

Chap. 350 AN ACT TO ORGANIZE IN DEPARTMENTS THE EXECUTIVE AND ADMINISTRATIVE FUNCTIONS OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

PART I.

GENERAL PROVISIONS.

Executive and administrative functions of commonwealth organized in departments, etc.

SECTION 1. The executive and administrative functions of the commonwealth, except such as pertain to the governor and council, and such as are exercised and performed by officers serving directly under the governor or the governor and council, shall hereafter be exercised and performed by the departments of the secretary of the commonwealth, the treasurer and receiver general, the auditor of the commonwealth and the attorney-general, and by the following new departments hereby established, namely: —

- The department of agriculture.
- The department of conservation.
- The department of banking and insurance.
- The department of corporations and taxation.
- The department of education.
- The department of civil service and registration.
- The department of industrial accidents.
- The department of labor and industries.
- The department of mental diseases.
- The department of correction.
- The department of public welfare.
- The department of public health.
- The department of public safety.
- The department of public works.
- The department of public utilities.

A metropolitan district commission is also hereby established as hereinafter provided and the provisions of Part I of this act shall apply to said commission.

All executive and administrative offices, boards, commissions and other governmental organizations and agencies, except those now or by virtue of this act serving directly under the governor or the governor and council, are hereby placed in the said departments and said commission, as hereinafter provided; and all such offices, boards, commissions and other governmental organizations and agencies for which provision is not made herein shall be placed by order of the governor, with the advice and consent of the council, under the direction and control of any of the departments

above mentioned until such time as the general court shall make provision therefor.

SECTION 2. Where an existing office, board, commission or other governmental organization or agency is abolished by this act, all books, papers, maps, charts, plans, records, and all other equipment in the possession of such organization or agency, or of any member or officer thereof, shall be delivered to the administrative and executive head of the department to which its rights, powers, duties and obligations are transferred. In case such rights, powers, duties and obligations are divided between two or more departments, each of said departments shall receive such books, papers, maps, charts, plans, records and other equipment as pertain to the rights, powers, duties and obligations transferred to that department. All questions arising under this section shall be determined by the governor and council.

Delivery of books, papers, equipment, etc., of abolished offices, boards, commissions, etc.

SECTION 3. Where an existing office, board, commission or other governmental organization or agency is abolished by this act, all employees thereof shall, as temporary appointees of the department to which the rights, powers, duties and obligations of such office, board, commission or other governmental organization or agency are transferred, continue to perform their usual duties, upon the same terms and conditions as heretofore, until removed, appointed to positions in accordance with the provisions of this act relative to such department, or transferred to other departments, and they shall be eligible to such appointment or transfer without further examination, but otherwise shall be subject to the civil service law and rules, where they apply, and to the provisions of chapter two hundred and twenty-eight of the General Acts of nineteen hundred and eighteen, and the rules and regulations made thereunder. All such temporary employment shall become permanent on January first, nineteen hundred and twenty-one, unless sooner terminated. Where the rights, powers, duties and obligations of any such office, board, commission or other governmental organization or agency are divided between two or more departments, each of said departments shall receive on the above terms and conditions such of the employees of said office, board, commission or other governmental organization or agency as are regularly occupied in connection with the functions thereof which are by this act transferred to such department: *provided*, that every employee of such office, board, commission or other governmental organization or

Employees of abolished offices, boards, commissions, etc., to become temporary appointees, etc.

Temporary employment, when to become permanent. Placing of certain employees.

Proviso.

agency shall be placed temporarily in one of said departments. All questions arising under this section shall be determined by the governor and council.

Rights to retirement with pension not to be affected.

SECTION 4. Persons who, at the time when this act takes effect, are appointed to or employed by an office, board, commission or other governmental organization or agency abolished by this act, and are appointed to positions in any of the departments established hereby, shall retain all rights to retirement with pension that shall have accrued or would thereafter accrue to them, and their services shall be deemed to have been continuous, as if this act had not been passed. This act shall not be construed to reduce the compensation of present employees who are appointed to positions under the terms of the act where the compensation of such employee is specifically fixed by statute.

Compensation not to be reduced.

Pending petitions, hearings, etc., to remain in full force and effect.

SECTION 5. All petitions, hearings and other proceedings pending before any officer, board, commission or other governmental organization or agency which is abolished by this act, and all prosecutions, legal or other proceedings and investigations begun by such organization or agency and not completed at the time of the taking effect of this act, shall continue and remain in full force and effect notwithstanding the passage of this act, and may be completed before or by the department which succeeds to the rights, powers, duties and obligations of such office, board, commission or other governmental organization or agency. All questions arising under this section shall be determined by the governor and council.

Orders, rules and regulations to remain in full force and effect.

SECTION 6. All orders, rules and regulations made by any officer, board, commission or other governmental organization or agency which is abolished by this act shall remain in full force and effect until revoked or modified in accordance with law by the department which succeeds to the rights, powers, duties and obligations of such governmental organization or agency.

Existing contracts and obligations to remain in full force and effect.

SECTION 7. All existing contracts and obligations of the offices, boards, commissions or other governmental organizations or agencies abolished by this act shall remain in full force and effect, and shall be performed by the departments to which the rights, powers, duties and obligations of such governmental organizations or agencies are transferred.

Making of reports, etc.

SECTION 8. All reports required by law to be made by any office, board, commission or other governmental organization or agency affected by this act shall hereafter be made

by the executive and administrative head of the department in which such governmental organization or agency is placed or to which its rights, powers, duties and obligations are transferred.

SECTION 9. In all cases where the executive and administrative head of a department is vested with authority to establish within his department divisions, the establishment of such divisions shall be subject to the approval of the governor and council except in cases where divisions are specifically provided for by this act.

Establishment of divisions in departments.

SECTION 10. In all cases where a question arises between departments or officers or boards thereof as to their respective jurisdiction or powers, or where departments, or officers or boards thereof, issue conflicting orders or make conflicting rules and regulations, the governor and council shall, on appeal of any such department or any person affected thereby, have jurisdiction to determine the question, and to order any such order, rule or regulation amended or annulled: *provided*, that nothing herein contained shall be construed to deprive any person of the right to pursue any other lawful remedy. The time within which such appeal may be taken shall be fixed by the governor and council.

Determination of questions of jurisdiction, powers, etc.

Proviso.

SECTION 11. Any person in any department who is appointed to office by the governor, with the advice and consent of the council, and who is paid a salary, may be required by the governor, with like advice and consent, to give his whole time to the duties of his office. The heads of divisions of departments established by or under authority of this act shall be exempt from the civil service law and the rules and regulations made thereunder.

Appointees of governor may be required to give whole time to duties, etc.

Heads of divisions in departments to be exempt from civil service law.

SECTION 12. All departments established by this act shall be provided with suitable quarters which shall, so far as is expedient, be within the state house.

Quarters to be provided.

SECTION 13. The expenses of departments for compensation of officers, members and employees and for other purposes shall not exceed the appropriations made therefor by the general court. The said departments may continue expenditures during the fiscal year nineteen hundred and twenty for the several functions transferred to or placed therein, at the rate of appropriation authorized for such functions during the current fiscal year, until the general court makes appropriations therefor or provides otherwise.

Expenditures by departments.

PART II.

THE GOVERNOR AND COUNCIL.

Staff of commander-in-chief and officers in organization of land and naval forces of commonwealth recognized to be under the governor as commander-in-chief.

SECTION 14. The staff of the commander-in-chief and all officers included in the organization of the land and naval forces of the commonwealth, including the adjutant general in his capacity as commissioner of war records under authority of chapter two hundred and eleven of the acts of nineteen hundred and twelve, and in pursuance of his duties under chapter one hundred and seven of the General Acts of the current year, are hereby recognized to be under the governor in his capacity as commander-in-chief.

Office of supervisor of administration to be under governor and council.

SECTION 15. The office of supervisor of administration, existing under authority of chapter two hundred and ninety-six of the General Acts of nineteen hundred and sixteen, and acts in amendment thereof and in addition thereto, shall continue to be under the governor and council, as now provided by law.

Certain offices, boards and commissions to serve under governor and council:

SECTION 16. The following offices, boards and commissions are hereby placed and shall hereafter serve under the governor and council, namely: —

Armory commissioners.

The armory commissioners, existing under authority of section forty of Part I of chapter three hundred and twenty-seven of the General Acts of nineteen hundred and seventeen.

Art commission.

The art commission, existing under authority of chapter four hundred and twenty-two of the acts of nineteen hundred and ten as amended by chapter two hundred and twenty-five of the acts of nineteen hundred and thirteen.

State ballot law commission.

The state ballot law commission, existing under authority of chapter eight hundred and thirty-five of the acts of nineteen hundred and thirteen.

Board of appeal from decisions of tax commissioner.

The board of appeal from decisions of the tax commissioner, existing under authority of section sixty-eight of Part III of chapter four hundred and ninety of the acts of nineteen hundred and nine.

Commissioners on uniform state laws.

The commissioners on uniform state laws, existing under authority of chapter one hundred and twenty-two of the General Acts of nineteen hundred and nineteen.

Commissioner of state aid and pensions.

The commissioner of state aid and pensions, existing under authority of chapter one hundred and ninety-two of the acts of nineteen hundred and two.

Trustees of the state library.

The trustees of the state library, existing under authority of section twenty-four of chapter ten of the Revised Laws and of chapter two hundred and seventeen of the acts of nineteen hundred and ten.

The said offices, boards and commissions shall continue to exercise and perform all their rights, powers, duties and

obligations as provided by law, subject to such supervision as the governor and council may deem necessary or proper.

SECTION 17. The governor, with the advice and consent of the council, shall appoint a superintendent of buildings for the term of three years and fix his salary, and may in like manner remove him and shall fill any vacancy in the office for the unexpired term. The state house commission, existing under authority of section seventeen of chapter ten of the Revised Laws, is hereby abolished. All the rights, powers, duties and obligations of said commission and the rights, powers, duties and obligations of the sergeant-at-arms, as defined by sections four, eight and nine of chapter ten of the Revised Laws, by section two of chapter five hundred and fourteen of the acts of nineteen hundred and nine, by chapter seven hundred and eleven of the acts of nineteen hundred and thirteen, and by chapter two hundred and twenty-four of the General Acts of nineteen hundred and fifteen, are hereby transferred to the superintendent of buildings, and shall hereafter be exercised and performed by him. Upon the appointment and qualification of the superintendent of buildings all records, books, accounts, plans and other documents relating to the rights, powers, duties and obligations transferred by this section, together with supplies and equipment on hand, shall be delivered to the said superintendent.

SECTION 18. The superintendent of buildings, under the supervision of the governor and council, shall have charge of the care and operation of the state house and shall exercise, under like supervision, the authority to assign rooms therein which is now vested in the governor and council by chapter three hundred and twenty-six of the acts of nineteen hundred and ten. He shall, during the sessions of the general court, upon application by the sergeant-at-arms, assign such rooms as may be required for the use of committees and other purposes. He may appoint such clerks, engineers, electricians, firemen, oilers, mechanics, watchmen, elevator operators, porters, cleaners and other persons as may be required to perform the duties prescribed by law. The titles and compensation of all persons employed by the superintendent of buildings shall be determined in accordance with the provisions of chapter two hundred and twenty-eight of the General Acts of nineteen hundred and eighteen and rules and regulations made thereunder, and subject to the approval of the governor and council, where that is

Superintendent of buildings, appointment.

State house commission abolished.

Superintendent of buildings, rights, powers, duties, etc.

Superintendent of buildings to have charge of care and operation of state house.

May appoint clerks, engineers, watchmen, elevator operators, porters, etc.

Titles and compensation of persons employed, etc.

required by law, notwithstanding the provisions of existing laws fixing the titles and salaries of employees in the department of the sergent-at-arms. The compensation aforesaid shall not exceed in the aggregate the sums annually appropriated therefor by the general court. Appointments under this section shall not be subject to the civil service laws and regulations.

Superintendent of buildings to have charge of purchasing office furniture, equipment, stationery, etc., except paper for state printing contract.

