

### **TITLE III**

#### **CIVIL DEFENSE, MILITARY AFFAIRS AND VETERANS**

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Chapter S31

#### **Civil Defense Act**

**(Acts 1950, Ch.639)**

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## **§ 1. Definitions.**

In this act, unless the context otherwise requires, the following words shall have the following meanings: ---

“Civil defense” shall mean the preparation for and carrying out of all emergency functions, other than functions for which military forces other than national guard are primarily responsible, for the purpose of minimizing and repairing injury and damage resulting from disasters caused by attack, sabotage or other hostile action; or by riot or other civil disturbance; or by fire, flood, earthquake or other natural causes. Said functions shall include specifically, but without limiting the generality of the foregoing, firefighting and police services other than the actual control or suppression of riot or other civil disturbance, medical and health services, rescue, engineering and air-raid warning services, evacuation of persons from stricken areas, emergency welfare services, communications, radiological, chemical and other special weapons of defense, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions.

“Local organization for civil defense” shall mean an organization created in accordance with the provisions of this act by state or local authority to perform local civil defense functions.

## **§ 2. Creation of Massachusetts Emergency Management Agency and Office of Emergency Preparedness; Term, Salary and Powers and Duties of Director.**

There is hereby created within the executive branch of the commonwealth a division of civil defense to be known as the “Massachusetts Emergency Management Agency and office of emergency preparedness” hereinafter called the “Massachusetts Emergency Management Agency”, which shall be under the direction of a director of civil defense hereinafter called the “director”. The governor shall, with the advice and consent of the council, 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 the position of director shall be classified in accordance with section forty-five of chapter thirty of the General Laws and the salary shall be determined in accordance with section forty-six C of said chapter thirty. He shall co-ordinate the activities of all organizations for civil defense within the commonwealth, and shall co-operate and maintain liaison with civil defense agencies of other states and the federal government, shall, subject to the direction and control of the governor, be the executive head of the Massachusetts 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 of civil defense for the commonwealth. The director may, within limits of the amount appropriated therefor, appoint such experts, clerks and other assistants as the work of the Massachusetts 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. Such employees shall not be subject to chapter thirty-one of the General Laws. The director and other personnel of the Massachusetts 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.

**§ 2A. Construction of Fallout Shelter; Standards.**

The director shall establish standards for the construction of fallout shelters designed to protect the members of a family unit from the effects of enemy attack and shall file the same with the inspector of buildings in each city and town. As used in this section the term “family unit” shall mean a group of persons living together and sharing at least in part their living quarters and accommodations.

A fallout shelter built in accordance with such standards in any location upon any residential property shall be deemed to be an accessory use to such property and, as long as it shall be used exclusively as a fallout shelter, shall not be deemed to violate any provisions of any zoning ordinance or by-law. Such a shelter shall not be deemed to violate the provisions of any building code with respect to the materials or method of construction used, but shall be subject to all administrative provisions of any applicable building code, including, without limiting the generality of the foregoing, any provisions relating to application for and issuance of permits, fees, inspection, appeals, penalties and enforcement. The inspector of buildings of the city or town where any such fallout shelter is to be built may waive any provisions of any applicable building code requiring the employment of a licensed builder, provided he is satisfied that the proposed shelter can be constructed by an unlicensed person without serious danger to himself or others.

Said director shall also establish standards for shelters other than those designed to protect members of a family unit, and inspectors of buildings may grant deviations from the applicable building codes pending the establishment of such standards.

**§ 2B. Designation of Nuclear Power Plant Areas.**

The director shall designate certain areas of the commonwealth as “nuclear power plan 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, populations 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.

### **§ 3. Creation of Defense Council; Membership; Duties**

There is hereby created an unpaid civil defense advisory council hereinafter called the “defense council”, the members of which shall be appointed by the governor. The defense council shall include such department heads and other officers of the commonwealth as the governor may deem necessary and the director of the Massachusetts Emergency Management Agency. The governor shall appoint the chairman of said defense council to serve during his pleasure. Said defense council shall be in the executive branch of the government and shall serve under the governor and shall be subject to his supervision and control. Said defense council shall advise the governor and the director on matters pertaining to civil defense.

### **§4. Powers and Duties of the Governor, Generally**

The governor shall have general direction and control of the Massachusetts Emergency Management Agency, and shall be responsible for carrying out the provisions of this act may assume operational control over any part or all parts of the civil defense 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 civil defense 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 civil defense of the commonwealth and the nation, and may propose a comprehensive plan and program for the civil defense 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 civil defense 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 civil defense and to plan for the most efficient emergency uses thereof, may delegate any administrative authority vested in him under this act, and may appoint, in co-operation with local authorities, metropolitan area directors.

