

shall be paid by the town to the commonwealth at the time required for the payment of, and as a part of, its state tax. The commission shall annually notify the commissioner of corporations and taxation of the liability of any water company for the payment of a premium under the provisions of section ten hereof, and said commissioner shall assess such premium as a part of the franchise tax of such water company. Said commissioner shall collect such premium as a part of such franchise tax and the proceeds from all such payments shall be transferred to the state treasurer and used by him to meet the expenses of maintenance and operation of the metropolitan water works.

1941, ch. 727,
repealed.

SECTION 3. Chapter seven hundred and twenty-seven of the acts of nineteen hundred and forty-one is hereby repealed.

Approved June 12, 1943.

Chap. 544 AN ACT ESTABLISHING WITHIN THE DEPARTMENT OF PUBLIC SAFETY A BOARD OF STANDARDS AND APPEALS, AND ESTABLISHING ITS POWERS AND DUTIES, AND MAKING CERTAIN CORRECTIVE CHANGES IN THE LAWS RELATIVE TO THE INSPECTION AND REGULATION OF, AND LICENSES FOR, BUILDINGS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 22, new
§ 13 added.

Board of
standards
and appeals.

Appointment,
qualifica-
tions, etc.

SECTION 1. Chapter twenty-two of the General Laws is hereby amended by inserting after section twelve, as appearing in the Tercentenary Edition, the following new section: — *Section 13.* There shall be in the department, but not under the control of the commissioner, a board to be known as the board of standards and appeals, which shall consist of five members, to be appointed by the governor, with the advice and consent of the council, for terms of five years each. One of such members shall, when appointed, be a registered architect, one a registered professional engineer, one a contractor, one a representative of the building trades unions, and one a safety engineer. Of the members of said board originally appointed the governor shall designate one member as chairman. Upon the termination of service on said board of such chairman, and thereafter, the member senior in service, and with the longest original term of office, if a member of the board originally appointed under this section, shall be the chairman.

There shall also be five associate members of said board, to be appointed in the same manner and for the same terms as the members of said board. One of such associate members shall, when appointed, be a registered architect, one a registered professional engineer, one a contractor, one a representative of the building trades unions, and one a safety engineer. In the event of the absence, disability or disqualification of a member of such board, the chairman shall designate the associate member thereof, having like qualifica-

tions, to sit on the board during such absence, disability or disqualification.

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

A majority of said board, constituted as above provided, may transact business, but a lesser number may adjourn from time to time.

Each member of said board, and each associate member while sitting as a member of said board, shall be paid twenty dollars for each day while in the actual performance of his duties as such, but not exceeding one thousand dollars in any fiscal year, and shall also receive from the commonwealth all expenses necessarily incurred by him in connection with his official duties.

SECTION 2. Chapter one hundred and forty-three of the General Laws is hereby amended by striking out section three, as appearing in the Tercentenary Edition, and inserting in place thereof the following nine sections: — *Section 3.* Every city, subject to the provisions of any special law relative thereto, and every town may, for the prevention of fire, and the preservation of life, health and morals, by ordinances or by-laws consistent with law and applicable throughout the whole or any defined part of its territory, regulate the inspection, materials, construction, alteration, repair, height, area, location and use of buildings and other structures within its limits, except such as are owned or occupied by the United States, or owned or occupied by the commonwealth other than those used in whole or in part as a place of assembly, and except bridges, quays and wharves, and may prescribe penalties not exceeding one hundred dollars for every violation of such ordinances or by-laws.

G. L. (Ter. Ed.), 143. § 3, amended, and new §§ 3A-3H, added.

Regulations by cities and towns.

Section 3A. For the purposes of this chapter the administrative head of the fire department in each city or town, and the officer or board charged with the duty of inspecting or issuing permits or licenses for the construction, reconstruction, alteration, repair, demolition, removal, use and occupancy of any places of assembly therein, or, if there is no such administrative head, officer or board in any town, the board of selectmen thereof, shall be deemed to be authorized representatives of the commissioner of public safety, in this and the seven following sections called the commissioner, for the enforcement of all laws, rules and regulations, ordinances and by-laws relative to the protection of life and limb in all places of assembly in any city or town and may take any action necessary to insure compliance therewith.

