

HOUSE No.

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES

**MESSAGE FROM HIS EXCELLENCY THE
GOVERNOR SUBMITTING REORGANIZATION PLAN
NUMBER 1 OF 2017, RELATIVE TO REORGANIZING
THE DEPARTMENT OF PUBLIC SAFETY.**

**(under Article LXXXVII
of the Amendments
to the Constitution)**

January 25, 2017

HOUSE No.**The Commonwealth of Massachusetts**

CHARLES D. BAKER
GOVERNOR

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE · BOSTON, MA 02133

KARYN POLITO
LIEUTENANT GOVERNOR

January 25, 2017.

To the Honorable Senate and House of Representatives,

As provided in Article LXXXVII of the Amendments to the Constitution, I submit for your consideration “An Act to Reorganize the Department of Public Safety.”

This Article 87 plan will transfer the functions currently within the Department of Public Safety to the Division of Professional Licensure and to the Department of Fire Services. This will enable the Commonwealth to consolidate licensing functions currently split across several secretariats, thereby increasing efficiencies, eliminating redundancies, and improving customer service by creating one-stop shopping for the vast majority of license approvals. It should also save the Commonwealth approximately \$800,000 in FY2018.

Specifically, this bill establishes an Office of Public Safety and Inspections to be housed within the Division of Professional Licensure, within the Executive Office of Housing and Economic Development. It then transfers all of the non-fire-related functions of the Department of Public Safety to the Office of Public Safety and Inspections and the fire-related functions to the Department of Fire Services.

This bill would also change the distribution of agencies under the undersecretaries within the Executive Office of Public Safety and Security to more closely align with their areas of expertise.

In addition, the bill makes technical changes to reflect the transfer of functions, removes outdated references, and updates antiquated language.

Accordingly, I urge your favorable consideration of this plan to consolidate licensing functions and increase the efficiency and accountability of our government for the people of the Commonwealth.

Sincerely,

Charles D. Baker,
Governor

HOUSE No.

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act to reorganize the Department of Public Safety.

Be it approved by the Senate and House of Representatives in General Court assembled, pursuant to Article LXXXVII of the Amendments to the Constitution, and by the authority of the same, as follows:

1 SECTION 1. Section 99 of chapter 6 of the General Laws is hereby repealed.

2 SECTION 2. Section 172K of chapter 6 of the General Laws, as appearing in the 2014
3 Official Edition, is hereby amended by striking out, in lines 20 and 21, the words “department of
4 public safety” and inserting in place thereof the following words:- division of professional
5 licensure.

6 SECTION 3. Section 18 of chapter 6A of the General Laws, as so appearing, is hereby
7 amended by striking out, in lines 2 and 3, the words “department of public safety”.

8 SECTION 4. Section 18½ of said chapter 6A, as so appearing, is hereby amended by
9 striking out the second paragraph and inserting in place thereof the following paragraph:-

10 One undersecretary shall be the undersecretary for law enforcement and shall oversee the
11 functions and administration of the following boards and agencies: the department of state
12 police, the municipal police training committee, and the office of grants and research.

SECTION 5. Said section 18½ of said chapter 6A, as so appearing, is hereby further amended by inserting in line 26, after the word “undersecretary,” the following words:- shall oversee the statewide emergency telecommunications board, the department of criminal justice information services, the automated fingerprint identification system, and the state 911 department; and.

SECTION 6. Chapter 6A of the General Laws is hereby amended by inserting after section 18V the following section:-

Section 18W. There shall be a special commission established to investigate and study improving information and resource sharing among the office of probation, department of criminal justice information services, parole board, department of corrections, and all sheriffs in the commonwealth. The commission shall consist of the secretary of public safety and security or the secretary’s designee, who shall serve as chair; the commissioner of probation or the commissioner’s designee; commissioner of department of criminal justice information services or the commissioner’s designee; the chair of the parole board or the chair’s designee; the commissioner of correction or the commissioner’s designee; the commissioner of youth services, or the commissioner’s designee; and the president of the Massachusetts Sheriffs Association or the president’s designee.

The investigation shall include, but not be limited to:

(a) identifying and eliminating redundant and duplicative practices, while promoting public safety and cost-effectiveness;

33 (b) developing a common risk and needs assessment tool for supervised individuals, to be
34 used by the office of probation, trial court office of community supervision, parole board,
35 department of corrections and sheriffs;

36 (c) developing policies and protocols for individuals who have been sentenced to
37 supervision under more than one of the agencies or departments concurrently to ensure that said
38 supervision is meted in an orderly and effective manner for those individuals who are subject to
39 dual supervision;

40 (d) establishing procedures for the sharing of information on supervised individuals,
41 including procedure for addressing any privacy issues raised by the sharing of information
42 between agencies; provided, however, that if the commission discovers legal impediments to
43 sharing information between the organizations it shall draft and report legislative
44 recommendations to address such impediments;

45 (e) investigating the creation of a common office of performance management to track
46 the effectiveness and outcomes of programs used by the office of probation, trial court office of
47 community supervision, parole board, department of corrections and sheriffs; and

48 (f) investigating the effectiveness of the office of community corrections, potential
49 improvements to its function and organization, including the feasibility and advisability of
50 relocating it to the executive office of public safety and security.

51 The commission shall annually report on its activities and on any findings and
52 recommendations to the chairs of the joint committee on the judiciary, the chairs of the joint
53 committee on public safety and homeland security and chairs of the senate and house committees
54 on ways and means not later than December 31.

55 SECTION 7. Section 35V of chapter 10 of the General Laws, as appearing in the 2014
56 Official Edition, is hereby amended by striking out, in lines 9, 12, and 24, each time it appears,
57 the word “director” and inserting in place thereof, in each instance, the following word:-
58 commissioner.

59 SECTION 8. Section 8 of chapter 13 of the General Laws, as so appearing, is hereby
60 amended by striking out, in lines 2 and 7, each time it appears, the word “director” and inserting
61 in place thereof, in each instance, the following word:- commissioner.

62 SECTION 9. Section 8A of said chapter 13, as so appearing, is hereby amended by
63 striking out, in lines 3, 4 and 6, each time it appears, the word “director” and inserting in place
64 thereof, in each instance, the following word:- commissioner.

65 SECTION 10. Section 9 of said chapter 13, as so appearing, is hereby amended by
66 striking out, in lines 13 and 14, the words “division of registration” and inserting in place thereof
67 the following words:- division of professional licensure.

68 SECTION 11. Section 36 of said chapter 13, as so appearing, is hereby amended by
69 striking out, in line 5, the words “public safety” and inserting in place thereof the following
70 words:- the division of professional licensure.

71 SECTION 12. Section 44A of said chapter 13, as so appearing, is hereby amended by
72 striking out, in lines 1 and 2, the words “department of civil service and registration” and
73 inserting in place thereof the following words:- division of professional licensure.

SECTION 13. Section 93 of said chapter 13, as so appearing, is hereby amended by striking out, in lines 3 and 19, each time it appears, the word “director” and inserting in place thereof, in each instance, the following word:- commissioner.

SECTION 14. Section 101 of said chapter 13, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words “the commissioner of public safety or his designee, the director of professional licensure or his designee” and inserting in place thereof the following words:- 7 voting members; 2 of whom will be designees of the commissioner of the division of professional licensure,.

SECTION 15. The title of chapter 22 of the General Laws, as so appearing, is hereby amended by striking out the words “department of public safety” and inserting in place thereof the following words:- division of professional licensure office of public safety and inspections.

SECTION 16. Section 1 of said chapter 22, as so appearing, is hereby amended by striking out, in line 1, the words “a department of public safety” and inserting in place thereof the following words:- an office of public safety and inspections within the division of professional licensure.

SECTION 17. Said section 1 of said chapter 22, as so appearing, is hereby further amended by striking out, in line 2, the words “a commissioner of” and inserting in place thereof the following words:- the commissioner of the division of professional licensure.

SECTION 18. Section 2 of said chapter 22 is hereby repealed.

SECTION 19. Section 3 of said chapter 22 is hereby repealed.

SECTION 20. Section 4A of said chapter 22, as appearing in the 2014 Official Edition, is hereby amended by inserting, in line 3, after the words “a chief” the following words:- or chiefs.

SECTION 21. Section 5 of said chapter 22 is hereby repealed.

SECTION 22. Section 6 of said chapter 22, as appearing in the 2014 Official Edition, is hereby amended by striking out, in line 6, the words “division of inspection” and inserting in place thereof the following words:- office of public safety and inspections.

SECTION 23. Said section 6 of said chapter 22, as so appearing, is hereby further amended by striking out, in line 7, the words “division of inspection” and inserting in place thereof the following word:- office.

SECTION 24. Said section 6 of said chapter 22, as so appearing, is hereby further amended by inserting, in line 8, after the words “building inspectors” the following words:- , elevator inspectors,.

