

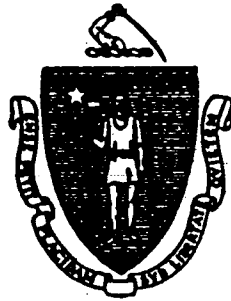
The Commonwealth of Massachusetts

EXECUTIVE DEPARTMENT

CIVIL DEFENSE AGENCY

MASSACHUSETTS CIVIL DEFENSE ACT AND RELATED STATUTES

(C. 639, ACTS OF 1950, AS AMENDED BY C. C. 434, 460, 486, 531, 547 AND 580, ACTS OF 1951; C. C. 491 AND 500, ACTS OF 1953; C. C. 25 AND 607, ACTS OF 1955; C. C. 401 AND 560, ACTS OF 1956; C. 684, ACTS OF 1957; C. C. 180 AND 425, ACTS OF 1958; C. C. 350, 743 AND 767, ACTS OF 1962; C. 6, ACTS OF 1964; C. 522, ACTS OF 1951; G. L. c. 23, s. 9H; G. L. c. 33, ss. 42-46 AND 49; G. L. c. 40, ss. 19 AND 20; G. L. c. 59, s. 5 (FORTIETH) INSERTED BY C. 345, ACTS OF 1963.)



CDA-1

January 1, 1965

general regulations, or through such department or agency of the commonwealth, including the civil defense agency, or of any political subdivision thereof, or such person as he may direct by a writing signed by him and filed in the office of the state secretary. Any department, agency or person so directed shall act in conformity with any regulations prescribed by the governor for its or his conduct.

Whoever violates any provision of any such executive order or general regulation issued or promulgated by the governor, for the violation of which no other penalty is provided by law, shall be punished by imprisonment for not more than one year, or by a fine of not more than five hundred dollars, or both.

SECTION 8A. Any provision of any general or special law or of any rule, regulation, ordinance or by-law to the extent that such provision is inconsistent with any order or regulation issued or promulgated under this act shall be inoperative while such order or such last-mentioned regulation is in effect; provided that nothing in this section shall be deemed to affect or prohibit any prosecution for a violation of any such provision before it became inoperative.

SECTION 9. (Repealed by Acts of 1962, Chapter 743, effective October 23, 1962.)

SECTION 10. During any blackout or during the period between the air raid warning and the following "all clear" signal, regular, special and reserve members of the police and fire forces of the commonwealth or of its political subdivisions, and members of the state guard and the armed forces of the United States, while in uniform, may enter upon private property for the purpose of enforcing blackout or air-raid precaution rules, regulations or orders issued by or under authority of the governor. Such members may at any time enter upon private property in compliance with the written order of the governor, for the sole purpose of enforcing the laws, rules, regulations, by-laws or ordinances specifically set forth by the governor in such orders; provided, that nothing in this section shall be construed or deemed to prohibit any entry upon private property otherwise authorized by law. Any entry made under the foregoing provision shall be reported by the person making such entry forthwith to the director of the local organization for civil defense.

SECTION 11. (a)⁵ The mayor and city council in cities and the selectmen in towns, or such other persons or bodies as are authorized by law to appoint firemen or policemen, may appoint, train and equip volunteer, unpaid auxiliary firemen and auxiliary police and may establish and equip such other volunteer, unpaid public protection units as may be approved by said civil defense agency and may appoint and train their members. Coats and other like garments issued hereunder to be worn as outer clothing by auxiliary firemen shall bear on the back the letters C. D. five inches in height and helmets so issued shall be yellow. Every such fireman, unless wearing a coat or other like garment and helmet issued as aforesaid, shall, while on duty as such, wear an arm band bearing the letters C. D. Coats, shirts and other garments to be worn as outer clothing by auxiliary police officers shall bear a shoulder patch with the words "Auxiliary Police" in letters not less than one inch in height.⁶ Chapters

5. As amended by Acts of 1958, Chapter 180, effective June 17, 1958

6. Inserted by Acts of 1964, Chapter 6, effective April 23, 1964.

thirty-one, thirty-two and one hundred and fifty-two of the General Laws shall not apply to persons appointed hereunder.

(b) Cities and towns may by ordinance or by-law, or by vote of the aldermen, selectmen, or board exercising similar powers, authorize their respective police departments to go to aid another city or town at the request of said city or town in the suppression of riots or other forms of violence therein, and, while in the performance of their duties in extending such aid, the members of such departments shall have the same powers, duties, immunities and privileges as if performing the same within their respective cities or towns. Any such ordinance, by-law or vote may authorize the head of the police department to extend such aid subject to such conditions and restrictions as may be prescribed therein. Any city or town aided under and in accordance with this section shall compensate any city or town rendering aid as aforesaid for the whole or any part of any damage to its property sustained in the course of rendering the same and shall reimburse it in whole or in part for any payments lawfully made to any member of its police department or to his widow or other dependents on account of injuries or death suffered by him in the course of rendering aid as aforesaid or of death resulting from such injuries.

(c)⁷ The head of the fire or police department of any city, town or district of the commonwealth shall, after the issuing of any proclamation provided for in this act, order such portion of his department, with its normal equipment, as the governor may request, for service in any part of the commonwealth where the governor may deem such service necessary for the protection of life and property. When on such service, police officers and firemen shall have the same powers, duties, immunities and privileges as if they were performing their duties within their respective cities, towns or districts. The commonwealth shall compensate any city, town or district for damage to its property sustained in such service and shall reimburse it for any payments lawfully made by it to any member of its police or fire department or to his widow or other dependents on account of injuries sustained by him in such service or of death resulting from such injuries. Persons appointed to the auxiliary police force in a city or town shall exercise or perform such of the powers or duties of police officers as may be prescribed by the appointing authority; provided, that said powers or duties shall not be exercised or performed by them except while they are on active duty and displaying an authorized badge or other insignia after being called to such duty by the head of the police force of such city or town to meet a situation which, in his opinion, cannot be adequately handled by the regular police force and by the reserve police force, if any, of such city or town. Auxiliary police in towns, but not in cities, may be authorized by the appointing authorities to exercise the powers conferred by section ten of this act upon members of regular, special or reserve police forces of said towns.

(d)⁸ Auxiliary police shall not be sent to another city or town pursuant to the provisions of paragraphs (b) and (c) of this section or any other provisions of law, except upon the order of the head of the police force of the city or town in which such auxiliary police were appointed; provided, that auxiliary police shall not be so dispatched to another city

7. Inserted by Acts of 1951, Chapter 486, effective October 1, 1951.

8. Inserted by Acts of 1951, Chapter 434, effective September 19, 1951.

or town unless they are authorized by the appointing authority to exercise or perform the full powers or duties of police officers, except that auxiliary police appointed in a town shall not, while performing their duties in a city, exercise the powers conferred by section ten of this act upon members of regular, special or reserve police forces of said town. When on such service, auxiliary police shall have the same powers, duties, immunities and privileges, except as provided above, as if they were performing their duties within their respective cities and towns.

(e)⁹ When participating in any training exercise ordered or authorized by the director, policemen and fire fighters shall have the same powers, duties, immunities and privileges as if they were performing their duties within their respective cities, towns or districts. The commonwealth shall compensate any city, town or district for damage to its property sustained in such training, and shall reimburse it for any payments lawfully made by it to any member of its police or fire department or to his widow or other dependents on account of injuries sustained by him in such training or of death resulting from such injuries.