SECTION 19. The superintendent of buildings shall have charge of purchasing all office furniture, fixtures and equipment, stationery and office supplies for all executive and administrative departments and divisions and boards thereof, except paper for the state printing contract, which shall be bought by the secretary of the commonwealth as heretofore, and shall direct the making of all repairs and improvements in the state house and on the state house grounds. All said departments, and the divisions and boards thereof shall make requisition upon the superintendent of buildings for all office furniture, fixtures and equipment, stationery and office supplies which they may require, and for any repairs or improvements which may be necessary in the state house or in other buildings or parts of buildings owned, occupied by or leased to the commonwealth and occupied by said departments, divisions and boards. Each department, and division and board thereof, shall be allowed for office furniture, fixtures, equipment, stationery and supplies such sums as are annually appropriated, and all such articles requisitioned by them from the superintendent of buildings shall be charged at cost against the sums so allowed, and shall be credited to the account of the superintendent of buildings. The amounts so credited shall be available for use by the superintendent of buildings during the same fiscal year in making purchases under the provisions of this section. No department, or division or board thereof, shall purchase any article or commodity for the purchase of which provision is made herein.

Allowance to departments for office furniture, equipment, supplies, etc.

Superintendent of buildings to be provided with quarters, etc.

May employ a purchasing agent and storekeeper.

SECTION 20. The superintendent of buildings shall be provided with quarters in the state house, shall establish a supply office therein, and shall keep on hand at all times a reasonable quantity of necessary stationery and office supplies. He may employ a purchasing agent and a storekeeper. The purchasing agent shall be qualified by training and experience in the purchase and sale of office furniture, fixtures, equipment and supplies. The storekeeper shall be qualified by training and experience to conduct the receiving,

storage and issue of articles purchased under the provisions of this act. It shall be the duty of the purchasing agent, under direction of the superintendent of buildings, and subject to such rules and regulations as may be adopted under the provisions of section three of chapter two hundred and ninety-six of the General Acts of nineteen hundred and sixteen, to establish such standards for office furniture, equipment, stationery and supplies used by the commonwealth as may be found feasible, with the object of reducing the variety and cost of such articles. The secretary of the commonwealth may arrange with the superintendent of buildings to assist in the handling of paper purchased for the state printing contract by ordering or issuing such paper through the supply office or storing it therein, or otherwise. The secretary of the commonwealth, the supervisor of administration and the superintendent of buildings shall, after consultation with the heads of departments and superintendents of institutions, determine a uniform style of paper and headings for letterheads to be used by all executive and administrative departments and institutions; but other styles may be authorized in limited quantities for special purposes. Paper for letterheads shall be purchased by the secretary of the commonwealth in the same manner as paper for the state printing contract.

Duties of purchasing agent.

Uniform style of paper and headings for letterheads to be used.

Paper for letterheads to be purchased by secretary of commonwealth.

Superintendent of buildings to give bond.

SECTION 21. The superintendent of buildings shall give bond to the treasurer and receiver general in a sum to be fixed by the governor and council, for the faithful performance of his duties and for the rendering of a proper account of all money intrusted to him for the use of the commonwealth. He may expend such sums as are annually appropriated for the care of the state house and the state house grounds, and of other buildings or parts of buildings used by state departments and officials, for making necessary repairs and improvements, and for paying the compensation of his officers and employees. He may also expend, in addition to the amounts credited to him for articles requisitioned by departments and institutions, such sum as the general court may annually appropriate, to be used in performing the duties prescribed by the preceding two sections. He shall, under direction of the governor, install a system of accounting for all articles and commodities purchased and distributed through the supply office established under the preceding section. He shall submit estimates of all his requirements in accordance with the provisions of laws governing the

May make expenditures, etc.

To install system of accounting, submit estimates, etc.

budget, and shall submit an annual report to the governor and such other reports as the governor may require.

Sergeant-at-arms, duties, etc.

SECTION 22. The sergeant-at-arms shall continue to exercise and perform all the rights, powers, duties and obligations of his office, save such as are by this act transferred to the superintendent of buildings. He shall not hereafter be required to give bond as provided by section three of chapter ten of the Revised Laws. He shall appoint, as now provided by law, a doorkeeper for each branch of the general court, assistant doorkeepers, messengers and pages, a postmaster, an assistant postmaster, and a clerk to take charge of the legislative document room, and such assistants in that room as may be required. Subject to the provisions of chapter two hundred and fifty-four of the General Acts of the current year, he may appoint an assistant clerk for said room. All provisions of law relating to the duties and compensation of the above appointees shall remain in full force and effect. He may appoint and remove such clerical and other assistants as the duties of his office may require, and, subject to the provisions of chapter two hundred and twenty-eight of the General Acts of nineteen hundred and eighteen, and the rules and regulations made thereunder, and to the approval of the governor and council, where that is required by law, may fix the compensation of such persons, but the compensation so paid shall not exceed in the aggregate the sums annually appropriated therefor by the general court.

Bond not required.

Appointees.

Duties and compensation of appointees.

SECTION 23. All officials provided by law to be appointed by the sergeant-at-arms, other than those named in the foregoing section, shall hereafter be appointed by the superintendent of buildings, with the exception of the following, which are hereby abolished, namely, the clerk, the clerk having charge of the supplies, the filling of requisitions and other matters of that nature, and the two messengers authorized by chapter one hundred and seventy-four of the acts of nineteen hundred and nine. All officials and employees now serving under the sergeant-at-arms, excepting those included in the preceding section, and including the present incumbents of the offices hereby abolished, shall be transferred to the office of superintendent of buildings under the terms and conditions set forth in section three of this act.

Certain officials to be appointed by superintendent of buildings.

Offices of certain appointees of sergeant-at-arms abolished.

PART III.

THE EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS.

1. *Department of the Secretary of the Commonwealth.*

SECTION 24. The office of commissioner of public records, existing under authority of chapter thirty-five of the Revised Laws, is hereby abolished. All the rights, powers, duties and obligations of said office are hereby transferred to and shall hereafter be exercised and performed by the secretary of the commonwealth, who shall be the lawful successor of said commissioner in respect thereto. The secretary, with the approval of the governor and council, shall appoint a competent person, to be known as supervisor of public records, who shall, subject to the supervision of the secretary, exercise the functions heretofore exercised by said commissioner, and shall perform such other duties as the secretary may determine. The compensation of the supervisor shall be fixed by the secretary, with the approval of the governor and council, and the secretary may, with like approval, remove the supervisor.

Office of commissioner of public records abolished, and duties, etc., transferred to secretary of the commonwealth.

Supervisor of public records, appointment, duties, compensation, etc.

SECTION 25. The duty of taking the decennial census of the commonwealth and of collecting, compiling and publishing information in connection therewith, and the duty of making the enumeration of summer residents of certain towns, under section thirteen of chapter one hundred of the Revised Laws and section eight of chapter three hundred and seventy-one of the acts of nineteen hundred and nine, are hereby transferred to and shall hereafter be performed, as provided herein, by the secretary of the commonwealth. The bureau of statistics, existing under authority of chapter one hundred and seven of the Revised Laws and acts in amendment thereof and in addition thereto, is hereby abolished. All the rights, powers, duties and obligations of said bureau relating to the functions above enumerated are hereby transferred to the secretary of the commonwealth, who shall be the lawful successor of the bureau of statistics with respect to the said rights, powers, duties and obligations. The remaining functions of the bureau of statistics shall be transferred as hereinafter provided.

Secretary to take decennial census of commonwealth and to enumerate summer residents of certain towns.

Bureau of statistics abolished, and duties, etc., transferred to secretary of the commonwealth.

SECTION 26. The secretary of the commonwealth shall make provision in his department for collecting, compiling and publishing the information required to be collected, com-

Secretary to make provision for taking decennial census, etc.

Supervisor of the decennial census, appointment, duties, etc.

piled and published in connection with the decennial census, and for making the enumeration of summer residents of certain towns under section thirteen of chapter one hundred of the Revised Laws and under section eight of chapter three hundred and seventy-one of the acts of nineteen hundred and nine. He shall appoint and may remove, with the approval of the governor and council, a competent person to have charge of the said work and to perform such other duties as may be assigned to him, and, with like approval, may fix his salary. The said person shall be known as supervisor of the decennial census. The secretary of the commonwealth may appoint and remove such officers, clerks and other assistants as may be required to perform the duties hereby transferred, and may, subject to the provisions of chapter two hundred and twenty-eight of the General Acts of nineteen hundred and eighteen, and rules and regulations made thereunder, and to the approval of the governor and council where that is required by law, fix the compensation of such persons. Such appointments shall not be subject to the provisions of chapter nineteen of the Revised Laws and acts in amendment thereof and in addition thereto. The secretary shall include in his annual estimates, for the years when work is to be performed relating to the taking of the census, such amounts as he shall consider to be required therefor.

Organization of department of the secretary of the commonwealth.

SECTION 27. Except as aforesaid, the department of the secretary of the commonwealth shall be organized as now provided by law, subject to the provisions of Part I of this act, so far as they apply.

2. *Department of the Treasurer and Receiver General.*

Board of retirement transferred to the department of treasurer and receiver general.

SECTION 28. The board of retirement, as now organized and existing under authority of paragraph one of section four of chapter five hundred and thirty-two of the acts of nineteen hundred and eleven, is hereby placed and shall hereafter serve in the department of the treasurer and receiver general. The board shall continue to exercise its functions as heretofore, except that the treasurer and receiver general shall be its chairman.

Treasurer to be chairman of board.

Treasurer may employ clerks, etc., to carry on work of the board of retirement.

SECTION 29. The treasurer and receiver general may, subject to the civil service law and rules, where they apply, appoint, and remove, such clerical and other assistants as may be required to carry on the work of the board of retire-

ment, and may, subject to the provisions of chapter two hundred and twenty-eight of the General Acts of nineteen hundred and eighteen, and rules and regulations made thereunder, and to the approval of the governor and council, where that is required by law, fix the compensation of such persons. So much of paragraph four of section four of said chapter five hundred and thirty-two as is inconsistent herewith is hereby repealed.

Repeal.

SECTION 30. The commissioners on firemen's relief, existing under authority of section seventy-three of chapter thirty-two of the Revised Laws as amended, and of section one of chapter eighty-one of the General Acts of nineteen hundred and eighteen, are hereby placed and shall hereafter serve in the department of the treasurer and receiver general. They shall continue to exercise their functions as heretofore, except that they shall hereafter consist of the treasurer and receiver general, two members to be appointed by the governor, with the advice and consent of the council, and two members to be appointed by the Massachusetts state firemen's association. Of those first appointed by the governor and by the said association, respectively, one member shall be appointed for the term of two years, and one for the term of one year, and thereafter the said members shall be appointed for terms of two years. Any vacancy shall be filled for the unexpired term in the manner of the original appointment. The present commissioners shall hold office until this act takes effect and until the new commissioners are appointed and qualified.

Commissioners on firemen's relief transferred to department of treasurer and receiver general.

Membership, duties, etc.

SECTION 31. Except as aforesaid, the department of the treasurer and receiver general shall be organized as now provided by law, subject to the provisions of Part I of this act, so far as they apply.

Organization of department of the treasurer and receiver general.

3. *Department of the Auditor of the Commonwealth.*

SECTION 32. The department of the auditor of the commonwealth shall be organized as now provided by law, subject to the provisions of Part I of this act, so far as they apply.

Organization of department of the auditor of the commonwealth.

4. *Department of the Attorney-General.*

SECTION 33. The department of the attorney-general shall be organized as now provided by law, subject to the provisions of Part I of this act, so far as they apply.

Organization of department of the attorney-general.

5. *Department of Agriculture.*

State department of agriculture abolished and succeeded by department of agriculture.

SECTION 34. The state department of agriculture, existing under authority of chapter two hundred and sixty-eight of the General Acts of nineteen hundred and eighteen is hereby abolished. All the rights, powers, duties and obligations of said state department and of the commissioner thereof, are hereby transferred to and shall hereafter be exercised and performed by the department of agriculture established by this act, which shall be the lawful successor of said state department.

Commissioner of agriculture, office established. Advisory board, appointment, etc.

SECTION 35. The department of agriculture shall be under the supervision and control of a commissioner to be known as commissioner of agriculture, and an advisory board of six members, all of whom shall be appointed by the governor with the advice and consent of the council. The first appointment of the commissioner shall be for the term of one, two or three years, as the governor may determine. Thereafter the governor shall appoint the commissioner for the term of three years. Of the members of the advisory board first appointed, two shall be appointed for the term of one year, two for two years, and two for three years. Thereafter, as the terms expire, the governor shall appoint the members of the board for terms of three years, shall fill any vacancy for the unexpired term, and may, with the consent of the council, remove the commissioner or any member of the board. The principal vocation of at least three members of the board shall be agriculture.

Commissioner of agriculture, powers, duties, etc.