SECTION 25. Said section 6 of said chapter 22, as so appearing, is hereby further amended by inserting, in line 9, after the word “buildings” the following word:- , elevators,.

SECTION 26. Section 6A of said chapter 22, as so appearing, is hereby amended by striking out, in line 2, the word “department” and inserting in place thereof the following word:- division.

SECTION 27. Section 7 of said chapter 22, as so appearing, is hereby amended by striking out, in line 1, the word “department” and inserting in place thereof the following word:- division.

SECTION 28. Section 7A of said chapter 22, as so appearing, is hereby amended by striking out, in lines 2 and 3, the word “department” and inserting in place thereof the following words:- office of public safety and inspections.

SECTION 29. Said section 7A of said chapter 22, as so appearing, is hereby further amended by striking out, in line 4, the word “department” and inserting in place thereof the following word:- division.

SECTION 30. Section 7B of said chapter 22, as so appearing, is hereby amended by striking out, in lines 1 and 2, the word “department” and inserting in place thereof the following words:- division or the department of fire services’ division of inspection.

SECTION 31. Said chapter 22 is hereby amended by striking out section 10 and inserting in place thereof the following section:-

Section 10. The state fire marshal shall appoint a board of boiler rules, consisting of the chief of inspections of the department of fire services, or a boiler inspector of the division of inspection of the department of fire services designated by the state fire marshal, as chairman and 4 associate members, 1 of whom shall be an operating engineer and three shall represent users, manufacturers and insurers of boilers, respectively. Upon the expiration of the term of office of an associate member, his successor shall be appointed for 3 years by the state fire marshal. The associate members shall receive as compensation for service and reimbursement for expenses such sums as the governor and council may determine, not exceeding, in all, \$1,500 a year. Such clerical and other assistants as may be required by the board shall be assigned to it by the state fire marshal.

SECTION 32. Section 10A of said chapter 22, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:

There shall be in the division of professional licensure office of public safety and inspections a bureau to be known as the bureau of pipefitters, refrigeration technicians and sprinkler fitters. The bureau shall consist of 11 members, 1 of whom shall be the commissioner of the division of professional licensure or his designee; and 10 of whom shall be appointed by the governor, 1 of whom shall be a representative of the public, 1 of whom shall be a member of Air Conditioning and Refrigeration Contractors of Boston, who has been in business not less than 10 years as a refrigeration contractor, 1 of whom shall be a refrigeration technician with a minimum of 10 years' experience, 1 of whom shall be a member of the New England Mechanical Contractors Association, Inc., 1 of whom shall be a member of the Massachusetts Building and Construction Trades Council, 1 of whom shall be a pipefitter with a minimum of 10 years' experience, 1 of whom shall be a fire protection sprinkler system contractor who has been in business not less than 10 years as such contractor, 1 of whom shall be a sprinkler fitter with a minimum of 10 years' experience, 1 of whom shall be a mechanical engineer, and 1 of whom shall represent a user. Said members shall be designated in groups of 2 in their initial appointments to serve for 1, 2, 3, and 4 years, respectively. Upon the expiration of the term of office of a member, his successor shall be appointed in the manner aforesaid for 4 years. The commissioner of the division of professional licensure or his designee shall be designated the chairman.

SECTION 33. Section 11 of said chapter 22, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

158 There shall be in the division of professional licensure office of public safety and
159 inspections a board to be known as the board of elevator regulations, which shall consist of 8
160 members, to be appointed by the governor, with the advice and consent of the council, for terms
161 of 4 years each. One of such members shall be a chief of inspections in said division, with
162 power to designate from time to time an inspector in said division to act temporarily as a member
163 of such board, with the same powers and duties as other members of the board, 1 shall be a
164 consulting engineer, 1 shall be the building commissioner of Boston or his designee, 1 shall be
165 the inspector of buildings of some city or town other than Boston, 1 shall be a representative of a
166 liability insurance company licensed to write elevator insurance in the commonwealth, 1 shall be
167 a representative of elevator manufacturers, 1 shall be an experienced elevator constructor, 1 shall
168 be a representative of owners of buildings subject to chapter 143, and 1 shall be a representative
169 of the department of fire services. The governor, with the advice and consent of the council,
170 shall from time to time designate 1 member of said board as chairman.

171 SECTION 34. Section 11A of said chapter 22, as so appearing, is hereby amended by
172 striking out, in line 1, the words “department of public safety” and inserting in place thereof the
173 following words:- division of professional licensure office of public safety and inspections.

174 SECTION 35. Said section 11A of said chapter 22, as so appearing, is hereby further
175 amended by striking out, in line 4, the word “department” and inserting in place thereof the
176 following word:- division.

177 SECTION 36. Section 11B of said chapter 22, as so appearing, is hereby amended by
178 striking out, in line 1, the word “department” and inserting in place thereof the following words:-
179 office of public safety and inspections.

180 SECTION 37. Section 12 of said chapter 22, as so appearing, is hereby amended by
181 striking out, in line 1, the word “department” and inserting in place thereof the following words:-
182 office of public safety and inspections.

183 SECTION 38. Said section 12 of said chapter 22, as so appearing, is hereby further
184 amended by striking out, in line 3, the words “department of public safety” and inserting in place
185 thereof the following words:- division of professional licensure.

186 SECTION 39. Said section 12 of said chapter 22, as so appearing, is hereby further
187 amended by striking out, in line 13 the word “department” and inserting in place thereof the
188 following word:- division.

189 SECTION 40. Section 13A of said chapter 22, as so appearing, is hereby amended by
190 striking out, in line 1, the words “department of public safety” and inserting in place thereof the
191 following words:- office of public safety and inspections within the division of professional
192 licensure.

193 SECTION 41. Said section 13A of said chapter 22, as so appearing, is hereby further
194 amended by striking out, in lines 5 and 7, each time they appear, the words “public safety” and
195 inserting in place thereof, in each instance, the following words:- housing and economic
196 development.

197 SECTION 42. Section 20 of said chapter 22, as so appearing, is hereby amended by
198 striking out, in line 1, the words “department of public safety” and inserting in place thereof the
199 following words:- office of public safety and inspections within the division of professional
200 licensure.

SECTION 43. Section 21 of said chapter 22 is hereby repealed.

SECTION 44. Said chapter 22 is hereby amended by striking out section 22 and inserting in place thereof the following section:-

Section 22. (a) The commissioner of the division of professional licensure may issue a written notice of violation, which shall be a written warning or a citation to assess civil monetary fines of not more than \$5,000 for a violation of the following laws or of regulations adopted thereunder:

(1) section 13A; provided, however, that an inspector assigned to the building division of the office of public safety and inspections within the division of professional licensure or a designee of the architectural access board may also issue a warning or citation under this section;

(2) sections 1, 2 and 64 of chapter 105;

(3) section 205A of chapter 140; provided, however, that an inspector assigned to the building division or the engineering division of the office of public safety and inspections of the division of professional licensure may also issue a warning or citation under this section;

(4) sections 3V, 9 and 50 of chapter 143; provided, however, that an inspector assigned to the building division of the office of public safety and inspections of the division of professional licensure may also issue a warning or citation under these sections;

(5) sections 65, 71 and 71D of chapter 143; provided, however, that an inspector assigned to the elevator division of the office of public safety and inspections of the division of the professional licensure may also issue a warning or citation under this section;

(6) the regulations of the state building code governing licensing of construction supervisors under section 94 of chapter 143; provided, however, that an inspector assigned to the building division of the office of public safety and inspections of the division of the professional licensure may also issue a warning or citation under such regulations;

(7) sections 53 to 54A, inclusive, or section 89 of chapter 146; provided, however, that an inspector assigned to the office of public safety and inspections of the division of the professional licensure may also issue a warning or citation under these sections;

(8) sections 57 and 60 of chapter 147; and

(9) section 20.

(b) The commissioner may issue a written notice of violation, which shall be a written warning or a citation to assess civil monetary fines of not more than \$1,000 for a violation of sections 71K and 71N of chapter 143; provided, however, that a designee of the recreational tramway board may also issue a warning or citation under said sections 71K and 71N.

(c) The commissioner may adopt regulations for the administration and enforcement of this section.

(d) The individual issuing the written notice of violation shall indicate on the notice that it is for: (i) a written warning or a citation; and (ii) a violation of the specific law or regulation referenced in subsection (a).

(e) A person, firm or corporation who is issued a citation in a written notice of violation may appeal to a hearing officer designated by the secretary of housing and economic development within 30 days after receipt of the notice. All appeal hearings shall be held in

242 accordance with the standard rules governing informal adjudicatory proceedings adopted
243 pursuant to section 9 of chapter 30A.

244 (f) A person, firm or corporation who is issued a citation in a written notice of a violation
245 and who fails to: (i) pay the fines assessed within 30 days after receipt of the notice; (ii) appeal
246 within the 30 days; or (iii) appear at a scheduled appeal hearing, shall be deemed responsible for
247 the violation as stated in the notice. The finding of responsibility shall be admissible as prima
248 facie evidence of responsibility for the violation in any civil proceeding regarding the violation,
249 in any proceeding to suspend or revoke a license, permit or certificate and in any criminal
250 proceeding.

