

# **HOUSE . . . . . No. 4109**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, May 27, 2014.

The committee on Ways and Means, to whom was referred the Bill granting, updating, and revising defense policies of the Commonwealth (printed in House, No. 3868), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4109).

For the committee,

BRIAN S. DEMPSEY.

The Commonwealth of Massachusetts

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**In the Year Two Thousand Fourteen**  
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An Act granting, updating, and revising defense policies of the Commonwealth.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Chapter 6 of the General Laws is hereby amended by striking out section  
2 18, as appearing in the 2012 Official Edition, and inserting in place thereof the following  
3 section:-

4           Section 18. There shall be an armory commission composed of the following  
5 members:the adjutant general, who shall serve as chairperson; the state quartermaster, who shall  
6 serve as clerk; 2 assistant adjutants general, 1 of whom shall be an army officer and 1 of whom  
7 shall be an air officer; and the army national guard facilities management officer. Neither the  
8 adjutant general, the state quartermaster, nor the army national guard facilities management  
9 officer shall receive any additional compensation on account of their membership in the armory  
10 commission. The assistant adjutants general shall, if not currently on full-time military duty,  
11 receive 1 day’s pay of grade and allowances for each day of service as a member of the armory  
12 commission.

13           SECTION 2. Chapter 15A of the General Laws is hereby amended inserting a new  
14 section-

15           Section 44. (a) As used in this section, the following words shall, unless context clearly  
16 requires otherwise, have the following meanings:-

17           “Armed forces”, the armed forces of the commonwealth as defined in section 10 of  
18 chapter 33, including a state guard or similar organization composed as permitted by law, or of  
19 the armed forces of another state or territory.

20           “Service in the uniformed services” shall, in addition to the definition provided for in 34  
21 C.F.R. 668.18, also mean either voluntary or involuntary service in the armed forces of the  
22 commonwealth, including a state guard or similar organization composed as permitted by law,

23 when engaged in duty under chapter 33 or 32 U.S.C., or of the armed forces of another state or  
24 territory ordered to perform service under appropriate state or federal authority, without regard  
25 for the number of consecutive days of duty.

26 (b) Members of the armed forces of the commonwealth ordered to state active duty  
27 pursuant to chapter 33 or of the armed forces of another state or territory ordered to state active  
28 duty under appropriate authority who attend an educational institution within the commonwealth  
29 shall be entitled to all rights, protections, privileges and immunities afforded under the federal  
30 regulation providing readmission requirements for service members pursuant to 34 C.F.R.  
31 668.18, as from time to time amended.

32 (c) Any service performed pursuant to chapter 33, similar authority of another state or  
33 territory, or 32 U.S.C. when in support of a critical homeland security or emergency management  
34 operation as determined by the adjutant general shall not be included in the calculation of a  
35 student's cumulative length of absence from an educational institution.

36 (d) No student shall incur any academic or financial penalty by virtue of performing  
37 service in the uniformed services. A student who enrolls in, but is unable to complete an  
38 academic course in order to perform service in the uniformed services, shall have the option to  
39 complete the course at a later date without penalty or withdraw from the course with a full refund  
40 of fees and tuition paid. If the academic course is no longer available upon the student's return  
41 from service in the uniformed services, the student shall be permitted to complete a replacement  
42 course for equivalent credit without penalty. If the student chooses to withdraw from the course,  
43 the student's record shall reflect that the withdrawal is due to active military service.

44 SECTION 2. Chapter 33 of the General Laws is hereby amended by striking out sections  
45 1 and 2, as appearing in the 2012 Official Edition, and inserting in place thereof the following  
46 sections:-

47 Section 1. As used in this chapter, the following words shall, unless the context clearly  
48 requires otherwise, have the following meanings: "Commander-in-chief", the governor of the  
49 commonwealth.

50 "Enlisted person", a member, other than a commissioned officer or a warrant officer, in  
51 the military forces of the commonwealth.

52 "Military custodian", the senior military officer in command of troops stationed in an  
53 armory or air installation unless otherwise designated by the commander-in-chief.

54 "Military forces of the commonwealth" shall include the organized militia as defined in  
55 section 4, and members of the unorganized militia, as defined in section 3, when drafted or  
56 accepted as volunteers under sections 55 and 56.

57 “Noncommissioned officer”, an enlisted person serving at a rank of corporal through  
58 command sergeant major or the air equivalents of these ranks.

59 “Officer”, a commissioned officer or a warrant officer in the military forces of the  
60 commonwealth.

61 “Organization”, a command composed of 2 or more units.