SECTION 11A¹⁰. There shall be in the civil defense agency a civil defense claims board consisting of three members as follows: The chairman of the industrial accident board or such person as shall be designated by him in writing from time to time, the chairman of the commission on administration and finance or such person as shall be designated by him in writing from time to time, and such assistant attorney general as the attorney general shall designate in writing from time to time. The director of civil defense or such person as shall be designated by him in writing from time to time shall be the secretary of the board. The board shall act upon and decide claims filed under this section, and shall have power to adopt and from time to time revise rules and regulations necessary or apt for the expeditious handling and decision of such claims. No hearing shall be held upon any claim unless the board so orders; but nothing herein contained shall prevent the board from ordering and holding a hearing upon any claim, and for such purpose the board shall have power to take evidence, administer oaths, issue subpoenas and compel witnesses to attend and testify and produce books and papers. Any person so subpoenaed who shall refuse to attend or to be sworn or affirm or to answer any question or produce any book or paper pertinent to the matter under consideration by the board shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months or both.

Every person appointed under paragraph (a) of section eleven of this act and every volunteer unpaid person appointed by the director of civil defense under section two of this act who, while participating in training, or performing duty, in the city or town in which he is appointed or in another city or town in this commonwealth or in another state under or pursuant to any provision of this act or of any mutual aid arrangement or interstate compact made under authority, thereof, shall without fault or neglect on his part sustain loss of or damage to his property by reason of such participation in training or performance of duty, shall be indemnified by the commonwealth for such loss or damage; but said indemnification shall not exceed fifty dollars for any one accident.* Every

9. Inserted by Acts of 1957, Chapter 684, effective August 21, 1957.

10. Inserted by Acts of 1951, Chapter 547, effective July 25, 1951. Amended by Acts of 1955, Chapter 607, effective July 28, 1955, and Acts of 1956, Chapter 560, effective July 26, 1956.

such person who, while so participating in training or performing duty, shall by reason thereof without fault or neglect on his part sustain personal injury, shall be indemnified by the commonwealth for the reasonable hospital, medical and surgical expenses incurred by him or in his behalf by reason of such injury, and also for his loss of earning capacity, if any; but such indemnification for loss of earning capacity shall not exceed for any one week a sum equal to thirty-five dollars plus two dollars and fifty cents for each person wholly dependent on such person within the meaning of section thirty-five A of chapter one hundred and fifty-two of the General Laws. Every such person who, while so participating in training or performing duty, shall by reason thereof without fault or neglect on his part receive any of the injuries specified in section thirty-six of said chapter one hundred and fifty-two shall be indemnified by the commonwealth at the rate and for the period specified in said section thirty-six except that any determination required by said section to be made by the industrial accident board shall be made by the civil defense claims board. If any such person is killed while, and by reason of, so participating in training or performing duty, or if any such person dies from injuries received, or as a natural and proximate result of undergoing a hazard, while, and by reason of, so participating in training or performing duty, the reasonable expense of his burial, not exceeding five hundred dollars, shall be paid by the commonwealth, which shall also pay to his dependents the following annuities: To the widow, so long as she remains unmarried, an annuity not exceeding fifteen hundred dollars a year, increased by not exceeding three hundred and twelve dollars for each child of such person during such time as such child is under the age of eighteen or over said age and physically or mentally incapacitated from earning; and, if there is any such child and no widow or the widow later dies, such annuity as would have been payable to the widow had there been one or had she lived, to or for the benefit of such child, or of such children in equal shares, during the time aforesaid; and, if there is any such child and the widow remarries, in lieu of the aforesaid annuity to her, an annuity not exceeding five hundred and twenty dollars to or for the benefit of each such child during the time aforesaid; and, if there is no widow and no such child, an annuity not exceeding one thousand dollars to or for the benefit of the father or mother of the deceased, or to or for the benefit of an unmarried or widowed sister of the deceased with whom he was living at the time of his death, if such father, mother or sister was dependent upon him for support at the time of his death, during such time as such beneficiary is unable to support himself or herself and does not marry.

No indemnification or payment of any kind shall be made by the commonwealth under this section unless a claim therefor in writing, on a form approved by the civil defense claims board, is filed with the secretary thereof within ninety days after the loss of or damage to property or the personal injury or the death, as the case may be, nor unless a duplicate copy of such claim is filed within said period with the director of the local organization for civil defense or, in the case of persons appointed under section two of this act, with the director of civil defense. As soon as reasonably may be after the receipt by such director of such duplicate copy, he shall file with the secretary of the civil defense claims board, on a form approved by such board, as complete a report as may be concerning such claim and his recommendation with respect to the allowance thereof. No decision shall be made by the

civil defense claims board upon a claim unless such report and recommendation relative thereto has been filed with its secretary. The decision of the civil defense claims board upon a claim shall constitute the final determination thereof; and there shall be no review thereof or appeal therefrom, but nothing contained herein shall be construed to prevent the board from reconsidering any decision.

The provisions of this section shall not apply to any injury or death, or to any loss, damage or expense, for which any federal law heretofore or hereafter passed shall provide reimbursement, indemnification or compensation.

Any contrary provision of this section notwithstanding, the civil defense claims board is hereby authorized to approve in its sole discretion a claim in accordance with the provisions of this section notwithstanding that the person by or on account of whom said claim shall have been filed was not appointed as required by paragraph (a) of section eleven of this act, provided, that said person, at the time of the occurrence out of which said claim shall have originated, was in good faith actually participating in civil defense training or performing civil defense duty, as an unpaid volunteer, under the supervision or at the direction of a person actually or apparently authorized to direct or supervise such person in such training or duty; and provided, further, that said person, previous to the occurrence out of which such claim shall have originated, shall have enrolled, registered or otherwise previously signified his intention of joining the civil defense organization concerned. A decision of the board approving or denying a claim by or on account of such person shall constitute the final determination thereof and there shall be no review thereof or appeal therefrom, provided, however, that nothing contained herein shall be construed to prevent the board from reconsidering any such decision.

A volunteer, unpaid director of a local organization for civil defense appointed under section thirteen of this act shall be deemed an appointee under paragraph (a) of section eleven of this act for the purposes of this section only, provided, that the duplicate copy of any claim filed under this section by or on account of such local director shall be filed with the appointing authority designated in said section thirteen, and said appointing authority shall report and recommend to the civil defense claims board concerning such claim.

SECTION 11B.¹¹ The word "employee" as used in clause (1) of section five of chapter forty and in section one hundred A of chapter forty-one of the General Laws, shall include, for the purposes of said sections, a person appointed under the provisions of paragraph (a) of section eleven of this act, while performing his properly assigned training or duties.

SECTION 12. On and after a declaration of an emergency neither the commonwealth nor any political subdivision thereof, nor other agencies, nor any person engaged in any civil defense activities while in good faith complying with or attempting to comply with this act or any other rule or regulation promulgated pursuant to the provisions of this act, shall be civilly liable for the death of or any injury to persons or damage to property as result of such activity except that the individual shall be liable for his negligence. The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under this act, or under the workmen's compensation law,

11. Inserted by Acts of 1956, Chapter 401, effective in Cities and Towns upon Acceptance by Vote of the City Council or an Annual Town Meeting, respectively.