251 (g) The commissioner may assess a fee for appeals filed pursuant to this section, to be
252 determined by the secretary of administration and finance pursuant to section 3B of chapter 7.

253 SECTION 45. Section 9H of chapter 23 of the General Laws, as appearing in the 2014
254 Official Edition, is hereby amended by striking out, in lines 6 and 7, the words “public safety”
255 and inserting in place thereof the following words:- the division of professional licensure.

256 SECTION 46. Section 11H of said chapter 23, as so appearing, is hereby amended by
257 striking out, in line 40, the words “and the department of public safety”.

258 SECTION 47. Section 25 of said chapter 23, as so appearing, is hereby amended by
259 striking out, in lines 22 and 23, the words “commissioner of public safety” and inserting in place
260 thereof the following words:- secretary of public safety and security.

261 SECTION 48. Said section 25 of said chapter 23, as so appearing, is hereby further
262 amended by striking out, in line 23, the word “director” and inserting in place thereof the word:-
263 commissioner.

264 SECTION 49. Section 2AAAA of chapter 29 of the General Laws, as so appearing, is
265 hereby amended by striking out, in lines 4 and 9, each time they appear, the words “department
266 of public safety” and inserting in place thereof, in each instance, the following words:- division
267 of professional licensure.

268 SECTION 50. Section 50 of chapter 30 of the General Laws, as so appearing, is hereby
269 amended by striking out, in line 8, the words “division of inspections of the department of public
270 safety,” and inserting in place thereof the following:- office of public safety and inspections of
271 the division of professional licensure, of the department of fire services,.

272 SECTION 51. Said section 50 of said chapter 30, as so appearing, is hereby further
273 amended by striking out, in line 9, the words “of said department”.

274 SECTION 52. Section 48 of chapter 31 of the General Laws, as so appearing, is hereby
275 amended by striking out, in line 14, the words “department of public safety” and inserting in
276 place thereof the following words:- office of public safety and inspections of the division of
277 professional licensure.

278 SECTION 53. Section 3 of chapter 32 of the General Laws, as amended by chapter 86 of
279 the Acts of 2015, is hereby further amended by striking out, in line 256, the words “department
280 of public safety” and inserting in place thereof the following words:- office of public safety and
281 inspections of the division of professional licensure and the division of inspection of the
282 department of fire services.

SECTION 54. Section 89 of said chapter 32, as appearing in the 2014 Official Edition, is hereby amended by striking out, in line 83, the words “department of public safety” and inserting in place thereof the following words:- office of public safety and inspections of the division of professional licensure and the division of inspection of the department of fire services.

SECTION 55. Section 44A of chapter 48 of the General Laws, as so appearing, is hereby amended by striking out, in lines 5 and 6, the words “department of public safety” and inserting in place thereof the following words:- department of fire services.

SECTION 56. Section 3 of chapter 62C of the General Laws, as so appearing, is hereby amended by striking out, in lines 42, 52 and 53, each time they appear, the words “commissioner of public safety” and inserting in place thereof, in each instance, the following words:- colonel of the state police.

SECTION 57. Chapter 82A of the General Laws is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. An excavator shall not leave an open trench unattended without first making reasonable effort to eliminate any recognized safety hazard that may exist as a result of leaving the open trench unattended. The commissioner of the division of professional licensure, in conjunction with the director of labor and workforce development, or his designee, shall promulgate rules and regulations governing all construction related excavations and trench safety. The rules and regulations shall include, but not be limited to, a description of recognized safety hazards that may exist as a result of leaving open trenches or excavations unattended, a description of the procedures required or recommended by the division of professional licensure to eliminate safety hazards which may include covering, barricading or otherwise protecting

305 open trenches from accidental entry, and a penalty structure for each violation of the proposed
306 rules and regulations to be imposed by the agency empowered with ensuring compliance with the
307 rules and regulations. This penalty structure shall include the imposition of a fine for each
308 violation of the regulations promulgated pursuant to this section. Any such fines collected by the
309 office of public safety and inspections of the division of professional licensure or the department
310 of labor and workforce development shall be available for expenditure, without further
311 appropriation, by those agencies in an amount not to exceed \$100,000 during each fiscal year for
312 the sole purpose of providing construction safety training for licensed operators of hoisting
313 equipment, police department officials, fire department officials and building officials. Those
314 agencies may also charge a reasonable fee to help defray the costs associated with said training.
315 Any monies collected from the imposition of these fines in excess of \$100,000 shall be
316 transmitted monthly by those departments to the state treasurer who shall then deposit the excess
317 funds into the General Fund. The office of public safety and inspections of the division of
318 professional licensure, in conjunction with the department of labor and workforce development,
319 shall file a report detailing the amount of fines imposed, collected and expended pursuant to this
320 section with the house and senate committees on ways and means and with the joint committee
321 on public safety not later than August 15 of each year. The rules and regulations shall not be
322 effective until the office of public safety and inspections of the division of professional licensure
323 has received a formal determination from the United States Secretary of Labor that the proposed
324 rules or regulations do not seek to assume responsibility for development and enforcement
325 therein of occupational safety and health standards relating to any occupational safety or health
326 issue with respect to which a federal standard has already been promulgated under 29 U.S.C.
327 section 667 or until the rules and regulations are approved by the United States Secretary of

328 Labor as a state plan for the development of the standards and their enforcement pursuant to 29
329 U.S.C. section 667(c).

330 SECTION 58. Section 2 of said chapter 82A, as appearing in the 2014 Official Edition,
331 is hereby amended by striking out, in line 6, the words “department of public safety” and
332 inserting in place thereof the following words:- office of public safety and inspections of the
333 division of professional licensure.

334 SECTION 59. Section 3 of said chapter 82A, as so appearing, is hereby amended by
335 striking out, in lines 16 and 29, each time they appear, the words “department of public safety”
336 and inserting in place thereof, in each instance, the following words:- office of public safety and
337 inspections of the division of professional licensure.

338 SECTION 60. Section 32H of chapter 90 of the General Laws, as so appearing, is hereby
339 amended by striking out, in line 35, the words “commissioner of public safety” and inserting in
340 place thereof the words:- colonel of the state police.

341 SECTION 61. Section 1 of chapter 90A of the General Laws, as so appearing, is hereby
342 amended by striking out, in line 6, the words “commissioner of public safety” and inserting in
343 place thereof the following words:- secretary of public safety and security or his designee.

344 SECTION 62. Section 18A of chapter 93 of the General Laws, as so appearing, is hereby
345 amended by striking out, in lines 3 and 4, the words “public safety” and inserting in place thereof
346 the following words:- the division of professional licensure.

SECTION 63. Section 1 of chapter 105 of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the words “public safety” and inserting in place thereof the following words:- division of professional licensure.

SECTION 64. Section 51 of chapter 111 of the General Laws, as so appearing, is hereby amended by striking out the sixth, seventh, and eighth paragraphs and inserting in place thereof the following 3 paragraphs:

No original license shall be issued nor shall a license be renewed hereunder unless there shall be first submitted to the department by the authorities in charge of the hospital, the institution for unwed mothers or the clinic, with respect to each building occupied by patients, (1) a certificate of inspection of the egresses, the means of preventing the spread of fire and the apparatus for extinguishing fire, issued by an inspector of the office of public safety and inspections of the division of professional licensure, and (2) a certificate of inspection issued by the head of the local fire department certifying compliance with the local ordinances.

Any applicant for an original or renewal license who is aggrieved by a written disapproval of a certificate of inspection by the head of the local fire department or by the office of public safety and inspections of the division of professional licensure, may, within 30 days from such disapproval, appeal in writing, to the division of professional licensure. Failure to either approve or disapprove within 30 days, after a written request by an applicant, shall be deemed a disapproval.

If the division of professional licensure approves the issuance of a certificate of inspection, it shall forthwith be issued by the agency that failed to approve. If said division disapproves, the applicant may appeal therefrom to the superior court. Failure of the division of

professional licensure to either approve or disapprove the issuance of a certificate of inspection within 30 days after receipt of an appeal shall be deemed a disapproval. No original license shall be issued and no license shall be renewed by the department of public health until issuance of an approved certificate of inspection, as required in this section.

SECTION 65. Section 71 of said chapter 111, as so appearing, is hereby amended by striking out lines 88 through 123, inclusive, and inserting in place thereof the following 3 paragraphs:

No original license shall be issued or no license renewed hereunder unless there shall be first submitted to the department by the authorities in charge of the convalescent or nursing home, infirmary maintained in a town, rest home, charitable home for the aged or intermediate care facility for the mentally retarded with respect to each building occupied by patients, (1) a certificate of inspection of the egresses, the means of preventing the spread of fire and apparatus for extinguishing fire, issued by an inspector of the office of public safety and inspections of the division of professional licensure; provided, however, that with respect to convalescent or nursing homes only, the division of health care quality of the department of public health shall have sole authority to inspect for and issue such certificate, and (2) a certificate of inspection issued by the head of the local fire department certifying compliance with the local ordinances.

