signed and
754 sworn to by such chemist, shall be prima facie evidence of the
755 presence of a sperm cell or cells or seminal fluid on or in such
756 material or substance.

757 Section 38. In proceedings under sections twenty-seven A,
758 twenty-eight, twenty-nine, one hundred and eleven A and one
759 hundred and thirty-nine of chapter two hundred and sixty-six,
760 certified copies of any motor vehicle or trailer ownership records,
761 including computer records, in the possession of the registrar of
762 motor vehicles, attested by the registrar or his designee or, if the
763 motor vehicle or trailer is registered or titled in another state, such
764 records similarly certified by the keeper of records of the appro-
765 priate motor vehicle department, shall be admissible as proof of
766 ownership of a motor vehicle or trailer and shall be prima facie
767 evidence that the use of the motor vehicle or trailer was
768 unauthorized. If the defendant rebuts such evidence, the common-
769 wealth may be granted a reasonable continuance to enable the
770 owner of the vehicle to be brought into court to testify.

771 Section 39. Any person affected by an order of the department
772 or of a division or officer thereof, may, within such times as the
773 colonel may fix, which shall not be less than ten days after notice
774 of such order, appeal to the colonel, who, or his designee, shall
775 thereupon grant a hearing, and after such hearing the colonel may
776 amend, suspend or revoke such order. Any person aggrieved by
777 an order approved by the colonel may appeal to the superior court;
778 provided, that such appeal is taken within fifteen days from the
779 date when such order is approved or made. The superior court
780 shall have jurisdiction in equity upon such appeal to annul such
781 order if found to exceed the authority of the department or upon
782 petition of the colonel to enforce all valid orders issued by the
783 department. Nothing herein contained shall be construed to
784 deprive any person of the right to pursue any other lawful remedy.

785 Section 40. The colonel may after two years destroy or
786 otherwise dispose of applications for approval of entertainments

787 on Sunday, inspection reports of theaters and halls under the state
788 building code, and applications for permits for special exhibitions
789 of pictures under section eighty-two of said chapter. Any proceeds
790 received from their disposal shall be paid to the commonwealth.

791 Section 41. If money, goods or other property which has been
792 stolen, lost, abandoned or taken from a person under arrest comes
793 into the possession of an officer or other employee of the
794 department by virtue of his office or employment, he shall deliver
795 the same to the person designated by the colonel to receive the
796 same and shall thereupon be relieved from further responsibility
797 therefor. If no person proves ownership of such money, goods or
798 other property within six months, the colonel may cause the same,
799 except money unclaimed, to be sold at public auction at such place
800 and time and by such person as the colonel may designate. Notice
801 of the time and place of such sale, with a description of the
802 property, shall be given by publishing the same once in a
803 newspaper published in the county where the property was found
804 or taken as aforesaid.

805 Section 42. Such property, if perishable or liable to deteriorate
806 greatly in value by keeping, or the value of which will probably
807 be less than the expense of keeping, may be sold at public auction
808 at such place and at such time within six months and by such
809 person as the colonel may designate, such notice of the time and
810 place of sale as the colonel may deem reasonable and proper first
811 being given.

812 Section 43. The proceeds of such sales, together with such
813 unclaimed money, after deducting all reasonable charges and
814 expenses incurred on account of such property, shall be accounted
815 for and paid to the commonwealth.

816 Section 44. If, within two years and six months after such
817 money has come into the possession of an officer or other
818 employee of said department or within two years after any such
819 sale, the owner claims such property and proves ownership to the
820 satisfaction of the colonel, the amount of such unclaimed money
821 or the proceeds of the sale of such property, after deducting
822 reasonable expenses, shall be paid to him by the state treasurer.

823 Section 45. The form used by an investigating police officer to
824 make a report concerning any incident, offense or alleged offense
825 investigated or any arrest made shall provide a space to indicate

826 whether such incident, offense, alleged offense or arrest involved
827 abuse as defined in section one of chapter two hundred and
828 nine A.

829 Section 46. Upon requisition of the commanding officer or
830 other person in charge of a reservation of the United States of
831 America, the colonel, or the mayor or the selectmen of any city
832 or town the territory of which adjoins or includes, in whole or
833 in part, such reservations, may provide police officers, who shall
834 perform such police duties within such reservation as such
835 commanding officer or other person may assign to them, and who
836 shall, while on such assignment, have the authority, immunities
837 and privileges that they would have while acting as duly appointed
838 and qualified police officers elsewhere within the commonwealth.

839 Guards appointed by the trustees of the University of Massa-
840 chusetts in connection with the operation of any part of said
841 university within the limits of any such reservation may perform
842 police duties under the direction of the commanding officer or
843 other person in charge of such reservation, and while performing
844 such duties within such limits shall have the same authority,
845 immunities and privileges as duly all appointed and qualified
846 police officers acting as such elsewhere within the commonwealth.

847 Section 47. All officers of the department shall have and
848 exercise throughout the commonwealth the powers of constables,
849 police officers and watchmen, except as to service of civil process.
850 The governor may command their services in suppressing riots
851 and in preserving the peace. The colonel may detail any officer
852 or inspector in another agency of the commonwealth, with the
853 approval of the appropriate appointing authority, for temporary
854 service in the department of state police. He may from time to
855 time appoint such officers or inspectors to serve at his pleasure
856 as special state police officers and may invest them with such of
857 the powers of state police as he may deem advisable. At the request
858 of the secretary of public safety, the colonel may appoint said
859 secretary or assistant secretary of public safety as a special state
860 police officer, and may invest said secretary or assistant secretary
861 with the powers of a state police officer.

862 The colonel, with the approval of the governor, may authorize
863 the officers of the department to carry badges, revolvers, clubs,
864 handcuffs and twisters, or such other articles as may be required
865 in the performance of their duties.

866 Section 48. Any officer or inspector of the department who
867 directly or indirectly receives a reward, gift or gratuity on account
868 of his official services shall be punished by a fine of not more than
869 one hundred dollars or by imprisonment for not more than three
870 months, and shall also be discharged from office. Any officer or
871 inspector who fails to faithfully perform his duties shall be
872 immediately discharged from office.

873 Section 49. The colonel, upon the petition of a railroad corpo-
874 ration, or of a railway company, or of The Boston Terminal
875 Corporation, or of Railway Express Agency, Inc. or of a common
876 carrier of passengers by water for hire having a usual place of
877 receiving or discharging passengers within the commonwealth,
878 may from time to time appoint as police officers as many of the
879 persons designated in said petition and being citizens of the United
880 States as it may, deem proper, for the purposes and with the
881 powers hereinafter set forth. Any person, appointed as a police
882 officer upon the petition of a railroad corporation, may act as a
883 police officer upon the premises and vehicles of any corporation
884 transporting passengers or property by motor vehicle under the
885 joint control and management of said corporation and said
886 railroad corporation, which, for the purposes of this and the two
887 following sections, shall be considered as being the premises, cars
888 and vehicles of said railroad corporation.

889 Section 50. A record of all such appointments, made pursuant
890 to section 49 of this chapter, shall be kept by the department, and
891 shall be open to public inspection, and such appointment shall
892 constitute the person or persons named therein railroad, railway,
893 railway express or steamboat police, respectively, in any city or
894 town where the petitioner corporation or company referred to in
895 section 49 operates its cars, vehicles, boats or vessels, or the carrier
896 so referred to is accustomed to receive or discharge passengers
897 or freight, or steamboat police upon the premises and at the
898 wharves and landing places and upon the boats and vessels of such
899 carrier by water, while within the boundaries of the common-
900 wealth, and shall be conclusive evidence of the regularity of their
901 appointment.

902 Section 51. Such police officers shall be sworn before a justice
903 of the peace or notary public who shall make a return thereof to
904 the department upon a form provided by it. Upon receipt of said

905 return the department shall issue a license to each person
906 designated to act as police officer. Such license shall, in any court
907 of the commonwealth, be competent evidence of the validity of
908 the appointment of the person named therein and of his authority
909 to act as such police officer. Such police officers shall hold their
910 offices until their appointment is revoked by the colonel, or until
911 the petitioner corporation or company, upon ceasing to require
912 the services of any such officers, shall file a notice to that effect
913 with the department, and thereupon the power of such officer shall
914 cease.

915 Section 52. Constables, city marshals, chiefs of police and all
916 other police officers shall, within their respective cities and towns,
917 aid the governor in the performance of his duties whenever called
918 upon, and any such officer who refuses so to do when called upon
919 shall be punished by a fine of not more than one hundred dollars
920 or by imprisonment for not more than three months.