Accompanying the eighth recommendation of the Executive Office of Public Safety (House, No. 212). Public Safety.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Five.

AN ACT TO PROVIDE FOR THE SAFETY OF THE COMMONWEALTH IN PREPARATION FOR OR EXISTENCE OF AN EMERGENCY RESULTING FROM NATURAL OR TECHNOLOGICAL DISASTER INCLUDING WEAPONS RELATED INCIDENTS.

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. In this Act, unless the context otherwise requires,
2 the following words shall have the following meanings: —
3 Emergency Management shall mean the preparation for and the
4 carrying out of all emergency functions, other than functions for
5 which military forces other than the national guard are primarily
6 responsible, for the purpose of minimizing and repairing injury
7 and damage resulting from disasters, natural or technological or
8 emergencies.

1 SECTION 2. There is hereby, created within the executive
2 branch of the Commonwealth a division of Emergency
3 Management hereinafter called the "Emergency Management
4 Agency" which shall be under the direction of a Director of
5 Emergency Management hereinafter called the "Director". The
6 Governor shall appoint the Director to serve during his pleasure.
7 The Director shall devote his full time to his duties under this Act,
8 shall not hold any other public office and shall receive, subject to
9 appropriation, such annual salary as the Governor approves. He
10 shall coordinate the activities of all organizations for emergency
11 management within the Commonwealth, and shall cooperate and
12 maintain liaison with emergency management agencies of other
13 states and the federal government, shall, subject to the direction

2 and control of the Governor, be the executive head of the
 3 emergency management agency, and shall have such additional
 4 authority, duties and responsibilities authorized by this act as may
 5 be prescribed by the Governor, and shall be responsible to the
 6 Governor for carrying out the program for emergency manage-
 7 ment of the Commonwealth. The Director may, within the limits
 8 of the amount appropriated therefore appoint such experts, clerks
 9 and other assistants as the work of the emergency management
 10 agency may require and may remove them, and may make such
 11 expenditures as may be necessary in order to execute effectively
 12 the purposes of this act. The Director and other personnel of the
 13 emergency management agency shall be provided with suitable
 14 office space, furniture, equipment and supplies in the same man-
 15 ner as provided for personnel of other state departments.

1 SECTION 3. The Governor shall have general direction and
 2 control of the Emergency Management Agency, and shall be
 3 responsible for carrying out the provisions of this act and may
 4 assume direct operational control over any or all parts of the
 5 emergency management functions within the Commonwealth; he
 6 may at the request of the Director authorize the employment of
 7 such technical, clerical, stenographic or other personnel, and may
 8 make such expenditures, within the appropriation therefor or from
 9 other funds made available to him for the purposes of emergency
 10 management or to deal with disaster or threatened disaster should
 11 it occur, as may be necessary to carry out the purposes of this act.
 12 He may cooperate with the federal government, and with other
 13 states and private agencies in all matters pertaining to the emer-
 14 gency management of the Commonwealth and the nation, may
 15 propose a comprehensive plan and program for the emergency man-
 16 agement of the Commonwealth, and in accordance with said plan
 17 and program may institute training and public information pro-
 18 grams and take all other preparatory steps, including the partial or
 19 full mobilization of emergency management organizations in
 20 advance of actual disaster as he may deem necessary. He may
 21 make studies and surveys to ascertain the capabilities of the
 22 Commonwealth for emergency management and to plan for the
 23 most efficient emergency uses thereof, may delegate any adminis-
 24 trative authority vested in him under this act.

25 (a) "Nuclear Power Plant Areas". The Director shall designate
 26 certain areas of the Commonwealth as "nuclear power plant
 27 areas". For purposes of this section, said areas shall consist of all
 28 communities located within a ten-mile radius of a nuclear power
 29 plant, whether or not said power plant is located within the
 30 Commonwealth.

31 The Director shall annually publish and release to local offi-
 32 cials of each political subdivision within areas preparedness and
 33 response plans which will permit the residents of said areas to
 34 evacuate or take other protective actions in the event of a nuclear
 35 accident. Copies of such plans shall be made available to the
 36 public upon request for a fee which is not to exceed the cost of
 37 reproduction.

38 The Director shall also annually publish and release through
 39 local officials to the residents of the said areas emergency public
 40 information. Such information shall include warning and altering
 41 provision, evacuation routes, reception areas, and other recom-
 42 mended actions for each area.

43 The Director shall propose procedures for annual review by
 44 state and local officials of the preparedness and response plans
 45 with regard for, but not limited to, such factors as changes in traf-
 46 fic patterns, population densities, and new construction of
 47 schools, hospitals, industrial facilities, and the like. Opportunity
 48 for full public participation in such review including a public
 49 hearing, shall be provided pursuant to Section two of Chapter
 50 Thirty A.

1 SECTION 4. Because of the existing possibility of the occur-
 2 rence of disasters of unprecedented size and destructiveness
 3 resulting from natural or technological hazards, in order to insure
 4 that the preparations of the Commonwealth will be adequate to
 5 deal with such disasters, and generally to provide for the common
 6 defense and to protect the lives and property of the people of the
 7 safety, and to preserve the lives and property of the people of the
 8 Commonwealth — if and when the Congress of the United States
 9 shall declare war, or if and when the President of the United
 10 States shall by proclamation or otherwise inform the Governor
 11 that the peace and security of the Commonwealth are endangered
 12 by belligerent acts of any enemy of the United States or of the

13 Commonwealth or by the imminent threat thereof, or upon the
 14 threat or occurrence of any disaster or catastrophe resulting from
 15 natural or technological hazards or other causes which may create
 16 a condition that exists in all or any part of the Commonwealth
 17 whereby it may reasonably be anticipated that the health, safety or
 18 property of the citizens thereof will be endangered because of fire
 19 or shortage of water or food, the Governor may issue a proclama-
 20 tion or proclamations setting forth a State of Emergency.

21 (a) Whenever the Governor has proclaimed the existence of
 22 such a State of Emergency, he may employ every secretariat,
 23 authority, agency and all members of every department and divi-
 24 sion of the government of the Commonwealth both state and local,
 25 to protect the health, safety and property of its citizens and to
 26 enforce the law. Any member of any such department or division
 27 so employed shall be entitled to the protection of existing
 28 applicable provisions of law relative to any type of service of the
 29 Commonwealth as well as the protection afforded by this act. In
 30 order to properly prepare members for such emergency and to
 31 insure that both the members and the public's health and safety is
 32 protected, periodic training may be required as determined by the
 33 Governor or the Director of Emergency Management.