Any applicant for an original or renewal license who is aggrieved, on the basis of a written disapproval of a certificate of inspection by the head of the local fire department or by the office of public safety and inspections of the division of professional licensure, may, within 30 days from such disapproval, appeal in writing to the division of professional licensure. With respect to certificates of inspection that the division of health care quality of the department of

public health has the sole authority to issue, an applicant may, within 30 days from disapproval of a certificate of inspection, appeal in writing to the department of public health only. Failure to either approve or disapprove within 30 days, after a written request by an applicant, shall be deemed a disapproval.

If the division of professional licensure or, where applicable, the department of public health approves the issuance of a certificate of inspection, it shall forthwith be issued by the agency that failed to approve. If said department disapproves, the applicant may appeal therefrom to the superior court. Failure of said department to either approve or disapprove the issuance of a certificate of inspection within thirty days after receipt of an appeal shall be deemed a disapproval. No original license shall be issued or no license shall be renewed by the department of public health until issuance of an approved certificate of inspection, as required in this section.

SECTION 66. Section 13 of chapter 111C of the General Laws, as so appearing, is hereby amended by striking out, in line 7, the words “commissioner of public safety” and inserting in place thereof the following words:- secretary of public safety and security.

SECTION 67. Section 1 of chapter 112 of the General Laws, as so appearing, is hereby amended by striking out, in lines 1 and 6, each time it appears, the word “director” and inserting in place thereof, in each instance, the following word:- commissioner.

SECTION 68. Section 1B of said chapter 112, as amended by section 94 of chapter 46 of the Acts of 2015, is hereby further amended by striking out, in lines 1, 44, and 61, each time it appears, the word “director” and inserting in place thereof, in each instance the following words:- commissioner of the division of professional licensure.

SECTION 69. Said section 1B of said chapter 112, as so amended, is hereby further amended by striking out, in line 2, the word “director’s” and inserting in place thereof the following word:- commissioner’s.

SECTION 70. Said section 1B of said chapter 112, as so amended, is hereby further amended by striking out, in lines 45 and 62, each time it appears, the word “director” and inserting in place thereof, in each instance, the following word:- commissioner.

SECTION 71. Section 87CC of said chapter 112, as amended by section 5 of chapter 70 of the Acts of 2016, is hereby further amended by striking out, each time it appears, the word “director” and inserting in place thereof, in each instance, the following word:- commissioner.

SECTION 72. Section 94A of said chapter 112, as appearing in the 2014 Official Edition, is hereby amended by striking out, in line 32, the word “director” and inserting in place the following word:- commissioner.

SECTION 73. Section 229 of said chapter 112, as so appearing, is hereby amended by striking out, in line 24, the words “director of professional licensure” and inserting in place thereof the following words:- commissioner of the division of professional licensure.

SECTION 74. Said section 229 of said chapter 112, as so appearing, is hereby amended by striking out, in line 28, the word “director” and inserting in place thereof the following word:- commissioner.

SECTION 75. Section 233 of said chapter 112, as so appearing, is hereby amended by striking out, in lines 10 and 11, the words “director of professional licensure” and inserting in place thereof the following words:- commissioner of the division of professional licensure.

434 SECTION 76. Section 250 of said chapter 112, as so appearing, is hereby amended by
435 striking out, in line 1, the words “director of professional licensure” and inserting in place
436 thereof the following words:- commissioner of the division of professional licensure.

437 SECTION 77. Said section 250 of said chapter 112, as so appearing, is hereby amended
438 by striking out, in line 5, the word “director” and inserting in place thereof the following word:-
439 commissioner.

440 SECTION 78. Section 263 of said chapter 112, as so appearing, is hereby amended by
441 striking out, in lines 126, 405, 411, 412, 414, 419, 422, 424, 428, 429, and 432, each time it
442 appears, the word “director” and inserting in place thereof, in each instance, the following word:-
443 commissioner.

444 SECTION 79. Section 26 of chapter 121B of the General Laws, as so appearing, is
445 hereby amended by striking out, in lines 99 and 100, the words “department of public safety” and
446 inserting in place thereof the following words:- office of public safety and inspections of the
447 division of professional licensure.

448 SECTION 80. Section 28 of said chapter 121B, as so appearing, is hereby amended by
449 striking out, in lines 7, 29 and 30, each time they appear, the words “supervisor of plans of the
450 department of public safety” and inserting in place thereof, in each instance, the following
451 words:- division of professional licensure.

452 SECTION 81. Section 87 of chapter 127 of the General Laws, as so appearing, is hereby
453 amended by striking out, in lines 9 and 10, the words “commissioner of public safety” and
454 inserting in place thereof the following words:- colonel of the state police.

455 SECTION 82. Section 4 of chapter 136 of the General Laws, as so appearing, is hereby
456 amended by striking out, in lines 19, 24, and 30, each time they appear, the words “public safety”
457 and inserting in place thereof, in each instance, the following words:- the division of professional
458 licensure.

459 SECTION 83. Section 180B of chapter 140 of the General Laws, as so appearing, is
460 hereby amended by striking out, in line 5, the words “public safety” and inserting in place
461 thereof the following words:- the division of professional licensure.

462 SECTION 84. Section 180C of said chapter 140, as so appearing, is hereby amended by
463 inserting, in line 2, after the word “commissioner” the following words:- of the division of
464 professional licensure.

465 SECTION 85. Said section 180C of said chapter 140, as so appearing, is hereby further
466 amended by striking out, in lines 22, the words “department of public safety” and inserting in
467 place thereof the words:- division of professional licensure.

468 SECTION 86. Section 180G of said chapter 140, as so appearing, is hereby amended by
469 striking out, in line 1, the words “public safety” and inserting in place thereof the following
470 words:- the division of professional licensure.

471 SECTION 87. Section 181A of said chapter 140, as so appearing, is hereby amended by
472 striking out, in lines 3 and 4, the words “public safety” and inserting in place thereof the
473 following words:- the division of professional licensure.

SECTION 88. Section 183 of said chapter 140, as so appearing, is hereby amended by striking out, in line 8, the words “public safety” and inserting in place thereof the following words:- the division of professional licensure.

SECTION 89. Section 183A of said chapter 140, as so appearing, is hereby amended by striking out, in line 98, the words “public safety” and inserting in place thereof the following words:- the division of professional licensure.

SECTION 90. Section 185A of said chapter 140, as so appearing, is hereby amended by striking out, in line 9, the words “public safety” and inserting in place thereof the following words:- the division of professional licensure.

SECTION 91. Section 205A of said chapter 140, as so appearing, is hereby amended by striking out, in lines 4, 5 and 108, each time they appear, the words “public safety” and inserting in place thereof, in each instance, the following words:- the division of professional licensure.

SECTION 92. Said section 205A of said chapter 140, as so appearing, is hereby further amended by striking out, in line 18, the words “section 62” and inserting in place thereof the following words:- section 62A.

SECTION 93. Said section 205A of said chapter 140, as so appearing, is hereby further amended by striking out, in line 54, the words “department of public safety” and inserting in place thereof the following words:- division of professional licensure.

SECTION 94. Said section 205A of said chapter 140, as so appearing, is hereby further amended by striking out, in line 60, the words “division of inspection” and inserting in place

494 thereof the following words:- office of public safety and inspections of the division of
495 professional licensure.

496 SECTION 95. Section 1A of chapter 141 of the General Laws, as so appearing, is hereby
497 amended by striking out, in lines 8 and 9, the words “public safety” and inserting in place thereof
498 the following words:- the division of professional licensure.

499 SECTION 96. Section 17 of chapter 142 of the General Laws, as so appearing, is hereby
500 amended by striking out, in lines 23, 24, 28 and 29, each time they appear, the words
501 “department of public safety” and inserting in place thereof, in each instance, the following
502 words:- department of fire services.

503 SECTION 97. Section 1 of chapter 143 of the General Laws, as so appearing, is hereby
504 amended by striking out, in line 16, the words “public safety” and inserting in place thereof the
505 following words:- the division of professional licensure.

506 SECTION 98. Said section 1 of said chapter 143, as so appearing, is hereby further
507 amended by striking out, in line 17, the definition of “Department” and inserting in place thereof
508 the following definition:- “Division”, the division of professional licensure.

509 SECTION 99. Said section 1 of said chapter 143, as so appearing, is hereby further
510 amended by striking out, in lines 18 and 19, the words “division of inspection of the department”
511 and inserting in place thereof the following words:- office of public safety and inspections of the
512 division of professional licensure.

513 SECTION 100. Section 3A of said chapter 143, as so appearing, is hereby amended by
514 striking out, in line 24, the word “commission” and inserting in place thereof the following
515 words:- board of building regulations and standards.

