

By Mrs. Murray of Cohasset, petition of Mary Jeanette Murray and Robert L. Hedlund relative to fire departments and fire districts. Public Safety.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Five.

AN ACT RELATIVE TO FIRE DEPARTMENTS AND FIRE DISTRICTS.

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. Sections one to seven, inclusive, of Chapter forty-
2 eight of the General Laws are hereby repealed.

1 SECTION 2. Section 9 of said Chapter 48, as appearing in
2 the 1990 Official Edition is hereby amended by inserting after the
3 word "warden", in line 2, the words:— "or his designee".

1 SECTION 3. Section 10 of said Chapter 48, as so appearing, is
2 hereby amended by striking out, in line 4, the word "male".

1 SECTION 4. Section 11 of said Chapter 48, as so appearing, is
2 hereby amended by striking out, in lines 4 and 5, the words "a
3 natural resource officer and a deputy natural resource officer" and
4 inserting in place thereof the words:—"an environmental police
5 officer or a deputy environmental police officer".

1 SECTION 5. Section 13 of said Chapter 48, as so appearing, is
2 hereby amended by striking out the seventh sentence and inserting
3 in place thereof the following sentence:—"Whoever violates any
4 provision of this section shall be punished by fine of not more
5 than five hundred dollars, plus the cost of suppression, or by
6 imprisonment for not more than one month, or both."

1 SECTION 6. Section 15 of said Chapter 48, as so appearing, is
2 hereby amended by striking out, in lines 4 and 5, the words “a
3 natural resource officer and a deputy natural resource officer” and
4 inserting in place thereof the words: — “an environmental police
5 officer”.

1 SECTION 7. Said chapter 48 is hereby further amended by
2 striking out sections 16 and 16A and inserting in place thereof the
3 following section: —

4 Section 16. For the purpose of this section, the following words
5 shall have the following meaning:

6 “Forest or woods road”, any permanently maintained road that
7 is not a highway, the primary use of which is access to forest lands
8 for the purpose of forest management or pre-suppression and sup-
9 pression of forest fires.

10 “Highway”, any state road or land maintained by the depart-
11 ment of public works of the commonwealth or any municipal or
12 county maintained road, or private road other than a forest or
13 woods road, of sufficient width to permit the simultaneous pas-
14 sage of two or more vehicles.

15 “Slash”, tops, branches, damaged trees, slabs, sawdust from
16 milling operations, or debris left from logging or land clearing
17 operation.

18 Every owner, lessee, tenant or occupant of lands or their agents
19 or employees, or any such person or entity holding rights or
20 interest in said lands or the timber thereon, except electric, tele-
21 phone and telegraph companies, who cuts or permits the cutting of
22 brush, wood or timber on lands which border upon woodland of
23 another, or upon a highway, or railroad location, shall dispose of
24 the slash caused by such cutting in such a manner that the same
25 will not remain on the ground within forty feet of any woodland
26 of another, or of any railroad location, or within one hundred feet
27 from the center of any highway, and all slash resulting from such
28 cutting operations shall be cut and scattered in such a manner as
29 to minimize the danger from fire. Wherever multiple highway sys-
30 tems exist adjacent to cuttings, no slash shall be permitted within
31 one hundred feet from the outer edge of the highway No slash
32 shall be permitted within twenty-five feet of any brook, stream,
33 pond, river or water supply.

34 This section shall apply to cutting or clearing operations not
35 subject to the provisions of chapter one hundred and thirty-two.

1 SECTION 8. Section 19 of said chapter 48, as appearing in
2 the 1988 Official Edition, is hereby amended by inserting after the
3 word “forester”, in line 1, the words: — , state fire warden.

1 SECTION 9. Said chapter 48 is hereby further amended by
2 striking out section 20, as so appearing, and inserting in place
3 thereof the following section: —

4 Section 20. Violation of any provision of sections sixteen to
5 eighteen, inclusive, shall be punished by a fine of not less than
6 two hundred and fifty nor more than two thousand five hundred
7 dollars.

1 SECTION 10. Said chapter 48 is hereby further amended by
2 striking out section 21, as so appearing, and inserting in place
3 thereof the following section: —

4 Section 21. Whoever operates in an adjacent to forest or grass-
5 lands any equipment or vehicle which burns any spark-producing
6 material as fuel, unless the same is provided with a suitable spark
7 arrester approved by the forester, shall be punished by a fine of
8 not less than fifty nor more than one hundred dollars and the cost
9 of suppression if said operation results in a response from a fire
10 department.

1 SECTION 11. Section 22 of said chapter 48, as so appearing, is
2 hereby amended by inserting after the word “assistants”, in line 1,
3 the words: — or the state fire warden.

1 SECTION 12. Section 24 of said chapter 48, as so appearing, is
2 hereby amended by striking out the third sentence.

1 SECTION 13. Section 26 of said chapter 48, as so appearing, is
2 hereby amended by striking out, in line 3, the word “ten”, and
3 inserting in place thereof the words: — one hundred.