921 Section 53. County commissioners may appoint as police
922 officers persons who are in the employment of the county, who
923 shall, when on duty, wear in plain sight a metallic badge inscribed
924 with the words "County Police" and the name of the county for
925 which they are appointed. Such officers may preserve order in any
926 court house or in any room or building used for county business
927 and upon the adjoining premises. They may, without a warrant,
928 arrest idle or disorderly persons who by their presence or conduct
929 obstruct or annoy persons using county buildings or premises, or
930 who violate section ninety-seven of chapter two hundred and
931 sixty-six, and may take persons so arrested to the nearest police
932 station or other place of lawful detention.

933 Section 54. The colonel may authorize a sheriff, any of his
934 deputies, and any officer of any institution under the supervision
935 of a sheriff if so authorized by him, the commissioner of
936 correction, and the deputy commissioners and any other officer
937 of the department of correction or of any institution under its
938 supervision if so authorized by said commissioner, the chairman
939 of the parole board and any other officer of the parole board if
940 so authorized by said chairman, and the penal institutions
941 commissioner of the city of Boston, his deputy, and any officer
942 of any institution under the supervision of said penal institutions
943 commissioner if so authorized by him, while on duty to carry

944 revolvers, clubs, handcuffs and twisters and such other weapons
945 as are necessary in the performance of their duties.

946 Section 55. The colonel may appoint two or more agents of the
947 Massachusetts Society for the Prevention of Cruelty to Children
948 as special state police officers for a term of three years, who shall
949 serve without pay and shall have and exercise throughout the
950 commonwealth the powers of state police officers to serve
951 warrants and other criminal processes, except the authority to
952 arrest without a warrant.

953 Section 56. The colonel may appoint, at the request of the
954 Massachusetts Society for the Prevention of Cruelty to Animals,
955 the Berkshire Animal Protective Society, Inc., the Animal Rescue
956 League of Boston, the Boston Work Horse Relief Association,
957 The Lowell Humane Society, the Worcester Animal Rescue
958 League or the Animal Rescue League of New Bedford, duly
959 accredited agents of said corporations as special police officers
960 to serve for one year subject to removal by the colonel. Such
961 special police officers shall report to him as to their official acts
962 at such times and in such manner as he may require. They shall
963 serve without pay, except their regular compensation as agents
964 of said corporation. They shall receive no fees for service or return
965 of any criminal process and shall have throughout the common-
966 wealth the powers of constables and police officers to arrest and
967 detain any person violating any law for the prevention of cruelty
968 to animals.

969 Section 57. The colonel may, at the request of the Port of
970 Boston Authority, appoint as special police officers employees of
971 said Authority. Such special police officers shall serve for one
972 year, subject to removal by the colonel, and they shall have the
973 same power to make arrests as the state police for any criminal
974 offense committed in or upon lands, piers or structures within the
975 charge of said Authority. They shall report to the commissioner
976 as to their official acts at such times and in such manner as he
977 may require. They shall serve without pay, except their regular
978 compensation as employees of said Authority, and they shall
979 receive no fees for services or return of any criminal process.

980 Section 58. The colonel may, upon petition of the commis-
981 sioner of mental health or the commissioner of mental retardation,
982 appoint as special police officers employees of the department of

983 mental health or the department of mental retardation or
984 employees of the various institutions under the respective juris-
985 dictions of said departments, who shall have the same power to
986 make arrests as the state police for any criminal offence committed
987 in or upon lands or structures within the charge of said
988 departments or of the various institutions under the respective
989 jurisdictions of said departments. Such special police officers shall
990 be sworn before a justice of the peace or notary public who shall
991 make return thereof to the department upon a form provided by
992 it. Upon receipt of said return the department shall issue a license
993 to each person designated to act as a special police officer, and
994 such license shall, in any court of the commonwealth, be
995 competent evidence of the validity of the appointment of the
996 person named therein and of his authority to act as such special
997 police officer. A special police officer shall hold his office until
998 his license expires or is revoked by the colonel, or until the
999 petitioner files a note with the department that the services of such
1000 officer are no longer required. The colonel may provide that the
1001 license and any renewal thereof shall expire on the anniversary
1002 of the birth of the person named therein not less than one nor
1003 more than two years following the date of issue. They shall report
1004 to the colonel as to their official acts at such times and in such
1005 manner as he may require. They shall serve without pay, except
1006 for their regular compensation as employees of the department
1007 of mental health or the department of mental retardation or the
1008 various institutions under the respective jurisdictions of said
1009 departments, and they shall receive no fees for services for return
1010 of any criminal process.

1011 Section 59. The colonel may, upon petition of the commis-
1012 sioner of public health, appoint as special police officers
1013 employees of the department of public health or employees of the
1014 various institutions under its jurisdiction, who shall have the same
1015 power to make arrests as the state police for any criminal offense
1016 committed in or upon the lands or structures within the charge
1017 of the department of public health or the various institutions
1018 under its jurisdiction. Such special police officers shall be sworn
1019 before a justice of the peace or notary public who shall make a
1020 return thereof to the department upon a form provided by it. Upon
1021 receipt of said return the department shall issue a license to each

1022 person designated to act as a special police officer, and such license
1023 shall, in any court of the commonwealth, be competent evidence
1024 of the validity of the appointment of the person named therein
1025 and of his authority to act as such special police officer. A special
1026 police officer shall hold his office until his license expires or is
1027 revoked by the colonel, or until the petitioner files a notice with
1028 the department that the services of such officer are no longer
1029 required. The colonel may provide that the license and any
1030 renewal thereof shall expire on the anniversary of the birth of the
1031 person named therein not less than one nor more than two years
1032 following the date of issue. They shall report to the colonel as to
1033 their official acts at such times and in such manner as he may
1034 require. They shall serve without pay, except their regular
1035 compensation as employees of the department of public health
1036 or the various institutions under its jurisdiction, and they shall
1037 receive no fees for services or return of any criminal process.

1038 Section 60. The colonel may, at the request of the Massachu-
1039 setts Turnpike Authority, appoint as special police officers
1040 employees of said Authority. Such special police officers shall
1041 serve for one year, subject to removal by the commissioner, and
1042 they shall have the same power to make arrests as the state police
1043 for any criminal offense committed in or upon lands or structures
1044 within the control of said Authority. They shall report to the
1045 colonel as to their official acts at such times and in such manner
1046 as he may require. They shall serve without pay, except their
1047 regular compensation as employees of said Authority, and they
1048 shall receive no fees for service or return of any criminal process.

1049 Section 61. The colonel may, upon petition of the board of
1050 trustees of the Soldiers' Home in Holyoke, or the Soldiers' Home
1051 in Chelsea, as the case may be, appoint as special police officers
1052 employees of said institutions, who shall have the same power to
1053 make arrests as the state police for any criminal offense committed
1054 in or upon lands or structures within the charge of said boards
1055 of trustees, respectively. Such special police officers shall be sworn
1056 before a justice of the peace or notary public who shall make a
1057 return thereof to the department upon a form provided by it. Upon
1058 receipt of said return the department shall issue a license to each
1059 person designated to act as a special police officer, and such license
1060 shall, in any court of the commonwealth, be competent evidence

1061 of the validity of the appointment of the person named therein
1062 and of his authority to act as such special police officer. A special
1063 police officer shall hold his office until his license expires or is
1064 revoked by the colonel, or until the petitioner files a notice with
1065 the department that the services of such officer are no longer
1066 required. The colonel may provide that the license or any renewal
1067 thereof shall expire on the anniversary of the date of birth of the
1068 person named therein not less than one nor more than two years
1069 following the date of issue. They shall report to the colonel as to
1070 their official acts at such times and in such manner as he may
1071 require. They shall serve without pay, except their regular
1072 compensation as employees of said institutions, and they shall
1073 receive no fees for services or return of any criminal process.

1074 Section 62. Any board or officer authorized to appoint police
1075 officers in any city or town which accepts this section, and any
1076 college, university or other educational institution empowered by
1077 law to make or establish rules and regulations regulating the
1078 parking of motor vehicles, may appoint parking control officers
1079 who shall have only those powers and duties conferred to on police
1080 officers by section twenty A or twenty A½ of chapter ninety.

1081 Section 63. The colonel may, upon such reasonable terms and
1082 conditions as may be prescribed by him, at the request of an officer
1083 of a college, university, other educational institution or hospital
1084 licensed pursuant to section fifty-one of chapter one hundred and
1085 eleven, appoint employees of such college, university, other
1086 educational institution or hospital as special police officers. Such
1087 special police officers shall serve for three years, subject to removal
1088 by the colonel, and they shall have the same power to make arrests
1089 as regular police officers for any criminal offense committed in
1090 or upon lands or structures, owned, used or occupied by such
1091 college, university, other institution or hospital.

1092 Each application for appointment as a special police officer or
1093 a renewal thereof shall be accompanied by a fee, the amount of
1094 which shall be determined annually by the commissioner of
1095 administration under the provision of section three B of
1096 chapter seven.

1097 The colonel may promulgate such rules and regulations as may
1098 be necessary to insure proper standards of skill. Said rules and
1099 regulations shall conform to the provisions of chapter thirty A.