516 SECTION 101. Section 3Q of said chapter 143, as so appearing, is hereby amended by
517 striking out, in lines 8, 11, 15, 21, each time it appears, the word “department” and inserting in
518 place thereof, in each instance, the following word:- division.

519 SECTION 102. Section 3T of said chapter 143, as so appearing, is hereby amended by
520 striking out, in line 6, the word “department” and inserting in place thereof the following words:-
521 division of professional licensure.

522 SECTION 103. Section 13 of said chapter 143, as so appearing, is hereby amended by
523 striking out, in line 1, the words “division of inspection” and inserting in place thereof the
524 following words:- office of public safety and inspections of the division of professional
525 licensure.

526 SECTION 104. Section 62A of said chapter 143, as so appearing, is hereby amended by
527 striking out, in lines 6 and 7, the words “department of public safety” and inserting in place
528 thereof the following words:- division of professional licensure.

529 SECTION 105. Section 64 of said chapter 143, as amended by section 97 of chapter 133
530 of the Acts of 2016, is hereby further amended by striking out the words “secretary of public
531 safety” and inserting in place thereof the words:- secretary of housing and economic
532 development.

SECTION 106. Section 65 of said chapter 143, as amended by section 99 of chapter 102 of the Act of 2016, is hereby further amended by striking out, each time it appears, the word “department” and inserting in place thereof, in each instance, the following word:- division.

SECTION 107. Section 68 of said chapter 143, as appearing in the 2014 Official Edition, is hereby amended by striking out, in line 8, the words “division of inspection” and inserting in place thereof the following words:- office of public safety and inspections.

SECTION 108. Said section 68 of said chapter 143, as so appearing, is hereby further amended by striking out, in line 9, the words “public safety” and inserting in place thereof the following words:- the division of professional licensure.

SECTION 109. Section 71A of said chapter 143, as so appearing, is hereby amended by striking out, in line 1, the word “department” and inserting in place thereof the following words:- office of public safety and inspections of the division of professional licensure.

SECTION 110. Said section 71A of said chapter 143, as so appearing, is hereby further amended by striking out, in line 4, the word “department” and inserting in place thereof the following word:- division.

SECTION 111. Section 71B of said chapter 143, as so appearing, is hereby amended by striking out, in line 15, the words “department of public safety” and inserting in place thereof the following words:- division of professional licensure.

SECTION 112. Section 71G of said chapter 143, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words “public safety” and inserting in place thereof the following words:- the division of professional licensure.

554 SECTION 113. Section 71H of said chapter 143, as so appearing, is hereby amended by
555 striking out, in lines 1, 4 and 5, each time it appears, the word “department” and inserting in
556 place thereof, in each instance, the following word:- division.

557 SECTION 114. Section 72 of said chapter 143, as so appearing, is hereby amended by
558 striking out, in line 7, the words “public safety” and inserting in place thereof the following
559 words:- the division of professional licensure.

560 SECTION 115. Section 73 of said chapter 143, as so appearing, is hereby amended by
561 striking out, in line 3 and 4, the words “public safety” and inserting in place thereof the
562 following words:- the division of professional licensure.

563 SECTION 116. Section 81 of said chapter 143, as so appearing, is hereby amended by
564 striking out, in lines 3 and 4, the words “public safety” and inserting in place thereof the
565 following words:- the division of professional licensure.

566 SECTION 117. Section 82 of said chapter 143, as so appearing, is hereby amended by
567 striking out, in line 1, the words “public safety” and inserting in place thereof the following
568 words:- the division of professional licensure.

569 SECTION 118. Section 84 of said chapter 143, as so appearing, is hereby amended by
570 striking out, in line 4, the words “public safety” and inserting in place thereof the following
571 words:- the division of professional licensure.

572 SECTION 119. Section 85 of said chapter 143, as so appearing, is hereby amended by
573 striking out, in line 2, the words “public safety” and inserting in place thereof the following
574 words:- the division of professional licensure.

575 SECTION 120. Section 93 of said chapter 143, as so appearing, is hereby amended by
576 striking out, in lines 1 and 2, the words “department of public safety” and inserting in place
577 thereof the following words:- division of professional licensure.

578 SECTION 121. Said section 93 of said chapter 143, as so appearing, is hereby further
579 amended by striking out, in lines 7 and 8, the words “chief of inspections of the division of
580 inspection of the department of public safety” and inserting in place thereof the following
581 words:- commissioner of the division of professional licensure.

582 SECTION 122. Said section 93 of said chapter 143, as so appearing, is hereby further
583 amended by striking out, in line 46, the words “chief of inspections” and inserting in place
584 thereof the following words:- commissioner of the division of professional licensure or his or her
585 designee.

586 SECTION 123. Said section 93 of said chapter 143, as so appearing, is hereby further
587 amended by striking out, in line 48, the word “department” and inserting in place thereof the
588 following word:- division.

589 SECTION 124. Section 94 of said chapter 143, as amended by section 111 of chapter 46
590 of the Acts of 2015, is hereby further amended by striking out, in paragraph (n), the words
591 “public safety” and inserting in place thereof the following words:- the division of professional
592 licensure.

593 SECTION 125. Section 97 of said chapter 143, as appearing in the 2014 Official Edition,
594 is hereby amended by striking out, in lines 21 and 22, the words “public safety” and inserting in
595 place thereof the following words:- housing and economic development.

596 SECTION 126. Section 100 of said chapter 143, as so appearing, is hereby amended by
597 striking out, in line 1, the words “department of public safety” and inserting in place thereof the
598 following words:- division of professional licensure.

599 SECTION 127. Section 1 of chapter 146 of the General Laws, as so appearing, is hereby
600 amended by striking out, in lines 14, 18, 19, and 21, each time they appear, the words “public
601 safety” and inserting in place thereof, in each instance, the following words:- fire services.

602 SECTION 128. Said section 1 of said chapter 146, as so appearing, is hereby further
603 amended by striking out, in line 15, the definition for “Commissioner”.

604 SECTION 129. Said chapter 146 is hereby amended by inserting after section 1 the
605 following section:-

606 Section 1A. Inspectors; appointment; powers and duties; appointment as special state
607 police; oath of office

608 (a) The state fire marshal shall appoint a chief of inspections, who shall not be subject to
609 the provisions of chapter 31, who may be removed for cause, and the position of chief of
610 inspections shall be classified in accordance with section 45 of chapter 30 and the salary shall be
611 determined in accordance with section 46C of said chapter 30. The state fire marshal shall
612 establish the requirements and qualifications for inspectors who are employed by the division of
613 inspection and appointed pursuant to section 6 and shall have administrative responsibility over
614 such inspectors.

615 (b) The state fire marshal may appoint, transfer and remove inspectors, experts, clerks
616 and other assistants. District engineering inspectors in the division of inspection shall not be

subject to any civil service rules. The state fire marshal shall establish the requirements and qualifications for officers and inspectors appointed pursuant to this section.

(c) All inspectors of the division of inspection in the department shall have and exercise throughout the commonwealth the powers of constables, police officers and watchmen, except as to the service of civil process. The governor may command their services in suppressing riots and in preserving the peace. The state fire marshal may request the colonel of state police to appoint such inspectors as special state police officers and invest them with such of the powers of the state police officers as said colonel may deem advisable. The state fire marshal, with the approval of the governor, may authorize the inspectors of the division to carry badges, revolvers, clubs, handcuffs and twisters, or such other articles as may be required in the performance of their duties.

(d) Each inspector shall, before entering upon the performance of his duties, be sworn to the faithful performance thereof, and unless his oath of office is taken within 10 days after the date of his appointment, the appointment shall be void.

SECTION 130. Section 2 of said chapter 146, as appearing in the 2014 Official Edition, is hereby amended by striking out, in line 15, the word “commissioner” and inserting in place thereof the following words:- state fire marshal.

SECTION 131. Section 6 of said chapter 146, as so appearing, is hereby amended by striking out, in lines 8 and 9, the words “public safety” and inserting in place thereof the following words:- fire services.

637 SECTION 132. Section 14 of said chapter 146, as so appearing, is hereby amended by
638 striking out, in line 7, the word “commissioner” and inserting in place thereof the following
639 words:- state fire marshal.

640 SECTION 133. Section 16 of said chapter 146, as so appearing, is hereby amended by
641 striking out, in line 3, the word “commissioner” and inserting in place thereof the following
642 words:- state fire marshal.

643 SECTION 134. Section 22 of said chapter 146, as so appearing, is hereby amended by
644 striking out, in lines 2 and 8, each time it appears, the word “commissioner” and inserting in
645 place thereof, in each instance, the following words:- state fire marshal.

646 SECTION 135. Section 37 of said chapter 146, as so appearing, is hereby amended by
647 striking out, in line 2, the word “commissioner” and inserting in place thereof the following
648 words:- state fire marshal.