SECTION 36. The commissioner shall be the executive and administrative head of the department. He shall have charge of the administration and enforcement of all laws which it is the duty of the department to administer and enforce, and shall direct all inspections and investigations. He shall receive such annual salary, not to exceed five thousand dollars, as the governor and council may determine. The advisory board shall exercise advisory powers only and shall meet when requested by the commissioner or by any three members. They shall receive ten dollars a day while in conference and their actual necessary travelling expenses incurred in the performance of their official duties.

Advisory board, powers, compensation, etc.

Department of agriculture to be organized in divisions.

SECTION 37. The commissioner shall organize the department in divisions, including a division of dairying and animal husbandry, a division of plant pest control, a division of ornithology, a division of markets, and a division of

reclamation, soil survey and fairs and such other divisions as he may, from time to time, determine, and shall assign to said divisions their functions. The commissioner may appoint and remove a director of each division to have charge of the work of the division. The compensation of directors shall be fixed by the commissioner, with the approval of the governor and council. The commissioner may also, subject to the civil service law and rules, where they apply, appoint such inspectors, investigators, scientific experts, clerks and such other officers and assistants as the work of the department may require; may assign them to divisions, transfer and remove them, and, subject to the provisions of chapter two hundred and twenty-eight of the General Acts of nineteen hundred and eighteen, and to the approval of the governor and council, where that is required by law, may fix the compensation of the said persons.

Directors of divisions, appointment, etc.

Inspectors, clerks, etc., appointment, salaries, etc.

SECTION 38. The department of agriculture through its proper divisions shall have power to:

Powers of department of agriculture.

(a) Execute and carry into effect the laws of the commonwealth relative to dairy products, animal breeding, apple grading, plant pest control with the exception of the gypsy and brown tail moth, ornithology, apiary inspection, and the production, storage, marketing and distribution of agricultural products.

(b) Aid in the promotion and development of the agricultural resources of the commonwealth and the improvement of the conditions of rural life, the settlement of farms and the distribution of the supply of farm labor.

(c) Investigate the cost of the production and marketing in all its phases, and the sources of supply, of agricultural products, and the production, transportation, storage, marketing and distribution of agricultural products sold, offered for sale, stored or held within the commonwealth.

(d) Collect and disseminate data and statistics as to the food produced, stored or held within the commonwealth, with the quantities available from time to time and the location thereof.

(e) Investigate and aid improved methods of co-operative production, marketing and distribution of agricultural products within the commonwealth.

(f) Offer prizes for and conduct exhibits of flowers, fruit, vegetables, grasses, grains or other farm crops, dairy products, honey, horses, cattle, sheep, swine, poultry, poultry products, farm operations, and canned and dried fruits and vegetables.

6. *Department of Conservation.*

Office of state forester, state forest commission and board of commissioners on fisheries and game abolished and succeeded by department of conservation.

SECTION 39. The office of state forester, existing under authority of chapter four hundred and nine of the acts of nineteen hundred and four, and acts in amendment thereof, the state forest commission, existing under authority of chapter seven hundred and twenty of the acts of nineteen hundred and fourteen, and the board of commissioners on fisheries and game, existing under authority of chapter ninety-one of the Revised Laws, and amendments thereof and additions thereto, are hereby abolished. All the rights, powers, duties and obligations of said office, commission and board are hereby transferred to and shall hereafter be exercised and performed by the department of conservation established by this act, which shall be the lawful successor of said office, commission and board.

Department of animal industry to serve in department of conservation.

The department of animal industry as now organized and existing under authority of chapter six hundred and eight of the acts of nineteen hundred and twelve is hereby placed in and shall hereafter serve in the department of conservation.

Commissioner of conservation, office established.

SECTION 40. The department of conservation shall be under the supervision and control of a commissioner to be known as the commissioner of conservation, and shall be organized in three divisions, namely: a division of forestry, a division of fisheries and game, and a division of animal industry. Each division shall be under the charge of a director.

Divisions of department of conservation.

The division of forestry shall include the functions heretofore exercised by the state forester and the state forest commission. The division of fisheries and game shall include the functions heretofore exercised by the board of commissioners on fisheries and game. The division of animal industry shall consist of the department of animal industry as now organized and existing under authority of chapter six hundred and eight of the acts of nineteen hundred and twelve, and said department shall continue to exercise its functions as heretofore, but as a division of the department of conservation.

Functions of divisions.

Commissioner of conservation, appointment, etc.

SECTION 41. The commissioner shall be appointed by the governor, with the advice and consent of the council. The first appointment shall be for the term of one, two or three years, as the governor may determine. Thereafter the governor shall appoint the commissioner for the term of three years, shall fill any vacancy for the unexpired term,

and may, with the consent of the council, remove the commissioner. The governor shall designate the commissioner as director of one of the divisions of the department. The commissioner shall receive such annual salary, not exceeding five thousand dollars, as commissioner and director, as may be fixed by the governor and council. The commissioner shall be the executive and administrative head of the department, and shall organize the department in divisions and supervise the same as herein provided. He shall have charge of the administration and enforcement of all laws which it is the duty of the department to administer and enforce, and shall direct all inspections and investigations. The directors of divisions shall act as an advisory council to the commissioner.

Salary,
powers,
duties, etc.

Advisory
council.

SECTION 42. The director of the division of forestry shall be known as the state forester. He shall exercise the functions of the state forester under chapter four hundred and nine of the acts of nineteen hundred and four and acts in amendment thereof and in addition thereto. He shall also have, exercise and perform the rights, powers, duties and obligations of the state forest commission under chapter seven hundred and twenty of the acts of nineteen hundred and fourteen, subject in all cases to the approval of the commissioner and the advisory council. He shall be appointed by the governor, with the advice and consent of the council. The first appointment shall be for the term of one, two or three years, as the governor may determine. Thereafter the governor shall appoint the said director for the term of three years, shall fill any vacancy for the unexpired term, and may, with the consent of the council, remove him. He shall be qualified by training and experience to perform the duties of his position and shall receive such annual salary, not exceeding five thousand dollars, as the governor and council may determine. He may, subject to the approval of the commissioner, and to the civil service law and rules, where they apply, appoint and remove such experts, clerical and other assistants as the work of the division may require and, subject to the provisions of chapter two hundred and twenty-eight of the General Acts of nineteen hundred and eighteen, and to the approval of the governor and council, where that is required by law, fix the compensation of such persons.

State forester,
appointment,
powers,
duties, etc.

Salary.

Experts,
clerks, etc.,
appointment,
compensation,
etc.

SECTION 43. The director of the division of fisheries and game shall exercise the functions of the board of commis-

Director of
division of
fisheries and

game, appointment, duties, salary, etc.

sioners on fisheries and game under chapter ninety-one of the Revised Laws and acts in amendment thereof and in addition thereto. He shall be appointed by the governor, with the advice and consent of the council. The first appointment shall be for the term of one, two or three years, as the governor may determine. Thereafter the governor shall appoint the said director for the term of three years, shall fill any vacancy for the unexpired term, and may, with the consent of the council, remove him. He shall be qualified by training and experience to perform the duties of his position, and shall receive such annual salary, not to exceed four thousand dollars, as the governor and council may determine. He may, subject to the approval of the commissioner, and to the civil service law and rules, where they apply, appoint and remove such experts, clerical and other assistants as the work of the division may require and, subject to the provisions of chapter two hundred and twenty-eight of the General Acts of nineteen hundred and eighteen, and to the approval of the governor and council, where that is required by law, fix the compensation of such persons.

Experts, clerks, etc., appointment, compensation, etc.

Director of animal industry, office established, etc.

SECTION 44. The commissioner of animal industry shall hereafter be known as the director of animal industry, and appointment to the office shall hereafter be made as now provided by law. He may, subject to the approval of the commissioner and to the civil service law and rules, where they apply, appoint and remove such experts, clerical and other assistants, as the work of the division may require, and, subject to the provisions of chapter two hundred and twenty-eight of the General Acts of nineteen hundred and eighteen, and to the approval of the governor and council, where that is required by law, fix the compensation of the said persons.

7. *Department of Banking and Insurance.*

Offices of bank commissioner, supervisor of loan agencies and insurance commissioner abolished and succeeded by department of banking and insurance.

SECTION 45. The office of bank commissioner, existing under authority of chapter two hundred and four of the acts of nineteen hundred and six, and chapter five hundred and ninety of the acts of nineteen hundred and eight, the office of supervisor of loan agencies, existing under authority of chapter seven hundred and twenty-seven of the acts of nineteen hundred and eleven, and the office of the insurance commissioner, existing under authority of chapter five hundred and seventy-six of the acts of nineteen hundred and

seven, are hereby abolished. All the rights, powers, duties and obligations of said offices are hereby transferred to and shall hereafter be exercised and performed by the department of banking and insurance established by this act, which shall be the lawful successor of said offices.

SECTION 46. The department of banking and insurance shall be organized in three divisions, — namely, a division of banks and loan agencies, a division of insurance, and a division of savings bank life insurance. Each division shall be in charge of a commissioner, who shall be known, respectively, as the commissioner of banks, the commissioner of insurance, and the commissioner of savings bank life insurance.

Divisions of the department of banking and insurance, etc.

The division of banks and loan agencies shall include the functions heretofore exercised by the bank commissioner and the supervisor of loan agencies. The division of insurance shall include the functions heretofore exercised by the insurance commissioner. The division of savings bank life insurance shall consist of the body corporate known as the General Insurance Guaranty Fund as now organized and existing under authority of chapter five hundred and sixty-one of the acts of nineteen hundred and seven, and acts in amendment thereof and in addition thereto, and the board of trustees of said corporation shall continue to exercise its functions as heretofore, except as is otherwise hereinafter provided.

Division of banks and loan agencies.

Division of insurance.

Division of savings bank life insurance.

The commissioners of said divisions shall act as a board in all matters concerning the department as a whole.

Departmental board.

SECTION 47. The board of bank incorporation, so-called, existing under authority of chapter two hundred and four of the acts of nineteen hundred and six and section four of chapter five hundred and ninety of the acts of nineteen hundred and eight, is hereby placed and shall hereafter serve in the department of banking and insurance. The said board shall hereafter consist of the treasurer and receiver general, the commissioner of banks, and the commissioner of corporations and taxation as established by this act. The board shall continue to exercise its functions as heretofore, but shall be considered a board of the division of banks and loan agencies.

Board of bank incorporation to serve in department of banking and insurance, etc.

SECTION 48. The board of appeal on fire insurance rates, existing under authority of chapter four hundred and ninety-three of the acts of nineteen hundred and eleven, is hereby placed and shall hereafter serve in the department of bank-

Board of appeal on fire insurance rates to serve in department of banking and insurance.

ing and insurance, and shall continue to exercise its functions as heretofore, but shall be considered a board of the division of insurance.

Commissioner
of banks,
appointment,
powers,
duties, etc.

SECTION 49. The commissioner of banks shall exercise the functions of the bank commissioner and of the supervisor of loan agencies, as now provided by law. He shall also be a member of the board of bank incorporation, as heretofore provided. He shall be appointed by the governor, with the advice and consent of the council. The first appointment shall be for the term of one, two or three years, as the governor may determine. Thereafter the governor shall appoint the commissioner for the term of three years, shall fill any vacancy for the unexpired term, and may, with the consent of the council, remove the commissioner. He shall possess the qualifications and give the bond required of the bank commissioner under chapter two hundred and four of the acts of nineteen hundred and six, and under chapter five hundred and ninety of the acts of nineteen hundred and eight, and shall receive such annual salary, not exceeding five thousand dollars, as the governor and council may determine. The commissioner may, with the approval of the governor and council, appoint and remove a deputy as supervisor of loan agencies, and may, subject to the civil service laws and rules, where they apply, appoint and remove such clerical and other assistants as the work of the division may require and, subject to the provisions of chapter two hundred and twenty-eight of the General Acts of nineteen hundred and eighteen, and rules and regulations made thereunder, and to the approval of the governor and council, where that is required by law, fix the compensation of the said persons.

Supervisor of
loan agencies,
appointment,
etc.

Clerks, etc.,
appointment,
salaries,
etc.

Commissioner
of insurance,
appointment,
powers,
duties, etc.