1100 Section 64. The colonel may, at the request of the director of
1101 civil defense, appoint employees of the civil defense agency as
1102 special police officers. Such special police officers shall serve for
1103 one year, subject to removal by the colonel, shall receive such
1104 training as the colonel shall direct and they shall have the same
1105 power to make arrests as the state police for any criminal offense
1106 committed in or upon lands or structures within the charge of said
1107 director located in the town of Framingham. Such officers shall
1108 report to the colonel as to their official acts at such times and in
1109 such manner as he may require. They shall serve without
1110 compensation, other than their regular compensation as
1111 employees of said agency.

1112 Section 65. The colonel may, upon petition of the board of
1113 trustees of the Middlesex County Sanatorium, appoint as special
1114 police officers employees of said institution, who shall have the
1115 same power to make arrests as regular police officers for any
1116 criminal offense committed in or upon lands, or structures owned,
1117 used or occupied by said sanatorium. Such special police officers
1118 shall be sworn before a justice of the peace or notary public who
1119 shall make a return thereof to the department upon a form
1120 provided by it. Upon receipt of said return the department shall
1121 issue a license to each person designated to act as a special police
1122 officer, and such license shall, in any court of the commonwealth,
1123 be competent evidence of the validity of the appointment of the
1124 person named therein and of his authority to act as such special
1125 police officer. A special police officer shall hold his office until
1126 his license expires or is revoked, by the colonel, or until the
1127 petitioner files a notice with the department that the services of
1128 such officer are no longer required. The colonel may provide that
1129 the license and any renewal thereof shall expire on the anniversary
1130 of the birth of the person named therein not less than one nor
1131 more than two years following the date of issue. Such special
1132 police officer shall report to the colonel as to his official acts at
1133 such times and in such manner as the colonel may require. Such
1134 special police officer shall serve without pay, except his regular
1135 compensation as an employee of said institution, and he shall
1136 receive no fees for services or return of any criminal process.

1137 Section 66. The colonel may, at the request of the commis-
1138 sioner of the employment and training, appoint as special police

1139 officers employees of said department. Such special police officers
1140 shall serve for one year, subject to removal by the colonel, and
1141 they shall have the same power to make arrests as the state police
1142 for any violation of section forty-seven of chapter one hundred
1143 and fifty-one A and shall have the power to serve warrants and
1144 other criminal processes. They shall report to the colonel as to
1145 their official acts at such times and in such manner as he may
1146 require. They shall serve without pay, except their regular
1147 compensation as employees of said department, and they shall
1148 receive no fees for service or return of any criminal process.

1149 Section 67. The colonel may, at the request of the state lottery
1150 commission, appoint as special police officers employees of said
1151 lottery commission holding the title of chief of security, security
1152 officer, license agent, field investigator, supervisor of beano, or
1153 assistant supervisor of beano. Such special police officers shall
1154 serve for one year, subject to removal by the colonel, and they
1155 shall have the same power to make arrests as the state police for
1156 any criminal offense committed in connection with any activities
1157 operated or regulated by the state lottery commission. They shall
1158 report to the colonel as to their official acts at such times and in
1159 such manner as he may require. They shall serve without pay,
1160 except their regular compensation as employees of said lottery
1161 commission, and they shall receive no fees for service or return
1162 of any criminal process.

1163 Section 68. The colonel may, at the request of the director of
1164 the bureau of special investigations with the approval of the
1165 fraudulent claims commission, appoint as special police officers
1166 employees of said bureau who have undergone training as
1167 required by said colonel. Such special police officers shall serve
1168 for one year, subject to removal by the colonel, and they shall
1169 have and exercise throughout the commonwealth the same powers
1170 as state police officers to serve warrants and other criminal
1171 processes for any criminal offense resulting from either a
1172 fraudulent claim for payment or services under any assistance
1173 program administered by the department of public welfare or any
1174 program administered by the department of social services or a
1175 receipt of payment or services by a person not entitled thereto or
1176 for any violation of chapter two hundred and seventy-three
1177 relative to the support of spouses and children for whom the

1178 department of public welfare is entitled to receive payment, or in
1179 whose behalf said department is giving aid; except, that said
1180 officers shall not have the authority to arrest without a warrant.
1181 They shall report to the colonel as to their official acts at such
1182 times and in such manner as he may require. They shall serve
1183 without pay except their regular compensation as employees of
1184 said bureau and they shall receive no fees for services on return
1185 of any criminal process. This section shall not be construed as
1186 authorizing any person appointed as a special police officer as
1187 provided herein to carry a firearm in the performance of his duties.

1188 Section 69. The colonel of state police may promulgate rules
1189 and regulations as may be necessary to insure proper standards
1190 of skill for special police officers licensed by said colonel under
1191 the provisions of sections fifty-seven through sixty-eight.

1192 Section 70. Any city in which the city council, with the
1193 approval of the mayor, accepts this and the two following sections
1194 or has accepted corresponding provisions of earlier laws, may
1195 establish a reserve police force; and appointments thereto shall,
1196 subject to chapter thirty-one, be made in the same manner as
1197 appointments to the regular police force of said city.

1198 Section 71. The number of members of such reserve force shall
1199 not exceed five in cities in which the number of members of the
1200 regular force does not exceed fifteen. If the number of members
1201 of the regular force exceeds fifteen, one member may be added
1202 to the reserve force for every three of the regular force above
1203 fifteen and not above thirty; one for every five of the regular force
1204 above thirty and not above eighty; and one for every ten of the
1205 regular force above eighty.

1206 Section 72. The mayor, chief of police, or city marshal of a city
1207 in which such reserve force is established may assign the members
1208 thereof to duty in said city whenever and for such length of time
1209 as said mayor, chief of police or marshal may deem necessary;
1210 and when on duty the members of said reserve force shall have
1211 all the powers and duties of members of the regular police force
1212 of said city. The compensation of the members of said reserve
1213 force shall be fixed by the city council.

1214 Section 73. A town having an organized police force or
1215 department, other than a town in which a reserve police force is
1216 established under special law, which accepts the provisions of this

1217 section, may establish a reserve police force consisting of such
1218 number of members as the town may determine. Appointments
1219 to such force shall be made in the same manner and subject to
1220 the same provisions of law as appointments to its regular police
1221 force. Members of said reserve force may be removed by the
1222 selectmen at any time for any reason satisfactory to them and shall
1223 be subject to such rules and regulations as the selectmen may
1224 prescribe. Said members shall, when on duty, have all the powers
1225 and duties of members of the regular police force of said town
1226 and shall be paid by the town such compensation as the selectmen
1227 may fix.

1228 Section 74. In any city which has accepted sections seventy to
1229 seventy-two, inclusive, or the corresponding provisions of earlier
1230 laws, or has a reserve police force under authority of special law,
1231 and accepts this section, no person shall, after the date of
1232 acceptance of this section, be appointed to the reserve police force
1233 thereof unless the name of such person shall have been placed,
1234 on or before said date, on an eligible list established under
1235 chapter thirty-one and the rules made thereunder for such
1236 appointments.

1237 Section 75. In any town which has accepted section seventy-
1238 three, or has a reserve police force under authority of special law,
1239 and accepts this section, no person shall, after the date of
1240 acceptance of this section, be appointed to the reserve police force
1241 thereof unless appointments to such force is subject to
1242 chapter thirty-one and the name of such person shall have been
1243 placed, on or before said date, on an eligible list established under
1244 chapter thirty-one and the rules made thereunder for such
1245 appointments.

1246 Section 76. Members of the police department of every city,
1247 except Boston and such cities as have accepted chapter two
1248 hundred and ten of the acts of nineteen hundred and eleven or
1249 chapter one hundred and sixty-six of the acts of nineteen hundred
1250 and twenty, and of every town which accepted chapter four
1251 hundred and seventy-six of the acts of nineteen hundred and eight
1252 and afterward did not accept chapter two hundred and ten of the
1253 acts of nineteen hundred and eleven or chapter one hundred and
1254 sixty-six of the acts of nineteen hundred and twenty, shall be
1255 excused from duty for one day out of every thirty without loss
1256 of pay.

1257 Section 77. Except in Boston, members of the police
1258 department of every town which accepted chapter two hundred
1259 and ten of the acts of nineteen hundred and eleven and did not
1260 accept chapter one hundred and sixty-six of the acts of nineteen
1261 hundred and twenty shall be excused from duty for one day out
1262 of every fifteen without loss of pay.

1263 Section 78. Except in Boston, members of the police
1264 department of every town which accepts or has accepted the provi-
1265 sions of this section by vote of its city council or selectmen, or
1266 has accepted the corresponding provisions of earlier laws in the
1267 manner therein provided, shall be excused from duty for one day
1268 out of every eight without loss of pay.

1269 Section 79. Members of the police department of every town
1270 which has heretofore accepted this section shall so long as its
1271 provisions are operative therein, be excused from duty for one
1272 day out of every seven without loss of pay.