649 SECTION 136. Section 38 of said chapter 146, as so appearing, is hereby amended by
650 striking out, in line 2, the word “commissioner” and inserting in place thereof “state fire
651 marshal”.

652 SECTION 137. Section 40 of said chapter 146, as so appearing, is hereby amended by
653 striking out, in lines 3 and 6, each time it appears, the word “commissioner” and inserting in
654 place thereof, in each instance, the following words:- state fire marshal.

655 SECTION 138. Section 46 of said chapter 146, as so appearing, is hereby amended by
656 striking out, in line 11, the word “commissioner” and inserting in place thereof the following
657 words:- state fire marshal.

658 SECTION 139. Section 46A of said chapter 146, as so appearing, is hereby amended by
659 striking out, in line 1, the word “commissioner” and inserting in place thereof the following
660 words:- state fire marshal.

661 SECTION 140. Section 49 of said chapter 146, as so appearing, is hereby amended by
662 striking out, in line 45, the word “commissioner” and inserting in place thereof the following
663 words:- state fire marshal.

664 SECTION 141. Section 50 of said chapter 146, as so appearing, is hereby amended by
665 striking out, in line 70, the words “public safety” and inserting in place thereof the following
666 words:- fire services.

667 SECTION 142. Section 50A of said chapter 146, as so appearing, is hereby amended by
668 striking out, in lines 57 and 58, the words “engineering section of the department of public
669 safety” and inserting in place thereof the following words:- division of inspection of the
670 department of fire services.

671 SECTION 143. Section 53 of said chapter 146, as amended by section 105 of chapter
672 133 of the Acts of 2016, is hereby further amended by striking out, in paragraph (b), the words
673 “commissioner shall classify” and inserting in place thereof the following words:- commissioner
674 of the division of professional licensure shall classify.

675 SECTION 144. Said section 53 of said chapter 146, as so amended, is hereby further
676 amended by striking out, each time it appears, the word “department” and inserting in place
677 thereof, in each instance, the following words:- division of professional licensure.

678 SECTION 145. Said section 53 of said chapter 146, as so amended, is hereby further
679 amended by striking out, in subparagraph (d)(1), the words “a district engineering inspector” and
680 inserting in place thereof the following words:- an inspector of the office of public safety and
681 inspections of the division of professional licensure.

682 SECTION 146. Said section 53 of said chapter 146, as so amended, is hereby further
683 amended by striking out, in subparagraph (d)(2), the words “a district engineering” and inserting
684 in place thereof the following word:- an.

685 SECTION 147. Section 53A of said chapter 146, as appearing in the 2014 Official
686 Edition, is hereby amended by inserting, in line 1, after the word “commissioner” the following
687 words:- of the division of professional licensure.

688 SECTION 148. Said section 53A of said chapter 146, as so appearing, is hereby further
689 amended by striking out, in lines 7 and 8, the word “department” and inserting in place thereof
690 the following words:- division of professional licensure.

691 SECTION 149. Said chapter 146 is hereby amended by striking section 56 and inserting
692 in place thereof the following 2 sections:-

693 Section 56. The chief and inspectors of the division of inspection of the department of
694 fire services shall act, as provided in sections 57, 58, 59, 60, 61, 62, 63, 64, 66, and 67, as
695 examiners of applicants for certificates of competency to inspect boilers, and for licenses as
696 engineers or firemen. The chief or any such inspector may administer the oath to applicants.

697 Section 56A. The inspectors of the office of public safety and inspections of the division
698 of professional licensure shall act, as provided in sections 57A, 58, 59, 60A, 61A, 62A, 63, 64,

65, 65A, 66A, and 67 as examiners of applicants for certificates of competency to operate hoisting machinery and to inspect amusement devices. Any such inspector or the commissioner of the division of professional licensure may administer the oath to applicants. The commissioner of the division of professional licensure may authorize a person or entity offering the short term rental of compact hoisting equipment to examine applicants and issue temporary permits according to regulation promulgated by the division of professional licensure.”

SECTION 150. Section 57 of said chapter 146, as amended by section 106 of chapter 133 of the Acts of 2016, is hereby further amended by striking out the words “or as an operator of hoisting machinery not run by steam”.

SECTION 151. Said section 57 of said chapter 146, as so amended, is hereby further amended by striking out the words “; and for a license for operation hoisting machinery not run by steam”.

SECTION 152. Said chapter 146 is hereby amended by inserting after section 57 the following section:-

Section 57A. Each application for a license as an operator of hoisting machinery not run by steam shall be made upon a blank furnished by the division of professional licensure, signed and sworn to by the applicant, and shall show the total experience of the applicant. Each such application for a license for operating hoisting machinery not run by steam shall be accompanied by an examination fee to be determined annually by the commissioner of administration under the provision of section 3B of chapter 7. Each such application shall entitle the applicant to one examination only, except in case of an appeal under section 66A; provided, however, that no person shall make application hereunder for a license of any particular class oftener than once in

721 60 days. The fee for an examination on appeal shall be determined annually under the
722 aforementioned chapter 7 provision.

723 SECTION 153. Section 60 of said chapter 146, as appearing in the 2014 Official Edition,
724 is hereby amended by striking out, in line 2, the words “or an inspector of amusement devices”.

725 SECTION 154. Said section 60 of said chapter 146, as so appearing, is hereby further
726 amended by striking out the second sentence.

727 SECTION 155. Said chapter 146 is hereby amended by inserting after section 60 the
728 following section:-

729 Section 60A. The application of a person desiring to act as an inspector of amusement
730 devices for an insurance company shall be accompanied by a written request of said company for
731 an examination of such person, together with a fee, the amount of which shall be determined
732 annually by the commissioner of administration. An individual, who is an employee of an
733 amusement park or who performs or has performed inspections of amusement devices for the
734 commonwealth shall be eligible for a certificate of competency to inspect amusement devices.

735 SECTION 156. Section 61 of said chapter 146, as appearing in the 2014 Official Edition,
736 is hereby amended by inserting, in line 1, after the word “division” the following words:- of
737 inspection of the department of fire services.

738 SECTION 157. Said section 61 of said chapter 146, as so appearing, is hereby further
739 amended by striking out, in lines 5, 6 and 7, the words “, and, in the case of an applicant for a
740 certificate of competency to inspect amusement devices, shall be examined in such matters as the
741 inspectors shall deem relevant”.

742 SECTION 158. Said chapter 146 is hereby amended by inserting after section 61 the
743 following section:-

744 Section 61A. Three inspectors of the office of inspections of the division of professional
745 licensure shall act as a board of examiners for the certification of competency to inspect
746 amusement devices. The applicant shall be examined in such matters as the inspectors shall
747 deem relevant.

748 SECTION 159. Section 62 of said chapter 146, as appearing in the 2014 Official Edition,
749 is hereby amended by striking out, in lines 2 and 3, the words “or to inspect amusement devices”.

750 SECTION 160. Said section 62 of said chapter 146, as so appearing, is hereby further
751 amended by striking out, in lines 13 and 14, the words “or amusement devices”.

752 SECTION 161. Said section 62 of said chapter 146, as so appearing, is hereby further
753 amended by inserting, in line 35, after the word “division” the following words:- of inspection of
754 the department of fire services.

755 SECTION 162. Said chapter 146 is hereby amended by inserting after section 62 of
756 chapter 146 the following section:-

757 Section 62A. If the applicant is found competent he shall receive a certificate of
758 competency to inspect amusement devices; provided, however, that if the holder of a certificate
759 ceases to be employed as an inspector for a period of one year or more his certificate shall lapse
760 and he shall be required to submit to reexamination for a new certificate. The fee for such
761 reexamination shall be determined annually by the commissioner of administration under the
762 provision of section 3B of chapter 7. Said certificate shall continue in force until the date of

763 birth of the holder of the certificate occurring more than 12 months but not more than 24 months
764 after the effective date of such certificate unless sooner revoked.

765 If any such certificate of competency to inspect amusement devices or the renewal
766 thereof expires in any even-numbered year, any subsequent renewal shall expire on the next
767 anniversary of the holder's date of birth occurring in an even year.

768 If any such certificate of competency to inspect amusement devices or renewal thereof
769 expires in an odd year, any subsequent renewal shall expire on the next anniversary of the
770 holder's date of birth occurring in an odd year. A certificate of competency to inspect
771 amusement devices issued to a person born on February 29 shall, for the purposes of this section,
772 expire on March 1. The fee for the renewal of the certificate of competency shall be determined
773 pursuant to the aforementioned chapter 7 provision. Certificates not renewed at expiration date
774 shall become void, and shall after 1 year be reinstated only by reexamination of the former
775 holder of the certificate; provided, however, that if the holder of a certificate of competency is on
776 active duty with the armed forces of the United States, the certificate shall remain valid until the
777 holder is released from active duty and for a period of not less than 90 days following that
778 release. A notice of the date of expiration of a certificate of competency to inspect amusement
779 devices shall, at least 30 days prior to such date, be sent to the holder of the certificate. The
780 inspector of the office of public safety and inspections of the division of professional licensure
781 for the town where a holder of the certificate resides may issue a renewal certificate. A person
782 whose certificate of competency is suspended or revoked shall surrender his certificate to a chief
783 or an inspector of the office of public safety and inspections of the division of professional
784 licensure.