Certain municipal officials to be deemed agents, etc., of commissioner of public safety.

Section 3B. The commissioner of public safety, herein and in the six following sections called the commissioner, subject to the approval of the board of standards and appeals shall, and said board of its own motion may, make rules and regulations relating to the construction, reconstruction, alter-

Rules and regulations, approval of, etc.

ation, repair, demolition, removal, use and occupancy, and to the standards of materials to be used in such construction, reconstruction, alteration, repair, demolition, removal, use and occupancy of any building or portion thereof which, under section one, may be deemed to be a place of assembly; and such rules and regulations shall be in accord with the generally accepted standards of engineering practice and not inconsistent with law. The commissioner, within ten days after approval thereof by the board of standards and appeals, shall deposit with the state secretary a copy of the rules and regulations as so approved, and the same shall become effective when so deposited. One copy of each issue of such rules and regulations shall be forwarded by registered mail to the officer or board in each city or town charged with the duty of issuing permits or licenses for the construction, reconstruction, alteration, repair, demolition, removal, use and occupancy of such places of assembly; and registry return receipts shall be filed in the department. All provisions of this chapter and of the rules and regulations issued thereunder shall be binding, without further acceptance, upon each city and town and upon each such officer or board; or, if there is no such officer or board in any town, then upon the board of selectmen thereof; but this section shall not be construed as prohibiting any city, subject to the provisions of any special law relative thereto, or any town, by ordinance or by-law, from making further restrictions, in accordance with the generally accepted standards of engineering practice and not inconsistent with law, for the protection of life and limb in any of said places of assembly, except theatres.

Appeals,
notice, etc.

Section 3C. Any person aggrieved by a decision of the officer or board of a city or town charged with the duty of inspecting or issuing permits or licenses for the construction, reconstruction, alteration, repair, demolition, removal, use and occupancy of places of assembly therein, or, if there is no such officer or board in any town, then the board of selectmen thereof, may, within ten days after having received written notice of such a decision, appeal therefrom to the commissioner, who, after fourteen days' notice to the appealing parties and to such other persons as he shall determine to be interested parties, shall give a hearing and shall, within thirty days thereafter, render his decision on said appeal and give written notice of his decision to all persons interested, as above provided. Any person or party interested aggrieved by a decision of the commissioner on such an appeal may, within thirty days after having received written notice of the commissioner's decision on such an appeal, appeal to the board of standards and appeals who, after fourteen days' notice to the appealing parties and to such other persons as it deems to be parties in interest, shall give a hearing and shall, within thirty days thereafter, confirm or modify the commissioner's decision or confirm the

original decision of the officer or board above referred to, and shall forthwith give written notice of such decision to all parties in interest, as above determined.

Any person aggrieved by a decision of said board may, within thirty days after receiving written notice thereof, bring a petition in the supreme judicial or superior court for the county where the property in question lies for a writ of certiorari to correct errors of law in the proceedings, and the provisions of section four of chapter two hundred and forty-nine of the General Laws, so far as apt, shall apply to said petition.

Section 3D. The commissioner or his authorized representative may inspect at any time any place of assembly or any building, portion of a building or room in which such place of assembly is located, for the purpose of ascertaining whether or not there has been or is a violation of any law, rule, regulation, ordinance or by-law for the protection of life and limb in such place of assembly.

Inspection
of places of
assembly.

The commissioner may require that any room, portion of a building or building which, by reason of use or occupancy, may be deemed to be a place of assembly, shall comply with all provisions of law, rules and regulations, ordinances and by-laws relative to the protection of life and limb in such places of assembly.

Section 3E. Every decision of the board of standards and appeals shall be in writing and shall be filed forthwith in the office of the commissioner. A certified copy of such decision shall be sent to the officer or board in the city or town charged with the duty of inspecting or issuing permits or licenses for the construction, reconstruction, alteration, repair, demolition, removal, use and occupancy of places of assembly therein, or, if there is no such officer or board in any town, then the board of selectmen thereof, and shall be kept on file in the office of such officer or board and open to public inspection.

