

HOUSE No. 2396

By Mr. Toomey of Cambridge, petition of Timothy J. Toomey, Jr., relative to standards and qualifications for the position of fire chief or chief engineer in cities, towns, fire districts, or authorities. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO STANDARDS AND QUALIFICATIONS FOR THE POSITION OF FIRE CHIEF OR CHIEF ENGINEER IN CITIES, TOWNS, FIRE DISTRICTS, OR AUTHORITIES.

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. Notwithstanding any general or special law to the
2 contrary, Chapter 6 of the General Laws is hereby amended by
3 adding after section 165B, the following new section:—

4 165C.:—

5 “No person shall be appointed, elected, or otherwise be qualified
6 to hold the position of fire chief or chief engineer in any city, town,
7 fire district, or authority unless said person shall have been certified
8 by the Massachusetts Fire Service Commission pursuant to Section
9 165B of Chapter 6 of the General Laws.

10 The State Fire Marshal shall not issue a delegation of authority to
11 any person named as fire chief or chief engineer who, at the time of
12 their application for such delegation, has not submitted a proper cer-
13 tificate issued by the Massachusetts Fire Service Commission.

14 The Marshal may, upon proper application, issue a temporary del-
15 egation of authority to a city, town, fire district, or authority when
16 there is no fire chief or chief engineer appointed or elected. Such
17 delegation shall not be valid for more than 180 days.

18 For purposes of this section, fire chief or chief engineer shall
19 mean, any person who without regard to title is engaged full time or
20 part time voluntary or paid in one or more of the following activities
21 directly or indirectly related to the operation of the fire department
22 or board of engineers including but not limited to: the administra-

23 tion, oversight, command control, personnel decisions, budget mat-
24 ters or any other executive or management functions of a fire depart-
25 ment, however so organized”.

1 SECTION 2. Section 165B of Chapter 6 of the General Laws is
2 hereby amended by adding after line 53 so as appearing in the 2004
3 Official Edition the following new subsection:—

4 “(6) the development of standards, in consultation with the
5 Massachusetts Fire Training Council, for the certification of fire
6 chiefs and chief engineers in cities, towns, fire districts, or authori-
7 ties appointed or elected after the effective date of this act. In cre-
8 ating such standards for certification, the Commission may
9 promulgate all necessary rules and regulations and shall consider all
10 necessary qualifications to hold such positions including, but not
11 limited to:— years of service, level of training, criminal history,
12 character, and fitness. The Fire Service Commission shall develop
13 and implement equivalency certification standards for all incum-
14 bents holding the position of fire chief or chief engineer in cities,
15 towns, fire districts, or authorities appointed or elected prior to the
16 effective date of this act”.

1 SECTION 3. The Fire Service Commission shall develop and
2 implement certification standards no later than twenty-four months
3 from the effective date of this act.