

By Mr. Walsh of Agawam, petition of Michael P. Walsh relative to the penalty imposed on commissioners of weights and measures for certain violations of the oath of office. Criminal Justice.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO WEIGHTS AND MEASURES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 41 of the General Laws, as appearing in
2 the 1986 Official Edition, is hereby amended by striking out
3 section 90 and inserting in place thereof the following section: —

4 Section 90. A weigher or any of his deputies who violates his
5 oath of office shall be punished by a fine of not less than one
6 hundred dollars nor more than five hundred dollars, and shall
7 forfeit his office.

1 SECTION 2. Section 90A of said chapter 41, as so appearing,
2 is hereby amended by striking out in line 3 the word “fifty” and
3 inserting in place thereof the words: — one hundred.

1 SECTION 3. Section 10 of chapter 94 of the General Laws,
2 as appearing in the 1986 Official Edition, is hereby amended by
3 striking out in line 5, the word “one” and inserting in place thereof
4 the word: — five.

1 SECTION 4. Said chapter 94 is hereby amended by striking
2 out section 77F, as so appearing, and inserting in place thereof
3 the following section: —

4 Section 77F. All food fish, except soft-shelled clams and
5 oysters sold at wholesale, shall be sold by weight. Whoever
6 violates this section shall be punished by a fine of not less than
7 one hundred dollars nor more than five hundred dollars.

1 SECTION 5. Section 88B of said chapter 94, as so appearing,
2 is hereby amended in line 3, by striking out the word “ten” and
3 inserting in place thereof the words: — two hundred.

1 SECTION 6. Section 92B of said chapter 94, as so appearing,
2 is hereby amended by striking out in line 7, the word “ten” and
3 inserting in place thereof the words: — two hundred.

1 SECTION 7. Section 96 of said chapter 94, as so appearing,
2 is hereby amended by striking out in line 16, the word “ten” and
3 inserting in place thereof the words: — two hundred.

1 SECTION 8. Section 98 of said chapter 94, as so appearing,
2 is hereby amended by striking out in line 18, the words “five nor
3 more than ten” and inserting in place thereof the words: — fifty
4 nor more than two hundred.

1 SECTION 9. Section 99A of said chapter 94, as so appearing,
2 is hereby amended by striking out in line 26, the word “fifty” and
3 inserting in place thereof the words: — one hundred.

1 SECTION 10. Section 174A of said chapter 94, as so
2 appearing, is hereby amended by striking out in line 15, the words
3 “twenty-five” and inserting in place thereof the words: — one
4 hundred.

1 SECTION 11. Section 176 of said chapter 94, as so appearing,
2 is hereby amended by striking out in line 6, the word “hundred”
3 and inserting in place thereof the word: — thousand.

1 SECTION 12. Section 177 of said chapter 94, as so appearing,
2 is hereby amended by striking out in lines 17, 18, and 19, the words
3 “one hundred dollars, for the second offense by a fine of two
4 hundred and fifty dollars, and for a subsequent offense by a fine
5 of five hundred dollars” and inserting in place thereof the
6 following words: — two hundred dollars, for the second offense
7 by a fine of five hundred dollars, and for a subsequent offense
8 by a fine of two thousand dollars or imprisonment for not less
9 than thirty days nor more than three months.

1 SECTION 13. Section 178 of chapter 94 of the General Laws,
2 as appearing in the 1986 Official Edition, is hereby amended by
3 striking out in line 4, the word “ten”, and inserting in place thereof
4 the words: — one hundred.

1 SECTION 14. Said chapter 94, as so appearing, is hereby
2 amended by striking out section 183 and inserting in place thereof
3 the following section: —

4 Section 183. Whoever violates any provision of section one
5 hundred and eighty-one shall for the first offense be punished by
6 a fine of not less than one hundred nor more than five hundred
7 dollars, and for a subsequent offense by a fine of not less than
8 five hundred nor more than one thousand dollars.

1 SECTION 15. Section 222 of said chapter 94, as so appearing,
2 is hereby amended by striking out in line 9, the word “ten” and
3 inserting in place thereof the word: — fifty.

1 SECTION 16. Section 243 of said chapter 94, as so appearing,
2 is hereby amended by striking out in line 16, the word “one” and
3 inserting in place thereof the word: — two.

1 SECTION 17. Section 249 of said chapter 94, as so appearing,
2 is hereby amended by striking out in line 6, the word “twenty”
3 and inserting in place thereof the words: — two hundred.

1 SECTION 18. Section 299 of said chapter 94, as so appearing,
2 is hereby amended by striking out the third and fourth sentences
3 and inserting in place thereof the following two sentences: —
4 Whoever violates any provision of this or the preceding section
5 shall be punished for the first offense by a fine of not less than
6 two hundred nor more than one thousand dollars, and for each
7 subsequent offense by a fine of not less than one thousand nor
8 more than five thousand dollars. Whoever alters or substitutes a
9 delivery ticket or sales invoice for fraudulent or deceptive
10 purposes shall be punished by a fine of not more than one
11 thousand dollars or by imprisonment for not more than one year
12 or both.