34 (b) After such proclamation has been made, the Governor may,
 35 in the event of disaster or shortage making such action necessary
 36 for the protection of the public, take possession (1) of any land or
 37 building, machinery or equipment; (2) of any vehicles, aircraft,
 38 ships, boats or any other means of conveyance, rolling stock of
 39 steam, diesel, electric railroads or of street railways (3) of any
 40 cattle, poultry and any provisions for man or beast, and fuel, gaso-
 41 line or other means of propulsion which may be necessary or con-
 42 venient for the use of the military or naval forces of the
 43 Commonwealth or of the United States, or for the better protec-
 44 tion or welfare of the Commonwealth or its inhabitants as
 45 intended under this Act. He may use and employ all property of
 46 which possession is taken, for such times and in such manner as
 47 he shall deem for the interests of the Commonwealth or its inhabi-
 48 tants, and may in particular, when in his opinion the public
 49 exigency so requires, lease, sell, or, when conditions so warrant,
 50 distribute gratuitously to or among any or all of the inhabitants of
 51 the Commonwealth anything taken under clause (3) of this para-

53 the property seized containing a full and complete description
 54 shall be filed with the register of deeds in and for the county in
 55 which the seizure is located, and a copy of said declaration
 56 furnished the owner. If personal property is seized under this para-
 57 graph, the emergency management authorities by whom seized
 58 shall maintain a docket containing a permanent record of such
 59 personal property, and its condition when seized, and shall furnish
 60 a true copy of the docket recording to the owner of the seized
 61 property. He shall, with the approval of the council, award reason-
 62 able compensation to the owners of the property which he may
 63 take under the provisions of this section, and for its use, and for
 64 any injury thereto or destruction thereof caused by such use.

65 (c) Any owner of property of which possession has been taken
 66 under paragraph (b), to whom no award has been made, or who is
 67 dissatisfied with the amount awarded him by the Governor, with
 68 the approval of the council, as compensation, may file a petition
 69 in the superior court, in the county in which he lives or has a usual
 70 place of business, or in the county of Suffolk, to have the amount
 71 to which he is entitled by way of damages determined. The peti-
 72 tioner and the Commonwealth shall severally have the right to
 73 have such damages assessed by a jury, upon making claim, in such
 74 a manner as may be provided, within one year after the date when
 75 possession of the property was taken under paragraph (b), except
 76 that if the owner of the property is in the military service of the
 77 United States at the time of the taking, it shall be brought within
 78 one year after his discharge from the said military service.

79 (d) Any owner of property of which possession has been taken
 80 under this act, to whom no award has been made, or who is
 81 dissatisfied with the amount awarded him as compensation by the
 82 Governor, with the approval of the council, may have his damages
 83 assessed under Chapter seventy-nine of the General Laws, instead
 84 of proceeding under the provisions of this act. If any such taking,
 85 in itself, constitutes an appropriation of property to the public use,
 86 compensation may be recovered therefor under Chapter seventy-
 87 nine of the General Laws from the body politic, or corporate,
 88 appropriating such property.

1 SECTION 5. The Governor shall have the power and authority
 2 to cooperate with the federal authorities and with the Governors

3 of other states in matters pertaining to the common defense or to
 4 the common welfare, and also so to cooperate with the military
 5 and naval forces of the United States and of the other states, and
 6 to take any measures which he may deem proper to carry into
 7 effect any request of the President of the United States for action
 8 looking to the national defense or to the public safety.

1 SECTION 6. During the effective period of so much of this act
 2 as is contingent upon the declaration of a state of emergency as
 3 hereinbefore set forth, the Governor, in addition to any other
 4 authority vested in him by law, shall have and may exercise
 5 any and all authority over persons and property, necessary or
 6 expedient for meeting said state of emergency, which the General
 7 Court in the exercise of its constitutional authority may confer
 8 upon him as supreme executive magistrate of the Commonwealth
 9 and Commander-in-Chief of the military forces thereof, and
 10 specifically, but without limiting the generality of the foregoing,
 11 the Governor shall have and may exercise each authority relative
 12 to any or all of the following: (a) Health or safety of inmates and
 13 clients of all institutions.

14 (b) Maintenance, extension or interconnection of services of
 15 public utility or public-service companies, including public utility
 16 services owned or operated by the Commonwealth or any political
 17 subdivision thereof.

18 (c) Policing, protection or preservation of all property, public or
 19 private, by the owner or person in control thereof, or otherwise.

20 (d) Manufacture, sale, possession, use or ownership of (1) fire-
 21 works or explosives, or articles in simulation thereof; (2) means or
 22 devices of communication other than those exclusively regulated
 23 by federal authorities; (3) articles or objects (including birds and
 24 animals) capable of use for the giving of aid or information to the
 25 enemy or for the destruction of life or property.

26 (e) Transportation or travel on Sundays, or weekdays by
 27 aircraft, watercraft, vehicle or otherwise, including the use of
 28 registration plates, signs or markers thereon.

29 (f) Labor, business or work on Sundays or legal holidays.

30 (g) Assemblages, parades or pedestrian travel in order to
 31 protect the physical safety of persons or property.

32 (h) Public records and the inspection thereof.

33 (i) Regulation of the business of insurance and protection of the
 34 interests of holders of insurance policies and contracts and of
 35 beneficiaries thereunder, and of the interest of the public in con-
 36 nection therewith.

37 (j) Vocational or other educational facilities supported in whole
 38 or in part by public funds, in order to extend the benefits or avail-
 39 ability thereof.

40 (k) The suspension of the operation of any statute or rule or
 41 regulation which affects the employment of persons within the
 42 Commonwealth when, and at such times as such suspension
 43 becomes necessary in the opinion of the Governor to remove any
 44 interference, delay or obstruction in connection with the produc-
 45 tion, processing or transportation of materials which are related to
 46 the prosecution of war or which are necessary because of the exist-
 47 ence of a State of Emergency.

48 (l) Regulation of the manner and method of purchasing or con-
 49 tracting for supplies, equipment or other property or personal or
 50 other services, and of contracting for or carrying out public works,
 51 for the Commonwealth or any of its agencies or political subdivi-
 52 sion, including therein housing authorities.

53 (m) Receipt, handling or allocation of money, supplies, equip-
 54 ment or material granted, loaned or allocated by the federal
 55 governments to the Commonwealth or any of its agencies or
 56 political subdivisions.

57 (n) Protection of depositors in banks, and maintenance of the
 58 banking structure of the Commonwealth.

59 (o) Variance of the terms and conditions of licenses, permits or
 60 certificates of registration issued by the Commonwealth or any of
 61 its agencies or political subdivisions.

62 (p) Regulating the sale of articles of food and household
 63 articles.

64 (q) Modification or variation in the classifications established
 65 under sections forty-five to fifty, inclusive, of Chapter thirty of
 66 the General Laws and sections forty-eight to fifty-six, inclusive,
 67 of Chapter thirty-five of the General Laws.

1 SECTION 7. The Governor may exercise any power, authority
 2 or discretion conferred on him by any provision of this act
 3 pertaining to such section as requires preparation in anticipation

4 of a declaration of a State of Emergency by the issuance or pro-
 5 mulgation of executive orders or general regulations, or through
 6 such department or agency of the Commonwealth, including the
 7 Emergency Management Agency, or of any political subdivision
 8 thereof, or such person as he may direct by a writing signed by
 9 him and filed in the office of the Secretary of State. Any depart-
 10 ment, agency or person so directed shall act in conformity with
 11 any regulations prescribed by the Governor for its or his conduct.
 12 Whoever violates any provision of any such executive order or
 13 general regulation issued or promulgated by the Governor for the
 14 violation of which no other penalty is provided by law, shall be
 15 punished by imprisonment for not more than one year, or by a fine
 16 of not more than five hundred dollars or both.

