

Acts (2017)

Chapter 6

AN ACT TO REORGANIZE THE DEPARTMENT OF PUBLIC SAFETY

Be it approved pursuant to Article LXXXVII of the Amendments to the Constitution, and by the authority of the same, as follows:

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 Section 99 of chapter 6 of the General Laws is hereby repealed.

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

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

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

One undersecretary shall be the undersecretary for law enforcement and shall oversee the functions and administration of the following boards and agencies: the department of state 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;

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

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

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

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

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

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

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

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

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

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

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

SECTION 12. Section 44A of said chapter 13, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words “department of civil service and registration” and 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:-

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

SECTION 34. Section 11A of said chapter 22, as so appearing, is hereby amended by striking out, in line 1, 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 35. Said section 11A 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 36. Section 11B 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 words:- office of public safety and inspections.

SECTION 37. Section 12 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 words:- office of public safety and

inspections.

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

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

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

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

SECTION 42. Section 20 of said chapter 22, as so appearing, is hereby amended by striking out, in line 1, the words “department of public safety” and inserting in place thereof the following words:- office of public safety and inspections within the division of professional 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 accordance with the standard rules governing informal adjudicatory proceedings adopted pursuant to section 9 of chapter 30A.

(f) A person, firm or corporation who is issued a citation in a written notice of a violation and who fails to: (i) pay the fines assessed within 30 days after receipt of the notice; (ii) appeal within the 30 days; or (iii) 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.

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

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

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

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

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

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

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

SECTION 52. Section 48 of chapter 31 of the General Laws, as so appearing, is hereby amended by striking out, in line 14, 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.

SECTION 53. Section 3 of chapter 32 of the General Laws, as amended by chapter 86 of the Acts of

2015, is hereby further amended by striking out, in line 256, 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 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 open trenches from accidental entry, and a penalty structure for each violation of the proposed rules and regulations to be imposed by the agency empowered with ensuring compliance with the rules and regulations. This penalty structure shall include the imposition of a fine for each violation of the regulations promulgated pursuant to this section. Any such fines collected by the office of public safety and inspections of the division of professional licensure or the department of labor and workforce development shall be available for expenditure, without further appropriation, by those agencies in an amount not to exceed \$100,000 during each fiscal year for the sole purpose of providing construction safety training for licensed operators of hoisting equipment, police department officials, fire department officials and building officials. Those agencies may also charge a reasonable fee to help defray the costs associated with said training. Any monies collected from the imposition of these fines in excess of \$100,000 shall be transmitted monthly by those departments to the state treasurer who shall then deposit the excess funds into the General Fund. The office of public safety and inspections of the division of professional licensure, in conjunction with the department of labor and workforce development, shall file a report detailing the amount of fines imposed, collected and expended pursuant to this section with the house and senate committees on ways and means and with the joint committee on public safety not later than August 15 of each year. The rules and regulations shall not be effective until the office of public safety and inspections of the division of professional licensure has received a formal determination from the United States Secretary of Labor that the proposed rules or regulations do not seek to assume responsibility for development and enforcement therein of occupational safety and health standards relating to any occupational safety or health issue with respect to which a federal standard has already been promulgated under 29 U.S.C. section 667 or until the rules and

regulations are approved by the United States Secretary of Labor as a state plan for the development of the standards and their enforcement pursuant to 29 U.S.C. section 667(c).

SECTION 58. Section 2 of said chapter 82A, as appearing in the 2014 Official Edition, is hereby amended by striking out, in line 6, 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.

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

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

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

SECTION 62. Section 18A of chapter 93 of the General Laws, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words “public safety” and inserting in place thereof 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.

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

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

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

SECTION 79. Section 26 of chapter 121B of the General Laws, as so appearing, is hereby amended by striking out, in lines 99 and 100, 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.

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

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

SECTION 82. Section 4 of chapter 136 of the General Laws, as so appearing, is hereby amended by striking out, in lines 19, 24, and 30, 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 83. Section 180B of chapter 140 of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the words “public safety” and inserting in place thereof the following words:- the division of professional licensure.

