

# HOUSE . . . . No. 2383

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, March 9, 1953.

The committee on Conservation, to whom was referred the petition (accompanied by bill, Senate, No. 77) of the Massachusetts Forest and Park Association, by Harris A. Reynolds, secretary, for legislation relative to the prevention of forest fires, report the accompanying bill (House, No. 2383).

For the committee,

HOWARD S. RUSSELL.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Three.

### AN ACT MAKING CERTAIN CHANGES IN THE LAWS RELATING TO FOREST FIRE PATROL.

*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. Clause (29) of section 5 of chapter 40  
2 of the General Laws, as appearing in the Tercentenary  
3 Edition, is hereby amended by inserting after the  
4 word "forty-eight" in line 2, the words: — , and for  
5 the prevention of forest fires as provided in section  
6 eleven of chapter forty and in section twenty-four of  
7 said chapter forty-eight.

1 SECTION 2. Section 11 of said chapter 40, as most  
2 recently amended by chapter 355 of the acts of 1948,  
3 is hereby further amended by striking out, in lines 2  
4 and 3, as appearing in section 9 of chapter 490 of the  
5 acts of 1941, the words "which accepts this section,  
6 or has accepted corresponding provisions of earlier  
7 laws," — so as to read as follows: — *Section 11.* A  
8 town may appropriate money for the prevention of  
9 forest fires to an amount not exceeding one tenth of  
10 one per cent of its valuation. Every such town with  
11 a valuation of one million seven hundred and fifty  
12 thousand dollars or less which appropriates and ex-  
13 pends money, with the approval of the director of the

14 division of forestry in the department of conservation,  
15 for apparatus to be used in preventing or extinguish-  
16 ing forest fires, or for making protective belts or zones,  
17 and building or maintaining water holes or cisterns  
18 for fire protection purposes as a defence against forest  
19 fires, shall, upon the recommendation of said director,  
20 approved by the governor, receive from the common-  
21 wealth a sum equal to one half of the said expenditure;  
22 but no town shall receive more than two hundred and  
23 fifty dollars. A sum not exceeding five thousand dol-  
24 lars may annually be expended by the commonwealth  
25 for this purpose. Whenever it has been demonstrated  
26 to the satisfaction of said director that such equip-  
27 ment has been destroyed or has become unfit for use,  
28 the town shall be reimbursed by the commonwealth  
29 one half the cost of replacing the same; provided that  
30 the amount paid to any one town in any one year  
31 shall not exceed fifty dollars. All equipment pur-  
32 chased under this section shall be in the custody and  
33 care of the town forest warden. Said director or his  
34 deputies may inspect such equipment at such times  
35 as they may deem necessary.

1 SECTION 3. Section 24 of chapter 48 of the General  
2 Laws, as appearing in the Tercentenary Edition, is  
3 hereby amended by inserting after the word "fires",  
4 in line 7, the words: —, for fire patrols, — so as to  
5 read as follows: — *Section 24.* Money appropriated  
6 by a town under section eleven of chapter forty, for  
7 the prevention of forest fires, and all fines received  
8 under sections eleven, thirteen and twenty-six of this  
9 chapter and section nine of chapter two hundred and  
10 sixty-six shall be expended by the forest warden, under  
11 the supervision of the selectmen, in trimming brush

12 out of wood roads, in preparing and preserving suitable  
13 lines for back fires, for fire patrols, or in other ways  
14 adapted to prevent or check the spread of fire; or  
15 such town may expend any portion of such money in  
16 taking by eminent domain such woodland as the se-  
17 lectmen, upon recommendation of the forest warden,  
18 consider expedient to prevent forest fires. Such tak-  
19 ing and the payment of damages therefor or for injury  
20 to property, other than by fire or back fire, shall be  
21 governed by chapter seventy-nine. Every town, the  
22 valuation of which does not exceed one million two  
23 hundred and fifty thousand dollars, which expends in  
24 any one year a sum equal to one twentieth of one per  
25 cent of its valuation in the extinguishment of forest  
26 fires, shall, upon the recommendation of the forester,  
27 approved by the governor, receive from the common-  
28 wealth one half of any additional sum expended by it  
29 in the extinguishment of forest fires, provided that the  
30 total amount paid by the commonwealth to any such  
31 town in any one year shall not exceed two hundred and  
32 fifty dollars. In the event of a forest fire getting be-  
33 yond the control of a local forest warden, the forester  
34 or his assistant may take entire charge of the extin-  
35 guishment of such fire and engage all help and equip-  
36 ment necessary therefor. All expenses thereby in-  
37 curred in a town wherein a fire occurs after the forester  
38 has so taken charge shall be divided equally between  
39 such town and the commonwealth. The expenses  
40 aforesaid shall be paid by the commonwealth upon  
41 presentation of pay rolls and vouchers approved in  
42 such manner as the forester shall direct. One half of  
43 any sums so paid shall be assessed and collected as a  
44 part of the state tax of such town.

1 SECTION 4. Said chapter 48 is hereby further  
2 amended by striking out section 28B, as so appearing,  
3 and inserting in place thereof the following section: —  
4 *Section 28B.* When the forest fire hazard, as de-  
5 termined by the director of the division of forestry,  
6 according to the United States Forest Service stand-  
7 ard of classification of fire danger, or its equivalent in  
8 any future classification, shall reach a burning index  
9 of fifty or higher, the forest warden, within the limits  
10 of funds appropriated for such purposes, may, and  
11 upon the order of the forester shall, cause the forests  
12 of such town to be patrolled for the prevention of  
13 such fires. The cost of such patrol, if ordered by the  
14 forester, shall be paid by said town, subject to re-  
15 imbursement by the commonwealth, if the valuation  
16 of such town does not exceed one million two hundred  
17 and fifty thousand dollars, as if incurred for the ex-  
18 tinguishment of forest fires as provided in section  
19 twenty-four.