SECTION 50. The commissioner of insurance shall exercise and perform the functions of the insurance commissioner as now provided by law, and he, or a deputy designated by him, shall be a member of the board of appeal on fire insurance rates under chapter four hundred and ninety-three of the acts of nineteen hundred and eleven. He shall be appointed by the governor, with the advice and consent of the council. The first appointment shall be for the term of one, two or three years, as the governor may determine. Thereafter the governor shall appoint the commissioner for the term of three years, shall fill any vacancy for the unexpired term, and may, with the consent of the council, remove the commissioner. He shall possess the qualifications and give

the bond required of the insurance commissioner under chapter one hundred and eighteen of the Revised Laws and chapter five hundred and seventy-six of the acts of nineteen hundred and seven, and shall receive such annual salary, not exceeding five thousand dollars, as the governor and council may determine. The commissioner may appoint and remove, with the approval of the governor and council, a first deputy, who shall discharge the duties of the commissioner during his absence or disability, and such other duties as may be prescribed by the commissioner, an actuary and a chief examiner, and, subject to the civil service laws and rules where they apply, may appoint and remove such clerical and other assistants as the work of the division may require and, subject to the provisions of chapter two hundred and twenty-eight of the General Acts of nineteen hundred and eighteen, and the rules and regulations made thereunder, and to the approval of the governor and council, where that is required by law, may fix the compensation of such persons.

First deputy,
appointment.

Actuary, chief
examiner,
clerks, etc.,
appointment.

SECTION 51. The commissioner of savings bank life insurance shall be one of the board of trustees of the corporation known as the General Insurance Guaranty Fund, designated by the governor. His term shall be that of his appointment as trustee. He shall act as president of the board of trustees of said corporation, and shall have general supervision and control of the work of the division: *provided*, that the trustees may elect a vice president to act as president of the board in the absence or disability of the commissioner.

Commissioner
of savings
bank life
insurance,
powers,
duties, etc.

Proviso.

8. *Department of Corporations and Taxation.*

SECTION 52. The department of corporations and taxation shall consist of the office of the tax commissioner and commissioner of corporations, as now organized and existing under authority of Part III of chapter four hundred and ninety of the acts of nineteen hundred and nine, and acts in amendment thereof and in addition thereto, except as is otherwise hereinafter provided. The office of controller of county accounts, existing under authority of chapter twenty-one of the Revised Laws, is hereby abolished. All the rights, powers, duties and obligations of said office and of the bureau of statistics existing under authority of chapter three hundred and seventy-one of the acts of nineteen hun-

Office of tax
commissioner
and commis-
sioner of cor-
porations to be
succeeded by
department of
corporations
and taxation.

Office of
controller of
county
accounts abol-
ished, etc.

dred and nine, or of the director thereof, with relation to the compilation of municipal statistics, the auditing of municipal accounts, and the certification of the notes of towns and districts, are hereby transferred to and shall hereafter be exercised and performed by the said department, which shall be the lawful successor of said controller of county accounts, and of said bureau of statistics, and the director thereof with respect to the said rights, powers, duties and obligations.

Commissioner of corporations and taxation, office established.

Deputy commissioners, appointment, duties, salaries, etc.

Divisions of department of corporations and taxation, directors, etc.

SECTION 53. The tax commissioner and commissioner of corporations shall hereafter be known as the commissioner of corporations and taxation. He shall receive such annual salary, not exceeding seven thousand five hundred dollars, as the governor and council may determine. He may, subject to the approval of the governor and council, appoint a deputy and a second deputy commissioner who shall be in lieu of the deputies now provided for by section two of Part III of chapter four hundred and ninety of the acts of nineteen hundred and nine and acts in amendment thereof and in addition thereto, who shall perform such duties as may be assigned to them by the commissioner and in his absence or disability shall perform all duties required by law of said commissioner. The deputy commissioner shall receive such annual salary not exceeding five thousand dollars and the second deputy such annual salary not exceeding four thousand dollars as may be fixed by the commissioner with the approval of the governor and council. The commissioner shall organize the department into such divisions as may be required, including an income tax division, a division of corporations, a division of inheritance taxes, a division of local taxation and a division of accounts. He shall appoint, subject to the approval of the governor and council, a director to take charge of each division and may remove any director with like approval. The director in charge of the income tax division shall be in lieu of the income tax deputy now provided for by section seventeen of chapter two hundred and sixty-nine of the General Acts of nineteen hundred and sixteen. The directors in charge of the divisions of inheritance taxes and local taxation shall be in lieu of two of the assistants provided for by section two of Part III of said chapter four hundred and ninety and acts in amendment thereof and in addition thereto. The commissioner, with the approval of the governor and council, shall fix the salary of the said directors. The directors shall, under the supervision

and control of the commissioner, exercise the functions assigned to their respective divisions under this act, and shall also perform such other incidental duties as the commissioner may prescribe.

SECTION 54. The commissioner shall assign to the several divisions their appropriate functions, except that the duties now devolving on the income tax deputy, so-called, shall hereafter be performed by the director in charge of the income tax division, and the duties now performed by the controller of county accounts, and by the bureau of statistics, or the director thereof, with respect to the functions specified in section fifty-two hereof, shall hereafter be performed by the director in charge of the division of accounts. The said director shall be known as the director of accounts, and shall, subject to the supervision and control of the commissioner, perform all of the said duties, including the certification of the notes of towns and districts. The commissioner may designate a competent employee in the said division to perform the functions of the director in case of his absence, death or disability, and notes of towns and districts, when certified by such employee, shall have the same validity as if certified by the director.

Functions of divisions of department of corporations and taxation.

Director of accounts, duties, etc.

SECTION 55. The commissioner shall administer and enforce all laws which the department is required to administer and enforce under the provisions of this act and of all acts relating to the office of tax commissioner and commissioner of corporations. He may, subject to the provisions of law relative to appointments and removals by the tax commissioner and commissioner of corporations, and subject to the civil service law and rules, where they apply, appoint such officials, agents, clerks and other employees as the work of the department may require, assign to them their respective duties, transfer and remove them, and, subject to the provisions of chapter two hundred and twenty-eight of the General Acts of nineteen hundred and eighteen, and the rules and regulations made thereunder, and to the approval of the governor and council, where that is required by law, fix the compensation of the said persons.

Commissioner of corporations and taxation, duties, etc.

Agents, clerks, etc., appointment, salaries, etc.

9. *Department of Education.*

SECTION 56. The board of education, existing under authority of chapter thirty-nine of the Revised Laws, and acts in amendment thereof and in addition thereto, and the

Board of education and bureau of immigration, abolished and

succeeded by department of education.

bureau of immigration, existing under authority of chapter three hundred and twenty-one of the General Acts of nineteen hundred and seventeen, are hereby abolished. All the rights, powers, duties and obligations of said board and bureau are hereby transferred to and shall hereafter be exercised and performed by the department of education established by this act, which shall be the lawful successor of said board and said bureau.

Trustees of Massachusetts Agricultural College, board of commissioners of Massachusetts nautical school, trustees of The Bradford Durfee Textile School, trustees of Lowell Textile School, trustees of New Bedford Textile School, teachers' retirement board, board of free public library commissioners, and commission for the blind placed in department of education.

The trustees of the Massachusetts Agricultural College, existing under authority of chapter two hundred and sixty-two of the General Acts of nineteen hundred and eighteen, the board of commissioners of the Massachusetts nautical school, existing under authority of chapter forty-five of the Revised Laws and acts in amendment thereof and in addition thereto, the trustees of The Bradford Durfee Textile School, existing under authority of chapter two hundred and forty-eight of the General Acts of nineteen hundred and eighteen, the trustees of the Lowell Textile School, existing under authority of chapter two hundred and seventy-four of the General Acts of nineteen hundred and eighteen, the trustees of the New Bedford Textile School, existing under authority of chapter two hundred and forty-six of the General Acts of nineteen hundred and eighteen, the teachers' retirement board, existing under authority of chapter eight hundred and thirty-two of the acts of nineteen hundred and thirteen, the board of free public library commissioners, existing under authority of chapter thirty-eight of the Revised Laws and acts in amendment thereof and in addition thereto, and the commission for the blind, existing under authority of chapter two hundred and sixty-six of the General Acts of nineteen hundred and eighteen, are hereby placed in and shall hereafter serve in the said department.

Commissioner of education, office established.

Advisory board of education established.

SECTION 57. The department of education shall be under the supervision and control of a commissioner, to be known as the commissioner of education, and a board of six members to be known as the advisory board of education, all of whom shall be appointed by the governor, with the advice and consent of the council. The first appointment of the commissioner shall be for the term of one, two, three, four or five years as the governor may determine. Of the members of the advisory board of education first appointed, two shall be appointed for the term of one year, two for two years, and two for three years. Thereafter as the terms expire the governor shall appoint the commissioner for the term of five

years, and the members of the board for the term of three years. He shall fill any vacancy for the unexpired term, and may, with the consent of the council, remove the commissioner or any member of the board. At least two members of the board shall be women, and one shall be appointed from among the teachers of the commonwealth.

Women members.

SECTION 58. The commissioner shall be the executive and administrative head of the department, and shall organize the department in divisions, and supervise the same as herein provided. He shall have charge of the administration and enforcement of all laws, rules and regulations which it is the duty of the department to administer and enforce, and shall be chairman of the advisory board of education. He shall receive such annual salary, not exceeding seven thousand five hundred dollars, as the governor and council may determine. The board shall meet at least once a month, and at such other times as they may determine by their rules, and when requested by the commissioner or by any three members. They shall serve without compensation, but shall be reimbursed for their actual necessary expenses incurred in the performance of their duties.

Commissioner of education, powers, duties, salary, etc.

Advisory board, meetings, expenses, etc.

SECTION 59. The department shall be organized in such divisions as the commissioner may from time to time determine, but the department shall include a division of public libraries, a division of education of aliens, and a division of the blind. Each division shall be in charge of a director and shall be under the general supervision of the commissioner.

Divisions of department of education, directors, etc.

The division of public libraries shall consist of the board of free public library commissioners as now organized and existing under authority of chapter thirty-eight of the Revised Laws, and acts in amendment thereof and in addition thereto. The chairman of said board shall hereafter be known as the director of said division. The said board shall continue to exercise its functions as heretofore, but as a division of the said department.

Division of public libraries, director, functions, etc.

The division of education of aliens shall consist of a director, who may be a woman, and an advisory board of six persons to be appointed by the governor with the advice and consent of the council. The director shall be appointed for the term of five years. Of the members of the advisory board first appointed, two shall be appointed for the term of one year, two for two years, and two for three years. Thereafter as the terms expire the governor shall appoint the members of the board for the term of three years, shall fill

Division of education of aliens, director, advisory board, appointment, duties, expenses, etc.

any vacancy for the unexpired term, and may, with the consent of the council, remove the director or any member of the board. The director shall, with the approval of the advisory board, exercise functions of the bureau of immigration under chapter three hundred and twenty-one of the General Acts of nineteen hundred and seventeen. The advisory board shall meet at least once a month, and at such other times as they may determine by their rules, and when requested by the director or by any three members. The director and members of the board shall receive no compensation for their services, but shall be reimbursed for their actual necessary expenses incurred in the performance of their duties.

Division of
the blind,
director,
duties, etc.

The division of the blind shall consist of the commission for the blind as now organized and existing under authority of chapter two hundred and sixty-six of the General Acts of nineteen hundred and eighteen. The director of said commission shall be the director of said division. Said commission shall continue to exercise its functions as heretofore, but as a division of the said department.

Certain
directors of
divisions of
department of
education,
appointment,
compensation,
etc.

SECTION 60. Except as aforesaid, the directors of the divisions of the department shall be appointed and may be removed by the commissioner, with the approval of the advisory board of education and the commissioner shall fix the compensation of the directors with the approval of the governor and council. The commissioner may also, except in the case of the division of public libraries and the division of the blind, subject to the civil service law and rules, where they apply, appoint such agents, clerks and other assistants as the work of the department may require, may assign them to divisions, transfer and remove them, and, subject to the provisions of chapter two hundred and twenty-eight of the General Acts of nineteen hundred and eighteen, and to the approval of the governor and council, where that is required by law, may fix the salaries of such persons.

Agents,
clerks, etc.,
appointment,
salaries, etc.

Teachers'
retirement
board,
membership,
duties, etc.

SECTION 61. The teachers' retirement board shall hereafter consist of three members, — namely, the commissioner of education, a member of the retirement association to be elected for the term of three years by the association, and one other person whom the two members above designated shall annually choose. The board so constituted shall hereafter exercise the functions of the board under chapter eight hundred and thirty-two of the acts of nineteen hundred and thirteen.

SECTION 62. The commissioner of education shall be, ex officio, a trustee of the Massachusetts Agricultural College under section two of chapter two hundred and sixty-two of the General Acts of nineteen hundred and eighteen, and he or a member of the advisory board of education designated by him shall be ex officio a member of the board of trustees of each of the textile schools hereby placed in the department of education.

Commissioner of education to be, ex officio, a trustee of Massachusetts Agricultural College and certain textile schools, etc.