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

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

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

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

SECTION 95. Section 1A of chapter 141 of the General Laws, 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:- the division of professional licensure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

professional licensure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The state fire marshal shall appoint a chief of inspections, who shall not be subject to the provisions of chapter 31, who may be removed for cause, and the position of chief of inspections shall be classified in accordance with section 45 of chapter 30 and the salary shall be determined in accordance with section 46C of said chapter 30. The state fire marshal shall establish the requirements and qualifications for inspectors

who are employed by the division of inspection and appointed pursuant to section 6 and shall have administrative responsibility over such inspectors.

(b) The state fire marshal may appoint, transfer and remove inspectors, experts, clerks 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.

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

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

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

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

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

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

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

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

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

SECTION 141. Section 50 of said chapter 146, as so appearing, is hereby amended by striking out, in

line 70, the words “public safety” and inserting in place thereof the following words:- fire services.

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

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

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

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

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

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

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

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

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

Section 56A. The inspectors of the office of public safety and inspections of the division 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 60 days. The fee for an examination on appeal shall be determined annually under the aforementioned chapter 7 provision.

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

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

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

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

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

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

SECTION 158. Said chapter 146 is hereby amended by inserting after section 61 the following section:-
Section 61A. Three inspectors of the office of inspections of the division of professional licensure shall act as a board of examiners for the certification of competency to inspect amusement devices. The applicant shall be examined in such matters as the inspectors shall deem relevant.

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

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

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

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

Section 62A. If the applicant is found competent he shall receive a certificate of competency to inspect amusement devices; provided, however, that if the holder of a certificate ceases to be employed as an inspector for a period of one year or more his certificate shall lapse and he shall be required to submit to reexamination for a new certificate. The fee for such reexamination shall be determined annually by the

commissioner of administration under the provision of section 3B of chapter 7. Said certificate shall continue in force until the date of birth of the holder of the certificate occurring more than 12 months but not more than 24 months after the effective date of such certificate unless sooner revoked.

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

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

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

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

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

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

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

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

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

SECTION 170. Said section 66 of said chapter 146, as so appearing, is hereby further amended by inserting, in line 4, after the word "chief" the following words:- of the division of inspection of the

department of fire services.

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

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

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

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

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

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

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

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

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

(b) The state fire marshal 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 sections 5 to 41, inclusive, section 46, sections 70 to 80, inclusive, or of regulations adopted thereunder; provided, however, that an inspector assigned to the division of inspection may also 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.

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

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

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

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

SECTION 182. The title of chapter 147 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:- office of public safety and inspections of the division of professional licensure.

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

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

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

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

SECTION 187. Section 3 of said chapter 147, 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 188. Section 40A of said chapter 147, as so appearing, is hereby amended by striking out, in line 13, the words “Boxers’ Fund board” and inserting in place thereof the following words:- Massachusetts State Athletic Commission.

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

professional licensure.

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

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

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

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

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

SECTION 195. Section 4 of said chapter 148A, as so appearing, is hereby amended by striking out, in lines 1 and 9, 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 196. Section 44 of chapter 149 of the General Laws, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words “and firemen and members of the department of public safety” and inserting in place thereof the following words:- , firemen, and members of the office of public safety and inspections of the division of professional licensure or the division of inspection of the department of fire services.

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

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

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

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

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

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

SECTION 202. Section 4 of said chapter 239, as so appearing, is hereby amended by striking out, in lines 24, 25, 29, 37, 70, and 122, 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 203. Section 25 of chapter 270 of the General Laws, as so appearing, is hereby amended by striking out, in line 21, the words “department of public safety” and inserting in place thereof the following words:- division of professional licensure.

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

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

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

(k) Notwithstanding any rule or regulation or any provision of any general or special law 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.

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

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

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

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

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

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

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

Approved, March 27, 2017