1273 Section 80. Except in Boston, members of the police
1274 department of every town which accepts this section by vote of
1275 its city council in case of a city or of the town, in case of a town,
1276 whether or not section seventy-six, seventy-seven, seventy-eight,
1277 seventy-nine or eighty has theretofore been operative therein, shall
1278 be excused from duty for one day out of every six without loss
1279 of pay.

1280 Section 81. Members of the police department of every city or
1281 town which accepts this section by vote of the city council, subject
1282 to the provisions of the charter, or by vote of the town at an annual
1283 town meeting, as the case may be, or, if said city council or town
1284 fails to accept this section, by vote of the voters thereof as
1285 hereinafter provided, shall be excused from duty for two days out
1286 of every seven without loss of pay.

1287 Upon petition of not less than ten per cent of the registered
1288 voters in a city or town, duly certified by the registrars of voters
1289 and filed with the city or town clerk not less than thirty days before
1290 the regular municipal election of such city in any year, or before
1291 the annual town election of such town in any year, or if such
1292 petition is filed with the state secretary not less than ninety days
1293 before a biennial state election, the city or town clerk or the state
1294 secretary, as the case may be, shall cause to be printed upon the
1295 official ballot to be used in such city or town at such election the

1296 following question: — “Shall the city (or town) accept the provi-
1297 sions of section eighty-one of chapter twenty-two of the General
1298 Laws providing for a five day week for members of the police
1299 forces in cities and towns?” Yes. _____ No. _____. If a
1300 majority of the votes in answer to said question in any city or town
1301 is in the affirmative, this section shall take full effect therein, but
1302 not otherwise.

1303 Section 82. The time and manner of excusing members of
1304 police departments from duty in any town subject to any of the
1305 six preceding sections shall be determined by the chief,
1306 superintendent or other officer or board at the head of the police
1307 department. A member so excused shall be exempt from duty and
1308 from attendance at a police station or other place, but otherwise
1309 shall be subject to all laws, rules and regulations relating to
1310 members of the department to which he belongs. The chief,
1311 superintendent or other officer or board at the head of the police
1312 department of any such town may, in case of any public
1313 emergency, or of any unusual demand for the services of the police
1314 in that town, prevent any member of the department from taking
1315 the day off at the time when he is entitled thereto, or at the time
1316 assigned therefor, provided that such day off shall be granted to
1317 him as soon thereafter as is practicable. In no case shall the
1318 number of such days off be less than twelve in each year in a town
1319 subject to section seventy-six, or twenty-four in each year in a
1320 town subject to section seventy-seven, or forty-five in each year
1321 in a town subject to section seventy-eight, or fifty-two in each year
1322 in a town subject to section seventy-nine, or sixty in each year
1323 in a town subject to section eighty, or one hundred and four in
1324 each year in a town subject to section eighty-one, and they shall
1325 be in addition to any annual vacation now or hereafter allowed
1326 to members of the said departments, and such annual vacation
1327 shall not be diminished on account thereof.

1328 Section 83. If any police officer of a city or town is required
1329 to work on January the first, July the fourth or Christmas day,
1330 or the day following when any of said days occurs on Sunday,
1331 or the third Monday in February, the third Monday in April, the
1332 last Monday in May, the first Monday in September, the second
1333 or fourth Monday in October, or Thanksgiving day, he shall be
1334 given an additional day off, or, if such additional day off cannot

1335 be given because of personnel shortage or other cause, he shall
1336 be entitled to an additional day's pay; provided, that, in the case
1337 of any such police officer whose regular day off, vacation day or
1338 a day on which he is absent from duty because of injuries sustained
1339 in line of duty, falls on any of the aforementioned holidays, an
1340 additional day off shall be allowed, or payment in lieu of one day
1341 shall be allowed. Such additional day's pay shall be based on the
1342 hourly rate of his regular compensation for his average weekly
1343 hours of regular duty or such higher rate as may be determined
1344 by the person or persons authorized to establish pay scales in the
1345 respective police departments. This section shall take effect in a
1346 city having a Plan E charter when accepted by the affirmative vote
1347 of a majority of the city council, and in the case of other cities
1348 by vote of the city council subject to the provisions of its charter,
1349 and in a town by a majority vote at an annual town meeting.

1350 Section 84. Notwithstanding the provisions of any general or
1351 special law to the contrary, the services of all regular or permanent
1352 police officers of every city and town which accepts this
1353 section shall be restricted to five days and to forty hours in any
1354 one week; provided, that service in excess of the aforesaid days
1355 and hours may be authorized by the police commissioner, chief,
1356 superintendent or other officer or board at the head of the police
1357 department of any such city or town and the officer performing
1358 such additional service shall be compensated at the hourly rate
1359 of his regular compensation for his average weekly hours of
1360 regular duty or such higher rate as may be determined by the
1361 person or persons authorized to establish pay scales in the
1362 respective police departments. The compensation payable to any
1363 such police officer shall not be reduced by reason of the acceptance
1364 of this section. This section shall take effect in a city having a
1365 Plan E or Plan D charter when accepted by the affirmative vote
1366 of a majority of the city council and in the case of other cities
1367 by vote of the city council, subject to the provisions of its charter,
1368 and in a town by a majority vote at the annual town meeting.

1369 Section 85. If a regular police officer in the service of a city
1370 or town which has not accepted section eighty-four shall be
1371 required to be on duty for any period in excess of his regular hours
1372 of duty as from time to time established, he may be given time
1373 off equal to such period of overtime duty or, if time off cannot

1374 be given by reason of a personnel shortage or other cause, he may
1375 be paid for such period of overtime duty at such an hourly rate
1376 as may be determined by the authority in charge of the police
1377 department, which rate shall in no event be less than one and one-
1378 half times the hourly rate of his regular compensation for his
1379 average weekly hours of regular duty.

1380 Section 86. Members of police departments shall be excused
1381 from duty and from attendance at a police station or other place
1382 for two days without loss of pay while in attendance as an official
1383 delegate at the annual convention of the Massachusetts Police
1384 Association held within the commonwealth.

1385 Section 87. Whenever the employment of any police officer
1386 subject to section one hundred and eleven H of chapter forty-one
1387 or sections eighty-three through eighty-five of this chapter is
1388 terminated during a year by dismissal through no fault or
1389 delinquency on his part or by resignation, retirement or death,
1390 without his having received the compensation to which he is
1391 entitled under such sections, he, or in case of his death, his estate,
1392 shall be paid the full amount of such compensation, provided that
1393 no monetary or other allowance has already been made therefor.
1394 The official head of the department in which the police officer
1395 was last employed shall enter on the departmental payroll all
1396 amounts payable under this section.

1397 Section 88. If the superintendent of police in the city of Lowell,
1398 the city marshal in the cities of Newburyport and Salem, or the
1399 chief of police in any other city or town, is on duty at any time
1400 on January the first, July the fourth or Christmas day, or the day
1401 following when any of said days occurs on Sunday, or the third
1402 Monday in February, the third Monday in April, the last Monday
1403 in May, the first Monday in September, the second or fourth
1404 Monday in October, or Thanksgiving day, he shall be granted an
1405 additional day's pay.

1406 Section 89. Notwithstanding the provisions of any general or
1407 special law to the contrary, the services of all regular or permanent
1408 police officers of every city and town which accepts this
1409 section shall be restricted to five days and to forty hours in any
1410 one week; provided, that service in excess of the aforesaid days
1411 and hours may be authorized by the police commissioner, chief,
1412 superintendent or other officer or board at the head of the police

1413 department of any such city or town and the officer performing
1414 such additional service shall be compensated at an hourly rate
1415 equal to one and one-half times the hourly rate of his regular
1416 compensation for his average weekly hours of regular duty or such
1417 higher rate as may be determined by the person or persons
1418 authorized to establish pay scales in the respective police
1419 departments. The compensation payable to any such police officer
1420 shall not be reduced by reason of the acceptance of this section.
1421 This section shall take effect in a city having a Plan E or Plan D
1422 charter when accepted by the affirmative vote of a majority of
1423 the city council and in the case of other cities by vote of the city
1424 council, subject to the provisions of its charter, and in a town by
1425 a majority vote at the annual town meeting.

1426 Section 90. In every city having a population of over thirty
1427 thousand inhabitants as shown by the latest census, state or
1428 national, except Boston, the mayor shall, and in any other city
1429 the mayor, and in Boston, the police commissioner, may designate
1430 one or more police stations for the detention and confinement of
1431 females under arrest, within such city. Such mayor or police
1432 commissioner may at any time designate additional stations, or
1433 may discontinue any stations so designated; but one such station
1434 shall always remain so designated, except in Boston. The police
1435 commissioner of Boston and the mayor of any other city shall
1436 appoint, as soon as may be after any station has been so
1437 designated, one or two police matrons to be attached thereto.