Decisions of
board to be
in writing.

Pending an appeal from any order or decision of the commissioner, on appeal from action of the local officer or board, the order or decision of the commissioner shall remain in full force and effect. If his order or decision is confirmed upon appeal it shall thereafter have full force and effect, but if it is modified or annulled upon appeal the commissioner shall issue an order in accordance therewith within a period of not exceeding ten days following the date of receipt by him of written notification of such modification or annulment.

Section 3F. When a decision upon appeal has been rendered by the board of standards and appeals no further petition relative to the same place of assembly shall be filed with the commissioner for the period of at least one year thereafter, unless in the opinion of the commissioner the new petition is substantially different in character from the one originally submitted or unless the conditions surrounding the original petition have so changed as to justify a

Effect of
decision
upon appeal.

rehearing thereon; and in each instance the commissioner shall promptly inform in writing the petitioner as to his decision.

Maximum number of persons to be permitted in place of assembly.

Section 3G. The officer or board of a city or town charged with the duty of inspecting or issuing permits or licenses for the construction, reconstruction, alteration, repair, demolition, removal, use and occupancy of places of assembly therein, or, if there is no such officer or board in any town, then the board of selectmen thereof, shall determine the maximum number of persons to be permitted in any place of assembly at any one time, and shall order the owner, tenant or lessee of such place of assembly to post in such building or portion of the building within which the place of assembly is located as he deems necessary a placard, or placards, setting forth the maximum number of persons to be permitted to assemble therein and indicating the location of each exit or means of egress from such place of assembly. Every such placard shall be of such size and form as may be prescribed from time to time by the commissioner.

This section shall not apply to theatres, special halls and public halls.

Application of §§ 3-3C.

Section 3H. Sections three to three G, inclusive, shall apply to all municipal, county and state buildings which are used in whole or in part as places of assembly, as well as to all private buildings used for the same purposes.

G. L. (Ter. Ed.), 143, etc., amended.

SECTION 3. Said chapter one hundred and forty-three is hereby further amended in sections fifteen, sixteen, twenty-one, twenty-four to thirty-three, inclusive, forty-three, forty-five, forty-six, forty-nine and fifty-one, as so appearing or as amended, by striking out, in each instance, the phrase "Except in Boston" and any other word or phrase exempting said city from the provisions of said sections; and, in section fifty-two of said chapter one hundred and forty-three, by striking out in line four the words "or the mayor of Boston" and, in lines five and six, by striking out the words "or an inspector of the building department of Boston".

G. L. (Ter. Ed.), 143, § 34, amended.

SECTION 4. Said chapter one hundred and forty-three is hereby amended by striking out section thirty-four, as so appearing, and inserting in place thereof the following section: — *Section 34.* In sections thirty-four to thirty-eight, inclusive, the term "licensing officer" shall mean the commissioner of public safety. Said commissioner shall issue licenses for theatres, special halls and public halls. He may require such changes in the structural or other condition of any building before issuing any license as in his opinion the public safety requires, but no change shall be ordered in excess of the requirements for a new building of like character. In buildings existing on November first, nineteen hundred and thirteen, and in Boston in buildings in existence on October first, nineteen hundred and forty-three, an equivalent of the conditions required by law may be accepted by the licensing officer; provided, that such equivalents are set

Licenses for theatres, etc.

forth in detail in the license. The licenses provided for herein shall be conspicuously posted near the main entrance of the theatre, special hall or public hall. Licenses for theatres shall expire on September first, for special halls on August first, and for public halls on July first of each year.

SECTION 5. Said chapter one hundred and forty-three is hereby further amended by striking out section fifty-four, as so appearing, and inserting in place thereof the following section:— *Section 54*. Sections fifteen to fifty-two, inclusive, shall, except when otherwise specifically provided, be enforced by the commissioner of public safety, the chief of inspections of the department and the inspectors. The commissioner of public safety shall issue regulations necessary for their uniform enforcement.

G. L. (Ter. Ed.), 143, § 54, amended.

Enforcement of §§ 15-52.