### **§5. Proclamation of State of Emergency; Power to Seize or Possess Personal and Real Property; Awards to Owners of Seized Property.**

Because of the existing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from enemy attack, sabotage or other hostile action, 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 act of any enemy of the United States or of the commonwealth or by the imminent threat thereof; or upon the occurrence of any disaster or catastrophe resulting from attack, sabotage or other hostile action; or from riot or other civil disturbance; or from fire, flood, earthquake or other natural causes; or whenever because of absence of rainfall or other cause a condition exists in all or in 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; or whenever the accidental release of radiation from a nuclear power plant endangers the health, safety, or property of people of the commonwealth, 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 agency and all members of every department and division of the government of the commonwealth to protect the lives 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.
- (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 horses, vehicles, motor 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 any 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 and among any or all inhabitants of the commonwealth anything taken under clause (3) of this paragraph. If real estate is seized under this paragraph a declaration of 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 civil defense authorities who 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 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.

#### **§ 6. Cooperation with Federal and Sister State Authorities.**

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 co-operate with the military and naval forces of the United States and 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.

#### **§ 7. Additional Powers of Governor During State of Emergency.**

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 such authority relative to any or all of the following:---

- (a) Health or safety of inmates 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) fireworks 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 week-days 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.
- (i) Regulation of the business of insurance and protection of the interests of the holders of insurance policies and contracts and of beneficiaries thereunder and of the interest of the public in connection therewith.
- (j) Vocational or other educational facilities supported in whole or in part by public funds, in order to extend the benefits or availability thereof.
- (k) The suspension of the operation of any statute, rule or regulation which affects the employment of persons within the commonwealth when, at such times as such suspension becomes necessary in the opinion of the governor to remove any interference, delay or obstruction in connection with the production, processing or transportation of materials which are related to the prosecution of war or which are necessary because of the existence of a state of emergency.
- (l) Regulation of the manner and method of purchasing or contracting for supplies, equipment or other property or personal or other services, and of contracting for or carrying out public works, for the commonwealth or any of its agencies or political subdivisions, including therein housing authorities.
- (m) Receipt, handling or allocation of money, supplies, equipment or material granted, loaned or allocated by the federal government to the commonwealth or any of its agencies or political subdivisions.
- (n) Protection of depositors in banks, and maintenance of the banking structure of the commonwealth.

- (o) Variance of the terms and conditions of licenses, permits or certificates of registration issued by the commonwealth or any of its agencies or political subdivisions.
- (p) Regulating the sale of articles of food and household articles.
- (q) Modification or variation in the classifications established under sections forty-five to fifty, inclusive, of chapter thirty of the General Laws and sections forty-eight to fifty-six, inclusive, of chapter thirty-five of the General Laws.

**§ 8. Executive Orders, General Regulations, and Written Instructions of Governor; Violations; Penalties**

The governor may exercise any power, authority or discretion conferred on him by any provision of this act, either under actual proclamation of a state of emergency as provided in section five or in reasonable anticipation thereof and preparation therefor by the issuance or promulgation of executive orders or general regulations, or by instructions to such person or such department or agency of the commonwealth, including the Massachusetts Emergency Management Agency, or of any political subdivision thereof, as he may direct by a writing signed by the governor 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 of not more than one year, or by a fine of not more than five hundred dollars, or both.

**§ 8A. Inconsistent Laws, Rules, Regulations, etc.**

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.

**§ 9. (Repealed, 1962, 743, §1.)**

**§10. Entrance upon Private Property to Enforce Certain Laws, Rules, Regulations, etc.**

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.

**§ 11. Auxiliary Firemen and Police.**

- (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 Massachusetts Emergency Management 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 helmet so issued shall be in 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. Chapters thirty-one, thirty-two and one hundred fifty-two of the General Laws shall not apply to persons appointed hereunder. 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.
- (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 an 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 including but not limited to replacing and performing the duties of regular personnel who may be actually engaged in the direct control or suppression of riots or other civil disturbance, and no civil defense personnel shall be so utilized in any such direct riot control activities; 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 powers conferred by section ten of this act upon members of regular, special or reserve police forces of said towns except as provided above.

- (d) Auxiliary police shall not be sent to another city or town pursuant to the provisions of paragraphs (b) or (c) of this section or any other provisions of law, except upon 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 to the full powers or duties of police officers subject to the limitation in paragraph (b) relating to direct riot control activities, except that auxiliary police appointed in a town shall not while performing their duties in a city, exercise the powers conferred by section ten in 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 any 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.

