SENATE DOCKET, NO. FILED ON: 1/11/2009

**SENATE . . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Mr. Brewer**

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General
 Court assembled:*

 The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the oversight of inspections.

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PETITION OF:

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| --- | --- |
| Name: | District/Address: |
| Mr. Brewer | Worcester, Hampden, Hampshire and Franklin |

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S01367 OF 2007-2008.]

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

An Act relative to the oversight of inspections.

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

SECTION 1. Section 3 of chapter 22, as so appearing in the 2004 Official Edition, is hereby amended by striking out, in the title, after the word “Commissioner” the words “division of inspection.”

SECTION 2. Section 3 of chapter 22, as so appearing, is hereby amended, in lines 2-4, by striking out the words “There shall be in the department a division of inspection as established by section four A, under the charge of a director to be known as the chief of inspections”

SECTION 3. Section 4A of chapter 22 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended by striking out, in the title, after the words “22.4A” the words “Division of inspection; chief of inspections.”

SECTION 4. Section 4A of chapter 22, as so appearing in the 2004 Official Edition, is hereby amended, in lines 1-7, by striking out the words “There shall be within the department a division to be known as the division of inspection. The commissioner shall appoint a chief of inspections, who shall not be subject to the provisions of chapter thirty-one, who may be removed for cause, and the position of chief of inspections shall be classified in accordance with section forty-five of chapter thirty and the salary shall be determined in accordance with section forty-six C of said chapter thirty.”

SECTION 5. Section 4A of chapter 22 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in lines 9, by striking out the words “division of inspection” and inserting in place thereof the following words:-department of public safety.

SECTION 6. Section 5 of chapter 22 of the General Laws, appearing in the 2004 Official Edition, is hereby repealed.

SECTION 7. Section 6 of chapter 22 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in lines 5-7, by striking out the words “District engineering inspectors in the division of inspection shall not be over forty-five years of age when first appointed, and shall not be subject to any civil service rules.”

SECTION 8. Section 6 of chapter 22 of the General Laws, as so appearing, is hereby amended by striking out, in line 8, the words “division of inspection” and inserting in place thereof the words:- department of public safety.

SECTION 9. Section 10 of chapter 22 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in lines 2 and 3, by striking out the words “chief of inspections, or a boiler inspector of the division of inspection designated by the commissioner” and inserting in place thereof the following words:- commissioner or his designee.

SECTION 10. Section 11 of chapter 22 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in lines 4-8, by striking out the words “chief of inspections in said department, with power to designate from time to time an inspector in said department to act temporarily as a member of such board,” and inserting in place thereof the following words:- commissioner or his designee

SECTION 11. Section 50 of chapter 143 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended by striking out, following the word “commissioner” in the title, the words “chief of inspection or.”

SECTION 12. Section 50 of the chapter 143 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in line 2, by striking out the words “the chief of inspections of the department”.

SECTION 13. Section 93 of chapter 143 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in lines 7-8, by striking out the words “the chief of inspections of the division of inspection” and inserting in place thereof the following words:- the commissioner.

SECTION 14. Section 93 of chapter 143 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in line 44, by striking out the words “the chief of inspections” and inserting in place thereof the following words:- the commissioner.

SECTION 15. Section 94 of chapter 143 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in line 52, by striking out the words “the chief of inspections” and inserting in place thereof the following words:- the commissioner.

SECTION 16. Section 1 of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby further amended, in line 13 by striking out the words “ ‘chief, the chief of inspections of the department of public safety’.”

SECTION 17. Section 1 of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby further amended, in line 16, by striking out the words “ ‘Division’ , the division of inspection of the department of public safety.”

SECTION 18. Section 1 of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby further amended, in lines 17 and 18 by striking out the words of the division of inspection”.

SECTION 19. Section 13 of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in line 2 by striking out the word “division” and inserting in place thereof the following word:-department.

SECTION 20. Section 13 of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in line 2 by striking out the word “chief” and inserting in place thereof the following words:-commissioner or his designee.

SECTION 21. Section 13 of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in line 7, by striking out the words, “chief of inspections” and inserting in place thereof the following words:- commissioner or his designee.

SECTION 22. Section 17 of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in line 2, by striking out the word “chief” and inserting in place thereof the following word:- commissioner.

SECTION 23. Section 18 of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in line 1, by striking out the word “ chief” and inserting in place thereof the following word:- commissioner.