785 SECTION 163. Section 63 of said chapter 146, as appearing in the 2014 Official Edition,
786 is hereby amended by striking out, in line 3, the word “commissioner” and inserting in place
787 thereof the following words:- issuing authority.

788 SECTION 164. Said section 63 of said chapter 146, as so appearing, is hereby further
789 amended by striking out, in line 10, the words “said commissioner” and inserting in place thereof
790 the following words:- head of said issuing authority.

791 SECTION 165. Section 64 of said chapter 146, as so appearing, is hereby amended by
792 striking out, in lines 5 and 6, the word “commissioner” and inserting in place thereof the
793 following words:- state fire marshal.

794 SECTION 166. Section 65 of said chapter 146, as so appearing, is hereby amended by
795 striking out, in line 2, the word “department” and inserting in place thereof the following words:-
796 division of professional licensure.

797 SECTION 167. Said section 65 of said chapter 146, as so appearing, is hereby further
798 amended by inserting, in line 3, after the word “commissioner” the following words:- of the
799 division of professional licensure.

800 SECTION 168. Section 65A of said chapter 146, as so appearing, is hereby amended by
801 inserting, in line 7, after the word “commissioner” the following words:- of the division of
802 professional licensure.

803 SECTION 169. Section 66 of said chapter 146, as so appearing, is hereby amended by
804 striking out, in lines 2 and 3, the words “, fireman or operator of hoisting machinery” and
805 inserting in place thereof the following words:- or fireman.

806 SECTION 170. Said section 66 of said chapter 146, as so appearing, is hereby further
807 amended by inserting, in line 4, after the word “chief” the following words:- of the division of
808 inspection of the department of fire services.

809 SECTION 171. Said chapter 146 is hereby amended by inserting after section 66 the
810 following section:-

811 Section 66A. A person aggrieved by the action of a single examiner in refusing,
812 suspending or revoking a license to act as an operator of hoisting machinery may, within 1 week,
813 appeal therefrom to the commissioner of the division of professional licensure, who shall appoint
814 3 inspectors of the office of public safety and inspections of the division of professional
815 licensure, or himself and 2 inspectors, to act together as a board of appeal. The decision of a
816 majority of the members of the board of appeal shall be final.

817 SECTION 172. Section 67 of said chapter 146, as appearing in the 2014 Official Edition,
818 is hereby amended by striking out the eighth, ninth, and tenth sentences and inserting in place
819 thereof the following 3 sentences:- The inspector of the division of inspection of the department
820 of fire services or of the office of public safety and inspections of the division of professional
821 licensure for the town where a licensee resides may issue a renewal license in his or her
822 respective discipline. A person whose license is suspended or revoked shall surrender his license
823 to the issuing authority or an Inspector of said authority. If a new license of a different grade is
824 issued, the old license shall be destroyed by the examiner.

825 SECTION 173. Section 67A of said chapter 146, as so appearing, is hereby amended by
826 inserting, in line 1, after the word “inspections” the following words:- of the division of
827 inspection of the department of fire services.

828 SECTION 174. Section 69 of said chapter 146, as so appearing, is hereby amended by
829 striking out, in line 1, the word “commissioner” and inserting in place thereof the following
830 words:- state fire marshal.

831 SECTION 175. Section 71 of said chapter 146, as so appearing, is hereby amended by
832 striking out, in line 44, the word “commissioner” and inserting in place thereof the following
833 words:- state fire marshal.

834 SECTION 176. Section 75 of said chapter 146, as so appearing, is hereby amended by
835 striking out, in line 6, the word “commissioner” and inserting in place thereof the following
836 words:- state fire marshal.

837 SECTION 177. Said chapter 146 is hereby amended by striking out section 80 and in
838 place thereof the following section:-

839 Section 80. (a) Whoever violates any provision of sections 70 to 79, inclusive, or of the
840 rules of the board, or that of the code which is appropriate to a boiler under the jurisdiction of the
841 above sections, shall be punished by a fine of not more than \$500, nor by less than \$50, or by
842 imprisonment for not more than 6 months, or both.

843 (b) The state fire marshal may issue a written notice of violation, which shall be a written
844 warning or a citation to assess civil monetary fines of not more than \$5,000 for a violation
845 sections 5 to 41, inclusive, section 46, sections 70 to 80, inclusive, or of regulations adopted
846 thereunder; provided, however, that an inspector assigned to the division of inspection may also
847 issue a warning or citation under these sections.

(i) The state fire marshal may adopt regulations for the administration and enforcement of this section.

(ii) The individual issuing the written notice of violation shall indicate on the notice that it is for: a written warning or a citation; and a violation of the specific law or regulation referenced in subsection (b).

(iii) A person, firm or corporation who is issued a citation in a written notice of violation may appeal to a hearing officer designated by the department of fire services within 30 days after receipt of the notice. All appeal hearings shall be held in accordance with the standard rules governing informal adjudicatory proceedings adopted pursuant to section 9 of chapter 30A.

(iv) A person, firm or corporation who is issued a citation in a written notice of a violation and who fails to: (1) pay the fines assessed within 30 days after receipt of the notice; (2) appeal within 30 days after receipt of the notice; or (3) appear at a scheduled appeal hearing, shall be deemed responsible for the violation as stated in the notice. The finding of responsibility shall be admissible as prima facie evidence of responsibility for the violation in any civil proceeding regarding the violation, in any proceeding to suspend or revoke a license, permit or certificate and in any criminal proceeding.

(v) The state fire marshal may assess a fee for appeals filed pursuant to this section, to be determined by the secretary of administration and finance pursuant to section 3B of chapter 7.

SECTION 178. Section 83 of said chapter 146, as appearing in the 2014 Official Edition, is hereby amended by striking out, in lines 1, 4, 11, and 21, each time it appears, the word “division” and inserting in place thereof, in each instance the following words:- office of public safety and inspections of the division of professional licensure.

870 SECTION 179. Section 85 of said chapter 146, as so appearing, is hereby amended by
871 striking out the first paragraph and inserting in place thereof the following paragraph:-

872 Each application for a license under this section shall be filed with the office of public
873 safety and inspections of the division of professional licensure on a blank furnished by said
874 office. The office of public safety and inspections of the division of professional licensure shall
875 hold examinations in such cities and at such times as may be necessary.

876 SECTION 180. Section 85A of said chapter 146, as so appearing, is hereby amended by
877 striking out, in lines 3 and 4, the words “division of inspection of the department of public
878 safety” and inserting in place thereof the following words:- office of public safety and
879 inspections of the division of professional licensure.

880 SECTION 181. Said section 85A of said chapter 146, as so appearing, is hereby further
881 amended by striking out, in lines 5, 8, and 9, each time it appears, the word “division” and
882 inserting in place thereof, in each instance, the following word:- office.

883 SECTION 182. The title of chapter 147 of the General Laws, as so appearing, is hereby
884 amended by striking out the words “department of public safety” and inserting in place thereof
885 the following words:- office of public safety and inspections of the division of professional
886 licensure.

887 SECTION 183. Section 1 of said chapter 147, as so appearing, is hereby amended by
888 striking out, in line 1, the words “public safety” and inserting in place thereof the following
889 words:- the division of professional licensure.

890 SECTION 184. Said section 1 of said chapter 147, as so appearing, is hereby further
891 amended by striking out, in line 4, the words “department of public safety” and inserting in place
892 thereof the following words:- division of professional licensure.

893 SECTION 185. Said section 1 of said chapter 147, as so appearing, is hereby further
894 amended by striking out, in lines 4, 5, and 8, each time it appears, the word “department” and
895 inserting in place thereof, in each instance, the following word:- division.

896 SECTION 186. Section 2 of said chapter 147, as so appearing, is hereby amended by
897 striking out, in lines 1, 9, and 10, each time it appears, the word “department” and inserting in
898 place thereof, in each instance the following words:- office of public safety and inspections of
899 the division.

900 SECTION 187. Section 3 of said chapter 147, as so appearing, is hereby amended by
901 striking out, in line 1, the word “department” and inserting in place thereof the following word:-
902 division.

903 SECTION 188. Section 40A of said chapter 147, as so appearing, is hereby amended by
904 striking out, in line 13, the words “Boxers’ Fund board” and inserting in place thereof the
905 following words:- Massachusetts State Athletic Commission.

906 SECTION 189. Section 56 of said chapter 147, as so appearing, is hereby amended by
907 striking out, in line 6, the words “public safety” and inserting in place thereof the following
908 words:- the division of professional licensure.