**§11A. Civil Defense Claims Board; Indemnification of Auxiliary Forces and Volunteer; Survivor Benefits; Procedure in Filing Claims.**

There shall be in the Massachusetts Emergency Management 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 files under this section, and shall have power to adopt and from time to time to revise rules and regulations necessary or apt for the expeditious handling and decision of such claims. No hearing shall be held upon any claims 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 this commonwealth or in another state under or pursuant to any provision of this act or 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 such person who, while 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 any such indemnification for loss of earning shall not exceed for any one week a sum equal to thirty-five dollars and fifty cents for each person wholly dependent on such person within the meaning of section thirty-five A of chapter one hundred 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, 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 and 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 an annuity as would have been payable to the widow had there been one or had she lived, to or for the benefit of the 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 on 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 therefore 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 training or duty; and provided, further, that said person, previous to occurrence out of which such claim shall have originated, shall have enrolled, registered otherwise previously signified his attention 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 purpose 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.

**§ 11B. Employee, Defined.**

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.

**§ 12. Immunity from Civil Liability for Commonwealth, Political Subdivisions or Persons Engaged in Civil Defense Activities.**

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 a 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.

No city or town shall be liable for any damage sustained to person or property as the result of an authorized blackout.

**§ 12A. Immunity From Civil Liability for Owner of Real Estate or Premises Used to Shelter Persons During Enemy Attack.**

Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to a city or town a license or privilege, or otherwise permits 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 persons during an actual, impending or mock enemy attack shall, together with his successors in interests, 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 permission, 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 given, before or after the effective date of this section.

**§13. Establishment of Local Civil Defense Organizations; Duties; Powers of Political Subdivisions During Disasters.**

Each political subdivision of the commonwealth is hereby authorized and directed to establish a local organization for civil defense in accordance with the state civil defense plan and program.

Each local organization for civil defense 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 selectman, or in towns having a town manager by the manager, and who shall have direct responsibility for the organization, administration and operation of such local organization for civil defense, subject to the direction and control of such appointing authority. Each local organization for civil defense shall perform civil defense 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 seven of this act.

In carrying out the provisions of this act, each political subdivision in which in 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 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 formalities prescribed by law, excepting mandatory constitutional requirements, pertaining to the performance of public work, entering into Contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes and the appropriation and expenditure of public funds.

**§ 14. Local Civil Defense Organizations to Render Mutual Aid.**

The director of each local organization for civil defense may, in collaboration with other public and private agencies within the commonwealth, develop or cause to be developed mutual aid arrangements for reciprocal civil defense aid and assistance in case of disaster too great to be dealt with unassisted. Such arrangements shall be consistent with the state civil defense plan and program, and in time of emergency it shall be the duty of each local organization for civil defense to render assistance in accordance with the provisions of such mutual aid arrangements. The director of each local organization for civil defense may, subject to the approval of the governor, enter into mutual aid arrangements with civil defense agencies or organizations in other states for reciprocal civil defense aid and assistance in case of disaster too great to be dealt with unassisted.

**§ 15. Appropriations by Political Subdivisions for Local Civil Defense Organizations; Commonwealth and Political Subdivisions May Accept Gifts, Grants, or Loans for Civil Defense.**

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 subdivision, for the payment of expenses of its local organization for civil defense.

Whenever the federal government or any agency or office 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 civil defense, 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, materials or funds on behalf of the commonwealth, or such political subdivision, and subject to the terms of the offer and rules and regulations, if any, of the agency making the offer.

**§ 15A. Indebtedness Incurred by Political Subdivision for Payment of Local Civil Defense Organization.**

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 available funds, or may borrow from time to time and may issue bonds or notes therefor. For the purpose of meeting expenditures authorized under section fifteen, 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 or county) Civil Defense Loan. Act of 1950. 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 the majority of the members of the emergency finance board

established under section one of chapter forty-nine of the acts of nineteen 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 hundred and thirty-three, as amended, including chapter seventy-four of the acts of nineteen hundred and forty-five, as amended.

**§ 15B. Financial Offices of Political Subdivisions to File Annual Reports of Expenditures.**

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 the authority of section fifteen or section fifteen A 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 the authority of sections fifteen and fifteen A in such form and detail as said director may require.

**§ 15C. Interconnection of Water Distribution Systems**

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 interconnection if 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 provision of section forty of chapter forty of the General Laws. Such interconnections made with the works of the metropolitan district commission or any municipality, district or water company supplied therefrom shall be subject to the provisions of chapter ninety-two of the General Laws.

**§ 16. Utilization of State and Local Departments, Agencies, Officers, and Personnel.**

In carrying out the provisions of this act, the governor and the executive officers, or governing bodies of the political subdivision 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; and the officers and personnel of all such departments, offices and agencies are directed to co-operate with and extend such services and facilities to the governor and to the civil defense organizations of the commonwealth upon request.

The governor 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 undertake and carry out such activity on behalf of the commonwealth.