1438 Section 91. A woman shall not be appointed a police matron
1439 unless she is suitable therefor and has been recommended in
1440 writing by at least ten women of good standing, residents of the
1441 city where the appointment is to be made. The two preceding
1442 sentences shall not apply to police matrons in cities having more
1443 than thirty thousand inhabitants. A police matron may be
1444 removed by the mayor or police commissioner, as the case may
1445 be, by written order stating the cause of removal. Upon her death,
1446 resignation or removal her successor shall be appointed as soon
1447 as may be. She shall receive a reasonable compensation, which
1448 shall be fixed, except in Boston, by the city council, and in Boston,
1449 by the concurrent action of the city council and of the police
1450 commissioner, and shall be paid by the city treasurer upon the
1451 requisition of the body fixing her compensation. If only one police

1452 matron is attached to a station, she shall reside within a reasonable
1453 distance thereof and shall be ready to respond to a call therefrom
1454 at any hour of the day or night. If two police matrons are attached
1455 to a station, the hours during which they shall respond to calls
1456 therefrom, respectively, shall be so fixed by the mayor or police
1457 commissioner that one of them shall be ready to respond at any
1458 hour of the day and night, and each such matron shall, during
1459 the hours so fixed for her, remain within a reasonable distance
1460 of such station and be ready to respond to any call therefrom.
1461 One of such matrons shall remain constantly at the police station
1462 to which she is attached, ready for service, so long as any female
1463 is detained, lodged or held under arrest therein. A police matron
1464 shall have the entire care and charge of all females held under
1465 arrest, detained or lodged in the station to which she is attached,
1466 and she may call upon the officer in command of such station
1467 for assistance. She shall be subject to the authority of the head
1468 of the police department of the city where she serves, and to the
1469 rules and regulations, consistent with sections ninety to ninety-
1470 two, inclusive, which may be prescribed by such authority; but
1471 she shall not be subject to the control or direction of any police
1472 officer attached to a station except the officer in command thereof
1473 at the time. In every station to which a police matron is attached,
1474 the mayor or police commissioner shall, at the expense of the city,
1475 provide sufficient and proper accommodation for females held
1476 under arrest, detained or lodged therein.

1477 Section 92. If a female is arrested and taken to a police station
1478 to which a matron is attached or, if not under arrest, is detained
1479 or lodged therein, the police officer there in command shall cause
1480 the matron to be summoned forthwith; and if in a city in which
1481 a police matron has been appointed, or in Boston, a female is
1482 arrested and taken to a station to which no matron is attached,
1483 or is received therein for the purpose of detention or lodging, such
1484 officer shall cause her to be removed as soon as possible to the
1485 nearest station to which a matron is attached, or in Boston, to
1486 the house of detention, and the city treasurer shall pay the
1487 reasonable expense of such removal upon the requisition of the
1488 head of the police department. Such removal of a female shall
1489 not deprive any court of any jurisdiction which it would otherwise
1490 have had.

1491 Section 93. The words "police station" or "station" in the three
1492 preceding sections shall mean any place in which persons are
1493 temporarily confined under arrest.

1494 Section 94. The board of officer in a city or town authorized
1495 to appoint police officers for such city or town may, when so
1496 authorized, in a city having a Plan E charter, by the affirmative
1497 vote of a majority of the city council, in any other city, by vote
1498 of the city council subject to the provisions of its charter, and in
1499 a town, by a majority vote at an annual town meeting, appoint
1500 as a police cadet, for a period of full-time "on the job" training,
1501 any citizen resident in such city or town who is not less than
1502 eighteen nor more than twenty-three years of age, who meets the
1503 physical qualifications required of applicants for appointment to
1504 the police force in such city or town, and who is determined by
1505 the appointing authority to be of good moral character. Such
1506 appointment shall not be subject to the civil service law or rules;
1507 nor shall a police cadet be entitled to any benefits of such law
1508 or rules. Such appointment may be terminated by the appointing
1509 authority at any time, and shall be terminated whenever a cadet
1510 fails to maintain a passing grade in any course of study the
1511 appointing authority determines he should undertake, and when
1512 he reaches the age of twenty-five. A police cadet shall receive such
1513 compensation and such leave with pay as the appointing authority
1514 shall determine.

1515 A police cadet shall maintain and file records, operate office
1516 machines, answer telephones, receive complaints, enter and index
1517 official documents, prepare routine reports, prepare and tabulate
1518 facts and figures for statistical purposes, and have similar duties
1519 of an administrative rather than an enforcement type. He shall
1520 not carry arms, nor shall he have any power of arrest other than
1521 that of an ordinary citizen. He shall be considered an employee
1522 of the city or town for the purposes of workmen's compensation.

1523 A police cadet shall not be subject to or entitled to the benefits
1524 of any retirement or pension law nor shall any deduction be made
1525 from his compensation for the purpose thereof; but a police cadet
1526 who during the period of his "on the job training" passes a
1527 competitive civil service examination for appointment to the
1528 police force of such city or town, and is appointed a permanent
1529 full-time police officer shall have his police cadet service

1530 considered as “creditable service” for purposes of retirement,
1531 provided he pays into the annuity savings fund of the retirement
1532 system such amount as the retirement board determines equal to
1533 that which he would have paid had he been a member of said
1534 retirement system during the period of his training as a police
1535 cadet.

1536 Section 95. In this section and in sections ninety-six to one
1537 hundred four, inclusive, the following words shall have the
1538 following meanings unless a different meaning is clearly required
1539 by the context: —

1540 “Licensee”, any person licensed under section ninety-eight.

1541 “Private detective business”, the business of private detective
1542 or private investigator, and the business of watch, guard or patrol
1543 agency.

1544 “Private detective” or “private investigator”, a person engaged
1545 in business as a private detective or private investigator, including
1546 any person who, for hire, fee, reward or other considera-
1547 tion, (1) uses a lie-detector for the purpose of obtaining infor-
1548 mation with reference to the conduct, integrity, efficiency, loyalty
1549 or activities of any person or (2) engages in the business of
1550 making investigations for the purpose of obtaining information
1551 with reference to any of the following matters, whether or not
1552 other functions or services are also performed for hire, fee, reward
1553 or other consideration, or other persons are employed to assist
1554 in making such investigations: —

1555 (a) Crime or other acts committed or threatened against the
1556 laws or government of the United States or any state of the United
1557 States;

1558 (b) The identity, habits, conduct, movements, whereabouts,
1559 affiliations, associations, transactions, reputation or character of
1560 any person;

1561 (c) Libels, fires, losses, accidents, or damage to, or loss or theft
1562 of, real or personal property;

1563 (d) Evidence to be used before any investigating committee,
1564 board of award, or board of arbitration, or in the trial of civil
1565 or criminal cases.

1566 “Watch, guard or patrol agency”, the business of watch, guard
1567 or patrol agency, including the furnishing, for hire or reward, of
1568 watchmen, guards, private patrolmen or other persons to protect

1569 persons or property, to prevent the theft or the unlawful taking
1570 of goods, wares or merchandise, or the misappropriation or
1571 concealment thereof or of money, bonds, stocks, notes or other
1572 valuable documents, papers or articles of value, or to procure the
1573 return thereof, whether or not other functions or services are also
1574 performed for hire or reward, or other persons are employed to
1575 assist therein.

1576 Section 96. No person shall engage in, advertise or hold himself
1577 out as being engaged in, nor solicit private detective business or
1578 the business of watch, guard or patrol agency, notwithstanding
1579 the name or title used in describing such business, unless licensed
1580 for such purpose as provided in section ninety-eight.

1581 The provisions of this section shall not apply to an agent,
1582 employee or assistant of a licensee, to any corporation, if its
1583 resident manager, superintendent or official representative is a
1584 licensee, nor to the following:

1585 1. A person employed by or on behalf of the commonwealth,
1586 including the general court or either of its branches, any
1587 committee of the general court or either of its branches, any special
1588 commission required to report to the general court, any political
1589 subdivision of the commonwealth or any public instrumentality,
1590 while such person is engaged in the discharge of his official duties.

1591 2. A charitable, philanthropic or law enforcement agency, duly
1592 incorporated under the laws of the commonwealth, or any agent
1593 thereof while he is engaged in the discharge of his duties as such
1594 agent; provided, that such agency is promoted and maintained for
1595 the public good and not for private profit.

1596 3. A person employed as an investigator, detective, watchman,
1597 guard, patrolman, or employed or assigned to perform any of the
1598 activities described in the definition "watch, guard or patrol
1599 agency" or whose duties include an inquiry into the fitness of an
1600 applicant for employment, in connection with the regular and
1601 customary business of his employer and whose services are not
1602 let out to another for profit or gain, but only while so acting for
1603 his employer.

1604 4. A credit reporting bureau or agency whose business is
1605 principally the furnishing of information as to business and
1606 financial standing and credit responsibility.

