The Commonwealth of Massachusetts
EXECUTIVE DEPARTMENT

CIVIL DEFENSE AGENCY

MASSACHUSETTTS CIVIL DEFENSE ACT
AND RELATED STATUTES


CDA-1

January 1, 1965

Publication of this document approved by Alfred C. Holland, State Purchasing Agent

Estimated Cost Per Copy: $.099
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 (Repealed by Acts of 1962, Chapter 748, effective October 23, 1962.)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) 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
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) 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) 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

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.

(c) 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 11A. 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.

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.
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:

SECTION 1. In this Act, unless the context otherwise requires, the following words shall have the following meanings: —

Emergency Management shall mean the preparation for and the carrying out of all emergency functions, other than functions for which military forces other than the national guard are primarily responsible, for the purpose of minimizing and repairing injury and damage resulting from disasters, natural or technological or emergencies.

SECTION 2. There is hereby, created within the executive branch of the Commonwealth a division of Emergency Management hereinafter called the “Emergency Management Agency” which shall be under the direction of a Director of Emergency Management hereinafter called the “Director”. The Governor shall appoint the Director to serve during his pleasure. The Director shall devote his full time to his duties under this Act, shall not hold any other public office and shall receive, subject to appropriation, such annual salary as the Governor approves. He shall coordinate the activities of all organizations for emergency management within the Commonwealth, and shall cooperate and maintain liaison with emergency management agencies of other states and the federal government, shall, subject to the direction
and control of the Governor, be the executive head of the emergency management agency, and shall have such additional authority, duties and responsibilities authorized by this act as may be prescribed by the Governor, and shall be responsible to the Governor for carrying out the program for emergency management of the Commonwealth. The Director may, within the limits of the amount appropriated therefore appoint such experts, clerks and other assistants as the work of the emergency management agency may require and may remove them, and may make such expenditures as may be necessary in order to execute effectively the purposes of this act. The Director and other personnel of the emergency management agency shall be provided with suitable office space, furniture, equipment and supplies in the same manner as provided for personnel of other state departments.

SECTION 3. The Governor shall have general direction and control of the Emergency Management Agency, and shall be responsible for carrying out the provisions of this act and may assume direct operational control over any or all parts of the emergency management functions within the Commonwealth; he may at the request of the Director authorize the employment of such technical, clerical, stenographic or other personnel, and may make such expenditures, within the appropriation therefor or from other funds made available to him for the purposes of emergency management or to deal with disaster or threatened disaster should it occur, as may be necessary to carry out the purposes of this act.

He may cooperate with the federal government, and with other states and private agencies in all matters pertaining to the emergency management of the Commonwealth and the nation, may propose a comprehensive plan and program for the emergency management of the Commonwealth, and in accordance with said plan and program may institute training and public information programs and take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster as he may deem necessary. He may make studies and surveys to ascertain the capabilities of the Commonwealth for emergency management and to plan for the most efficient emergency uses thereof, may delegate any administrative authority vested in him under this act.

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

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

The Director shall also annually publish and release through local officials to the residents of the said areas emergency public information. Such information shall include warning and altering provision, evacuation routes, reception areas, and other recommended actions for each area.

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

SECTION 4. Because of the existing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from natural or technological hazards, in order to insure that the preparations of the Commonwealth will be adequate to deal with such disasters, and generally to provide for the common defense and to protect the public peace, health, security and safety, and to preserve the lives and property of the people of the Commonwealth — if and when the Congress of the United States shall declare war, or if and when the President of the United States shall by proclamation or otherwise inform the Governor that the peace and security of the Commonwealth are endangered by belligerent acts of any enemy of the United States or of the
Commonwealth or by the imminent threat thereof, or upon the threat or occurrence of any disaster or catastrophe resulting from natural or technological hazards or other causes which may create a condition that exists in all or any part of the Commonwealth whereby it may reasonably be anticipated that the health, safety or property of the citizens thereof will be endangered because of fire or shortage of water or food, the Governor may issue a proclamation or proclamations setting forth a State of Emergency.

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

(b) After such proclamation has been made, the Governor may, in the event of disaster or shortage making such action necessary for the protection of the public, take possession (1) of any land or building, machinery or equipment; (2) of any vehicles, aircraft, ships, boats or any other means of conveyance, rolling stock of steam, diesel, electric railroads or of street railways (3) of any cattle, poultry and any provisions for man or beast, and fuel, gasoline or other means of propulsion which may be necessary or convenient for the use of the military or naval forces of the Commonwealth or of the United States, or for the better protection or welfare of the Commonwealth or its inhabitants as intended under this Act. He may use and employ all property of which possession is taken, for such times and in such manner as he shall deem for the interests of the Commonwealth or its inhabitants, and may in particular, when in his opinion the public exigency so requires, lease, sell, or, when conditions so warrant, distribute gratuitously to or among any or all of the inhabitants of the Commonwealth anything taken under clause (3) of this paragraph. The Governor may issue a declaration of

1995] the property seized containing a full and complete description shall be filed with the register of deeds in and for the county in which the seizure is located, and a copy of said declaration furnished the owner. If personal property is seized under this paragraph, the emergency management authorities by whom seized shall maintain a docket containing a permanent record of such personal property, and its condition when seized, and shall furnish a true copy of the docket recording to the owner of the seized property. He shall, with the approval of the council, award reasonable compensation to the owners of the property which he may take under the provisions of this section, and for its use, and for any injury thereto or destruction thereof caused by such use.

