

**HOUSE . . . . . No. 3891**

By Mr. Walsh of Boston, petition of Martin J. Walsh for legislation to establish a bureau of floor finishers within the Department of Public Safety. Public Safety and Homeland Security.

**The Commonwealth of Massachusetts**

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO FLOOR FINISHING.

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

1 SECTION 1. Chapter 22 of the General Laws is hereby amended  
2 by adding the following section:—

3 Section 21. There shall be a bureau of floor finishers in the  
4 department of public safety. The bureau shall establish standards for  
5 wood floor finishing, including the training, examination and  
6 licensing of employees and owners of floor finishing businesses, and  
7 shall enforce Sections 90 to 103, inclusive, of Chapter 146.

8 The bureau shall consist of 11 members:— 6 ex-officio members,  
9 including the commissioner of public safety or his designee, as  
10 chairman, the chief of inspections or his designee, the fire marshal or  
11 his designee, the commissioner of environmental protection or his  
12 designee, the commissioner of public health or his designee, the  
13 director of labor or his designee, and 5 members appointed by the  
14 governor, at least 1 of whom shall be a representative of the public,  
15 1 of whom shall be the owner of a floor finishing business for not  
16 less than 10 years, and 1 of whom shall be a floor finisher with a  
17 minimum of 10 years experience.

18 Members, except ex-officio members, shall serve 3-year terms. If  
19 a vacancy exists prior to the expiration of such member’s term, the  
20 governor shall appoint another to complete the term. No such  
21 person shall be appointed to serve more than 2 full 3-year terms.

22 Each member, except ex-officio members, shall be paid \$50 for  
23 each day while engaged in the actual performance of his duties as  
24 such, not to exceed \$750 in the aggregate in any fiscal year, and

25 shall be reimbursed for all expenses necessarily incurred by him in  
26 connection with his official duties.

27 There shall be an executive secretary of the bureau who shall  
28 assist the members in their responsibilities. The commissioner may  
29 assign clerical, technical and other assistants required by the bureau.

1 SECTION 2. Section 96 of Chapter 143 of the General Laws, as  
2 appearing in the 2004 Official Edition, is hereby amended by  
3 striking out the second paragraph and inserting in place thereof the  
4 following paragraph:—

5 The specialized codes referred to in this section shall include, but  
6 not be limited to, the state plumbing code, electrical code, architec-  
7 tural barriers regulations, fire safety code, fire prevention regula-  
8 tions, elevator regulations, and floor finishing regulations.

1 SECTION 3. Chapter 146 of the General Laws is hereby amended  
2 by adding the following 13 sections:—

3 Section 90. As used in Sections 90 to 103, inclusive, the  
4 following words shall have the following meanings:—

5 “Apprentice floor finisher”, a person employed by a master floor  
6 finisher to finish floors and who is not qualified as a journeyman or  
7 master floor finisher.

8 “Bureau”, the bureau of floor finishers, established by Section 21  
9 of Chapter 22.

10 “Commissioner”, the commissioner of public safety, established  
11 by Section 1 of said Chapter 22.

12 “Floor finishing”, the sanding of a wood floor or the application  
13 of any liquid, polish, gel, or wax to the surface of a wood floor in  
14 order to coat, protect, polish, or alter the surface of the wood.

15 “Journeyman floor finisher”, a person employed to finish floors  
16 who has satisfactorily completed an apprentice training program cer-  
17 tified by the bureau, who has passed an examination conducted by  
18 the bureau, and who is licensed by the bureau as a journeyman floor  
19 finisher.

20 “Master floor finisher”, a person who owns a floor finishing busi-  
21 ness, who is qualified as a journeyman floor finisher, who employs  
22 apprentice, journeyman or other master floor finishers, and who is  
23 licensed by the bureau as a master floor finisher.

24 Section 91. No person shall be employed as a floor finisher unless  
25 he is lawfully registered with the bureau as an apprentice floor fin-  
26 isher or licensed by the bureau as a journeyman or master floor fin-  
27 isher. An apprentice floor finisher shall only be employed by a  
28 master floor finisher. No person shall own a floor finishing business  
29 unless licensed by the bureau as a journeyman or master floor fin-  
30 isher.

31 Section 92. The bureau, in consultation with the advisory com-  
32 mittee and consistent with the fire prevention regulations promul-  
33 gated under Section 10 of Chapter 148, shall promulgate regulations,  
34 pursuant to Chapter 30A, for floor finishing, the certification of  
35 training programs, the registration, examination and licensure of  
36 floor finishers, and other matters to effectuate the purposes of Sec-  
37 tions 90 to 103, inclusive, and Section 21 of Chapter 22.

38 Section 93. There shall be an advisory committee appointed by  
39 the commissioner that shall consist of representatives from the  
40 department of fire services, the division of occupational safety in the  
41 department of labor, the occupational health surveillance program in  
42 the department of public health, the department of environmental  
43 protection, the office of the attorney general, the floor finishing  
44 industry, labor groups representing floor finishers, non-profit organi-  
45 zations representing ethnic groups working as floor finishers and  
46 non-profit organizations with health, environmental and safety  
47 expertise related to floor finishing.

48 Section 94. The bureau shall provide for the registration of  
49 apprentice floor finishers, the certification of training programs, the  
50 examination of journeyman floor finishers, the licensure of jour-  
51 neymen and master floor finishers, and the biennial renewal of certi-  
52 fication and licenses. The bureau shall determine the fees necessary  
53 for registration, certification, examination, initial licensure and bien-  
54 nial license renewal. The bureau may periodically require additional  
55 training of licensed floor finishers. Examinations shall be held in  
56 such cities and at such times as may be necessary.