1607 5. Investigations as to the personal habits and financial respon-
1608 sibility of applicants for insurance or indemnity bonds, provided,

1609 such investigations do not include other activities described in
1610 section ninety-five.

1611 6. An attorney at law in the practice of his profession.

1612 7. Investigations with respect to, or the compilation or
1613 dissemination of, any data or statistics pertaining to any business
1614 or industry, by any trade or business association, board or organi-
1615 zation, incorporated or unincorporated, not operated for profit,
1616 representing persons engaged in such business or industry, or by
1617 any agent of any such trade or business association while he is
1618 engaged in the discharge of his duties as such agent.

1619 8. An insurance adjuster or investigator while acting in such
1620 capacity.

1621 9. Any trade or business association, board or organization,
1622 incorporated or unincorporated, which furnishes as a service to
1623 members thereof, information pertaining to the business and
1624 financial standing, credit responsibility or reputation of persons
1625 with whom such members consider doing business; provided, that
1626 an investigation conducted by such association, board or organi-
1627 zation shall be no more extensive than is reasonably required to
1628 determine the business and financial standing, credit respon-
1629 sibility or reputation of such person.

1630 10. A person engaged in earning his livelihood by genealogical
1631 work and the compilation of family history while so engaged.

1632 11. A person hired by the owner of a residential dwelling for
1633 the limited purpose of inspecting the exterior of an unoccupied
1634 residential dwelling for storm damage.

1635 Whoever violates any provision of this section shall be punished
1636 by a fine of not less than two hundred nor more than one thousand
1637 dollars or by imprisonment for not more than one year or by both
1638 such fine and imprisonment.

1639 Section 97. An application for a license to engage in the private
1640 detective business or a license to engage in the business of watch,
1641 guard or patrol agency shall be filed with the colonel on forms
1642 furnished by him, and statements of fact therein shall be under
1643 oath of the applicant. Such application shall include a certification
1644 by each of three reputable citizens of the commonwealth residing
1645 in the community in which the applicant resides or has a place
1646 of business, or in which the applicant proposes to conduct his
1647 business, that he has personally known the applicant for at least
1648 three years, that he has read the application and believes each of

1649 the statements made therein to be true, that he is not related to
1650 the applicant by blood or marriage, and that the applicant is
1651 honest and of good moral character. The applicant, or, if the appli-
1652 cant is a corporation, its resident manager, superintendent or
1653 official representative, shall be of good moral character and unless
1654 such application is for a license to engage in the business of watch,
1655 guard or patrol agency, shall have been regularly employed for
1656 not less than three years as a detective doing investigating work,
1657 a former member of an investigative service of the United States,
1658 a former police officer, of a rank or grade higher than that of
1659 patrolman, of the commonwealth, any political subdivision
1660 thereof or an official police department of another state, or a
1661 police officer in good standing formerly employed for not less than
1662 ten years with the commonwealth, or any political subdivision
1663 thereof or with an official police department of another state.

1664 Section 98. The colonel may grant to an applicant complying
1665 with the provisions of section forty a license to engage in the
1666 private detective business or a license to engage in the business
1667 of watch, guard or patrol agency; provided, however, that no such
1668 license shall be granted to any person who has been convicted in
1669 any state of the United States of a felony. No person convicted
1670 of a violation of section ninety-nine or ninety-nine A of
1671 chapter two hundred and seventy-two of the General Laws shall
1672 be granted a license and any license previously granted to such
1673 person shall be revoked.

1674 Such license shall be for one year, shall state the name under
1675 which the licensed business is to be conducted and the address
1676 of its principal office, and shall be posted by the licensee in a
1677 conspicuous place in such office. Such name shall be subject to
1678 the approval of the colonel; provided that such name shall not
1679 contain the words "police", "fire", nor any name which denotes
1680 or implies any association with agencies of the governments of
1681 the United States, the commonwealth or any of its political
1682 subdivisions. Failure to comply with the provisions of this para-
1683 graph shall constitute cause for revocation of such license.

1684 The colonel may annually renew and may at any time for cause,
1685 after notice and a hearing, revoke, any such license. An appli-
1686 cation for a renewal shall be on a form furnished by the commis-
1687 sioner.

1688 Section 99. The fee for an original license and for a renewal
1689 of any license shall be determined annually by the commissioner
1690 of administration under the provision of section three B of
1691 chapter seven for the filing thereof. If a person fails to apply for
1692 a renewal of a license within six months after the expiration
1693 thereof he shall pay for a renewal the fee herein provided for an
1694 original license.

1695 Each licensee shall give to the colonel a bond in the sum of five
1696 thousand dollars, executed by the applicant as principal and by
1697 a surety company authorized to do business as such in the
1698 commonwealth as surety. Such bond shall be in such form as the
1699 colonel may prescribe, conditioned upon the honest conduct of
1700 the business of the licensee and the right of any person including
1701 the officer of any aggrieved labor union or association, whether
1702 or not incorporated, injured by the wilful, malicious or wrongful
1703 act of the licensee to bring in his own name an action of the bond.

1704 Section 100. No licensee shall enter, or cause any person to
1705 enter, any place of employment for any purpose having to do with
1706 the organizing or organization of employees in said establishment,
1707 or any purpose having to do with hours of labor, wages or salaries
1708 paid, or conditions of employment in such establishment or its
1709 branches or subsidiaries or related units, or to disseminate
1710 propaganda of any sort among employees in such establishment,
1711 or to be concerned with labor conditions of employees as a group,
1712 nor shall any licensee or agent or employee of a licensee pose as
1713 an employee in any such establishment for any of the
1714 aforementioned purposes.

1715 Violation of any provision of this section shall be cause for the
1716 suspension of such license for not less than one year, after a public
1717 hearing by the colonel, on written complaint of any aggrieved
1718 person, or the officer of any aggrieved labor union or association,
1719 whether incorporated or otherwise.

1720 Section 101. A licensee may employ to assist him in his
1721 business as many persons as he may deem necessary but shall not
1722 knowingly employ in connection with his business in any capacity
1723 any person who has been convicted of a felony or any former
1724 licensee whose license has been revoked.

1725 If a licensee falsely states or represents that a person is or was
1726 in his employ, such false statement or representation shall be cause

1727 for revocation of his license. Whoever falsely states or represents
1728 that he has been a licensee or employed by a licensee shall be
1729 punished by a fine of not less than fifty nor more than five hundred
1730 dollars.

1731 No person shall be employed by a licensee until he shall have
1732 executed and furnished to such licensee a statement under oath
1733 setting forth his full name, date of birth and residence; his parents'
1734 names and places of birth; the business or occupation in which
1735 he has been engaged for the three years immediately preceding
1736 the date of filing his statement; and that he has not been convicted
1737 of a felony or of any offense involving moral turpitude. Such
1738 statements shall be kept on file by the licensee and furnished to
1739 the colonel on demand.

1740 Any person who is or has been an employee of a licensee and
1741 any licensee who divulges to anyone other than to his employer
1742 or as his employer shall direct, except before an authorized
1743 tribunal, any information acquired by him during such
1744 employment in respect to any of the work to which he has been
1745 assigned by such employer, and any such employee who wilfully
1746 makes a false report to his employer in respect to any such work,
1747 shall be punished by a fine of not more than five hundred dollars
1748 or by imprisonment for not more than one year, or both.

1749 No minor shall be employed as an investigator or guard by a
1750 licensee if the use of firearms is required in the performance of
1751 his duties.

1752 Section 102. No licensee or employee or agent of a licensee
1753 shall use a badge of any kind for identification purposes except
1754 a guard or watchman in uniform who shall wear any such badge
1755 on the left breast of his uniform. Such badge shall not contain
1756 the word "Police" or any part of the seal of the Commonwealth
1757 of Massachusetts or of any political subdivision thereof. A licensee
1758 or his employee or agent shall carry only such weapons and
1759 equipment as are authorized by the colonel; provided, however,
1760 that if said licensee, employee or agent, is authorized to carry a
1761 firearm, as defined in section one hundred and twenty-one of
1762 chapter one hundred and forty, said firearm shall be loaded while
1763 in the performance of his duties. A licensee, or his employee or
1764 agent, while in the performance of his duties, shall not carry an
1765 imitation firearm as defined in said section one hundred and

1766 twenty-one of said chapter one hundred and forty. A licensee or
1767 his employee or agent may use as identification a card, approved
1768 as to the form by the colonel, which shall bear the signature of
1769 the licensee and, if such card is used as identification by an
1770 employee or agent, the signature of such employee or agent.

1771 No motor vehicle used in the business of a licensee shall have
1772 displayed therein or thereon the words "police" or "emergency",
1773 and no such motor vehicle shall be deemed to be a special purpose
1774 motor vehicle assigned to emergency disaster services under the
1775 provisions of section seven I of chapter ninety.