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

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

SECTION 5. The Governor shall have the power and authority to cooperate with the federal authorities and with the Governors
of other states in matters pertaining to the common defense or to
the common welfare, and also so to cooperate with the military
and naval forces of the United States and of the other states, and
to take any measures which he may deem proper to carry into
effect any request of the President of the United States for action
looking to the national defense or to the public safety.

SECTION 6. During the effective period of so much of this act
as is contingent upon the declaration of a state of emergency as
hereinbefore set forth, the Governor, in addition to any other
authority vested in him by law, shall have and may exercise
any and all authority over persons and property, necessary or
expedient for meeting said state of emergency, which the General
Court in the exercise of its constitutional authority may confer
upon him as supreme executive magistrate of the Commonwealth
and Commander-in-Chief of the military forces thereof, and
specifically, but without limiting the generality of the foregoing,
the Governor shall have and may exercise each authority relative
to any or all of the following: (a) Health or safety of inmates and
clients of all institutions.
(b) Maintenance, extension or interconnection of services of
public utility or public-service companies, including public utility
services owned or operated by the Commonwealth or any political
subdivision thereof.
(c) Policing, protection or preservation of all property, public or
private, by the owner or person in control thereof, or otherwise.
(d) Manufacture, sale, possession, use or ownership of (1) fire-
works or explosives, or articles in simulation thereof; (2) means or
devices of communication other than those exclusively regulated
by federal authorities; (3) articles or objects (including birds and
animals) capable of use for the giving of aid or information to the
enemy or for the destruction of life or property.
(e) Transportation or travel on Sundays, or weekdays by
aircraft, watercraft, vehicle or otherwise, including the use of
registration plates, signs or markers thereon.
(f) Labor, business or work on Sundays or legal holidays.
(g) Assemblages, parades or pedestrian travel in order to
protect the physical safety of persons or property.
(h) Public records and the inspection thereof.

SECTION 7. The Governor may exercise any power, authority
or discretion conferred on him by any provision of this act
pertaining to such section as requires preparation in anticipation
of a declaration of a State of Emergency by the issuance or promulgation of executive orders or general regulations, or through such department or agency of the Commonwealth, including the Emergency Management 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 Secretary of State. 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 8. Any provision of any general or special law or of any rule, regulation, ordinance or bylaw 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. The mayor and city council in cities and the selectmen in towns, or such other persons or bodies including the Director of Emergency Management as are authorized by law to appoint firemen or policemen, may appoint, train and equip volunteers, unpaid auxiliary firemen and auxiliary police and may establish and equip such other volunteer, unpaid public protection units as may be approved by said emergency management agency and may appoint and train their members. Coats, shirts and other garments to be worn as outer clothing by auxiliary firemen or police officers shall bear a shoulder patch with the words "Auxiliary Police" or "Auxiliary Fire" in letters not less than one inch in height. Chapters 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 department shall have the same powers, duties, immunities and privileges as if performing the same within their respective cities and 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) 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.
(d) 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 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, exer-
cise 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) 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 10. There shall be in the Emergency Management
Agency an Emergency Management 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, and such Assistant Attorney General as
the Attorney General shall designate in writing from time to time.
The Director of Emergency Management 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 consider-
ation 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 section nine of this act and every
volunteer unpaid person appointed by the Director of Emergency
Management under section two of this act or while partici-
ating 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 for the State, or in another state under or pursuant to any provi-
sion 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 one thousand
dollars for any one accident. Every 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 equal but not exceed the amount available under the
Workers Compensation Act. Every such person who, while so par-
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 except that any determination
required by said section to be made by the Industrial Accident
Board shall be made by the Emergency Management 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 thousand 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 ten thousand dollars a year, increased but not exceeding two thousand 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 then benefit of such child, or of such children in equal shares, during the time aforesaid. The word "she" or "widower" may be substituted as applicable.

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 Emergency Management 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, or, unless a duplicate copy of such claim is filed within said period with the Director of the local organization for emergency management or, in the case of persons appointed under section two of this Act or with the Director of Emergency Management. As soon as reasonably may be after the receipt by such Director of such duplicate copy, he shall file with the secretary of the Emergency Management 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 therefor. No decision shall be made by the Emergency Management Claims Board upon a claim unless such report and recommendation relative thereto has been filed with its secretary. The secretary is hereby authorized on behalf of the Emergency Management Claims Board to act on all claims of less than thirty-five hundred dollars. The decision of the Emergency Management 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 Emergency Management 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 persons at the time of the occurrence out of which said claim shall have originated, was in good faith actually participating in emergency management training or performing emergency management 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 emergency management 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 emergency management 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 Emergency Management Claims Board concerning such claim.

The word "employee" as used in clause (1) of section five of Chapter forty and 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 nine of this Act, while performing his properly assigned
training or duties.