1 SECTION 8. Any provision of any general or special law or of
 2 any rule, regulation, ordinance or bylaw to the extent that such
 3 provision is inconsistent with any order or regulation issued or
 4 promulgated under this act shall be inoperative while such order
 5 or such last-mentioned regulation is in effect; provided that
 6 nothing in this section shall be deemed to affect or prohibit any
 7 prosecution for a violation of any such provision before it became
 8 inoperative.

1 SECTION 9. The mayor and city council in cities and the
 2 selectmen in towns, or such other persons or bodies including the
 3 Director of Emergency Management as are authorized by law to
 4 appoint firemen or policemen, may appoint, train and equip volun-
 5 teer, unpaid auxiliary firemen and auxiliary police and may estab-
 6 lish and equip such other volunteer, unpaid public protection units
 7 as may be approved by said emergency management agency and
 8 may appoint and train their members. Coats, shirts and other gar-
 9 ments to be worn as outer clothing by auxiliary firemen or police
 9 officers shall bear a shoulder patch with the words "Auxiliary
 10 Police" or "Auxiliary Fire" in letters not less than one inch in
 11 height. Chapters thirty-one, thirty-two and one hundred and fifty-
 12 two of the General Laws shall not apply to persons appointed
 13 hereunder.

14 (b) Cities and towns may by ordinance or by-law, or by vote of
 15 the aldermen, selectmen, or board exercising similar powers,
 16 subject to their respective police departments to go to aid another

17 city or town at the request of said city or town in the suppression
 18 of riots or other forms of violence therein, and, while in the per-
 19 formance of their duties in extending such aid, the members of
 20 such department shall have the same powers, duties, immunities
 21 and privileges as if performing the same within their respective
 22 cities and towns. Any such ordinance, by-law or vote may autho-
 23 rize the head of the police department to extend such aid subject
 24 to such conditions and restrictions as may be prescribed therein.
 25 Any city or town aided under and in accordance with this section
 26 shall compensate any city or town rendering aid as aforesaid for
 27 the whole or any part of any damage to its property sustained in
 28 the course of rendering the same and shall reimburse it in whole
 29 or in part for any payments lawfully made to any member of its
 30 police department or to his widow or other dependents on account
 31 of injuries or death suffered by him in the course of rendering aid
 32 as aforesaid or of death resulting from such injuries.

33 (c) The head of the fire or police department of any city, town
 34 or district of the Commonwealth shall, after the issuing of any
 35 proclamation provided for in this act, order such portion of his
 36 department, with its normal equipment, as the Governor may
 37 request, for service in any part of the Commonwealth where the
 38 Governor may deem such service necessary for the protection of
 39 life and property. When on such service, police officers and
 40 firemen shall have the same powers, duties, immunities and
 41 privileges as if they were performing their duties within their
 42 respective cities, towns or districts. The Commonwealth shall
 43 compensate any city, town or district for damage to its property
 44 sustained in such service and shall reimburse it for any payments
 45 lawfully made by it to any member of its police or fire department
 46 or to his widow or other dependents on account of injuries sus-
 47 tained by him in such service or of death resulting from such
 48 injuries. Persons appointed to the auxiliary police force in a city
 49 or town shall exercise or perform such of the powers or duties of
 50 police officers as may be prescribed by the appointing authority,
 51 provided; that said powers or duties shall not be exercised or
 52 performed by them except while they are on active duty and
 53 displaying an authorized badge or other insignia after being called
 54 to such duty by the head of the police force of such city or town to
 55 meet a situation which, in his opinion, cannot be adequately

56 handled by the regular police force and by the reserve police
57 force, if any, of such city or town.

58 (d) Auxiliary police shall not be sent to another city or town
59 pursuant to the provisions of paragraphs (b) and (c) of this section
60 or any other provisions of law, except upon the order of the head
61 of the police force of the city or town in which such auxiliary
62 police were appointed; provided, that auxiliary police shall not be
63 so dispatched to another city or town unless they are authorized
64 by the appointing authority to exercise or perform the full powers
65 or duties of police officers; except that auxiliary police appointed
66 in a town shall not, while performing their duties in a city, exer-
67 cise the powers conferred by section ten of this act upon members
68 of regular, special or reserve police forces of said town. When on
69 such service, auxiliary police shall have the same powers, duties,
70 immunities and privileges, except as provided above, as if they
71 were performing their duties within their respective cities and
72 towns.

73 (e) When participating in any training exercise ordered or
74 authorized by the Director, policemen and fire fighters shall have
75 the same powers, duties, immunities and privileges as if they were
76 performing their duties within their respective cities, towns or
77 districts. The Commonwealth shall compensate any city, town or
78 district for damage to its property sustained in such training, and
79 shall reimburse it for any payments lawfully made by it to any
80 member of its police or fire department or to his widow or other
81 dependents on account of injuries sustained by him in such
82 training or of death resulting from such injuries.

1 SECTION 10. There shall be in the Emergency Management
2 Agency an Emergency Management Claims Board consisting of
3 three members as follows. The Chairman of the Industrial
4 Accident Board or such person as shall be designated by him in
5 writing from time to time, and such Assistant Attorney General as
6 the Attorney General shall designate in writing from time to time.
7 The Director of Emergency Management or such person as shall
8 be designated by him in writing from time to time shall be the
9 secretary of the Board. The Board shall act upon and decide
10 claims filed under this section, and shall have power to adopt and
11 from time to time revise rules and regulations necessary or apt for
12 the expeditious handling and decision of such claims. No hearing

13 shall be held upon any claim unless the Board so orders; but
14 nothing herein contained shall prevent the Board from ordering
15 and holding a hearing upon any claim, and for such purpose the
16 Board shall have power to take evidence, administer oaths, issue
17 subpoenas and compel witnesses to attend and testify and produce
18 books and papers. Any person so subpoenaed who shall refuse to
19 attend or to be sworn or affirm or to answer any question or
20 produce any book or paper pertinent to the matter under consid-
21 ation by the Board shall be punished by a fine of not more than
22 five hundred dollars or by imprisonment for not more than six
23 months or both.