1776 Whoever violates any provision of this section shall be punished
1777 by a fine of not more than fifty dollars.

1778 Section 103. Any watch, guard or patrol agency shall maintain
1779 daily records which shall include the names of guards and other
1780 employees carrying guns in the performance of their duties, the
1781 purpose of their carrying such guns and whether such guns are
1782 the personal property of the guards and other employees or issued
1783 by such agency.

1784 Section 104. No licensee nor any of his employees shall
1785 knowingly: —

1786 1. Incite, encourage or aid any person who has become a party
1787 to any strike to commit any unlawful act against any person or
1788 property.

1789 2. Incite, stir up, create or aid in the inciting of discontent, or
1790 dissatisfaction among the employees of any person with the
1791 intention of having them strike.

1792 3. Interfere with or prevent lawful and peaceful picketing
1793 during strikes.

1794 4. Interfere with, restrain or coerce employees in the exercise
1795 of their right to form, join or assist any labor organization of their
1796 own choosing.

1797 5. Interfere with or hinder lawful or peaceful collective
1798 bargaining between employers and employees.

1799 6. Pay, offer or give any money, gratuity, consideration or
1800 other thing of value, directly or indirectly, to any person for any
1801 verbal or written report of the lawful activities of employees in
1802 the exercise of their right to organize, form or assist any labor
1803 organization and to bargain collectively through representatives
1804 of their own choosing.

1805 7. Advertise for, recruit, furnish or replace, or offer to furnish
1806 or replace for hire or reward, within or without the common-
1807 wealth, any skilled or unskilled help or labor, armed guards, other
1808 than armed guards theretofore regularly employed for the
1809 protection of payrolls, property or premises, for service upon
1810 property which is being operated in anticipation of or during the
1811 course or existence of a strike.

1812 8. Furnish armed guards upon the highways for persons
1813 involved in labor disputes.

1814 9. Furnish or offer to furnish to employers or their agents,
1815 any arms, munitions, tear gas implements or any other weapons.

1816 10. Send letters or literature to employers offering to eliminate
1817 labor unions.

1818 11. Advise any person of the membership of an individual in
1819 a labor organization for the purpose of preventing such individual
1820 from obtaining or retaining employment.

1821 Whoever violates any provision of this section shall be punished
1822 by a fine of not less than two hundred nor more than one thousand
1823 dollars or by imprisonment for not less than six months nor more
1824 than one year, or both.

1825 Section 105. The clerk of each town in which a chief of police
1826 or city marshal is appointed shall, within one week after such
1827 appointment, notify the colonel of the name of the person so
1828 appointed; and the clerk of each town not having a chief of police
1829 shall annually, on October first, send to the colonel the names
1830 of all the police officers and constables in such town. If he neglects
1831 or refuses to do so, he shall be punished by a fine of fifty dollars.

1832 Section 106. For the purpose of Sections 121 through 131J,
1833 inclusive, of Chapter 140 of the General Laws, as appearing in
1834 the 1988 Official Edition, the terms "department of public safety",
1835 or "department" and "colonel of public safety" or "colonel" shall
1836 be deemed to be the department of state police and the colonel
1837 of state police, respectively.

1838 Section 107. Notwithstanding any general or special law, rule
1839 or regulation to the contrary, all references to the department of
1840 public safety or colonel of public safety shall be deemed to be the
1841 department of state police and the colonel of state police.

1842 Section 108. For the purposes of sections 108 to 111, inclusive,
1843 the following words shall have the following meanings:

1844 “Crime reporting unit”, a joint project of the department of state
1845 police and the criminal history systems board charged with the
1846 responsibility of collecting incident reports submitted by state,
1847 local and campus police departments and other law enforcement
1848 authorities and disseminating periodic reports analyzing and
1849 interpreting crime rates and trends in the Commonwealth.

1850 “Hate crime”, any criminal act coupled with overt actions
1851 motivated by bigotry and bias including, but not limited to, a
1852 threatened, attempted or completed overt act motivated at least
1853 in part, by racial, religious, ethnic, handicap or sexual orientation
1854 prejudice, or which otherwise deprives another person of his
1855 constitutional rights by threats, intimidation or coercion, or which
1856 seeks to interfere with or disrupt a person’s exercise of consti-
1857 tutional rights through harassment or intimidation. Hate crime
1858 shall also include, but not be limited to, acts that constitute
1859 violations of sections thirty-seven and thirty-nine of chapter two
1860 hundred and sixty-five, section one hundred and twenty-seven A
1861 of chapter two hundred and sixty-six and chapter two hundred
1862 and seventy-two.

1863 “Hate crime data”, information, incident reports, records and
1864 statistics relating to hate crimes, collected by the crime reporting
1865 unit.

1866 “Incident report”, an account of occurrence of a hate crime
1867 received or collected by the crime reporting unit.

1868 Section 109. The colonel shall promulgate regulations relative
1869 to the collection of hate crime data.

1870 Said regulations shall include, but not be limited to, the
1871 following:

1872 (1) Establishment of a central repository for the collection and
1873 analysis of hate crime data and, upon the establishment of such
1874 repository, the crime reporting unit shall be responsible for
1875 collecting, analyzing, classifying and reporting such data, and
1876 shall maintain this information in the central repository.

1877 (2) Procedures necessary to ensure effective data-gathering and
1878 preservation and protection of confidential information, and the
1879 disclosure of information in accordance with section nineteen.

1880 (3) Procedures for the solicitation and acceptance of reports
1881 regarding hate crime which are submitted to the crime reporting
1882 unit.

1883 (4) Procedures for assessing the credibility and accuracy of
1884 reports of hate crime data from law enforcement agencies.

1885 Section 110. The crime reporting unit shall summarize and
1886 analyze reports of hate crime data it receives. Said unit shall
1887 transmit copies of all such reports to the attorney general. The
1888 crime reporting unit shall also file an annual report regarding hate
1889 crime data with the governor, the attorney general, the joint
1890 committees on public safety, criminal justice and the judiciary,
1891 and the senate and house committees on ways and means. Such
1892 annual reports shall be public record.

1893 Section 111. The crime reporting unit shall cause any hate
1894 crime data collected to be made available for use by any law
1895 enforcement agency and shall also be made available to any unit
1896 of local government, to any state agency and to the general public
1897 in a manner consistent with the requirements of sections one
1898 hundred and sixty-seven and one hundred and sixty-eight of
1899 chapter six. Dissemination of such information shall be subject
1900 to all confidentiality requirements otherwise imposed by law.

1 SECTION 4. Chapter twenty-two B of the General Laws, as
2 appearing in the nineteen hundred and eighty-eight Official
3 Edition, is hereby repealed.

1 SECTION 5. Section 3 of chapter 28 of the General Laws, as
2 appearing in the 1988 Official Edition, is hereby amended by
3 striking out, in line 8, the words "including officers and members
4 of the police force,".

1 SECTION 6. Section 3 of chapter 32 of the General Laws, as
2 appearing in the 1988 Official Edition, is hereby amended by
3 striking out, in line 306, the definition of Group 3, and inserting
4 the following new definition:

5 GROUP 3. Officers and inspectors of the department of state
6 police; capitol police; members of the police force of the
7 metropolitan district police department transferred to the
8 department of state police, referred to in section twenty-six, who
9 shall be retired and receive retirement allowances as provided for
10 in said section and in sections six and seven, anything in sections
11 one to twenty-eight, inclusive, to the contrary notwithstanding.

1 SECTION 7. Said section 3 of chapter 32 is hereby amended
2 by striking out in line 316, the words, “capitol police;” and in
3 line 319, the words, “members of the police force of the
4 metropolitan district police.”

1 SECTION 8. Section 26 of chapter 32 of the General Laws,
2 as appearing in the 1988 Official Edition, is hereby amended by
3 striking out Section 26 and inserting in place thereof the following
4 section: —

5 Section 26. (1) “Officer” and “Rating Board” defined.

6 In this section, unless the context otherwise requires, the
7 following words shall have the following meanings:

8 “Officer”, an officer of the department of state police appointed
9 thereto under section fourteen of chapter twenty-two.

10 “Rating Board”, a board having the powers and duties provided
11 for in this section, and consisting of the state surgeon, the commis-
12 sioner of public health, the colonel of state police, or a subordinate
13 designated by any of them from time to time by a writing filed
14 in the office of the state board of retirement.

15 (2) Retirement for Physical or Mental Incapacity Caused by
16 Illness or Injury Incurred in Performance of Duty. — (a) Any
17 member in service classified in Group 3 who is an officer of the
18 department of state police shall be retired by the state board of
19 retirement in case the rating board, after an examination of such
20 officer by a registered physician appointed by it, shall report in
21 writing to the state board of retirement that such officer is
22 physically or mentally incapacitated for the performance of duty
23 by reason of (i) illness incurred without serious and wilful
24 misconduct of his own in the actual performance of duty,
25 or (ii) an injury resulting from an accident occurring during the
26 performance and within the scope of his duty and that such
27 incapacity is likely to be permanent.