57 Section 95. An apprentice floor finisher shall register with the  
58 bureau, be directly supervised by a journeyman or master floor fin-  
59 isher, and participate in a certified apprentice training program. A  
60 journeyman floor finisher shall have satisfactorily completed a certi-  
61 fied apprentice training program, passed an examination conducted  
62 by the bureau and be licensed by the bureau. A master floor finisher

63 shall be qualified as a journeyman floor finisher, be licensed by the  
64 bureau as a master floor finisher, and shall complete any additional  
65 training required by the bureau. A journeyman or master floor fin-  
66 isher shall renew his license biennially.

67 Section 96. An apprentice training program shall include hands-  
68 on training and instruction in licensing, permitting and other compli-  
69 ance requirements and in health, environmental and safety concerns  
70 related to the use of floor finishing practices, products and equip-  
71 ment. The program shall include evaluation measures and be  
72 designed to prepare apprentice floor finishers for the examination  
73 required of journeyman floor finishers. The bureau may impose  
74 additional requirements prior to certification of an apprentice  
75 training program. An apprentice training program shall renew its  
76 certification biennially.

77 Section 97. The bureau shall prepare a standard safety checklist to  
78 be posted at each floor finishing worksite. The checklist shall list  
79 conditions and actions required to protect health, safety, and prop-  
80 erty when floor finishing. An on-site floor finisher shall be desig-  
81 nated by the owner of the floor finishing business to post the  
82 checklist in a publicly visible location and to complete the checklist.  
83 The designated floor finisher shall have the authority to suspend  
84 work if the provisions on the safety checklist are not met. The owner  
85 of the floor finishing business, the designated floor finisher, and all  
86 other on-site floor finishers shall sign the checklist for each work-  
87 site.

88 Section 98. Examinations, training programs and standard safety  
89 checklists shall be available in English. The bureau may require that  
90 examinations, training programs, and standard safety checklists be  
91 available in other languages.

92 Section 99. The bureau shall prepare for consumers a standard  
93 publication that includes information about licensing, permitting and  
94 other compliance requirements for floor finishing; about health,  
95 environmental and safety concerns related to the use of floor fin-  
96 ishing practices, products and equipment; and about how to report  
97 violations and seek additional information. Prior to finalizing an  
98 agreement, the owner of the floor finishing business shall provide  
99 the consumer with the standard publication.

100 Section 100. The bureau or the department of fire services or local  
101 inspectors, under Chapter 143, may issue an immediate cease work

102 order if there is reason to believe that there is an immediate threat to  
103 public health or safety at a floor finishing worksite or any other  
104 serious violation as determined by the bureau.

105 Section 101. Registrations or licenses may be revoked or not  
106 renewed for failure to comply with Sections 90 to 103, inclusive,  
107 incompetence or untrustworthiness of the floor finisher.

108 The commissioner or bureau may, after an adjudicatory pro-  
109 ceeding, restrict, suspend or revoke any registration or license or cer-  
110 tificate if there is reason to believe that the holder thereof is  
111 incompetent to be employed as a floor finisher or to train floor fin-  
112 ishers, if the holder thereof has demonstrated untrustworthiness, or if  
113 the holder thereof has violated Sections 90 to 103, inclusive.

114 The commissioner or bureau may immediately suspend without a  
115 hearing any registration or license issued to a floor finisher or certifi-  
116 cate granted to a training program whenever the holder thereof gives  
117 the commissioner or bureau reason to believe that the holder poses  
118 an immediate threat to public health or safety. The floor finisher or  
119 program shall be entitled to a hearing before the commissioner or the  
120 bureau within 30 days of the immediate suspension. Upon such  
121 immediate suspension, the commissioner or bureau shall forthwith  
122 send written notice thereof to the floor finisher or program,  
123 including the time and place of the violation and the right to an adju-  
124 dicatory proceeding under Chapter 30A within 30 days. The com-  
125 missioner or bureau may order the registration, license or certificate  
126 be delivered to the bureau.

127 Section 102. Any person employed as a floor finisher or owning a  
128 floor finishing business who violates Sections 90 to 103, inclusive,  
129 shall be punished by a fine of not less than \$200 nor more than  
130 \$1,500 for each offense.

131 Section 103. The bureau shall annually report to the governor and  
132 to the general court, by filing the report with the clerks of the house  
133 of representatives and the senate, on the regulation of floor finishing,  
134 including the number of registrations, licenses and certificates issued  
135 by the bureau, the number and type of violations committed, levels  
136 of compliance and any related policy recommendations.

1 SECTION 4. Any person employed as a floor finisher for more  
2 than 3 years or engaged in the business of floor finishing for more  
3 than 4 years prior to January 1, 2008 may be granted a license as a

4 journeyman or master floor finisher, respectively, without taking the  
5 examination required under Section 95 of Chapter 146. Such persons  
6 shall be required to complete a training program approved by the  
7 bureau of floor finishing.

1 SECTION 5. The bureau shall report to the governor and to the  
2 general court, by filing the report with the clerks of the house of rep-  
3 resentatives and the senate, on the implementation of this act no later  
4 than January 1, 2010.

1 SECTION 6. Notwithstanding withstanding any general or special  
2 law to the contrary, the governor shall designate his initial  
3 appointees to the bureau of floor finishers, established by Section 21  
4 of Chapter 22 of the General Laws, as follows:— 3 shall serve for 2  
5 years and 2 shall serve for 3 years. Members initially appointed to  
6 serve 2-year terms may be appointed to serve 2 additional terms,  
7 consistent with said Section 21 of said Chapter 22.

1 SECTION 7. This act shall take effect on January 1, 2008.