24 Every person appointed under section nine of this act and every
25 volunteer unpaid person appointed by the Director of Emergency
26 Management under section two of this act or while partici-
27 pating in training, or performing duty, in the city or town in which
28 he is appointed or in another city or town in this Commonwealth
29 or for the State, or in another state under or pursuant to any provi-
30 sion of this act or of any mutual aid arrangement or interstate
31 compact made under authority, thereof, shall without fault or
32 neglect on his part sustain loss of or damage to his property by
33 reason of such participation in training or performance of duty,
34 shall be indemnified by the Commonwealth for such loss or
35 damage; but said indemnification shall not exceed one thousand
36 dollars for any one accident. Every such person who, while so
37 participating in training or performing duty, shall by reason
38 thereof without fault or neglect on his part sustain personal injury,
39 shall be indemnified by the Commonwealth for the reasonable
40 hospital, medical and surgical expenses incurred by him or in his
41 behalf by reason of such injury, and also for his loss of earning
42 capacity, if any; but such indemnification for loss of earning
43 capacity shall equal but not exceed the amount available under the
44 Workers Compensation Act. Every such person who, while so par-
45 ticipating in training or performing duty, shall by reason thereof
46 without fault or neglect on his part receive any of the injuries
47 specified in section thirty-six except that any determination
48 required by said section to be made by the Industrial Accident
49 Board shall be made by the Emergency Management Claims
50 Board. If any such person is killed while, and by reason of, so
51 participating in training or performing duty, or if any such person

12

52 dies from injuries received, or as a natural and proximate result of
 53 undergoing a hazard, while, and by reason of, so participating in
 54 training or performing duty, the reasonable expense of his
 55 burial, not exceeding five thousand dollars, shall be paid by the
 56 Commonwealth, which shall also pay to his dependents the
 57 following annuities: To the widow, so long as she remains unmar-
 58 ried, an annuity not exceeding ten thousand dollars a year,
 59 increased but not exceeding two thousand dollars for each child of
 60 such person during such time as such child is under the age of
 61 eighteen or over said age and physically or mentally incapacitated
 62 from earnings; and, if there is any such child and no widow or the
 63 widow later dies, such annuity as would have been payable to the
 64 widow had there been one or had she lived, to or for then benefit
 65 of such child, or of such children in equal shares, during the time
 66 aforesaid. The word "she" or "widower" may be substituted as
 67 applicable.

68 No indemnification or payment of any kind shall be made by
 69 the Commonwealth under this section unless a claim therefor in
 70 writing, on a form approved by the Emergency Management
 71 Claims Board, is filed with the secretary thereof within ninety
 72 days after the loss of or damage to property or the personal injury
 73 or the death, as the case may be, nor unless a duplicate copy of
 74 such claim is filed within said period with the Director of the local
 75 organization for emergency management or, in the case of persons
 76 appointed under section two of this Act or with the Director of
 77 Emergency Management. As soon as reasonably may be after the
 78 receipt by such Director of such duplicate copy, he shall file with
 79 the secretary of the Emergency Management Claims Board, on a
 80 form approved by such board, as complete a report as may be con-
 81 cerning such claim and his recommendation with respect to the
 82 allowance thereof. No decision shall be made by the Emergency
 83 Management Claims Board upon a claim unless such report and
 84 recommendation relative thereto has been filed with its secretary.
 85 The secretary is, hereby authorized on behalf of the Emergency
 86 Management Claims Board to act on all claims of less than
 87 thirty-five hundred dollars. The decision of the Emergency
 88 Management Claims Board upon a claim shall constitute the final
 89 determination thereof; and there shall be no review thereof or
 90 appeal therefrom, but nothing contained herein shall be construed

91 to prevent the Board from reconsidering any decision. The provi-
 92 sions of this section shall not apply to any injury or death, or to
 93 any loss, damage or expense, for which any federal law heretofore
 94 or hereafter passed shall provide reimbursement, indemnification
 95 or compensation.

96 Any contrary provision of this section notwithstanding, the
 97 Emergency Management Claims Board is hereby authorized to
 98 approve in its sole discretion a claim in accordance with the provi-
 99 sions of this section notwithstanding that the person by or on
 100 account of whom said claim shall have been filed was not
 101 appointed as required by paragraph (a) of section eleven of this
 102 Act, provided, that said persons at the time of the occurrence out
 103 of which said claim shall have originated, was in good faith
 104 actually participating in emergency management training or
 105 performing emergency management duty, as an unpaid volunteer,
 106 under the supervision or at the direction of a person actually or
 107 apparently authorized to direct or supervise such person in such
 108 training or duty; and provided, further, that said person, previous
 109 to the occurrence out of which such claim shall have originated,
 110 shall have enrolled, registered or otherwise previously signified
 111 his intention of joining the emergency management organization
 112 concerned. A decision of the Board approving or denying a claim
 113 by or on account of such person shall constitute the final determi-
 114 nation thereof and there shall be no review thereof or appeal
 115 therefrom, provided, however, that nothing contained herein shall
 116 be construed to prevent the Board from reconsidering any such
 117 decision.

118 A volunteer, unpaid Director of a local organization for emer-
 119 gency management appointed under section thirteen of this Act
 120 shall be deemed an appointee under paragraph (a) of section
 121 eleven of this Act for the purposes of this section only, provided,
 122 that the duplicate copy of any claim filed under this section by
 123 or on account of such local Director shall be filed with the
 124 appointing authority designated in said section thirteen, and said
 125 appointing authority shall report and recommend to the
 126 Emergency Management Claims Board concerning such claim.

127 The word "employee" as used in clause (1) of section five of
 128 Chapter forty and section one hundred A of Chapter forty-one of
 129 the General Laws, shall include, for the purposes of said sections
 130 a person appointed under the provisions of paragraph (a) of

7 Mayor, or in a city having the Plan E form of government by the
 8 city manager, and in towns shall be appointed by the selectmen, or
 9 in towns that have a town manager by the manager, and who shall
 10 have direct responsibility for the organization, administration and
 11 operation of such local organization for emergency management,
 12 subject to the direction and control of such appointing authority.
 13 Each local organization for emergency management shall perform
 14 emergency management functions within the territorial limits of
 15 the political subdivision within which it is organized, and, in addi-
 16 tion, shall conduct such functions outside of such territorial
 17 limits as may be required pursuant to the provisions of section
 18 eight of this act.

19 In carrying out the provisions of this Act, each political subdi-
 20 vision in which any disaster, as described in section one, occurs,
 21 shall have the power to enter into contracts and incur obligations
 22 necessary to combat such disaster, protecting the health and safety
 23 of persons and property, and providing emergency assistance to
 24 the victims of such disaster. Each political subdivision upon
 25 declaration of a local "State of Emergency" by the head of
 26 government is authorized to exercise the powers vested under this
 27 section in the light of the exigencies of the extreme emergency
 28 situation without regard to time-consuming procedures and for-
 29 malities prescribed by law, excepting mandatory constitutional
 30 requirements, pertaining to the performance of public work,
 31 entering into contracts, the incurring of obligations, the employ-
 32 ment of temporary workers, the rental of equipment, the purchase
 33 of supplies and materials, the levying of taxes and the appropria-
 34 tion and expenditure of public funds.

1 SECTION 13. The Director of each local organization for
 2 emergency management may, in collaboration with other public
 3 and private agencies within the Commonwealth develop or cause
 4 to be developed mutual aid arrangements for reciprocal emer-
 5 gency management aid and assistance in case of disaster too great
 6 to be dealt with unassisted. Such arrangements shall be consistent
 7 with the state emergency management plan and program, and in
 8 time of emergency it shall be the duty of each local organizations
 9 for emergency management to render assistance in accordance
 10 with the provisions of such mutual aid arrangements for reciprocal

131 section nine of this Act, while performing his properly assigned
 132 training or duties.