SECTION 24. Section 18 of chapter 146 of the General Laws, as so appearing, is hereby amended, in line 3, by striking out the word “chief” and inserting in place thereof the following words:- commissioner.

SECTION 25. Section 19 of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in line 2, by striking out the word “chief” and inserting in place thereof the following words:- commissioner or his designee.

SECTION 26. Section 21 of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in line 8, by striking the word “division” and inserting in place thereof the word:- department.

SECTION 27. Section 21 of chapter 146 of the General Laws, as so appearing, is hereby amended, in line 12, by striking the word “division” and inserting in place thereof the word:- department.

SECTION 28. Section 22 of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in line 1, by striking the word “division” and inserting in place thereof the word:- department.

SECTION 29. Section 23 of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in line 1, by striking the word “division” and inserting in place thereof the word:- department.

SECTION 30. Section 24 of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in line 1, by striking the word “division” and inserting in place thereof the word:- department.

SECTION 31. Section 24 of chapter 146 of the General Laws, as so appearing, is hereby amended, in line 4, by striking the word “division” and inserting in place thereof the word:- department.

SECTION 32. Section 26 of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in line 3, by striking the word “chief” and inserting in place thereof the words:- commissioner.

SECTION 33. Section 27 of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in line 1, by striking the word “division” and inserting in place thereof the word:- department.

SECTION 34. Section 29 of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in line 2, by striking the word “division” and inserting in place thereof the word:- department.

SECTION 35. Section 30 of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in line 5, by striking the word “division” and inserting in place thereof the word:- department.

SECTION 36. Section 31 of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in line 4, by striking the word “division” and inserting in place thereof the word:- department.

SECTION 37. Section 32 of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in line 2, by striking the word “division” and inserting in place thereof the word:- department.

SECTION 38. Section 34 of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in lines 7 and 8, by striking the word “division” and inserting in place thereof the word:- department.

SECTION 39. Section 34 of chapter 146 of the General Laws, as so appearing, is hereby amended, in line 31, by striking the word “division” and inserting in place thereof the word:- department.

SECTION 40. Section 38 of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in line 5, by striking the word “division” and inserting in place thereof the word:- department.

SECTION 41. Section 44 of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in line 2, by striking the word “division” and inserting in place thereof the word:- department.

SECTION 42. Section 45A of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in line 10, by striking the word “division” and inserting in place thereof the word:- department.

SECTION 43. Section 45A of chapter 146 of the General Laws, as so appearing, is hereby amended, in line 17, by striking the word “division” and inserting in place thereof the word:- department.

SECTION 44. Section 45A of chapter 146 of the General Laws, as so appearing is hereby amended, in line 18, by striking the word “chief” and inserting in place thereof the words:- commissioner.

SECTION 45. Section 45A of chapter 146 of the General Laws, as so appearing, is hereby amended, in line 24, by striking the word “division” and inserting in place thereof the word:- department.

SECTION 46. Section 45A of chapter 146 of the General Laws, as so appearing, is hereby amended, in line 29, by striking the word “division” and inserting in place thereof the word:- department.

SECTION 47. Section 45A of chapter 146 of the General Laws, as so appearing, is hereby amended, in line 30, by striking the word “division” and inserting in place thereof the word:- department.

SECTION 48. Section 49 of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended by striking out, in lines 44- 45, the words “in consultation with the chief inspector.”

SECTION 49. Section 50A of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in line 47, by striking the words “chief of inspections” and inserting in place thereof the following words:- the commissioner.

SECTION 50. Section 56 of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in line 1, by striking the word “chief” and inserting in place thereof the words:- commissioner or his designee.

SECTION 51. Section 56 of chapter 146 of the General Laws, as so appearing, is hereby amended, in line 4, by striking the word “chief” and inserting in place thereof the words:- commissioner or his designee.

SECTION 52. Section 62 of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in line 29, by striking the word “division” and inserting in place thereof the word:- department.

SECTION 53. Section 62 of chapter 146 of the General Laws, as so appearing, is hereby amended, in line 32, by striking the word “chief” and inserting in place thereof the word:- commissioner.

SECTION 54. Section 64 of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in lines 5 and 6, by striking the words “in consultation with the chief.”

SECTION 55. Section 64 of chapter 146 of the General Laws, as so appearing, is hereby amended, in line 10, by striking the word “chief” and inserting in place thereof the word:- commissioner.