1 SECTION 19. Section 303F of said chapter 94, as so
2 appearing, is hereby amended by striking out the fifth paragraph
3 and inserting in place thereof the following paragraph: —

4 Whoever violates any provision of this section shall be punished
5 for the first offense by a fine of not less than two hundred nor
6 more than one thousand dollars, for each subsequent offense by
7 a fine of not less than one thousand nor more than five thousand
8 dollars. Whoever alters or substitutes a delivery ticket for
9 fraudulent or deceptive purposes shall be punished by a fine of
10 not more than one thousand dollars or by imprisonment for not
11 more than one year or both.

1 SECTION 20. Section 4 of chapter 95 of the General Laws,
2 as appearing in the 1986 Official Edition, is hereby amended by
3 striking out the last sentence and inserting in place thereof the
4 following sentence: — Whoever violates this section shall be
5 punished by a fine of not less than one hundred nor more than
6 two hundred dollars.

1 SECTION 21. Section 5 of said chapter 95, as so appearing,
2 is hereby amended by striking out in line 4, the words “twenty-
3 five” and inserting in place thereof the words: — five hundred.

1 SECTION 22. Section 24 of chapter 98 of the General Laws,
2 as appearing in the 1986 Official Edition, is hereby amended by
3 striking out in line 6, the word “fifty” and inserting in place thereof
4 the following words: — two hundred.

1 SECTION 23. Section 25 of said chapter 98, as so appearing,
2 is hereby amended by striking out in line 9, the word “fifty” and
3 inserting in place thereof the words: — five hundred.

1 SECTION 24. Section 26 of said chapter 98, as so appearing,
2 is hereby amended by striking out in line 4, the word “fifty” and
3 inserting in place thereof the following words: — five hundred.

1 SECTION 25. Section 27 of said chapter 98, as so appearing,
2 is hereby amended by striking out in line 4, the word “twenty”
3 and inserting in place thereof the words: — five hundred.

1 SECTION 26. Section 31 of said chapter 98, as so appearing,
2 is hereby amended by striking out the second sentence and
3 inserting in place thereof the following sentence: — Any sealer
4 neglecting to keep such a seal shall forfeit not more than fifty
5 dollars, and whoever, without being duly authorized thereto,
6 impersonates a sealer or deputy by the use of a seal or otherwise,
7 or has in his possession an imitation or counterfeit of the seal used
8 by a sealer or deputy shall be punished by a fine of not more than
9 one hundred dollars.

1 SECTION 27. Section 32 of said chapter 98, as so appearing,
2 is hereby amended by striking out in line 18, the word “fifty” and
3 inserting in place thereof the words: — two hundred.

1 SECTION 28. Section 34 of said chapter 98, as so appearing,
2 is hereby amended by striking out in line 8, the word “fifty” and
3 inserting in place thereof the words: — one thousand.

1 SECTION 29. Section 42 of said chapter 98, as so appearing,
2 is hereby amended by striking out the last sentence and inserting
3 in place thereof the following sentence: — A person who neglects
4 or refuses to exhibit his weighing or measuring devices to a sealer
5 or a deputy, or who hinders, obstructs, or in any way interferes
6 with a sealer or deputy in the performance of duty, or violates
7 any provisions of this section, shall be punished by a fine of not
8 more than one hundred dollars for the first offense, a fine of not
9 more than two hundred dollars for the second offense, and a fine
10 of not more than three hundred dollars for each subsequent
11 offense.

1 SECTION 30. Section 45 of said chapter 98, as so appearing,
2 is hereby amended by striking out in line 7, the word “ten” and
3 inserting in place thereof the words: — five hundred.

1 SECTION 31. Section 48 of said chapter 98, as so appearing,
2 is hereby amended by striking out in line 5, the words “five nor
3 more than fifty dollars” and inserting in place thereof the
4 words: — one hundred nor more than three hundred dollars.

1 SECTION 32. Section 49 of said chapter 98, as so appearing,
2 is hereby amended by striking out in line 2, the words “hay and
3 coat” and inserting in place thereof the word: — vehicle.

1 SECTION 33. Section 52 of said chapter 98, as so appearing,
2 is hereby amended by striking out in line 14, the words “fifty nor
3 more than one hundred” and inserting in place thereof the
4 words: — five hundred nor more than one thousand.

1 SECTION 34. Section 53 of said chapter 98, as so appearing,
2 is hereby amended by striking out in line 12, the words “forfeit
3 not more than fifty dollars” and inserting in place thereof the
4 words: — be punished by a fine of not less than two hundred nor
5 more than five hundred dollars.

1 SECTION 35. Section 55 of said chapter 98, as so appearing,
2 is hereby amended by striking out in line 5, the word “fifty” and
3 inserting in place thereof the words: — three hundred.

