

**HOUSE . . . . . No. 1328**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Jennifer E. Benson***

*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 adoption of the accompanying bill:

An Act relative to the Devens Fire Department.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>1/18/2017</i>
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>	<i>12/26/2017</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>12/26/2017</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>12/26/2017</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>12/26/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>12/26/2017</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>	<i>12/26/2017</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>12/26/2017</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>12/26/2017</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>12/26/2017</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>12/26/2017</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>12/26/2017</i>
<i>Natalie Higgins</i>	<i>4th Worcester</i>	<i>12/26/2017</i>

**HOUSE . . . . . No. 1328**

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By Ms. Benson of Lunenburg, a petition (accompanied by bill, House, No. 1328) of Jennifer E. Benson and others relative to members of the Devens Fire Department. Public Service.

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**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
\_\_\_\_\_

An Act relative to the Devens 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. Section 7 of chapter 4 of the General Laws, as appearing in the 2014  
2 Official Edition, is hereby amended by inserting after the word “department” in line 451, the  
3 following words:- members of the Devens fire department.

4           SECTION 2. Section 3 of Chapter 32 of the General Laws, as so appearing, is hereby  
5 amended by inserting after the word “department” in line 303, the following words:- members of  
6 the Devens fire department;

7           SECTION 3. Section 94 of said Chapter 32 of the General Laws, as so appearing, is  
8 hereby amended by Inserting after the word “department” in line 16, the following words:- or  
9 members of the Devens fire department,

10          SECTION 4. Section 94A of said Chapter 32, as so appearing, is hereby amended by  
11 inserting after the word “department” in line 10, the following words:- or members of the Devens  
12 fire department,

13 SECTION 5. Section 94B of said Chapter 32, as so appearing, is hereby amended by  
14 inserting after the word “department”, in line 12, the following words:- or members of the  
15 Devens fire department,

16 SECTION 6. Section 100 of said Chapter 32, as so appearing, is hereby amended by  
17 adding the following paragraph:-

18 For purposes of this section, the word “firefighter” shall include members of the Devens  
19 fire department.

20 SECTION 7. Section 100A of said Chapter 32 as so appearing, is hereby amended by  
21 adding the following subsection:-

22 (j) This section shall apply to members of the Devens fire department killed in the line of  
23 duty.

24 SECTION 8. The first paragraph of Section 111F of Chapter 41 of the General Laws, as  
25 so appearing, is hereby amended by striking out the last sentence and inserting in place thereof  
26 the following sentence:-

27 This Section shall also apply to any permanent crash crewman, crash boatman, fire  
28 controlman or assistant fire controlman employed at the General Edward Lawrence Logan  
29 International Airport, members of the Massachusetts Military Reservation Fire Department,  
30 members of the 104th Fighter Wing Fire Department and members of the Devens Fire  
31 Department and, for the purposes of this section the Massachusetts Port Authority, the  
32 Massachusetts Military Reservation, the Barnes Air National Guard Base and the Devens  
33 Regional Enterprise Zone/Devens Commerce Center (“Devens”) shall be fire districts.

34 SECTION 9. Section 1 of Chapter 148 of the General Laws, as so appearing, is hereby  
35 amended by inserting after the word “district”, in line 10, the following words:- or the Devens  
36 fire department

37 SECTION 10. Section 30A of Chapter 149 of the General Laws, as so appearing, is  
38 hereby amended by inserting after the word “department” in line 31, the following words:-  
39 members of the Devens fire department;

40 SECTION 11. Notwithstanding any general or special law to the contrary, firefighters of  
41 the Devens Fire Department shall be considered public employees under Chapter 150E of the  
42 General Laws and may organize to negotiate the wages, hours and conditions of their  
43 employment. This Section shall not apply to the Fire Chief and Deputy Chief.

44 SECTION 12. Notwithstanding any general or special law to the contrary, for overtime  
45 purposes only, firefighters of the Devens fire department may be classified as so-called “7(k)  
46 eligible” under the Fair Labor Standards Act, 29 U.S.C.S 207(k).