

SENATE No. 1101

By Mr. LoPresti, a petition (accompanied by bill, Senate, No. 1101) of Michael LoPresti, Jr., and Royal L. Bolling, Jr., for legislation to further define the membership and authority of the Board of Fire Prevention Regulations. Public Safety.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-one.

AN ACT FURTHER DEFINING THE MEMBERSHIP AND AUTHORITY OF
THE BOARD OF FIRE PREVENTION REGULATIONS.

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
2 amended by striking out section 14 and inserting in place
3 thereof the following: —

4 *Section 14.* There shall be in the department, but, except as
5 provided as to rules and regulations in section ten of chapter
6 one hundred and forty-eight, not under the control of the com-
7 missioner, a board to be known as the board of fire prevention
8 regulations, which shall consist of the fire marshal, ex-officio,
9 who may designate from time to time a person serving in the
10 department to act temporarily as a member of such board with
11 the same powers and duties as other members of the board,
12 and thirteen members to be appointed by the governor, for
13 terms of six years each. Three shall be the head of a fire de-
14 partment, as such term is defined in section one of chapter one
15 hundred and forty-eight and they shall be selected as fol-
16 lows: —

17 One from a community with a population of less than
18 twenty-five thousand, one from a community with a popula-
19 tion of more than twenty-five thousand but less than fifty
20 thousand, and one from a community with a population in
21 excess of fifty thousand, provided that, the fire chiefs associa-
22 tion of Massachusetts may recommend names to the gov-

23 error for the positions hereinbefore mentioned. The remain-
24 ing ten members shall be appointed as follows: One shall be a
25 member of the Massachusetts fire prevention association, one
26 one shall be a registered professional fire protection engineer
27 as provided in chapter one hundred and twelve, one shall be
28 a registered professional chemical engineer as provided in
29 chapter one hundred and twelve, one shall be a registered pro-
30 fessional mechanical engineer as provided in chapter one hun-
31 dred and twelve, one shall be a registered professional electri-
32 cal engineer as provided in chapter one hundred and twelve,
33 one shall be an owner of buildings subject to chapter one hun-
34 dred and forty-three, one shall be a graduate chemist with fire
35 testing experience and a full member of a national organiza-
36 tion of chemists, one of whom shall be an inspector of wires,
37 who is a holder of an electrician's license under chapter one
38 hundred and forty-one and has been an inspector of wires un-
39 der the provisions of chapter one hundred and sixty-six for a
40 period of not less than ten years, one of whom shall be a rep-
41 resentative of a national, regional or state association of mem-
42 bers of the blasting industry who shall have been actively en-
43 gaged for a period of not less than ten years in the keeping,
44 storage, use, handling or transportation of explosives, and one
45 of whom shall be an electrical contractor, who has held a mas-
46 ter electrician's license under chapter one hundred and forty-
47 one for a period of not less than ten years.

48 The Governor shall from time to time designate one mem-
49 ber of said board as chairman. Said chairman shall act as a
50 non-voting member of said board, except in the case of a tie
51 vote.

52 Said board, subject to the provisions of chapter thirty A,
53 shall promulgate a comprehensive fire safety code.

54 No member shall act as a member of the board or vote as
55 such, in connection with any matter as to which his private
56 right, distinct from the public interest is immediately con-
57 cerned.

58 A majority of said board constituted as above, may trans-
59 act business; but a lesser number may adjourn from time to
60 time.

61 The fire marshal and the heads of fire departments shall
62 receive no compensation for their service as members of the
63 board, but shall receive from the Commonwealth all expenses
64 necessarily incurred by them in connection with their official
65 duties and all other members of said board shall be paid thirty-
66 one dollars and twenty-five cents for each day while in the
67 actual performance of his duties as such, but not exceeding
68 twelve hundred and fifty dollars in any fiscal year, and shall
69 also receive from the Commonwealth all expenses necessarily
70 incurred by him in connection with his official duties.

71 The board may, with the approval of the commissioner, em-
72 ploy an executive secretary who shall not be subject to the
73 provisions of chapter thirty-one and may employ such clerical,
74 technical and other assistants as may be required by the
75 board.

1 SECTION 2. Chapter 148 of the General Laws is hereby
2 amended by striking out section 28 and inserting in place
3 thereof the following new section: —

4 *Section 28.* The board shall make such rules and regula-
5 tions, in accordance with the provisions of chapter 30A, and
6 the head of the fire department shall make such order or rules
7 not inconsistent therewith, for the storage, handling and man-
8 ufacturing of liquids, solids or gases which when combined
9 with another substance may present a hazard of fire or explo-
10 sion whenever such substances are located in or about any
11 building, structure or other premises or in any ship or vessel
12 within the Commonwealth. Such regulatory authority shall
13 apply to materials and substances which are highly flammable
14 or which may react to cause fires or explosions or which by
15 their presence create or augment a fire or explosion hazard or
16 which because of their toxicity, flammability or liability to
17 explosion render fire fighting abnormally dangerous or diffi-
18 cult; and to flammable liquids which are chemically unstable
19 and which may spontaneously form explosive compounds or
20 undergo spontaneous reactions of explosive violence or with
21 sufficient evolution of heat tends to be a fire hazard; and to
22 hazardous chemicals such as flammable solids, corrosive liq-
23 uids, oxidizing materials, potentially explosive chemicals, high-

24 ly toxic materials and poisonous gases. All bylaws and ordi-
25 nances of cities and towns or regulations promulgated by any
26 state boards, commissions, agencies or departments or any
27 specific regulation promulgated by a local official under section
28 28 of this chapter to conflict with the rules made under this
29 section shall cease to be effective upon the filing of the rules
30 and regulations made under this section with the secretary of
31 the Commonwealth.

1 SECTION 3. All members of the board of fire prevention reg-
2 ulations prior to the effective date of this Act, with the excep-
3 tion of the representative of the national organization of fire
4 underwriters, shall continue to be appointed for the term and
5 in the manner as set forth in section fourteen of Chapter
6 twenty-two. All other members of the board, as provided in
7 section 1 of this act, shall be appointed as follows: —

8 The chief of a fire department from a community with less
9 than twenty-five thousand shall be appointed for a one year
10 term, the member of the Massachusetts fire prevention asso-
11 ciation shall be appointed for a two year term, the chief of a
12 fire department from a community of more than fifty thou-
13 sand shall be appointed for a three year term, the registered
14 professional engineer shall be appointed for a four year term,
15 the graduate chemist shall be appointed for a five year term.

16 Upon the expiration of the terms of the board members as
17 hereinbefore provided, their successors shall be appointed for
18 the term and in the manner set forth in section fourteen of
19 chapter twenty-two.