

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Timothy J. Toomey, Jr.**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to standards and qualifications for the position of fire chief or chief engineer in cities, towns, fire districts, or authorities.

PETITION OF:

NAME:

Timothy J. Toomey, Jr.

DISTRICT/ADDRESS:

26th Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 2396 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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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 contrary, Chapter  
2 6 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding  
3 after section 165B, the following new section:-

4                   **165C -**

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

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

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

15           For purposes of this Section, fire chief or chief engineer shall mean, any person who  
16 without regard to title is engaged full time or part time voluntary or paid in one or more of the  
17 following activities directly or indirectly related to the operation of the fire department or board  
18 of engineers including but not limited to: the administration, oversight, command control,  
19 personnel decisions, budget matters or any other executive or management functions of a fire  
20 department, however so organized.

21

## 22 SECTION 2.

23           Section 165B of Chapter 6 of the General Laws is hereby amended by adding after line  
24 53 so as appearing in the 2006 Official Edition the following new subsection:-

25           “(6) the development of standards, in consultation with the Massachusetts Fire  
26 Training Council, for the certification of fire chiefs and chief engineers in cities, towns,  
27 fire districts, or authorities appointed or elected after the effective date of this act. In creating  
28 such standards for certification, the Commission may promulgate all necessary rules and  
29 regulations and shall consider all necessary qualifications to hold such positions including, but  
30 not limited to: years of service, level of training, criminal history, character, and fitness. The  
31 Fire Service Commission shall develop and implement equivalency certification standards for all  
32 incumbents holding the position of fire chief or chief engineer in cities, towns, fire districts, or  
33 authorities appointed or elected prior to the effective date of this act.

34

35 SECTION 3.

36 The Fire Service Commission shall develop and implement certification standards no

37 later than twenty-four months from the effective date of this act.