1 SECTION 36. Said chapter 98 is hereby amended by striking
2 out section 56, as so appearing, and inserting in place thereof the
3 following section: —

4 Section 56. Except as otherwise established in a town by town
5 meeting action and in a city by city council action, and in a town
6 with no town meeting by town council action, by adoption of
7 appropriate by-laws and ordinances to set such fees, sealers shall
8 receive the following fees for sealing the following weighing or
9 measuring devices:

10 (a) Each scale with a weighing capacity of more than ten
11 thousand pounds, fifty dollars.

12 (b) Each scale with a weighing capacity of five thousand to ten
13 thousand pounds, thirty dollars.

14 (c) Each scale with a weighing capacity of one thousand to five
15 thousand pounds, twenty dollars.

16 (d) Each scale with a weighing capacity of one hundred to one
17 thousand pounds, twenty dollars.

18 (e) Scales and balances with a weighing capacity of more than
19 ten pounds and less than one hundred pounds, six dollars.

20 (f) Scales and balances with a weighing capacity of ten pounds
21 or less, six dollars.

22 (g) Each liquid capacity measure, except vehicle tanks, of the
23 capacity of more than one gallon and measures on pumps, one
24 dollar.

25 (h) Each liquid measuring meter, except water meters, the
26 diameter of the inlet pipe of which is one half inch or less, four
27 dollars, more than one half inch but not more than one inch, eight
28 dollars; for each such type of liquid measuring meter, the diameter
29 of the inlet pipe of which is more than one inch, the following
30 shall apply, vehicle-tank pump sixteen dollars, vehicle-tank
31 gravity twenty dollars, bulk storage forty dollars, bulk storage
32 user furnishes certified prover ten dollars.

33 (i) Each taximeter or measuring device used upon vehicles to
34 determine the cost of transportation, eight dollars.

35 (j) Each machine or other mechanical device used for
36 determining linear or area measurement, six dollars.

37 (k) Milk bottle or jars, eight dollars per gross.

38 (l) Vehicle tanks used in the sale of commodities by liquid
39 measures shall be charged for each hundred gallons or fraction
40 thereof, two dollars. An additional fee of five dollars per sealed
41 indicator shall be received.

42 (m) All weights and other measures, fifty cents each.

43 They shall also receive reasonable compensation for the use of
44 special facilities, necessary repairs, alterations and adjustments
45 made by them.

1 SECTION 37. Said chapter 98 is hereby amended by striking
2 out section 56A, as so appearing, and inserting in place thereof
3 the following section: —

4 Section 56A. A scale or other weighing or measuring device
5 when used in weighing or measuring in the presence of the
6 purchaser at retail by weight or measure shall be so placed that
7 its weight indications may be accurately read, and the weighing
8 or measuring operation observed, by such purchaser.

1 SECTION 38. Section 56B of said chapter 98, as so appearing,
2 is hereby amended by striking out in line 6, the words "one
3 hundred dollars" and inserting in place thereof the words: — two
4 hundred and no more than five hundred dollars.

1 SECTION 39. Section 56C of said chapter 98, as so appearing,
2 is hereby amended by striking out in line 4, the word “fifty” and
3 inserting in place thereof the words: — three hundred.

1 SECTION 40. Section 6 of chapter 101 of the General Laws,
2 as appearing in the 1986 Official Edition, is hereby amended by
3 striking out in lines 4 and 5, the words “five nor more than twenty”
4 and inserting in place thereof the words: — fifty nor more than
5 one hundred.

1 SECTION 41. Section 13 of said chapter 101, as so appearing,
2 is hereby amended by striking out in line 6, the words “animal
3 or” and inserting in place thereof the word: — motor.

1 SECTION 42. Section 14 of said chapter 101, as so appearing,
2 is hereby amended by striking out in lines 3 and 4, the words “forfeit
3 not more than two hundred” and inserting in place thereof the
4 words: — be punished by a fine of not more than five hundred.

1 SECTION 43. Section 17 of said chapter 101, as so appearing,
2 is hereby amended by striking out in line 13, the word “twenty”
3 and inserting in place thereof the words: — one hundred.

1 SECTION 44. Section 20 of said chapter 101, as so appearing,
2 is hereby amended by striking out in line 10, the word “two” and
3 inserting in place thereof the word: — three.

1 SECTION 45. Section 21 of said chapter 101, as so appearing,
2 is hereby amended by striking out in line 7, the word “two” and
3 inserting in place thereof the word: — three.

1 SECTION 46. Section 22 of said chapter 101, as so appearing,
2 is hereby amended by striking out in line 24, the words “twenty-
3 two” and inserting in place thereof the word: — thirty; and in
4 line 25, by striking out the word “four” and inserting in place
5 thereof the word: — ten.

1 SECTION 47. Section 33 of said chapter 101, as so appearing,
2 is hereby amended by striking out in line 24, the word “ten” and
3 inserting in place thereof the word: — thirty.