**§ 16A. Administration of District Courts and Municipal Court of City of Boston During State of Emergency; Transfer of Matters from Boston Juvenile Court.**

During a state of emergency, the administrative justice of the district courts may direct that a district court shall be held at any place or places, including other district courthouses, outside the district of which said court has jurisdiction, and at such times, including Sundays, as he may direct; and said administrative justice may direct justices, clerks, probation officers and any other personnel of other district courts to act as such in a district court other than their own; and with the concurrence of the administrative justice of the municipal court of the city of Boston, the administrative justice of the district courts may direct any district court to hold sessions in the said municipal courthouse, and may employ such justices, clerks, probation officers or other personnel of said municipal court as the administrative justice of the said municipal court may designate; and the administrative justice of the municipal court of the city of Boston may direct that said court shall be held at any place or places outside the district over which said court has jurisdiction, and at such times, including Sundays, as he may direct; and with the concurrence of the administrative justice of the district courts, the administrative justice of the municipal court of the city of Boston may direct that the municipal court hold sessions in any district courthouse, and may employ such justices, clerks, probation officers or other personnel of any district court as the administrative justice of the district court may designate; and which the concurrence of the administrative justice of the superior court, the administrative justice of the district courts or the administrative justice of the municipal court of the city of Boston may order the holding of sessions of any district court in any premises of the superior court that the administrative justice of the superior court may designate; and with the concurrence of the justice of the Boston juvenile court and the administrative justice of the district court, jurisdiction over any matters pending in said juvenile court may be transferred to another court as defined in section fifty-two of chapter one hundred and nineteen of the General Laws, and jurisdiction of any matter so transferred shall remain therein after the termination of the emergency unless the administrative justice of the district courts and the justice of the Boston juvenile court concur that said matter ought to be transferred back to the Boston juvenile court. In the event of the absence from the commonwealth, illness other disability of the justice of the Boston juvenile court, the administrative justice of the district courts may act as a aforesaid without his concurrence; and in the event of any such disability of any of said administrative justices to act as a aforesaid, any other justice previously designated by any of said administrative  
May act in his stead, or if no such designation has been made; or if a justice so designated is similarly disabled, or in any other instance where the chief justice of the supreme judicial court shall deem it necessary, the chief justice of the supreme judicial court may act in his stead or designate any other justice of any court so to act.

**§ 17. Civil Defense Organizations to be Apolitical.**

No organization for civil defense 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.

**§ 18. Loyalty Requirements of Persons Associated With Civil Defense Organizations; Oaths.**

No person shall be employed or associated in any capacity in any civil defense 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 person who is appointed to serve in an organization for civil defense 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 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 allegiance 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 advocates, 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 civil defense 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.

**§19. Severability.**

In 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 application; and to this end the provisions of this act are declared to be severable.

**§20. Cooperation With Governor and Civil Defense Director; Supremacy of Governor’s Orders, Rules and Regulations.**

It shall be the duty of the members of, and of each and every officer, agent and employee of every political subdivision of this commonwealth and of each member of all other governmental bodies, agencies and authorities of any nature whatsoever fully cooperate with the governor and the director of civil defense in all matters affecting civil defense. The governor is authorized to make, amend and rescind orders, rules and regulations pertaining to civil defense, 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 inspection 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 variance with an order, rule or regulation established by the governor under this act, the determination of the governor shall control.

**§ 20A. Designated Substitutes for Commissioners and Department Heads.**

The commissioner or head of each executive or administrative department of the commonwealth, including the state secretary, the attorney general, the treasurer and receiver-general, and the auditor, and the director or head of each division in each such department, shall designate, by name or position, five persons in his respective department or division who shall exercise, successively, 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 governor 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.

**§ 20B. Filling Certain Vacancies by Governor Without Advice and Consent of Council.**

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 enemy attack and in the event that enemy attack or the effects thereof prevents a quorum of the council from assembling, 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 circumstances shall permit.

**§ 20C. Removal of Certain Officers by Governor Without Advice and Consent of Council.**

Any office who, by reason of the provisions of any statute, may be removed by the governor, with the advice and consent of the council, may, in the event that enemy attack or the effects thereof prevents a quorum of the council from assembling, be removed by the governor without such advice and consent, provided that the removal is for grounds that would be grounds for removal with the advice and consent of the council. Any removal made under the authority of this section shall be temporary, pending removal in the usual manner, with the advice and consent of the council, when circumstances shall permit. Pending such removal with the advice and consent of the council, the governor may fill any vacancy resulting from a removal effected under the authority of this section, by appointment thereto without the advice and consent of the council.

**§ 21. Expenditure of Appropriations by Massachusetts Emergency Management Agency.**

For the purpose of carrying out the provisions of this act, the Massachusetts Emergency Management Agency may expend such sums as may hereafter be appropriated therefor.

**§ 22. Inoperativeness Act.**

This act or any part hereof shall become inoperative by the adoption of a joint resolution to that effect by the house and senate acting concurrently.