10. *Department of Civil Service and Registration.*

SECTION 63. The civil service commission, existing under authority of chapter nineteen of the Revised Laws and acts in amendment thereof and in addition thereto, is hereby abolished. All the rights, powers, duties and obligations of said commission and of its members and officers are hereby transferred to and shall hereafter be exercised and performed by the department of civil service and registration established by this act, which shall be the lawful successor of said commission. The board of registration in medicine, the board of dental examiners and the board of registration in pharmacy, as now organized and existing under authority of chapter seventy-six of the Revised Laws and acts in amendment thereof and in addition thereto; the board of registration of nurses, as now organized and existing under authority of chapter four hundred and forty-nine of the acts of nineteen hundred and ten, as amended; the board of registration in embalming, as now organized and existing, under authority of chapter four hundred and seventy-three of the acts of nineteen hundred and five; the board of registration in optometry, as now organized and existing under authority of chapter seven hundred of the acts of nineteen hundred and twelve; the board of registration in veterinary medicine, as now organized and existing under authority of chapter two hundred and forty-nine of the acts of nineteen hundred and three; and the state examiners of electricians, as now organized and existing under authority of chapter two hundred and ninety-six of the General Acts of nineteen hundred and fifteen, are hereby placed in and shall hereafter serve in the said department.

Civil service commission abolished and succeeded by department of civil service and registration.

Board of registration in medicine, board of dental examiners, board of registration in pharmacy, board of registration of nurses, board of registration in embalming, board of registration in optometry, board of registration in veterinary medicine and state examiners of electricians placed in department of civil service and registration.

SECTION 64. The department of civil service and registration shall be organized in two divisions, namely, a division of civil service and a division of registration.

Divisions of department of civil service and registration.

The division of civil service shall include the functions heretofore exercised by the civil service commission. The

Division of civil service and division

of registration,
functions, etc.

division of registration shall include the several boards of registration and the state examiners of electricians specified in the foregoing section.

Departmental
board.

The commissioner of civil service and the director of registration, hereinafter provided for, shall act as a board in all matters affecting the department as a whole.

Commissioner
of civil service
and two
associate
commissioners,
offices estab-
lished, salaries,
etc.

SECTION 65. The division of civil service shall be under the supervision and control of a commissioner to be known as the commissioner of civil service, and two associate commissioners, all of whom shall be appointed by the governor with the advice and consent of the council. The first appointment of the commissioner and the associate commissioners shall be for terms of one, two and three years, said terms to be allotted to the commissioner and to the associate commissioners as the governor may determine. Thereafter the governor shall appoint the commissioner and the associate commissioners for the term of three years, shall fill any vacancy for the unexpired term, and may, with the consent of the council, remove any commissioner. The commissioner shall receive such annual salary, not exceeding five thousand dollars, and the associate commissioners such annual salary, not exceeding two thousand dollars, as the governor and council may determine. The associate commissioners shall not be of the same political party.

Associate
commissioners
not to be of
same political
party.

Commissioner
and associate
commissioner
to constitute
board to make
rules, decide
appeals taken
by applicants
and appointees,
etc.

SECTION 66. The commissioner and associate commissioners shall constitute a board which shall prepare all rules and regulations, hear and decide all appeals taken by an applicant, eligible person, or appointee from any decision of the commissioner, pass on appointments made by the mayor of the city of Boston as required by chapter four hundred and eighty-six of the acts of nineteen hundred and nine, as amended, select special examiners and determine the scope and weight of all examinations. The said board may appoint and remove a deputy commissioner of the division of civil service, determine his powers and duties, and, subject to the approval of the governor and council, fix his compensation. Said board may authorize the commissioner to organize the division into subdivisions, and to assign officers and employees of the division thereto. Meetings of the board shall be held at least once a month, at such times as it may by rule determine, and meetings shall also be held at the request of any member thereof.

Deputy
commissioner
of division of
civil service,
appointment,
duties, etc.

Subdivisions
of division of
civil service.

Meetings.

Commissioner
of civil service,
powers, duties,
etc.

The commissioner shall be the executive and administrative head of the division, and shall exercise the functions

of the civil service commission, except as is otherwise expressly provided herein. He shall have charge of the administration and enforcement of all laws, rules and regulations which it is the duty of the department to administer and enforce, and shall direct all examinations and investigations which the department is authorized to conduct. He may, subject to the civil service law and rules, where they apply, appoint and remove such officers and employees as the work of the department may require, and, subject to the provisions of chapter two hundred and twenty-eight of the General Acts of nineteen hundred and eighteen, and the rules and regulations made thereunder, and to the approval of the governor and council, where that is required by law, fix the compensation of such persons.

Officers and employees, appointment, salaries, etc.

The associate commissioners, or either of them, may at any time require the commissioner or any official or employee of the board to give full information, and produce all papers and records, relating to any official act performed by him.

Official acts of commissioner subject to review by associate commissioners.

SECTION 67. The division of registration shall be under the supervision of a director to be known as the director of registration. He shall be appointed by the governor, with the advice and consent of the council, for a term not exceeding two years and, with like approval, may be removed by the governor. He shall receive such annual salary, not exceeding fifteen hundred dollars, as the governor and council may determine.

Director of registration, appointment, salary, etc.

The several boards of registration and examination included in said division shall continue to exercise their functions as heretofore. It shall be the duty of the director to supervise the work of the several boards, recommend changes in methods of conducting examinations and transacting business, and from time to time to make such reports to the governor and council as they may require or as he may deem expedient.

Boards of registration and examination, supervision, etc.

11. *Department of Industrial Accidents.*

SECTION 68. The department of industrial accidents shall consist of the industrial accident board as now organized and existing under chapter seven hundred and fifty-one of the acts of nineteen hundred and eleven, and acts in amendment thereof and in addition thereto. All provisions of law relating to the industrial accident board shall continue in full force and effect except as is otherwise provided in this act.

Industrial accident board succeeded by department of industrial accidents.

12. *Department of Labor and Industries.*

Board of labor and industries, board of conciliation and arbitration, minimum wage commission, office of commissioner of standards, and office of surveyor general of lumber abolished and succeeded by department of labor and industries.

Statistics of labor and manufactures, etc., to be published by department of labor and industries.

Certain powers and duties of industrial accident board transferred to department of labor and industries.

Commissioner of labor and industries,

SECTION 69. The board of labor and industries, existing under authority of chapter seven hundred and twenty-six of the acts of nineteen hundred and twelve and acts in amendment thereof and in addition thereto; the board of conciliation and arbitration, existing under authority of chapter five hundred and fourteen of the acts of nineteen hundred and nine, as amended by chapter six hundred and eighty-one of the acts of nineteen hundred and fourteen, and acts in amendment thereof and in addition thereto; the minimum wage commission, existing under authority of chapter seven hundred and six of the acts of nineteen hundred and twelve, and acts in amendment thereof and in addition thereto; the office of commissioner of standards, existing under authority of chapter five hundred and thirty-four of the acts of nineteen hundred and seven and of chapter two hundred and eighteen of the General Acts of nineteen hundred and eighteen; and the office of surveyor general of lumber, existing under authority of chapter sixty of the Revised Laws, are hereby abolished. All the rights, powers, duties and obligations of the said boards, commissions and offices, or of any member or official thereof, and those of the bureau of statistics, or the director thereof, with respect to collecting, arranging and publishing statistical information relative to the commercial and industrial condition of the people, and the productive industries of the commonwealth, usually designated as the statistics of labor and manufactures, and with respect to the establishment and maintenance of public employment offices and with respect to all other matters not otherwise provided for by this act, are hereby transferred to and shall hereafter be exercised and performed by the department of labor and industries, established by this act, which shall be the lawful successor of said boards, commissions, and offices and of said bureau of statistics, and the director thereof, with respect to the said rights, powers, duties and obligations. The powers and duties conferred and imposed upon the industrial accident board by section eighteen of Part IV of chapter seven hundred and fifty-one of the acts of nineteen hundred and eleven are also transferred to and shall hereafter be exercised and performed by said department.

SECTION 70. The department of labor and industries shall be under the supervision and control of a commissioner,

to be known as the commissioner of labor and industries, an assistant commissioner, who may be a woman, and three associate commissioners, one of whom shall be a representative of labor and one of whom shall be a representative of employers of labor, all of whom shall be appointed by the governor, with the advice and consent of the council. The first appointment of the commissioner and assistant commissioner shall be for the term of three years, and of the associate commissioners for the terms of one, two and three years, respectively. Thereafter as the terms expire the governor shall in like manner appoint the said commissioners for terms of three years, shall fill any vacancy for the unexpired term, and may, with the consent of the council, remove any commissioner. The commissioner shall receive such annual salary not exceeding seven thousand five hundred dollars, and the assistant commissioner and associate commissioners such annual salary, not exceeding four thousand dollars each, as the governor and council may determine.

an assistant commissioner and three associate commissioners, offices established, salaries, etc.

SECTION 71. The commissioner shall be the executive and administrative head of the department. He shall have charge of the administration and enforcement of all laws, rules and regulations which it is the duty of the department to administer and enforce, and shall direct all inspections and investigations except as is otherwise provided herein. He may organize the department in such divisions as he may from time to time determine, and may assign the officers and employees of the department thereto. He shall prepare for the consideration of the associate commissioners, rules and regulations, in accordance with existing law, to carry out the provisions of this act relative to the department. All rules and regulations so prepared shall take effect, subject to the provisions of chapter three hundred and seven of the General Acts of nineteen hundred and seventeen where applicable, when approved by the associate commissioners, or upon such date as they may determine. The commissioner may designate an associate commissioner to discharge the duties of the commissioner during his absence or disability.

Commissioner of labor and industries, powers, duties, etc.

Departmental divisions, etc.

Designated associate commissioner to act as commissioner, when.

Board of conciliation and arbitration, membership, powers, duties, etc.

SECTION 72. The associate commissioners shall constitute a board to be known as the board of conciliation and arbitration, which shall have the authority and exercise the functions heretofore vested in the board of conciliation and arbitration and in the minimum wage commission, except as to matters of an administrative nature, and in pursuance

of the said authority shall, if they deem it necessary, investigate immediately the circumstances of any industrial dispute which arises, shall establish wage boards and review their reports, and may issue special licenses under the provisions of section nine of chapter seven hundred and six of the acts of nineteen hundred and twelve. In all investigations and proceedings conducted by said associate commissioners they shall have authority to summon witnesses, to administer oaths, to take testimony and to require the production of books and documents. In any controversy referred to the board on a joint application under any arbitration agreement they shall employ special experts at the request of either party. One such expert shall be selected from a list furnished by each party to the controversy. The expense of such experts shall be borne by the commonwealth. They shall be assigned such assistants from the officers and employees of the department as the commissioner and they shall from time to time determine. The fees of witnesses before the associate commissioners for attendance and travel shall be the same as those of witnesses before the superior court, and shall be certified and paid in accordance with the provisions of section fifteen of chapter five hundred and fourteen of the acts of nineteen hundred and nine, and acts in amendment thereof and in addition thereto.

Employment
of experts.

Fees of
witnesses, etc.

Assistant
commissioner
to have
certain powers
in matters
relating
specifically to
women and
minors.

Directors,
appointment,
salaries, etc.

Inspectors,
clerks, etc.,
employment,
salaries, etc.

Qualifications
of certain
inspectors.

SECTION 73. In all matters relating specifically to women and minors the assistant commissioner shall have and exercise such duties and authority as may be prescribed by the commissioner with the approval of the associate commissioners.

SECTION 74. The commissioner and associate commissioners may, with the approval of the governor and council, appoint, and fix the salaries of, not more than five directors, and may, with like approval, remove the directors. Each director shall be assigned to take charge of a division of the department. The commissioner may also, subject to the civil service law and rules, where they apply, employ and remove such experts, inspectors, investigators, clerks and such other assistants as the work of the department may require, and, subject to the provisions of chapter two hundred and twenty-eight of the General Acts of nineteen hundred and eighteen, and the rules and regulations established thereunder, and to the approval of the governor and council, where that is required by law, fix the compensation of the said persons. The commissioner may require that certain

inspectors in the department, not more than seven in number, shall be persons qualified by training and experience in matters relating to health and sanitation.

SECTION 75. All directors, inspectors and other permanent employees of the department shall devote their whole time to the affairs of the department, and all directors and inspectors, and such other employees as may be designated by the commissioner, shall, before entering upon their duties, be sworn to the faithful performance thereof. Inspectors shall have the police powers granted by existing law to the inspectors of the board of labor and industries, except that those assigned to exercise the functions now exercised by the commissioner of standards shall have the powers now possessed by inspectors appointed by the commissioner of standards.