SECTION 6. Said chapter one hundred and forty-three is hereby further amended by striking out section fifty-nine, as so appearing, and inserting in place thereof the following section:— *Section 59*. The supreme judicial or superior court may, upon the application of the commissioner of public safety or his authorized representative, enforce, by any suitable process or decree, any provision of sections fifteen to fifty-two, inclusive, and any order or requirement of any person made under authority thereof.

G. L. (Ter. Ed.), 143, § 59, amended.

Enforcement of orders.

SECTION 7. Before November first, nineteen hundred and forty-three, the governor, with the advice and consent of the council, shall appoint five members of the board of standards and appeals in the department of public safety, with the qualifications set forth in section thirteen of chapter twenty-two of the General Laws, of whom one shall be appointed for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, and one for the term of five years; five associate members of said board, with the qualifications set forth in said section thirteen, of whom one shall be appointed for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, and one for the term of five years. Salaries or compensation of the persons so appointed shall not exceed the maximum set forth for the respective offices by said section thirteen.

Appointment of members of board of standards and appeals.

Compensation.

SECTION 7A. During the continuance of the existing state of war between the United States and certain foreign countries, and for the period of six months following the termination of such existing states of war, non-compliance with any provision of chapter one hundred and forty-three of the General Laws or of any provision of law inserted or amended by any section of this act, which non-compliance is solely the result of federal law, rule or regulation preventing such compliance, shall not be deemed to be a violation of such provision.

Effect of act during existing war.

SECTION 7B. Section one of said chapter one hundred and forty-three, as amended, is hereby further amended by striking out, in lines seven to nine, inclusive, as appearing in the

G. L. (Ter. Ed.), 143, § 1, etc., amended.

Tercentenary Edition, the words "in sections thirty-four to thirty-eight, inclusive, 'inspector' shall include the inspectors of the building department of Boston and".

Effective date.

SECTION 8. So much of this act as provides for any action or decision which may be appealed from under section three C of chapter one hundred and forty-three of the General Laws, as inserted by section two of this act, shall not take effect until the effective date of the first issue of the rules and regulations provided for in section three B of said chapter one hundred and forty-three, as inserted by said section two.

Approved June 12, 1943.

Chap. 545 AN ACT RELATIVE TO THE RETIREMENT OF CERTAIN OFFICERS IN THE DIVISION OF STATE POLICE IN THE DEPARTMENT OF PUBLIC SAFETY.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 32, § 68, amended.

SECTION 1. Chapter thirty-two of the General Laws is hereby amended by striking out section sixty-eight, as appearing in the Tercentenary Edition, and inserting in place thereof the following:— *Section 68.* Any officer or inspector of the department of public safety, who began continuous service prior to July first, nineteen hundred and twenty-one, if in the judgment of the commissioner of public safety he is disabled for useful service in the department and a physician designated by said commissioner certifies that he is permanently incapacitated, either physically or mentally, for the further performance of his duty in the department, by injuries sustained through no fault of his own in the actual performance of his duty, or any such officer or inspector of said department who shall have attained the age of sixty-five, shall be retired, and shall annually receive a pension from the commonwealth equal to one half the compensation received by him at the time of his retirement. Said commissioner may in an emergency call upon any person so pensioned for such temporary service as a member of the department as he may be fitted to perform, and during such service there shall be paid to him the difference between the rate of full pay for such employment and the rate of pension received by him. Any former inspector of the district police transferred to the state board of labor and industries under authority of section eight of chapter seven hundred and twenty-six of the acts of nineteen hundred and twelve shall, for the purposes of this section, be deemed an inspector of the department of public safety.

Pensions for state police.

G. L. (Ter. Ed.), 32, § 68C, etc., amended.

SECTION 2. Said chapter thirty-two is hereby further amended by striking out section sixty-eight C, inserted by section three of chapter five hundred and three of the acts of nineteen hundred and thirty-nine, and inserting in place thereof the following:— *Section 68C.* (1) Any officer or inspector whose last appointment was under section six of chapter twenty-two, and who was so last appointed on or

Length of service requirements.