SECTION 56. Section 64 of chapter 146 of the General Laws, as so appearing, is hereby amended, in line 24, by striking the words “chief, if such chief is a qualified examiner” and inserting in place thereof the word:- commissioner.

SECTION 57. Section 64 of chapter 146 of the General Laws, as so appearing, is hereby amended, in line 29, by striking the word “division” and inserting in place thereof the word:- department.

SECTION 58. Section 66 of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in line 4, by striking the word “chief” and inserting in place thereof the word:- commissioner.

SECTION 59. Section 67 of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in line 23, by striking the word “division” and inserting in place thereof the word:- department.

SECTION 60. Section 67 of chapter 146 of the General Laws, as so appearing, is hereby amended, in line 25, by striking the word “chief” and inserting in place thereof the word:- commissioner.

SECTION 61. Section 67 of chapter 146 of the General Laws, as so appearing, is hereby amended, in line 26, by striking the word “division” and inserting in place thereof the word:- department.

SECTION 62. Section 67A of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in line 1, by striking “chief of inspections” and inserting in place thereof the following words:- commissioner or his designee.

SECTION 63. Section 67A of chapter 146 of the General Laws, as so appearing, is hereby amended, in line 2, by striking the word “division” and inserting in place thereof the following word:- department.

SECTION 64. Section 67A of chapter 146 of the General Laws, as so appearing, is hereby amended, in line 2, by striking the word “division” and inserting in place thereof the following word:- department.

SECTION 65. Section 67A of chapter 146 of the General Laws, as so appearing, is hereby further amended, in line 3, by striking “chief of inspections” and inserting in place thereof with the following words:- commissioner.

SECTION 66. Section 70 of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in line 18, by striking “chief of inspections” and inserting in place thereof the following words:- commissioner or his designee.

SECTION 67. Section 70 of chapter 146 of the General Laws, as so appearing, is hereby amended, in lines 21 and 22, by striking the word “division” and inserting in place thereof the following word:- department.

SECTION 68. Section 71 of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in line 27, by striking the word “division” and inserting in place thereof the following word:- department.

SECTION 69. Section 71 of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in line 30, by striking the word “division” and inserting in place thereof the following word:- department.

SECTION 70. Section 72 of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in line 1, by striking the word “division” and inserting in place thereof the following word:- department.

SECTION 71. Section 72 of chapter 146 of the General Laws, as so appearing, is hereby amended, in line 4, by striking “division” and inserting in place thereof the following word:- department.

SECTION 72. Section 73 of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in line 7, by striking the words “chief of inspections” and inserting in place thereof the following words:- commissioner or his designee.

SECTION 73. Section 77 of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in lines 2-3, by striking “chief of inspections” and inserting in place thereof the following words:- commissioner.

SECTION 74. Section 77 of chapter 146 of the General Laws, as so appearing, is hereby amended, in line 1, by striking the word “division” and inserting in place thereof the following words:-department.

SECTION 75. Section 77 of chapter 146 of the General Laws, as so appearing, is hereby further amended, in line 6, by striking the word “chief” and inserting in place thereof the following word:- commissioner.

SECTION 76. Section 77 of chapter 146 of the General Laws, as so appearing, is hereby further amended, in line 8, by striking the words “chief of inspections” and inserting in place thereof the following words:- commissioner.

SECTION 77. Section 78 of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in lines 7 and 8, by striking the word “division” and inserting in place thereof the following words:-department.

SECTION 78. Section 78 of chapter 146 of the General Laws, as so appearing, is hereby amended, in line 12, by striking the word “division” and inserting in place thereof the following words:-department.

SECTION 79. Section 78 of chapter 146 of the General Laws, as so appearing, is hereby amended, in line 14, by striking the word “division” and inserting in place thereof the following words:-department.

SECTION 80. Section 78 of chapter 146 of the General Laws, as so appearing, is hereby amended, in line 20, by striking the word “division” and inserting in place thereof the following words:-department.

SECTION 81. Section 77 of chapter 146 of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended, in line 1, by striking the word “division” and inserting in place thereof the following words:-department.

SECTION 82. Section 10G of chapter 148, as so appearing in the 2004 Official Edition, is hereby amended, in line 8, by striking the words “chief of inspections of the department” and inserting in place thereof the following words:- commissioner.