1 SECTION 11. On and after a declaration of an emergency
 2 neither the Commonwealth nor any political subdivision thereof,
 3 nor other agencies, nor any person engaged in any emergency
 4 management activities while in good faith complying with or
 5 attempting to comply with this Act or any other rule or regulation
 6 promulgated pursuant to the provisions of this Act, shall be civilly
 7 liable for the death of or any injury to persons or damage to
 8 property as result of such activity except that the individual shall
 9 be liable for his negligence. The provisions of this section shall
 10 not affect the right of any person to receive benefits to which he
 11 would otherwise be entitled under this Act, or under the
 12 Workmen's Compensation Law, or under any pension law, or
 13 under any other special and general law nor the right of any such
 14 person to receive any benefits or compensation under any act of
 15 Congress.

16 Any person owning or controlling real estate or other premises
 17 who voluntarily and without compensation grants to a city or
 18 town, to inspect, designate and use the whole or any part or parts
 19 of such real estate or premises for the purpose of sheltering
 20 persons during an actual emergency shall, together with his suc-
 21 cessors in interest, if any, not be civilly liable for negligently
 22 causing the death of, or injury to, any person, or for loss of, or
 23 damage to, the property of such person on or about such real
 24 estate or premises under such license, privilege or other permis-
 25 sion; and section fifteen of Chapter one hundred and eighty-six of
 26 the General Laws shall not be deemed to apply to any agreement
 27 granting such license or privilege or to such other permission,
 28 whether such agreement is executed, or such other permission is
 29 given, before or after the effective date of this section.

1 SECTION 12. Each political subdivision of the Commonwealth
 2 is, hereby, authorized and directed to establish a local organization
 3 for emergency management in accordance with the state
 4 emergency management plan and program.

5 Each local organization for emergency management shall have
 6 a Director, who shall, in the case of a city, be appointed by the

11 emergency management aid and assistance in case of disaster too
 12 great to be dealt with unassisted. Such arrangements shall be con-
 13 sistent with the state emergency management plan and program,
 14 and in time of emergency it shall be the duty of each local organi-
 15 zation for emergency management to render assistance in accor-
 16 dance with the provisions of such mutual aid arrangements. The
 17 Director of each local organization for emergency management
 18 may, subject to the approval of the Governor to enter into mutual
 19 aid arrangements with emergency management agencies or orga-
 20 nizations in other states for reciprocal emergency management
 21 aid and assistance in case of disaster too great to be dealt with
 22 unassisted.

1 SECTION 14. Each political subdivision shall have the power
 2 to make appropriations in the manner provided by law for making
 3 appropriations for the ordinary expenses of such political subdivi-
 4 sion, for the payment of expenses of its local organization for
 5 emergency management.

6 Whenever the federal government or any agency or officer
 7 thereof, or any person, firm or corporation, shall offer to the
 8 Commonwealth, or to any political subdivision thereof, services,
 9 equipment, supplies, materials or funds by way of gift, grant
 10 or loan, for purposes of emergency management, the
 11 Commonwealth, acting through the Governor, or such political
 12 subdivision, acting through its governing body, may accept such
 13 offer, and upon acceptance the Governor or governing body of
 14 such political subdivision may authorize any officer of the
 15 Commonwealth, or of the political subdivision, as the case may
 16 be, to receive such services, equipment, supplies or materials or
 17 funds on behalf of the Commonwealth, or such political subdivi-
 18 sion, and subject to the terms of the offer and the rules and regula-
 19 tions, if any, of the agency making the offer.

20 For the purpose of meeting expenditures authorized under
 21 section fifteen, a city, town, district or county may raise such
 22 sums as may be necessary by taxation, or by transfer from avail-
 23 able funds, or may borrow from time to time and may issue bonds
 24 or notes therefor. For the purpose of meeting expenditures autho-
 25 rized under this Act, counties may borrow through their county
 26 commissioners. Each authorized issue shall constitute a separate

27 loan, and such loans shall be paid in not more than five years from
 28 their dates and shall bear on their face the words (city, town, dis-
 29 trict or county) Emergency Management Loan. Incurredness
 30 incurred under this Act by a city, town or district shall be in
 31 excess of the statutory limit, but shall, except as provided herein,
 32 be subject to Chapter forty-four of the General Laws, exclusive of
 33 the limitation contained in the first paragraph of section seven
 34 thereof. Incurredness incurred by a county under this Act shall,
 35 except as provided herein, be subject to the provisions of Chapter
 36 thirty-five of the General Laws. No incurredness shall be incurred
 37 under the provisions of this section without the approval of a
 38 majority of the members of the emergency finance board estab-
 39 lished under section one of Chapter forty-nine of the acts of nine-
 40 teen hundred and thirty-three, upon such terms and conditions as
 41 said board shall determine. The members of the board aforesaid,
 42 when acting under this act, shall receive from the Commonwealth
 43 compensation to the same extent as provided for services under
 44 Chapter three hundred and sixty-six of the acts of nineteen hun-
 45 dred and thirty-three, as amended, including Chapter seventy-four
 46 of the acts of nineteen hundred and forty-five, as amended.

47 The city auditor, town accountant, or, if there is no such officer,
 48 the town treasurer, district treasurer and county treasurer, of every
 49 city, town, district and county making expenditures under authori-
 50 ty of this Act shall file annually with the Director of Accounts of
 51 the department of corporations and taxation of the Commonwealth
 52 a report of liabilities incurred and expenditures made under
 53 authority of sections fifteen and fifteen A in such form and detail
 54 as said Director may require.

55 Any city or town, water district, water supply district, fire and
 56 water district, fire district or water company may contract with
 57 any other such city, town, district or water company for the inter-
 58 connection of their water distribution systems and for providing
 59 and using any necessary pumping equipment for the supplying of
 60 water for domestic, fire and other purposes. The supplying of
 61 water for domestic purposes for extended periods shall be subject
 62 to the provisions of section forty of Chapter forty of the General
 63 Laws. Such interconnections made with the works of the
 64 Massachusetts Water Resource Commission or any municipality,
 65 district or water company supplied therefrom shall be subject to
 66 the provisions of Chapter ninety-two of the General Laws

1995]

20 The responsibility for such planning shall rest with the head of
 21 each agency, provided that such agency head may designate a
 22 competent person in the service of the agency to be and act as the
 23 Emergency Planning Officer of the Agency. It shall be the func-
 24 tion of said Emergency Planning Officer to supervise and coordi-
 25 nate such planning by the Agency, subject to the direction and
 26 control of the head of the agency, and in cooperation with the
 27 Secretary of Public Safety and the Massachusetts Emergency
 28 Management Agency.

29 Each agency designated as an Emergency Response Agency by
 30 the Director of Massachusetts Emergency Management Agency
 31 shall assign a minimum of two persons to act as liaison officers
 32 between such agency and the Massachusetts Emergency
 33 Management Agency for the purpose of coordinating resources,
 34 training, and operations within such agency. To the extent that
 35 training and operational requirements dictate, the liaison officer
 36 shall be under the direction and authority of the Director of
 37 Massachusetts Emergency Management Agency for such periods
 38 as may be required.

39 A Comprehensive Emergency Management Plan for the
 40 Commonwealth shall be promulgated and issued and shall consti-
 41 tute official guidance for operations for all agencies and political
 42 subdivisions of the Commonwealth in the event of an emergency
 43 or natural disaster. Political subdivisions are further directed to
 44 prepare a local Comprehensive Emergency Management Plan
 45 under the guidance of the Massachusetts Emergency Management
 46 Agency and to maintain such plan in current status including a full
 47 update at least every four years.