SECTIO 11. 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 emergency
management 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, or under any pension law, or
under any other special and general law nor the right of any such
person to receive any benefits or compensation under any act of
Congress.

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

SECTIO 12. Each political subdivision of the Commonwealth
is hereby authorized and directed to establish a local organization
for emergency management in accordance with the state
emergency management plan and program.

Each local organization for emergency management shall have
a Director, who shall, in the case of a city, be appointed by the
Mayor, or in a city having the Plan E form of government by the
city manager, and in towns shall be appointed by the selectmen, or
in towns that have a town manager by the manager, and who shall
have direct responsibility for the organization, administration and
operation of such local organization for emergency management,
subject to the direction and control of such appointing authority.
Each local organization for emergency management shall perform
emergency management functions within the territorial limits of
the political subdivision within which it is organized, and, in addition,
shall conduct such functions outside of such territorial
limits as may be required pursuant to the provisions of section
eight of this act.

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

SECTIO 13. The Director of each local organization for
emergency management may, in collaboration with other public
and private agencies within the Commonwealth develop or cause
to be developed mutual aid arrangements for reciprocal emer-
gency management aid and assistance in case of disaster too great
to be dealt with unassisted. Such arrangements shall be consistent
with the state emergency management plan and program, and in
time of emergency it shall be the duty of each local organizations
for emergency management to render assistance in accordance
with the provisions of such mutual aid arrangements for reciprocal
emergency management aid and assistance in case of disaster too
great to be dealt with unassisted. Such arrangements shall be con-
sistent with the state emergency management plan and program,
and in time of emergency it shall be the duty of each local organi-
ization for emergency management to render assistance in accor-
dance with the provisions of such mutual aid arrangements. The
Director of each local organization for emergency management
may, subject to the approval of the Governor to enter into mutual
aid arrangements with emergency management agencies or organ-
izations in other states for reciprocal emergency management
aid and assistance in case of disaster too great to be dealt with
unassisted.

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

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

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

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

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

Any city or town, water district, water supply district, fire and
water district, fire district or water company may contract with
any other such city, town, district or water company for the inter-
connection of their water distribution systems and for providing
and using any necessary pumping equipment for the supplying of
water for domestic, fire and other purposes. The supplying of
water for domestic purposes for extended periods shall be subject
to the provisions of section forty of Chapter forty of the General
Laws. Such interconnections made with the works of the
Massachusetts Water Resource Commission or any municipality,
district or water company supplied therefrom shall be subject to
the provisions of Chapter ninety-two of the General Laws.
SECTION 15. In carrying out the provisions of this act, the Governor and the executive officers, or governing bodies of the political subdivisions of the Commonwealth, are directed to utilize the services, equipment, supplies and facilities of existing departments, offices and agencies of the Commonwealth, and of the political subdivisions thereof, to the maximum extent practicable, and the officers and personnel of all such departments, offices and agencies of the Commonwealth, and of the political subdivisions thereof, to the maximum extent practicable for both actual emergencies and training for such emergencies; and the officers and personnel of all such departments, offices and agencies are directed to cooperate with and extend such services and facilities to the Governor and to the emergency management organizations of the Commonwealth upon request.

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

SECTION 16. The Director of Massachusetts Emergency Management Agency shall act as State Coordinating Officer in the event of emergencies and natural and technological disasters and shall be responsible for the coordination for all activities undertaken by the Commonwealth and its political subdivisions in response to the threat or occurrence of emergencies or natural disasters.

Each secretariat, independent division, board, commission and authority of the Government of the Commonwealth (hereinafter referred to as agencies) shall make appropriate plans for the protection of its personnel, equipment and supplies (including records and documents) against the effects of natural disaster or technological disaster, and for maintaining or providing services appropriate to the agency which may be required on an emergency basis. Each agency shall make appropriate plans for carrying out such emergency responsibilities as may be assigned in this Order or by subsequent Order of the Governor and for rendering such additional emergency assistance as the Secretary of Public Safety and the Emergency Management Agency may require.

The responsibility for such planning shall rest with the head of each agency, provided that such agency head may designate a competent person in the service of the agency to be and act as the Emergency Planning Officer of the Agency. It shall be the function of said Emergency Planning Officer to supervise and coordinate such planning by the Agency, subject to the direction and control of the head of the agency, and in cooperation with the Secretary of Public Safety and the Massachusetts Emergency Management Agency.

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

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

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

SECTION 18. No person shall be employed or associated in any capacity in any emergency management organization established under this Act who advocates, or has advocated, a change by force or violence in the constitutional form of the government of the United States, or in this Commonwealth, or the overthrow
of any government in the United States by force or violence, or
who has been convicted of, or is under indictment or information
charging any subversive act against the United States. Each per-
son who is appointed to serve in an organization for emergency
management shall, before entering upon his duties, take an oath,
in writing, before a person authorized to administer oaths in this
Commonwealth, which oath shall be substantially as follows:

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

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

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

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

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

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

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

SECTION 21. For the purpose of carrying out the provisions of
this Act, the Emergency Management Agency may expend such
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.