

By Mr. Morrissey of Quincy, petition of Michael W. Morrissey relative to fire departments and fire districts. Public Safety.

**The Commonwealth of Massachusetts**

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

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2 eight of the General Laws are hereby repealed.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 the  
2 1988 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,  
2 is hereby amended by striking out, in line 4, the word "male".

1 SECTION 4. Section 11 of said chapter 48, as so appearing,  
2 is hereby amended by striking out, in lines 3 and 4, the words "five  
3 nor more than one" and inserting in place thereof the words: —  
4 one hundred nor more than five.

1 SECTION 6. Section 15 of said chapter 48, as so appearing,  
2 is 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,  
2 is hereby amended by striking out the seventh sentence and

3 inserting in place thereof the following sentence: — Whoever  
4 violates any provision of this section shall be punished by fine of  
5 not more than five hundred dollars, plus the cost of suppression,  
6 or by imprisonment for not more than one month, or both.

1 SECTION 7. Said chapter 48 is hereby further amended by  
2 striking out sections 16 and 16A and inserting in place thereof  
3 the 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 presuppression and  
9 suppression of forest fires.

10 “Highway”, any state road or land maintained by the  
11 department of public works of the commonwealth or any  
12 municipal or county maintained road, or private road other than  
13 a forest or woods road, of sufficient width to permit the  
14 simultaneous passage 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 operations.

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,  
21 telephone and telegraph companies, who cuts or permits the  
22 cutting of brush, wood or timber on lands which border upon  
23 woodland of another, or upon a highway, or railroad location,  
24 shall dispose of the slash caused by such cutting in such a manner  
25 that the same will not remain on the ground within forty feet of  
26 any woodland of another, or of any railroad location, or within  
27 one hundred feet from the center of any highway, and all slash  
28 resulting from such cutting operations shall be cut and scattered  
29 in such a manner as to minimize the danger from fire. Wherever  
30 multiple highway systems exist adjacent to cuttings, no slash shall  
31 be permitted within one hundred feet from the outer edge of the  
32 highway. No slash shall be permitted within twenty-five feet of  
33 any brook, stream, 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 the  
2 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 or adjacent to forest or  
5 grasslands any equipment or vehicle which burns any spark-  
6 producing material as fuel, unless the same is provided with a  
7 suitable spark arrester approved by the forester, shall be punished  
8 by a fine of not less than fifty nor more than one hundred dollars  
9 and the cost of suppression if said operation results in a response  
10 from a fire department.

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

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

1 SECTION 13. Section 26 of said chapter 48, as so appearing,  
2 is 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  
8 a burning index of fifty or higher, the forest warden, within the  
9 limits of funds appropriated for such purposes, may, and upon  
10 the order of the forester shall cause the forests of such town to  
11 be patrolled for the prevention of such fires. The cost of such  
12 patrol, if ordered by the forester, shall be paid by said town,  
13 subject to 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 judgment of the director of the  
5 division of forest and parks the forest fire hazard is such as to  
6 require the use of forest fire patrols in any town, all forest lands  
7 therein shall be closed to all persons except their owners or  
8 tenants, or to the authorized agents of such owners or tenants,  
9 and the director shall use all reasonable means to notify all persons  
10 of such closing. While such fire hazard exists, any duly authorized  
11 forest warden, deputy forest warden, chief fire warden and his  
12 assistants, environmental police officer, or deputy environmental  
13 police officer, may arrest without a warrant any person found  
14 within the forest lands of another without authorization from the  
15 owner or tenant thereof, or without other legal authority, if such  
16 person refuses to leave such forest lands upon request, and such  
17 person shall be punished by a fine of not more than one hundred  
18 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 in  
2 the 1988 Official Edition, is hereby amended by striking out, in  
3 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  
2 is 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: — fifty nor more than one hundred.

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

1 SECTION 21. Section 42A of said chapter 48, as appearing in  
2 the 1988 Official Edition, is hereby amended by striking out the  
3 second sentence and inserting in place thereof the following  
4 sentence: — The selectmen may make suitable regulations  
5 governing the fire department and the officers and firemen  
6 thereof, and in towns which are not subject to chapter thirty-one  
7 may remove the chief and other officers and firemen at any time  
8 for cause and after a hearing.

1 SECTION 22. Section 47 of said chapter 48, as so appearing,  
2 is hereby amended by striking out the first sentence and inserting  
3 in place thereof the following sentence: — The engineers, in the  
4 extinguishment of fires, and in the nomination and appointment  
5 of such firefighters as necessary, shall exercise the powers and  
6 perform the duties of selectmen.

1 SECTION 23. Section 48 of said chapter 48, as so appearing,  
2 is 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 24. Sections fifty and fifty-one of said chapter  
2 forty-eight are hereby repealed.

1 SECTION 25. Said chapter 48 is hereby further amended by  
2 striking out section 51A, as appearing in the 1988 Official Edition,  
3 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  
9 in the area, that there is a specific designated minimum supply  
10 of air or oxygen still present, and that such wearer should leave  
11 a contaminated area. Any such masks shall, in addition to the  
12 above, meet the requirements of the standards set up by the United  
13 States bureau of mines for gas masks. This section shall not apply  
14 to any fire apparatus designed solely for extinguishing woods or  
15 brush fires.

1 SECTION 26. 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  
7 for water and apparatus owned by the town and used for  
8 extinguishing fires; and shall cause the same to be kept in repair  
9 or renewed, and shall make necessary alterations therein and  
10 additions thereto at an expense not exceeding one thousand  
11 dollars in any one year, unless the town has authorized a larger  
12 appropriation.

1 SECTION 27. Section 53 of said chapter 48, as so appearing,  
2 is hereby amended by striking out, in line 10, the word "twenty"  
3 and inserting in place thereof the words: — two hundred.

1 SECTION 28. Section 54 of said chapter 48, as so appearing,  
2 is hereby amended by striking out, in line 3, the word "twenty"  
3 and inserting in place thereof the word: — two hundred.

1 SECTION 29. 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  
6 district, 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  
10 engineers for cause at any time after a hearing. Fire districts shall  
11 have the right to accept the provisions of section forty-two of this  
12 chapter.