909 SECTION 190. Section 62 of said chapter 147, as so appearing, is hereby amended by
910 striking out, in lines 2, 4, 11, 18, 20, and 28, each time it appears, the word “department” and
911 inserting in place thereof, in each instance, the following word:- division.

912 SECTION 191. Section 10D of chapter 148 of the General Laws, as so appearing, is
913 hereby amended by striking out, in line 8, the word “commissioner” and inserting in place
914 thereof the following words:- state fire marshal.

915 SECTION 192. Section 1 of chapter 148A of the General Laws, as so appearing, is
916 hereby amended by striking out, in line 19, the words “public safety” and inserting in place
917 thereof the following words:- the division of professional licensure.

918 SECTION 193. Section 2 of said chapter 148A, as so appearing, is hereby amended by
919 striking out, in line 73, the words “public safety” and inserting in place thereof the following
920 words:- the division of professional licensure.

921 SECTION 194. Section 3 of said chapter 148A, as so appearing, is hereby amended by
922 striking out, in line 75, the words “public safety” and inserting in place thereof the following
923 words:- the division of professional licensure.

924 SECTION 195. Section 4 of said chapter 148A, as so appearing, is hereby amended by
925 striking out, in lines 1 and 9, each time they appear, the words “public safety” and inserting in
926 place thereof, in each instance, the following words:- the division of professional licensure.

927 SECTION 196. Section 44 of chapter 149 of the General Laws, as so appearing, is
928 hereby amended by striking out, in lines 2 and 3, the words “and firemen and members of the
929 department of public safety” and inserting in place thereof the following words:- , firemen, and

930 members of the office of public safety and inspections of the division of professional licensure or
931 the division of inspection of the department of fire services.

932 SECTION 197. Section 116 of said chapter 149, as so appearing, is hereby amended by
933 striking out, in lines 1 and 2, the words “division of inspection of the department of public
934 safety” and inserting in place thereof the following words:- office of public safety and
935 inspections of the division of professional licensure.

936 SECTION 198. Said chapter 149 is hereby amended by striking out section 129D and
937 replacing it with the following section:-

938 Section 129D. No person shall be prohibited from riding in a division of professional
939 licensure approved man-basket, so-called, carried by any hoisting machinery for the purpose of
940 bungee jumping or for any other division of professional licensure approved activity.

941 SECTION 199. Section 3 of chapter 164B of the General Laws, as appearing in the 2014
942 Official Edition, is hereby amended by striking out, in line 5, the words “public safety” and
943 inserting in place thereof the following words:- fire services.

944 SECTION 200. Section 28 of chapter 180 of the General Laws, as so appearing, is
945 hereby amended by striking out, in lines 7 and 8, the words “public safety” and inserting in place
946 thereof the following words:- the division of professional licensure.

947 SECTION 201. Section 3 of chapter 239 of the General Laws, as so appearing, is hereby
948 amended by striking out, in line 24, the words “public safety” and inserting in place thereof the
949 following words:- the division of professional licensure.

950 SECTION 202. Section 4 of said chapter 239, as so appearing, is hereby amended by
951 striking out, in lines 24, 25, 29, 37, 70, and 122, each time they appear, the words “public safety”
952 and inserting in place thereof, in each instance, the following words:- the division of professional
953 licensure.

954 SECTION 203. Section 25 of chapter 270 of the General Laws, as so appearing, is
955 hereby amended by striking out, in line 21, the words “department of public safety” and inserting
956 in place thereof the following words:- division of professional licensure.

957 SECTION 204. Section 7A of chapter 271 of the General Laws, as so appearing, is
958 hereby amended by striking out, in lines 47, 66, 67, 87, and 100, each time they appear, the
959 words “public safety” and inserting in place thereof the following words:- the division of
960 professional licensure.

961 SECTION 205. Section 34A of chapter 465 of the Acts of 1956, as amended by section
962 146 of chapter 199 of the Acts of 1987, is hereby further amended by striking out the first
963 sentence and inserting in place thereof the following sentence:- The Authority is hereby
964 authorized and directed to reimburse the commonwealth for the amount of retirement costs
965 incurred by the commonwealth on behalf of employees of the office of public safety and
966 inspections of the division of professional licensure for the time such employees are assigned by
967 the commissioner of said division to duty with the Authority.

968 SECTION 206. Section 8 of chapter 372 of the Acts of 1984 is hereby amended by
969 striking out subparagraph (k) and inserting in place thereof the following paragraph:-

970 (k) Notwithstanding any rule or regulation or any provision of any general or special law
971 to the contrary, the commissioner of the division of professional licensure or his designee in the

office of public safety and inspections of the division of professional licensure shall have exclusive jurisdiction and responsibility with respect to projects or operations of the Authority for inspection, approvals, enforcement, permitting and licensure authorized or required by (i) chapter 143 of the General Laws or (ii) any regulation adopted pursuant to chapter 802 of the acts of 1972.

SECTION 207. Section 5 of chapter 195 of the Acts of 2014 is hereby amended by striking out subsection (c) and inserting in place thereof the following subsection:-

(c) Notwithstanding any general or special law to the contrary, the commissioner of the division of professional licensure or a designee in the office of public safety and inspections of the division of professional licensure shall be solely responsible for inspection, enforcement, permitting and licensure of the BCEC expansion project authorized or required by chapter 143 of the General Laws or section 21 of chapter 40 of the General Laws and regulations referred to therein or adopted pursuant thereto. The BCEC expansion project shall be exempt from compliance with the city's zoning code and any regulations promulgated thereunder; provided, however, the Authority shall subject the BCEC expansion project to large project review as set forth in subsections 1 to 5, inclusive, of section 80B-3 of the city's zoning code.

SECTION 208. (a) Notwithstanding any general or special law to the contrary, this section shall facilitate the orderly transfer of the employees, proceeds, rules and regulations, property and legal obligations and functions of state government from the transferor agency to the transferee agency, defined as follows:

(1) the functions of the department of public safety related to the regulation of boilers and pressure vessels, the licensing of oil burner technicians, and the certification of private or for-

profit firefighting units, as transferor agency, to the department of fire services, as transferee agency; and

(2) all other functions of the department of public safety, as transferor agency, to the division of professional licensure, as transferee agency.

(b) Subject to appropriation, the employees of the transferor agency, including those who immediately before the effective date of this act held permanent appointment in positions classified under chapter 31 of the General Laws or have tenure in their positions as provided by section 9A of chapter 30 of the General Laws or did not hold such tenure, or held confidential positions, are hereby transferred to the transferee agency, without interruption of service within the meaning of section 9A of chapter 30, without impairment of seniority, retirement or other rights of the employee, and without reduction in compensation or salary grade, notwithstanding any change in title or duties resulting from such reorganization, and without loss of accrued rights to holidays, sick leave, vacation and benefits, and without change in union representation or certified collective bargaining unit as certified by the state labor relations commission or in local union representation or affiliation. Any collective bargaining agreement in effect immediately before the transfer date shall continue in effect and the terms and conditions of employment therein shall continue as if the employees had not been so transferred. The reorganization shall not impair the civil service status of any such reassigned employee who immediately before the effective date of this act either held a permanent appointment in a position classified under chapter 31 of the General Laws or had tenure in a position by reason of section 9A of chapter 30 of the General Laws.

1015 (c) Notwithstanding any general or special law to the contrary, all such employees shall
1016 continue to retain their right to bargain collectively pursuant to chapter 150E of the General
1017 Laws and shall be considered employees for the purposes of chapter 150E.

1018 Nothing in this section shall confer upon any employee any right not held immediately
1019 before the date of the transfer, or to prohibit any reduction of salary grade, transfer,
1020 reassignment, suspension, discharge or layoff not prohibited before such date; nor shall anything
1021 in this section prohibit the abolition of any management position within the department of public
1022 safety after transfer to the department of fire services or the division of professional licensure.

1023 (d) All petitions, requests, investigations, filings and other proceedings appropriately and
1024 duly brought before the transferor agency, or pending before it before the effective date of this
1025 act, shall continue unabated and remain in force, but shall be assumed and completed by the
1026 transferee agency.

1027 (e) All orders, advisories, findings, rules and regulations duly made and all approvals
1028 duly granted by the transferor agency, which are in force immediately before the effective date of
1029 this act, shall continue in force and shall thereafter be enforced, until superseded, revised,
1030 rescinded or canceled, in accordance with law, by the transferee agency.

1031 (f) All books, papers, records, documents, equipment, buildings, facilities, cash and other
1032 property, both personal and real, including all such property held in trust, which immediately
1033 before the effective date of this act are in the custody of the transferor agency, shall be
1034 transferred to the transferee agency.

1035 (g) All duly existing contracts, leases and obligations of the transferor agency, shall
1036 continue in effect but shall be assumed by the transferee agency. No such existing right or
1037 remedy of any character shall be lost, impaired or affected by this act.

1038 SECTION 209. This act shall take effect as soon as it has the force of law under
1039 subsection (c) of section 2 of Article LXXXVII of the Amendments to the Constitution.