Directors, inspectors and employees to devote their whole time to affairs of the department, etc.

Inspectors to have police powers, except, etc.

The number of inspectors employed by the department shall not, at first, exceed the number of inspectors in the service of the boards, commissions, and bureaus hereby abolished, and shall not thereafter be increased without the approval of the governor and council. The commissioner and associate commissioners shall determine from time to time how many of the inspectors employed shall be women. Section ten of chapter seven hundred and twenty-six of the acts of nineteen hundred and twelve shall apply to inspectors appointed under the provisions of this section.

Inspectors, number, etc.

Certain provisions of law to apply to inspectors.

SECTION 76. The commissioner and associate commissioners may appoint committees, on which employers and employees shall be represented, to investigate and recommend rules and regulations, and changes in existing rules and regulations, within the scope of the powers and duties of the department.

Committees on which employers and employees shall be represented, appointment, etc.

SECTION 77. All the rights, powers, duties and obligations of the commissioner of standards and the surveyor general of lumber shall be assigned to a division of the department, and the director in charge of said division shall be known as the director of standards. He shall exercise the functions of the commissioner of standards and the surveyor general of lumber, and shall perform such other duties as may be assigned to him by the commissioner.

Director of standards, office established, functions, powers, etc.

SECTION 78. Any person affected by an order, rule or regulation of the department may, within such time, as the associate commissioners by vote may fix, which shall not be less than ten days after notice of the order, or the taking effect of the rule or regulation, appeal to the associate com-

Persons affected by orders, regulations, etc., may appeal, etc.

missioners, who shall thereupon grant a hearing, and after the hearing may amend, suspend or revoke such order, rule or regulation. The commissioner may, pending such hearing, grant a temporary suspension of the order, rule or regulation appealed from. Any person aggrieved by an order approved by the associate commissioners may appeal to the superior court: *provided*, that the appeal is taken within fifteen days after the date when the order is approved. The superior court shall have jurisdiction in equity upon such appeal, to annul the order, if it is found to exceed the authority of the department, and upon petition of the commissioner, to enforce all valid orders issued by the department. Nothing herein contained shall be construed to deprive any person of the right to pursue any other lawful remedy.

Appeal to superior court.

Proviso.

Superior court jurisdiction, etc.

13. *Department of Mental Diseases.*

Massachusetts commission on mental diseases succeeded by department of mental diseases.

SECTION 79. The department of mental diseases shall consist of the Massachusetts commission on mental diseases as now organized and existing under chapter two hundred and eighty-five of the General Acts of nineteen hundred and sixteen, and acts in amendment thereof and in addition thereto. All provisions of law relating to the commission on mental diseases shall continue in full force and effect, except as is otherwise provided in this act.

Commissioner of mental diseases, powers, duties, etc.

SECTION 80. The commissioner of mental diseases shall be the executive and administrative head of the department of mental diseases, subject to all provisions of law now in force relating to said commissioner. He may organize the department in such divisions as he may, from time to time, determine, and, with the approval of the governor and council, appoint, and fix the compensation of, an assistant commissioner to discharge the duties of the commissioner during his absence or disability, and such other duties as may be prescribed by the commissioner. Physicians, pathologists and psychiatrists of the department, and engineers, firemen and head farmers employed at institutions under the supervision of the department, shall be exempt from the civil service law, and the rules and regulations made thereunder.

Assistant commissioner, appointment, duties, salary, etc.

Certain employees at institutions under supervision of department of mental diseases to be exempt from civil service law.

Norfolk state hospital placed under supervision of department of mental diseases, etc.

SECTION 81. The Norfolk state hospital, subject to any lease to the federal government made under authority of law, is hereby placed under the supervision and control of the department of mental diseases, which shall exercise over

said hospital and the board of trustees thereof the same authority now exercised by the commission on mental diseases over institutions under its supervision and control. The said hospital may be devoted to such uses, in furtherance of the public interests with which the department is charged, as the commissioner and associate commissioners may determine.

14. *Department of Correction.*

SECTION 82. The Massachusetts bureau of prisons, existing under authority of chapter two hundred and forty-one of the General Acts of nineteen hundred and sixteen, is hereby abolished. All the rights, powers, duties and obligations of said bureau, and of any officer, board or member thereof, are hereby transferred to and shall hereafter be exercised and performed by the department of correction established by this act, which shall be the lawful successor of said bureau.

Massachusetts bureau of prisons abolished and succeeded by department of correction.

SECTION 83. The department of correction shall be under the supervision and control of a commissioner, to be known as the commissioner of correction, who shall be appointed by the governor, with the advice and consent of the council. The first appointment of the commissioner shall be for the term of one, two or three years, as the governor may determine. Thereafter the governor shall appoint the commissioner for the term of three years, shall fill any vacancy for the unexpired term, and may, with the consent of the council, remove the commissioner. The commissioner shall receive such annual salary, not exceeding six thousand dollars, as the governor and council may determine.

Commissioner of correction, appointment, salary, etc.

SECTION 84. The commissioner shall be the executive and administrative head of the department. He shall perform all the duties prescribed by law for the director of prisons. He may, with the approval of the governor and council, appoint and remove two deputy commissioners, and with like approval, fix their compensation. The deputy commissioners shall perform such duties as the commissioner shall prescribe, and he may designate one of them to discharge the duties of the commissioner during his absence or disability.

Commissioner of correction, powers, duties, etc.

Deputy commissioners, appointment, duties, salaries, etc.

SECTION 85. The duties prescribed by law for the board of parole of the bureau of prisons shall hereafter be performed by a board to consist of a deputy commissioner designated by the commissioner, and two members to be appointed by the governor with the advice and consent of the council.

Board of parole, membership, duties, salaries, etc.

The first appointments of members shall be for terms of two and three years respectively. Thereafter as the terms expire the governor shall appoint the members for the term of three years, shall fill any vacancy for the unexpired term, and may, with the consent of the council, remove said members. The governor shall designate the chairman of said board. The deputy commissioner shall receive no additional compensation for his services on the said board. The two appointive members shall receive such annual salary, not exceeding two thousand dollars, as the governor and council may determine; but if one of said members is designated as chairman, he shall receive an annual salary not exceeding three thousand five hundred dollars. The said board shall be known as the board of parole, and shall be considered a board of the department of correction.

Governor to designate chairman.

Title of board.

Department of correction to manage state farm at Bridgewater, etc.

SECTION 86. The department shall manage the state farm at Bridgewater in the same manner, and the officers of the department shall exercise the same authority over the state farm and its inmates, as in the case of the other institutions under the supervision and control of said department.

15. *Department of Public Welfare.*

SECTION 87. The state board of charity, existing under authority of chapter eighty-four of the Revised Laws, and acts in amendment thereof and in addition thereto, and the homestead commission, existing under authority of chapter six hundred and seven of the acts of nineteen hundred and eleven, and acts in amendment thereof and in addition thereto, are hereby abolished. All the rights, powers, duties and obligations of said board and commission, except such as pertain to institutions now under the supervision or control of the state board of charity which are transferred to other departments by this act, are hereby transferred to and shall hereafter be exercised and performed by the department of public welfare established by this act. Except as aforesaid, the said department shall be the lawful successor of said board and said commission. The board of trustees of Massachusetts training schools as now organized and existing under authority of chapter five hundred and sixty-six of the acts of nineteen hundred and eleven, the board of trustees of the Massachusetts hospital school as now organized and existing under authority of chapter four hundred and forty-six of the acts of nineteen hundred and four, and

State board of charity and homestead commission abolished and succeeded by department of public welfare.

Trustees of Massachusetts training schools, trustees of Massachusetts hospital school and trustees of state infirmary and state farm transferred to

acts in amendment thereof and in addition thereto, and the board of trustees of the state infirmary and state farm as now organized and existing under authority of chapter eighty-five of the Revised Laws, and acts in amendment thereof and in addition thereto, are hereby transferred to and shall hereafter serve in said department. The authority of the board of trustees last mentioned shall hereafter relate only to the state infirmary, and said board shall hereafter be known as the board of trustees of the state infirmary.

department
of public
welfare.

Authority of
board of
trustees of the
state infirmary.

SECTION 88. The department of public welfare shall be under the supervision and control of a commissioner, to be known as the commissioner of public welfare, and an advisory board of six members, two of whom shall be women, all of whom shall be appointed by the governor, with the advice and consent of the council. The first appointment of the commissioner shall be for the term of one, two, three, four or five years, as the governor may determine. Of the members of the advisory board first appointed two shall be appointed for the term of one year, two for two years, and two for three years. Thereafter as the terms expire the governor shall appoint the commissioner for the term of five years, and the members of the board for the term of three years, shall fill any vacancy for the unexpired term, and may, with the consent of the council, remove the commissioner or any member of the board.

Commissioner
of public
welfare and
an advisory
board, offices
established.

SECTION 89. The commissioner shall be the executive and administrative head of the department. He shall have charge of the administration and enforcement of all laws which it is the duty of the department to administer and enforce, and shall organize the department in divisions, and supervise the same as hereinafter provided. He shall be, ex officio, a member of the advisory board, and shall receive such annual salary, not exceeding six thousand dollars, as the governor and council may determine.

Commissioner
of public wel-
fare, powers,
duties, salary,
etc.

SECTION 90. The commissioner and the advisory board shall exercise the functions of the homestead commission under chapter six hundred and seven of the acts of nineteen hundred and eleven, and acts in amendment thereof and in addition thereto. The board shall also assist the commissioner in the work of the department. It shall keep informed of the public interests with which the department is charged, and of the administration thereof, shall study and investigate questions arising in connection therewith, and shall consider, formulate and recommend such proposals as may seem

Commissioner
and advisory
board to
exercise
functions of
homestead
commission.

Advisory
board, powers,
duties,
meetings, etc.

feasible for the furtherance of the work of the department and of the public welfare. It shall advise with the commissioner concerning the policies of the department, and shall make recommendations concerning the service or administration of any division thereof. The board shall meet at least once a month, and at such other times as it may determine by its rules, and when requested by the commissioner or by any three members. The members shall receive no compensation, but shall be reimbursed for their actual, necessary expenses incurred in the performance of their official duties.

Meetings.

Expenses allowed.

Divisions of department of public welfare, directors, etc.

Division of aid and relief, functions, etc.

Division of child guardianship, functions, etc.

Division of juvenile training, functions, etc.

Director of aid and relief, appointment, duties, salary, etc.

Director of child guardianship, appointment, duties, salary, etc.

SECTION 91. The department shall be organized in three divisions, — namely, a division of aid and relief, a division of child guardianship, and a division of juvenile training. There shall be a director for each division, who, under the supervision of the commissioners, shall perform the duties herein specified, and such as are otherwise prescribed by law. The division of aid and relief shall include the functions heretofore exercised by the division of state adult poor of the board of charity. The board of trustees of the state infirmary shall be placed in said division and considered a board thereof. It shall continue to exercise its functions as heretofore, but with respect only to the state infirmary. The division of child guardianship shall include the functions heretofore exercised by the division of state minor wards of the board of charity. The board of trustees of the Massachusetts hospital school shall be placed in said division and considered a board thereof, and shall continue to exercise its functions as heretofore. The division of juvenile training shall consist of the board of trustees of Massachusetts training schools as now organized and existing, together with the institutions and departments under its supervision and control. The said board shall continue to exercise its functions as heretofore, as a division of said department.

SECTION 92. The director of aid and relief shall exercise, under the supervision and control of the commissioner, the functions of the division of state adult poor of the board of charity. He shall be appointed by the commissioner, with the approval of the governor and council, and may, with like approval, be removed by the commissioner. His compensation shall be fixed by the commissioner, with the approval of the governor and council. The director of child guardianship shall exercise, under the supervision and control of the commissioner, the functions of the division of state

minor wards of the board of charity. He shall be appointed by the commissioner, with the approval of the governor and council, and may, with like approval, be removed by the commissioner. His compensation shall be fixed by the commissioner, with the approval of the governor and council. The director of juvenile training shall be a member of the board of trustees of Massachusetts training schools designated by the governor. He shall receive no compensation as such. His term shall be that of his appointment as trustee.

Director of juvenile training to be member of board of trustees of Massachusetts training schools.

SECTION 93. When so directed by the governor the commissioner and advisory board may assume and exercise the powers and perform the duties of the board of trustees of any institution under the supervision of or placed in the department, in any matter relative to the management and control thereof, except in case of trust funds vested in any board of trustees.

Commissioner of public welfare and advisory board may assume duties of trustees of certain institutions.