1 SECTION 14. Said chapter 48 is hereby further amended by
2 striking out section 28B, as so appearing, and inserting in place
3 thereof the following section: —

4 Section 28B. When the forest fire hazard, as determined by the
5 director of the division of forest and parks, according to the
6 United States Forest Service standard of classification of fire
7 danger, or its equivalent in any future classification, shall reach a
8 burning index of fifty or higher, the forest warden, within the
9 limits of funds appropriated for such purposes, may, and upon the
10 order of the forester shall cause the forests of such town to be
11 patrolled for the prevention of such fires. The cost of such patrol,
12 if ordered by the forester, shall be paid by said town, subject to
13 reimbursement by the commonwealth.

1 SECTION 15. Said chapter 48 is hereby further amended by
2 striking out section 28C, as so appearing, and inserting in place
3 thereof the following section: —

4 Section 28C. When in the judgement of the director of the divi-
5 sion of forest and parks the forest fire hazard is such as to require
6 the use of forest fire patrols in any town, all forest lands therein
7 shall be closed to all persons except their owners or tenants, or to
8 the authorized agents of such owners or tenants, and the director
9 shall use all reasonable means to notify all persons of such a
10 closing. While such fire hazard exists, any duly authorized forest
11 warden, deputy forest warden, chief fire warden and his assistants,
12 environmental police officer, or deputy environmental police
13 officer, may arrest without a warrant any person found within the
14 forest lands of another without authorization from the owner or
15 tenant thereof, or without other legal authority, if such person
16 refuses to leave such forest lands upon request, and such person
17 shall be punished by a fine of not more than one hundred dollars.

1 SECTION 16. Sections twenty-nine to thirty-five, inclusive, of
2 said chapter forty-eight are hereby repealed.

1 SECTION 17. Section 36A of said chapter 48, as appearing
2 in the 1988 Official Edition, is hereby amended by striking out,
3 in line 22, the word "fiftieth" and inserting in place thereof the
4 word: — fortieth.

1 SECTION 18. Section thirty-eight of said chapter forty-eight is
2 hereby repealed.

1 SECTION 19. Section 40 of said chapter 48, as appearing in
2 the 1988 Official Edition, is hereby amended by striking out, in
3 line 6, the words "twenty nor more than fifty" and inserting in
4 place thereof the words: — nor more than one hundred.

1 SECTION 20. Section forty-one of said chapter forty-eight is
2 hereby repealed.

1 SECTION 21. Section 47 of said chapter 48, as so appearing. is
2 hereby amended by striking out the first sentence and inserting in
3 place thereof the following sentence: — The engineers, in the
4 extinguishment of fires, and in the nomination and appointment of
5 such firefighters as necessary shall exercise the powers and per-
6 form the duties of selectmen.

1 SECTION 22. Section 48 of said chapter 48, as so appearing. is
2 hereby amended by striking out, in lines 1 and 2, the words: "The
3 engine, hose and hook and ladder men and protective companies"
4 and inserting in place thereof the word: — Firefighters.

1 SECTION 23. Sections fifty and fifty-one of said chapter forty-
2 eight are hereby repealed.

1 SECTION 24. Said chapter 48 is hereby further amended
2 by striking out section 51A, as appearing in the 1988 Official
3 Edition, and inserting in place thereof the following section: —

4 Section 51A. Each city, town or district shall equip any fire
5 apparatus operated by it with at least three self-contained air gas
6 masks, so called. Such masks shall contain a minimum of thirty
7 minutes of air or oxygen and shall be equipped with an audible
8 alarm to indicate to the wearer thereof, and to any other person in
9 the area, that there is a specific designated minimum supply of air
10 or oxygen still present, and that such wearer should leave a con-
11 taminated area. Any such masks shall, in addition to the above,
12 meet the requirements of the standards set up by the United States
13 bureau of mines for gas masks. This section shall not apply to any

14 fire apparatus designed solely for extinguishing woods or brush
15 fires.

1 SECTION 25. Said chapter 48 is hereby further amended by
2 striking out section 52, as so appearing, and inserting in place
3 thereof the following section: —

4 Section 52. The board of engineers shall have the care and
5 superintendence of the fire apparatus and related equipment, the
6 buildings, fixtures and equipment, and of all pumps, reservoirs for
7 water and apparatus owned by the town and used for extin-
8 guishing fires; and shall cause the same to be kept in repair or
9 renewed, and shall make necessary alterations therein and addi-
10 tions thereto at an expense not exceeding one thousand dollars in
11 any one year, unless the town has authorized a larger appro-
12 priation.

1 SECTION 26. Section 53 of said chapter 48, as so appearing, is
2 hereby amended by striking out, in line 10, the word “twenty” and
3 inserting in place thereof the words: — two hundred.

1 SECTION 27. Section 54 of said chapter 48, as so appearing, is
2 hereby amended by striking out, in line 3, the word “twenty” and
3 inserting in place thereof the words: — two hundred.

1 SECTION 28. Said chapter 48 is hereby further amended by
2 striking out section 65, as so appearing, and inserting in place
3 thereof the following section: —

4 Section 65. The chief engineer and assistant engineers shall be
5 chosen for terms not exceeding three years; provided, that the dis-
6 trict, at any meeting held in accordance with section sixty-six,
7 may vote to authorize the prudential committee to appoint the
8 chief engineer and assistant engineers on merit for an indefinite
9 period of time and to remove said chief engineer or assistant engi-
10 neers for cause at any time after a hearing. Fire districts shall have
11 the right to accept the provisions of section forty-two of this
12 chapter.