28 (b) Upon retirement under the provisions of this subdivision
29 a member shall receive a retirement allowance to become effective
30 on the date of his retirement. Payments under such allowance shall
31 be made as provided for in section twelve and thirteen and the
32 normal yearly amount thereof shall be equal to the sum of:

33 (i) A yearly amount of annuity equal to the yearly amount of
34 the regular life annuity specified in clause (i) of Option (a) of
35 subdivision (2) of section twelve; and

36 (ii) A yearly amount of pension equal to seventy-two per cent
37 of the annual rate of this regular compensation on the date such
38 illness or injury was incurred, or equal to seventy-two per cent
39 of the average annual rate of his regular compensation for the
40 twelve-month period for which he last received regular
41 compensation immediately preceding the date his retirement
42 allowance becomes effective, whichever is greater; provided,
43 however, that for any employee who was not a member in service
44 on or before January first, nineteen hundred and eighty-eight or
45 has not been continuously a member in service since such date,
46 the total yearly amount of the sum of such pension and the annuity
47 as determined in accordance with the provision of subpara-
48 graph (i) shall not exceed seventy-five percent of the annual rate
49 of compensation as determined in the subparagraph; and
50 provided, further, that no individual who is a member in service
51 on January first, nineteen hundred and eighty-eight whose
52 allowance is limited by the seventy-five percent limitation as
53 established in this subparagraph, shall receive an amount of
54 pension that is less than seventy-two percent of such individual's
55 regular compensation on said January first, nineteen hundred and
56 eighty-eight; and

57 (iii) A yearly amount of additional pension determined at the
58 rate fixed by the actuary as hereinafter provided, for each
59 surviving unmarried child of such member who is under the age
60 of eighteen or who was over said age and physically or mentally
61 incapacitated from earning on the date of such member's
62 retirement. Such additional pension on account of any child shall
63 be paid only so long as such child survives, remains unmarried
64 and is under the age of eighteen or, if over such age, remains
65 physically or mentally incapacitated from earning or, if over said
66 age and under the age of twenty-one, is a full-time student at an
67 accredited educational institution offering full-time courses of
68 study equivalent to or higher than secondary school study. The
69 words "accredited educational institution" shall mean any school,
70 college, or university that is licensed, approved, or accredited, as
71 the case may be, in the state in which it is located. Beginning July
72 first, nineteen hundred and eighty-eight such additional pension
73 shall be fixed at a rate of four hundred and fifty dollars for such
74 eligible child. Beginning July first, nineteen hundred and eighty-
75 nine, such rate shall be increased by an amount equal to the

76 percentage increase in the cost of living determined by the general
77 court such year pursuant to section one hundred and two.

78 (3) Retirement upon Attaining Age Fifty-Five or Expiration
79 of Twenty Years of Service or for Physical or Mental Incapacity.

80 (a) Any member in service classified in Group 3 who is an
81 officer or inspector whose last appointment was under section six
82 of chapter twenty-two, as appearing in the 1988 Official Edition,
83 and who has performed in the department of state police or in
84 the division of inspections in the department of public safety for
85 not less than twenty years, shall be retired by the state board of
86 retirement upon his attaining age fifty-five or upon the expiration
87 of such twenty years, whichever last occurs. Any member in
88 service classified in Group 3 who is an officer appointed under
89 section fourteen of chapter twenty-two and who has performed
90 service in the department of state police or, shall be retired by
91 the state board of retirement upon his attaining age fifty-five or
92 the expiration of such twenty years, whichever last occurs. For
93 the purposes of this section, prior service in the metropolitan
94 district police department or capitol police department, shall be
95 deemed as service in the department of state police for retirement
96 purposes. Notwithstanding any provisions to the contrary, any
97 member in service classified in Group 4, who is an officer or
98 inspector, who as a result of the passage of this act becomes a
99 member of Group 3 and as a result is mandatorily retired on or
100 before December 31, 1991 shall receive a retirement allowance
101 equal to four-fifths of the average annual rate of his regular
102 compensation received during any period of three consecutive
103 years of creditable service for which such rate of compensation
104 was the highest or on the average annual rate of regular
105 compensation received by such member during the period or
106 periods, whether or not consecutive, constituting his last three
107 years of creditable service preceding retirement, whichever is
108 greater.

109 (b) Any member in service classified in Group 3 who is an
110 officer or inspector, who has performed service in either of the
111 said divisions for not less than twenty years and who has not
112 attained age fifty-five shall be retired by the state board of
113 retirement in case the rating board, after examination of such
114 officer or inspector by a registered physician appointed by it, shall

115 report in writing to the state board of retirement that he is
116 physically or mentally incapacitated for the performance of duty
117 and that such incapacity is likely to be permanent.

118 (c) Upon retirement under the provisions of this subdivision
119 a member shall receive a retirement allowance to become effective
120 on the date of his retirement. Payments under such allowance shall
121 be made as provided for in sections twelve and thirteen and the
122 normal yearly amount thereof shall be equal to six-tenths of the
123 average annual rate of his regular compensation during the twelve-
124 month period of his creditable state service immediately preceding
125 the date his retirement allowance becomes effective; provided,
126 however, that the total amount of the allowance shall be increased
127 by one-twelfth of three percent for each full month of service in
128 excess of twenty years service and prior to the last day of the
129 month of which such member will attain the age of retirement;
130 provided further, that such retirement compensation shall not
131 exceed seventy-five percent. Any member retired under the provi-
132 sions of this subdivision who is a veteran as defined in section one
133 shall receive an additional yearly retirement allowance of fifteen
134 dollars for each year of creditable state service or fraction thereof;
135 provided, however, that the total amount of said additional
136 retirement allowance shall not exceed three hundred dollars in any
137 case. For the purposes of this paragraph only, prior service shall
138 include service in a local or state retirement system.

139 (4) Inconsistent Provisions. — Sections five, six, eight and
140 sixteen, subdivisions (1) to (3) inclusive of section ten, and all
141 other provisions of sections one to twenty-eight inclusive which
142 are inconsistent with any provisions of this section, shall not apply
143 to any member so classified in Group 3. Section seven shall not
144 apply to any member so classified to whom the provisions of
145 subdivision (2) of this section are applicable.

1 SECTION 9. Section 28A of chapter 32 of the General Laws,
2 as appearing in the 1988 Official Edition, is hereby amended by
3 striking out, in line 4, the word "nine A", and inserting the word
4 "fourteen".

1 SECTION 10. Section 90A of said chapter 32 of the General
2 Laws, as appearing in the 1988 Official Edition, is hereby amended

3 by inserting, in line 13, after the word “officer” the following: “, or
4 state police officer appointed under the provisions of chapter 22,”.

1 SECTION 11. Notwithstanding the foregoing, those law
2 enforcement personnel whose prior departments have consoli-
3 dated into the department of state police and who, prior to, as
4 of or during the first year of the existence of the consolidated state
5 police force have attained or will attain the age of fifty-five, may
6 elect to remain employed as members of the consolidated state
7 police force through December 31, 1991, while they plan for and
8 complete the retirement process. As of January 1, 1992, the
9 mandatory retirement age of fifty-five, or the expiration of 20
10 years of service, whichever last occurs, for all members of the
11 department of state police shall be in full force and effect without
12 exception.

1 SECTION 12. Section 108L of chapter 41 of the General Laws,
2 as appearing in the 1988 Official Edition, is hereby amended by
3 striking out in line 5 the word “nine A” and inserting the word
4 “fourteen”.

1 SECTION 13. Sections one through thirty-one of Chapter one
2 hundred and forty-seven of the General Laws are hereby repealed.

1 SECTION 14. Section 3 of Chapter 150E of the General Laws,
2 as appearing in the 1988 Official Edition, is hereby amended by
3 striking out, in line 26, the first sentence and, in line 38, the first
4 sentence and inserting in place the following paragraphs: —

5 The appropriate bargaining unit in the case of members of the
6 state police of the department of state police for officers
7 subordinate to the rank of lieutenant shall be composed of
8 members of the state police holding and in such subordinate ranks
9 as the colonel shall establish under the provisions of chapter 22,
10 excluding managerial and confidential employees.

11 The bargaining unit described above shall be comprised of the
12 former bargaining units 5A and 5B in their entirety. The provi-
13 sions of existing collective bargaining agreements shall remain in
14 full force and effect until such time as an election is held and an
15 exclusive bargaining agent is certified by the commission.

1 SECTION 15. Section four C of Chapter one thousand
2 seventy-eight of the Acts of nineteen hundred and seventy-three,
3 as amended, is hereby repealed.

1 SECTION 16. The term of the person occupying the office of
2 colonel/deputy superintendent of the state police, as constituted
3 prior to the effective date of this act, shall continue uninterrupted
4 subsequent to the effective date of this act, until such time as he
5 shall retire from the state police.

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