SECTION 94. The commissioner may prepare and present for the approval of the advisory board rules and regulations governing the conduct of the department and any action which may legally be taken under its authority, and such rules and regulations shall take effect upon approval by a majority of the board, and at such time as they by vote shall fix. Any person objecting to any such rule or regulation may submit his objection to the commissioner, in writing, who shall refer the same to the advisory board which may hear the said person and revise, amend or affirm the rule or regulation. At least once in each year the question of revising the rules and regulations of the department shall be brought before the advisory board by the commissioner at a regular meeting. Rules and regulations effective under the provisions of this section may be revised, amended or annulled in the same manner in which they were originally adopted.

Commissioner may prepare rules and regulations, etc.

Objections to, and revision of rules and regulations.

Annual revision of rules and regulations, etc.

SECTION 95. The commissioner may also, subject to the civil service law and rules, where they apply, appoint such officials, agents, clerks and other employees as the work of the department may require, designate their duties, except so far as they are otherwise defined by law, assign them to divisions, transfer and remove them, and, subject to the provisions of chapter two hundred and twenty-eight of the General Acts of nineteen hundred and eighteen, and to the approval of the governor and council, where that is required by law, fix the compensation of the said persons. The appointments in the divisions of aid and relief and of child

Agents, clerks, etc., appointments, salaries, etc.

Directors, etc., to advise on certain appointments.

guardianship shall be made with the advice of the directors thereof; and the appointments in the institutions shall be in accordance with existing law.

16. *Department of Public Health.*

State department of health succeeded by department of public health.

Board of trustees of hospitals for consumptives abolished and succeeded by department of public health.

Penikese hospital placed in department of public health.

Commissioner of public health, office established, powers, etc.

Designation of deputy, etc.

Certain exemptions from civil service law.

Division of sanatoria to be established, etc.

SECTION 96. The department of public health shall consist of the state department of health as now organized and existing under authority of chapter seven hundred and ninety-two of the acts of nineteen hundred and fourteen, and acts in amendment thereof and in addition thereto. All provisions of law relating to the state department of health shall continue in full force and effect, except as is otherwise provided by this act. The board of trustees of hospitals for consumptives, existing under authority of chapter four hundred and seventy-four of the acts of nineteen hundred and seven, and acts in amendment thereof and in addition thereto, is hereby abolished. All the rights, powers, duties and obligations of said board are hereby transferred to and shall hereafter be exercised and performed by said department, which shall be the lawful successor of said board. The Penikese hospital, so-called, existing under authority of chapter four hundred and seventy-four of the acts of nineteen hundred and five, and acts in amendment thereof and in addition thereto, is hereby placed in said department.

SECTION 97. The commissioner of health shall hereafter be known as the commissioner of public health. He may, with the approval of the public health council, designate a director of a division of the department to act as deputy commissioner of public health and to perform the duties of the commissioner during his absence or disability, and such other duties as may be prescribed by the commissioner. Assistant directors of divisions and epidemiologists shall be exempt from the civil service law and the rules and regulations made thereunder. The powers of the commissioner of public health shall be as now provided by law for the commissioner of health, except as is otherwise provided by this act.

SECTION 98. The commissioner shall establish in the department of public health a division of sanatoria which shall include the institutions formerly under the supervision and control of the board of trustees of hospitals for consumptives. The commissioner may place the Penikese hospital, so-called, in the said division, and, with the approval

of the governor and council, may appoint and remove a director to have charge of said division, and, with like approval, may fix his compensation.

17. *Department of Public Safety.*

SECTION 99. The district police force, existing under authority of chapter one hundred and eight of the Revised Laws, and acts in amendment thereof and in addition thereto, and all offices, departments and divisions thereof; the board of boiler rules, existing under authority of chapter four hundred and sixty-five of the acts of nineteen hundred and seven; the board of elevator regulations authorized under authority of chapter eight hundred and six of the acts of nineteen hundred and thirteen; and the office of fire prevention commissioner of the metropolitan district, existing under authority of chapter seven hundred and ninety-five of the acts of nineteen hundred and fourteen, are hereby abolished. All the rights, powers, duties and obligations of the district police, said boards and said offices are hereby transferred to, and shall hereafter be exercised and performed by the department of public safety, established by this act, which shall be the lawful successor of the district police and of said boards and offices.

District police force, board of boiler rules, board of elevator regulations, and office of fire prevention commissioner of metropolitan district abolished and succeeded by department of public safety.

SECTION 100. The department of public safety shall be under the supervision and control of a commissioner, to be known as the commissioner of public safety, who shall be appointed by the governor, with the advice and consent of the council. The first appointment shall be for the term of one, two, three, four or five years, as the governor may determine. Thereafter the governor shall appoint the commissioner for the term of five years, shall fill any vacancy for the unexpired term, and may, with the consent of the council, remove the commissioner. The commissioner shall receive such annual salary, not exceeding five thousand dollars, as the governor and council may determine.

Commissioner of public safety, appointment, salary, etc.

SECTION 101. The commissioner shall be the executive and administrative head of the department. He shall have charge of the administration and enforcement of all laws, rules and regulations which it is the duty of the department to administer and enforce, and shall direct all inspections and investigations except as is otherwise provided herein. He shall organize the department in three divisions, namely, a division of state police under his own immediate charge,

Commissioner of public safety, powers, duties, etc.

Divisions of department of public safety, directors, etc.

State fire marshal and chief of inspections, appointment, salaries, etc.

Inspectors, clerks, etc., appointment, salaries, etc.

Division of state police, functions, etc.

Division of inspections, functions, etc.

Chief of inspections, powers, duties, etc.

Inspectors, designations, duties, etc.

Director in charge of fire prevention division, powers, duties, etc.

a division of inspection under the charge of a director to be known as chief of inspections, and a division of fire prevention under the charge of a director to be known as state fire marshal. The state fire marshal and the chief of inspections shall be appointed by the governor, with the advice and consent of the council, for the term of three years, and may, with like approval, be removed. The directors shall receive such annual salary, not exceeding four thousand dollars, as the governor and council may determine. The commissioner may, subject to the civil service law and rules where they apply, appoint, transfer and remove officers, inspectors, experts, clerks and other assistants, and, subject to the provisions of chapter two hundred and twenty-eight of the General Acts of nineteen hundred and eighteen, and the rules and regulations made thereunder, and to the approval of the governor and council where that is required by law may fix the compensation of the said persons.

SECTION 102. The division of state police shall except as is otherwise provided herein include the functions of the detective and fire inspection department of the district police. The commissioner shall have the powers and perform the duties of the chief of the district police.

SECTION 103. The division of inspections shall include the functions of the boiler inspection department of the district police, and of the building inspection department of the district police. The chief of inspections shall exercise the powers and perform the duties now provided by law for the deputy chief of the building inspection department of the district police and for the deputy chief of the boiler inspection department of the district police. Inspectors assigned to said division shall be designated as building inspectors or as boiler inspectors, and shall have the powers and perform the duties of inspectors of the building inspection department and of the boiler inspection department, respectively, of the district police.

SECTION 104. The director in charge of the fire prevention division shall, under the supervision of the commissioner, perform the duties of the fire prevention commissioner for the metropolitan district, whose office is abolished hereby, and shall also have the powers and perform the duties of the district police and of the deputy chief of the detective and fire inspection department of the district police under the provisions of chapter four hundred and thirty-three of the acts of nineteen hundred and four, and acts in amendment

thereof and in addition thereto, relative to the keeping and storing of inflammable fluids and combustible compounds and of the district police under the provisions of chapter thirty-two of the Revised Laws and acts in amendment thereof and in addition thereto. The said director shall submit to the commissioner rules and regulations under the said acts, and such rules and regulations shall take effect subject to the provisions of chapter three hundred and seven of the General Acts of nineteen hundred and seventeen, when approved by the commissioner and by the governor and council, and on such dates as they may fix.

Rules and regulations.

SECTION 105. The commissioner shall appoint a board of boiler rules which shall exercise the functions of the board of boiler rules as now provided by law. Said board shall consist of the chief of inspections, as chairman, and four other members whose qualifications and compensation shall be the same as those of the members of the board of boiler rules abolished by this act. The terms of office of the appointed members of said board shall be three years, except that when first appointed one of the members shall be appointed for one year, one for two years and two for three years. Such clerical and other assistants as may be required by said board shall be assigned to it by the commissioner.

Board of boiler rules, appointment, functions, etc.

SECTION 106. The commissioner shall, as occasion requires, appoint a board of elevator regulations which shall exercise the functions of the board of elevator regulations as now provided by law. Said board shall consist of the chief of inspections as chairman, a consulting engineer, the building commissioner of the city of Boston, an inspector of buildings of some city other than Boston, a representative of a liability insurance company licensed to write such insurance in the commonwealth, a representative of elevator manufacturers and an experienced elevator constructor. They shall serve without compensation, but their necessary expenses shall be paid by the department. Such clerical and other assistants as may be required by said board shall be assigned to them by the commissioner.

Board of elevator regulations, appointment, functions, etc.

Expenses.

SECTION 107. The commissioner may, when public exigency requires, with the approval of the governor, call upon the metropolitan district commission, hereby established, for assistance in performing the duties imposed upon him by law; and the said commission shall, when so called upon, assign to duty under said commissioner such of the police force under its control as it and the commissioner shall determine.

Commissioner of public safety may have assistance of metropolitan district commission.

Officers and inspectors with powers of officers and inspectors of district police, appointment, number, etc.

SECTION 108. The commissioner may appoint officers and inspectors who shall have the same powers now conferred by law upon officers and inspectors of the district police. The number of such officers and inspectors shall not, at first, exceed the number of officers in the detective and fire inspection department of the district police and of inspectors in the service of the building inspection and boiler inspection departments of the district police and in the service of the fire prevention commissioner of the metropolitan district, and shall not thereafter be increased without the approval of the governor and council. The provisions of sections six and seven of chapter one hundred and eight of the Revised Laws shall, so far as they are applicable, apply to officers and inspectors appointed under the provisions of this section.

Certain provisions of law applicable.

Persons affected by an order of department of public safety may appeal, etc.

SECTION 109. Any person affected by an order of the department or of a division or office thereof, may, within such time as the commissioner may fix, which shall not be less than ten days after notice of such order, appeal to the commissioner, who shall thereupon grant a hearing, and after such hearing may amend, suspend or revoke such order. Any person aggrieved by an order approved by the commissioner may appeal to the superior court: *provided*, such appeal is taken within fifteen days from the date when such order is approved. The superior court shall have jurisdiction in equity upon such appeal to annul such order if found to exceed the authority of the department, and upon petition of the commissioner to enforce all valid orders issued by the department. Nothing herein contained shall be construed to deprive any person of the right to pursue any other lawful remedy.

Appeal to superior court.
Proviso.

Superior court jurisdiction, etc.

Additional appointments by commissioner of public safety may be authorized by governor, etc.

SECTION 110. Whenever the governor shall deem it necessary to provide more effectively for the protection of persons and property, and for the maintenance of law and order in the commonwealth, he may authorize the commissioner of public safety to make additional appointments, not exceeding one hundred in number, to the police division of said department, together with such other employees as the governor may deem necessary for the proper administration thereof. The appointment of the additional officers shall be temporary until the general court has authorized their permanent addition to the department. The commissioner may, subject to the approval of the governor, make rules and regulations for the said additional force, including mat-

Rules and regulations.

ters pertaining to their discipline, organization and government, compensation and equipment, and means of swift transportation.

18. *Department of Public Works.*

SECTION 111. The Massachusetts highway commission, existing under authority of chapter three hundred and forty-four of the General Acts of nineteen hundred and seventeen and acts in amendment thereof and in addition thereto, and the commission on waterways and public lands existing under authority of chapter two hundred and eighty-eight of the General Acts of nineteen hundred and sixteen, are hereby abolished. All the rights, powers, duties and obligations of said commissions are hereby transferred to and shall hereafter be exercised and performed by the department of public works established by this act, which shall be the lawful successor of said commissions.

Massachusetts highway commission and commission on waterways and public lands abolished and succeeded by department of public works.

SECTION 112. The department of public works shall be under the supervision and control of a commissioner, to be known as commissioner of public works, and four associate commissioners, all of whom shall be appointed by the governor, with the advice and consent of the council. The commissioner shall be appointed for the term of three years. Of the associate commissioners first appointed, two shall be appointed for the term of one year and two for the term of two years. Thereafter as the terms expire the governor shall appoint the commissioner and the associate commissioners for the term of three years, shall fill any vacancy for the unexpired term, and may, with the consent of the council, remove the commissioner or any of the associate commissioners. The commissioner shall receive such annual salary, not exceeding seven thousand five hundred dollars, and the associate commissioners such annual salaries not exceeding six thousand dollars, as the governor and council may determine.

