

SENATE, No. 2682

[SIMILAR MATTER FILED DURING PAST SESSION
SEE NO. OF]



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND EIGHT

AN ACT CREATING THE MASSACHUSETTS MILITARY RESERVATION FIRE DEPARTMENT

*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. Chapter 33 of the General Laws, as appearing in the 2006 Official

2 Edition, is hereby amended by inserting after section 137, the following section:-

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4 Section 138. (a) As used in this section the following words shall have the following
5 meanings:-

6 "Massachusetts military reservation", approximately 22,000 acres of land owned
7 by the commonwealth in Barnstable county established under chapter 196 of the acts of
8 1935, and amended by chapters 320 and 344 of the acts of 1936, chapter 5 of the acts of

9 1941, chapter 665 of the acts of 1955, chapter 617 of the acts of 1956, and chapter 47 of
10 the acts of 2002 and used primarily for military purposes.

11 “Chief”, the chief of the Massachusetts military reservation fire department.

12 “Department”, the Massachusetts military reservation fire department created by
13 this section.

14 (b) There shall be within the military division a Massachusetts military reservation fire
15 department. The department shall provide air crash crew and fire protection services on
16 the Massachusetts military reservation. The department shall be under the supervision
17 and control of an officer to be known as the chief of the Massachusetts military
18 reservation fire department.

19 The chief shall be appointed by the adjutant general. He may be removed by the
20 adjutant general for cause after a hearing. He shall have charge of extinguishing fires on
21 the Massachusetts military reservation and the protection of life and property in the event
22 of fire or explosion. He shall enforce all state and federal fire laws and codes. He shall
23 purchase, subject to the approval of the adjutant general or his designee, and keep in
24 repair, all apparatus used by the fire department, and shall make other necessary
25 expenditures subject to such further limitations as the adjutant general or his designee
26 may prescribe.

27 The chief shall enter into mutual aid agreements with surrounding cities and
28 towns as necessary. He shall have and exercise all the powers and discharge all the
29 duties conferred or imposed by statute upon engineers in towns except as otherwise
30 provided by chapter 48. He shall appoint a deputy chief and such officers and firemen as
31 he deems necessary and may remove the same for cause after a hearing. The chief,

32 deputy chief, officers and firemen shall be civilian employees of the military division and
33 shall not be subject to the provisions of the General Laws establishing a civil service
34 system. Uniformed members of the department shall be subject to the provisions for
35 firefighters set forth in sections 61A and 61B of chapter 31.

36 Except as provided herein, the chief shall have full and absolute authority in the
37 administration of the department. He shall make rules and regulations for its operation,
38 shall report to the adjutant general or his designee from time to time as the adjutant
39 general or his designee may require and report annually to the adjutant general on the
40 condition of the department.

41 SECTION 2. Section 3 of chapter 32 of the General Laws, as appearing in the
42 2006 Official Edition, is hereby amended by inserting after the word “men”, in line 278,
43 the following words:- members of the Massachusetts military reservation fire department;

44 SECTION 3. Section 94 of said chapter 32, as so appearing, is hereby amended
45 by inserting after the word “Airport”, in line 13, the following words:- or members of the
46 Massachusetts military reservation fire department.

47 SECTION 4. Section 94A of said chapter 32, as so appearing, is hereby amended
48 by inserting after the word “Airport”, in line 8, the following words:- or members of the
49 Massachusetts military reservation fire department.

50 SECTION 5. Section 94B of said chapter 32, as so appearing, is hereby amended
51 by inserting after the word “Airport”, in line 10, the following words:- or members of the
52 Massachusetts military reservation fire department.

53 SECTION 6. Section 100 of said chapter 32, as so appearing, is hereby amended
54 by adding at the end thereof the following paragraph:- For purposes of this section, the

55 word “firefighter” shall include members of the Massachusetts military reservation fire
56 department.

57 SECTION 7. Section 100A of said chapter 32, as so appearing, is hereby amended
58 by adding the following subsection:- (h): This section shall apply to members of the
59 Massachusetts military reservation fire department killed in the line of duty.

60 SECTION 8. Section 111F of chapter 41 of the General Laws, as appearing in the
61 2006 Official Edition, is hereby amended by inserting after the word “airport”, in line 21,
62 the following words:- and members of the Massachusetts military reservation fire
63 department.

64 SECTION 9. Said section 111F of said chapter 41, as so appearing, is hereby
65 further amended by inserting after the word “authority”, in line 22, the following words:-
66 and the Massachusetts military reservation.

67 SECTION 10. Section 59A of chapter 48 of the General Laws, as appearing in the
68 2006 Official Edition, is hereby amended by striking out, in lines 10 and 11, the words
69 “or district” and inserting in place thereof the following words:- , district or the
70 Massachusetts military reservation fire district.

71 SECTION 11. Section 1 of chapter 148 of the General Laws, as appearing in the
72 2006 Official Edition, is hereby amended by striking out, in line 7, the words “or fire
73 district” and inserting in place thereof the following words:- , fire district or the
74 Massachusetts military reservation fire department.

75 SECTION 12. Upon creation of the Massachusetts military reservation fire
76 department, all incumbent firefighters currently assigned to the federal fire department at
77 the Otis Air National Guard Base, may transfer to state employment as civilian

78 firefighters in the Massachusetts military reservation fire department subject to approval
79 of the chief of the Massachusetts military reservation fire department and all other
80 requirements of state law. Notwithstanding any general or special law to the contrary,
81 such transferees shall have preference for these positions, provided they otherwise meet
82 all other conditions for their hire.

83 SECTION 13. Notwithstanding any general or special law to the contrary, all
84 firefighters employed at the Massachusetts military reservation fire department shall be
85 subject, without payment of overtime compensation, to extended tours of duty as
86 determined by the chief of the Massachusetts military reservation fire department,
87 provided such tours of duty do not exceed the wage and hour restrictions under federal
88 law.

89 SECTION 14. The provisions of this act shall take effect upon the termination of
90 fire protection services by the federal fire department at the Otis Air National Guard Base
91 at the Massachusetts military reservation.