1 SECTION 17. No organization for emergency management
 2 established under the authority of this Act shall participate in any
 3 form of political activity, nor shall it be employed directly or
 4 indirectly for political purposes.

1 SECTION 18. No person shall be employed or associated in
 2 any capacity in any emergency management organization estab-
 3 lished under this Act who advocates, or has advocated, a change
 4 by force or violence in the constitutional form of the government
 5 of the United States, or in this Commonwealth, or the overthrow

[January

1 SECTION 15. In carrying out the provisions of this act, the
 2 Governor and the executive officers, or governing bodies of the
 3 political subdivisions of the Commonwealth, are directed to uti-
 4 lize the services, equipment, supplies and facilities of existing
 5 departments, offices and agencies of the Commonwealth, and of
 6 the political subdivisions thereof or to the maximum extent practi-
 7 cable, and the officers and personnel of all such departments,
 8 offices and agencies of the Commonwealth, and of the political
 9 subdivisions thereof, to the maximum extent practicable for both
 10 actual emergencies and training for such emergencies; and the
 11 officers and personnel of all such departments, offices and agen-
 12 cies are directed to cooperate with and extend such services and
 13 facilities to the Governor and to the emergency management orga-
 14 nizations of the Commonwealth upon request.

15 The Governor through the Director of Emergency Management
 16 may assign to a state agency any activity concerned with disaster
 17 preparedness and relief of a nature related to the existing powers
 18 and duties of such agency, and it shall thereupon become the duty
 19 of such agency to train for, undertake and carry out such activity
 20 on behalf of the Commonwealth.

1 SECTION 16. The Director of Massachusetts Emergency
 2 Management Agency shall act as State Coordinating Officer in the
 3 event of emergencies and natural and technological disasters and
 4 shall be responsible for the coordination for all activities under-
 5 taken by the Commonwealth and its political subdivisions in
 6 response to the threat or occurrence of emergencies or natural
 7 disasters.

8 Each secretariat, independent division, board, commission and
 9 authority of the Government of the Commonwealth (hereinafter
 10 referred to as agencies) shall make appropriate plans for the pro-
 11 tection of its personnel, equipment and supplies (including records
 12 and documents) against the effects of natural disaster or techno-
 13 logical disaster, and for maintaining or providing services
 14 appropriate to the agency which may be required on an emergency
 15 basis. Each agency shall make appropriate plans for carrying out
 16 such emergency responsibilities as may be assigned in this Order
 17 or by subsequent Order of the Governor and for rendering such
 18 additional emergency assistance as the Secretary of Public Safety
 19 and the Emergency Management Agency may require.

6 of any government in the United States by force or violence, or
 7 who has been convicted of, or is under indictment or information
 8 charging any subversive act against the United States. Each per-
 9 son who is appointed to serve in an organization for emergency
 10 management shall, before entering upon his duties, take an oath,
 11 in writing, before a person authorized to administer oaths in this
 12 Commonwealth, which oath shall be substantially as follows:

13 "I _____, do solemnly swear (or affirm) that I will
 14 support and defend the Constitution of the United States and the
 15 Constitution of the Commonwealth of Massachusetts against all
 16 enemies, foreign and domestic; that I will bear true faith and alle-
 17 giance to the same; that I take this obligation freely, without any
 18 mental reservation or purpose of evasion; and that I will well and
 19 faithfully discharge the duties on which I am about to enter.

20 "And I do further swear (or affirm) that I do not advocate, nor
 21 am I a member of any political party or organization that advo-
 22 cates, the overthrow of the government of the United States or of
 23 this Commonwealth by force or violence; and that during such
 24 time as I am a member of the (name of emergency management
 25 organization), I will not advocate nor become a member of any
 26 political party or organization that advocates the overthrow of the
 27 government of the United States or of this Commonwealth by
 28 force or violence".

1 SECTION 19. If any provision of this Act or the application
 2 thereof to any person or circumstance is held invalid, such
 3 invalidity shall not affect other provisions or application of the act
 4 which can be given effect without the invalid provision or applica-
 5 tion; and to this end the provisions of this act are declared to be
 6 severable.

1 SECTION 20. It shall be the duty of the members of, and of
 2 each and every officer, agent and employee of every political sub-
 3 division of this Commonwealth and of each member of all other
 4 governmental bodies, agencies and authorities of any nature what-
 5 soever fully to cooperate with the Governor and the Director of
 6 Emergency Management in all four phases of emergency manage-
 7 ment, preparedness, response and recovery. The Governor is
 8 authorized to make, amend and rescind orders, rules and regula-
 9 tions pertaining to emergency management, and it shall be

10 unlawful for any municipality or other subdivision or any other
 11 governmental agency of this Commonwealth to adopt any rule or
 12 regulation or to enforce any such rule or regulation that may be at
 13 variance with any such order, rule or regulation established by the
 14 Governor. Each such organization shall have available for inspec-
 15 tion at its office all orders, rules and regulations made by the
 16 Governor, or under his authority. In the event of a dispute on the
 17 question of whether or not any such rule or regulation is at vari-
 18 ance with an order, rule or regulation established by the Governor
 19 under this Act, the determination of the Governor shall control.

20 The commissioner or head of each executive or administrative
 21 department of the Commonwealth, including the State Secretary,
 22 or the Attorney General, the Treasurer and Receiver-General, and
 23 the Auditor, and the Director or head of each division in each such
 24 secretariat, shall designate, by name or position, five persons in
 25 his respective department or division who shall exercise, succes-
 26 sively, his duties in the event of his absence or disability. Each
 27 such designation shall be subject to approval by the Governor and
 28 Council and shall be in effect until revoked by the officer who
 29 made such designation. Persons designated under this section to
 30 perform the duties of a department or division head in his absence
 31 or disability shall perform such duties only in succession to
 32 persons so authorized under any other provision of general or
 33 special law.

34 Any vacancy in any office which, by reason of the provisions
 35 of any statute, is to be filled by the Governor, with the advice and
 36 consent of the Council, may, in the event of a vacancy therein
 37 resulting from a disaster and in the event that such disaster or the
 38 effects, thereof, prevents a quorum of the Council from assem-
 39 bling, be filled by the Governor without the advice and consent of
 40 the Council. Any appointment made under the authority of this
 41 section shall be temporary, pending appointment in the usual
 42 manner, with the advice and consent of the council, when circum-
 43 stances shall permit.

1 SECTION 21. For the purpose of carrying out the provisions of
 2 this Act, the Emergency Management Agency may expend such
 3 sums as may hereafter be appropriated therefor.

a state agency, any activity concerned with disaster preparedness.

No organization for emergency management (est. under this act) can participate in any form of political activity, and they may not speak out about overthrowing the government by force or violence on the national or state level.

The provisions of this act are declared to be inseverable.

The duty of every member, agent, employee of any political subdivision of the Commonwealth is to cooperate with the governor and Director of Emergency Management in all 4 phases of emergency management, preparedness, response and recovery. They must follow rules/regulations pertaining to emergency management.

Any vacancy in any office will be filled by the governor with advice and consent of the Council.

To carry out the provisions of this act, the Emergency Management Agency may spend money that can be appropriated from this point on.