Commissioner of public works and associate commissioners, appointment, salaries, etc.

SECTION 113. The department shall be organized in two divisions, namely, a division of highways and a division of waterways and public lands. The said divisions shall have, exercise and perform, the rights, powers, duties and obligations, respectively, of the Massachusetts highway commission and the commission on waterways and public lands, except as is otherwise provided herein. The governor shall, at the time of making the first appointments under the preceding section, designate two of the associate commissioners

Division of highways and division of waterways and public lands, powers, duties, etc.

to have charge of the division of highways and two to have charge of the division of waterways and public lands. Thereafter, whenever a change in the associate commissioners occurs, the governor may make a new designation. The commissioner shall be entitled to act as a member of both divisions, and when present shall act as chairman of the division. The concurrence of two members shall be necessary in any official act of either division.

Commissioner of public works, powers, duties, etc.

SECTION 114. The commissioner shall be the executive and administrative head of the department. He shall approve all contracts made by either division, and may require any of the expenditures of either division to be submitted to him for approval. He may, subject to the civil service law and rules, where they apply, appoint, assign to divisions, transfer and remove such officials and employees as the work of the department may require, and, subject to the provisions of chapter two hundred and twenty-eight of the General Acts of nineteen hundred and eighteen, and the rules and regulations made thereunder, and to the approval of the governor and council where that is required by law, fix the compensation of the said persons.

Officials, employees, etc., employment, salaries, etc.

Registrar of motor vehicles, appointment, powers, duties, salary, etc.

SECTION 115. The commissioner shall appoint, and may remove, subject to the approval of the governor and council, an official to be known as registrar of motor vehicles, and may, with like approval, fix his compensation. The registrar of motor vehicles shall have, exercise and perform all the rights, powers, duties and obligations of the Massachusetts highway commission relative to motor vehicles and to the operation thereof, as defined by chapter five hundred and thirty-four of the acts of nineteen hundred and nine, and acts in amendment thereof and in addition thereto. Any person aggrieved by a regulation, ruling or decision of said registrar may, within ten days thereafter, appeal from such regulation, ruling or decision to the commissioners of the division of highways who may, after a hearing, order such regulation, ruling or decision to be affirmed, modified or annulled.

Appeal from regulations, etc., of registrar.

Rules and regulations of department of public works, drafting of, approval, etc.

SECTION 116. All rules and regulations under provisions of existing law within the jurisdiction of the division of highways, the division of waterways and public lands or the registrar of motor vehicles shall be drafted by the commissioners having charge of said divisions or by said registrar, shall be submitted to the commissioner and associate commissioners sitting as a board, and shall take effect, subject

to the provisions of chapter three hundred and seven of the General Acts of nineteen hundred and seventeen, when approved by them, and at such time as they shall designate. Said board shall also have power to make all needful rules and regulations for carrying out the provisions of this act relating to the said department.

19. *Department of Public Utilities.*

SECTION 117. The public service commission, existing under authority of chapter seven hundred and eighty-four of the acts of nineteen hundred and thirteen, and chapter two hundred and eighty-three of the General Acts of nineteen hundred and eighteen, and the board of gas and electric light commissioners, existing under authority of chapter seven hundred and forty-two of the acts of nineteen hundred and fourteen, are hereby abolished. All the rights, powers, duties and obligations of said commission and said board are hereby transferred to and shall hereafter be exercised and performed by the department of public utilities established by this act, which shall be the lawful successor of said commission and said board.

Public service commission and board of gas and electric light commissioners abolished and succeeded by department of public utilities.

SECTION 118. The department of public utilities shall be under the supervision and control of a commission of five members, who shall be appointed by the governor, with the advice and consent of the council. Of the commissioners first appointed under this act, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years. Thereafter the governor shall appoint the commissioners for terms of five years, shall fill any vacancy for the unexpired term, and may, with the consent of the council, remove any commissioner. The governor shall designate one of said commissioners as chairman. The chairman of the commission shall receive such annual salary, not exceeding eight thousand dollars, and each of the other commissioners such annual salary not exceeding seven thousand dollars, as the governor and council may determine.

Commission of five members to control department of public utilities, appointment, salaries, etc.

Governor to designate chairman.

SECTION 119. The chairman shall have and exercise supervision and control over all the affairs of the commission. He shall preside at all hearings at which he is present, and shall designate a commissioner to act as chairman in his absence. He shall not, except as is otherwise provided herein, be charged with any administrative functions. In

Chairman of commission, powers, duties, etc.

Holding of
hearings, etc.

order to promote efficiency in administration he shall from time to time make such division or redivision of the work of the department among the commissioners as he may deem expedient. All the commissioners shall, if so directed by the chairman, participate in the hearing and decision of any matter coming before the commission. In the hearing of all matters other than those of formal or administrative character coming before the commission, at least two commissioners shall participate and in the decision of all such matters at least three commissioners shall participate. In every case the concurrence of a majority of the commissioners participating therein shall be necessary to a decision. With the consent of all parties concerned in a matter coming before the commission, the hearing may be held by a single commissioner.

Certain corporations to become subject to jurisdiction of department of public utilities, etc.

SECTION 120: The different classes of corporations now subject to the jurisdiction of the public service commission and the board of gas and electric light commissioners, respectively, and which under the provisions of this act will become subject to the jurisdiction of the department of public utilities, shall continue to be subject to the provisions of law applicable to them, respectively, and to such provisions as are applicable to all of them alike. This act shall not be deemed to affect the said provisions except as to their administration.

Parties aggrieved by rulings may secure a review thereof, etc.

SECTION 121. When so requested by any party interested, the commission, or any member or members acting for the commission, shall rule upon any question of substantive law properly arising in the course of any proceeding before the commission or any member or members thereof, and any party in interest aggrieved by such ruling may object thereto, and may secure a review thereof as hereinafter provided. Any failure or refusal of the commission, or of any member or members thereof acting for the commission, to rule upon such a question at the request of any party in interest as aforesaid within ten days after such request, shall be taken and recorded as a ruling adverse to the party requesting the ruling. The supreme judicial court shall have jurisdiction in equity to review, modify, amend or annul any ruling or order of the commission, or of any member or members representing the commission, in the manner, to the extent, and subject to the conditions set forth in section twenty-seven of chapter seven hundred and eighty-four of the acts of nineteen hundred and thirteen. The supreme judicial court shall also have jurisdiction, upon the application of

Supreme judicial court to have jurisdiction, etc.

the commission, to enforce the provisions of this act relating to the department, and all valid orders of the commission.

SECTION 122. The general court, in making annual appropriations for the department, shall designate what portions thereof shall be used for salaries of employees and expenses in the department in connection with the functions now performed by the board of gas and electric light commissioners. The portions thus designated, including one half the sum annually appropriated for the salaries of the commissioners, shall be apportioned by the tax commissioner in the manner specified in section one hundred and thirty-six of chapter seven hundred and forty-two of the acts of nineteen hundred and fourteen and acts in amendment thereof and in addition thereto, relative to the assessment of appropriations for the board of gas and electric light commissioners.

Annual appropriations for department of public utilities, certain designations to be made therein, and apportioned by the tax commissioner, etc.

PART IV.

20. THE METROPOLITAN DISTRICT COMMISSION.

SECTION 123. The metropolitan park commission, existing under authority of chapter four hundred and seven of the acts of eighteen hundred and ninety-three, and acts in amendment thereof and in addition thereto, and the metropolitan water and sewerage board, existing under authority of chapter one hundred and sixty-eight of the acts of nineteen hundred and one, and acts in amendment thereof and in addition thereto, are hereby abolished. All the rights, powers, duties and obligations of said boards are hereby transferred to and shall hereafter be exercised and performed by the metropolitan district commission established by this act, which shall be the lawful successor of said commission and board.

Metropolitan park commission and metropolitan water and sewerage board abolished and succeeded by metropolitan district commission.

SECTION 124. The metropolitan district commission shall be under the supervision and control of a commissioner and four associate commissioners, all of whom shall be appointed by the governor, with the advice and consent of the council. They shall at the time of their appointment be resident within the district of which the department has jurisdiction, and at least one shall be a resident of the city of Boston. The commissioner shall be appointed for the term of five years. Of the associate commissioners first appointed, one shall be appointed for the term of one year, one for two years, one for three years, and one for four years. Thereafter as the terms expire the governor shall appoint the

Commissioner and associate commissioners to control metropolitan district commission, appointment, etc.

commissioners for the term of five years, shall fill any vacancy for the unexpired term, and may, with the consent of the council, remove the commissioner or any associate commissioner.

Commissioner,
powers, duties,
salary, etc.

SECTION 125. The commissioner shall be the executive and administrative head of the commission, and shall organize the commission in divisions and supervise the same as hereinafter provided. He shall receive such annual salary, not exceeding six thousand dollars, and the associate commissioners such annual salary, not exceeding one thousand dollars, as the governor and council may determine.

Associate
commissioners,
salaries.

Divisions of
metropolitan
district com-
mission,
directors, etc.

SECTION 126. The commission shall be organized in such divisions as the commissioner may from time to time determine, and the commissioner may, with the approval of the governor and council, appoint and remove a director of each division to have charge of the work of the division. The compensation of directors shall be fixed by the commissioners, with the approval of the governor and council. The commissioners may also appoint a secretary and engineering chiefs, and, subject to the civil service law and rules, where they apply, appoint a purchasing agent, engineers, inspectors, officers and members of the police force, clerks and such other officers and employees as the work of the commission may require; may assign them to divisions, transfer and remove them, and, subject to the provisions of chapter two hundred and twenty-eight of the General Acts of nineteen hundred and eighteen, and to the approval of the governor and council, where that is required by law, fix the compensation of the said persons.

Secretary and
engineering
chiefs, pur-
chasing agent,
police force,
engineers,
inspectors,
clerks, etc.,
appointment,
salaries, etc.

Power and
authority over
public
property
transferred
to control of
metropolitan
district
commission.

SECTION 127. The commission shall have and exercise over the public property hereby transferred to its charge and control from the metropolitan water and sewerage board, in addition to the power and authority of said board, all the power and authority which the metropolitan park commission has over open spaces for exercise and recreation under chapter four hundred and seven of the acts of eighteen hundred and ninety-three, and acts in amendment thereof and in addition thereto, so far as such power and authority may be exercised consistently with the purposes for which the metropolitan water and sewerage systems were created and are maintained.

Police
appointed by
metropolitan
district
commission,
powers, etc.

SECTION 128. The police appointed or employed by the commission shall have within the metropolitan parks district, and within the cities and towns outside said district

wherein any of the property of the metropolitan water and sewerage districts is situated, all the powers of police officers and constables of cities and towns of this commonwealth, except the power of serving and executing civil process, and when on duty may carry such weapons as the said commission shall authorize.

SECTION 129. The expense of maintenance of the metropolitan parks, boulevard, water and sewerage systems under the department shall be paid by the metropolitan parks, boulevard, water and sewerage districts, respectively, in the manner now provided by law: *provided, however*, that the expense each year of the salaries of the commissioners, and such other expense of maintenance of the general office and otherwise as they shall determine are not clearly or wholly incurred in the maintenance work of any one of said systems or districts, shall be paid as follows:— one fourth as the expense of maintenance of reservations under chapter four hundred and seven of the acts of eighteen hundred and ninety-three; one fourth as the expense of maintenance of boulevards under chapter two hundred and twenty-eight of the acts of eighteen hundred and ninety-four; one fourth as the expense of maintenance of the metropolitan water system; and one fourth as the expense of maintenance of the metropolitan sewerage system.

Expense of maintenance of metropolitan parks, boulevard, water and sewerage systems, payment, etc. Proviso.

PART V.

SECTION 130. So much of this act as authorizes appointments by the governor and council shall take effect on the fifteenth day of November, nineteen hundred and nineteen. So much as relates to each department shall take effect upon the appointment and qualification of the officers having the supervision and control thereof, but not before the first day of December, nineteen hundred and nineteen. All other provisions thereof shall take effect on the first day of December, nineteen hundred and nineteen.

Time of taking effect.

Approved July 23, 1919.

AN ACT TO REGULATE THE SALE AND COLD STORAGE OF FRESH FOOD FISH. Chap. 351

Be it enacted, etc., as follows:

SECTION 1. All fresh food fish shall be graded before it is offered for sale or placed in cold storage. There shall be

Sale and cold storage of fresh food fish