62 “Unit” shall include headquarters, detachment, company, battery, troop, and equivalent  
63 air unit, and such other elements as may be determined by the commander-in-chief to come  
64 under such designation.

65

66 Section 2. The militia of the commonwealth shall consist of all able-bodied citizens and  
67 all other able-bodied persons who have declared their intention to become citizens of the United  
68 States, between the ages of 18 and 45, and who are residents of the commonwealth, and of such  
69 other persons as may, upon their own application, be enlisted or commissioned therein pursuant  
70 to any provision of this chapter, subject to exemptions created by law.

71 SECTION 3. Section 3 of said chapter 33 of the General Laws, as so appearing, is  
72 hereby amended by striking out, in line 5, the words “the suppression of riots” and inserting in  
73 place thereof the following words:- threats to homeland security.

74 SECTION 4. Said chapter 33 is hereby further amended by striking out sections 4 and  
75 4A, as so appearing, and inserting in place thereof the following 2 sections:-

76 Section 4. The active or organized militia shall be composed of volunteers, and shall  
77 comprise the aides-de-camp of the commander-in-chief, the state staff, the armed forces of the  
78 commonwealth as defined in section 10, the National Lancers, and the retired list. The organized  
79 militia shall constitute the military division of the executive branch of the commonwealth.

80 Section 4A. The National Lancers shall be organized as the commander-in-chief directs,  
81 and may retain their name and the right to wear distinctive uniforms, provided that such uniforms  
82 are approved by the commander-in-chief. The National Lancers may retain their methods of  
83 selecting their officers and conducting their internal affairs consistent with the laws of the  
84 commonwealth and the laws of the United States. The National Lancers may use land and stable  
85 facilities belonging to the commonwealth for their activities, equipment and exercises, without  
86 charge, and may receive from the commonwealth, its departments, divisions or bureaus, or the  
87 federal government, without charge, any surplus equipment, goods, or other materials, as are  
88 available, provided that all such equipment, goods and materials remain the property of the  
89 commonwealth and are accounted for as such.

90 SECTION 5. Section 7 of said chapter 33 of the General Laws, as so appearing, is  
91 hereby amended by striking out, in line 1, the words “from time to time”.

92 SECTION 6. Section 8 of said chapter 33 of the General Laws is hereby repealed.

93 SECTION 7. Said chapter 33 is hereby further amended by striking out section 10, as  
94 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

95 Section 10. The armed forces of the commonwealth shall consist of the active national  
96 guard, army and air, the inactive national guard, army and air, and, whenever necessary, a state  
97 defense force or similar organization composed as the commander-in-chief may prescribe.

98 SECTION 8. Section 11 of said chapter 33 of the General Laws, as so appearing, is  
99 hereby amended by striking out, in line 2, the words “from time to time”.

100 SECTION 9. Said chapter 33 is hereby further amended by striking out section 12, as so  
101 appearing, and inserting in place thereof the following section:-

102 Section 12. No person shall be discriminated against or be segregated in the military  
103 forces of the commonwealth because of race, color, religious creed, sexual orientation or national  
104 origin.

105 SECTION 13. Said chapter 33 is hereby further amended by striking out sections 13 to  
106 15, inclusive, as appearing in the 2012 Official Edition, and inserting in place thereof the  
107 following 4 sections:-

108 Section 13. (a) As used in this section, the following words shall, in addition to the  
109 definitions provided in 38 U.S.C. 4303, and unless context clearly requires otherwise, have the  
110 following meanings:-

111 “Benefit of employment” shall include a workplace free of conduct that has the purpose  
112 or effect of unreasonably interfering with an individual’s work performance by creating an  
113 intimidating, hostile, humiliating or offensive work environment.

114 “Service in the uniformed services”, voluntary or involuntary service in the armed forces  
115 of the commonwealth as defined in section 10, including the state defense force or similar  
116 organization composed as permitted by law, the state staff, or in the armed forces of another state  
117 or territory.

118 “Uniformed services”, the armed forces of the commonwealth, including the state  
119 defense force or similar organization composed as permitted by law, and the state staff when  
120 engaged in duty under this chapter or 32 U.S.C. or the armed forces of another state or territory  
121 when ordered to active duty under appropriate authority.

122 (b) Members of the armed forces of the commonwealth, including the state defense force  
123 or similar organization composed as permitted by law, the state staff, or the armed forces of  
124 another state or territory who are employed within the commonwealth and ordered to active duty  
125 under this chapter, appropriate authority of another state or territory, or 32 U.S.C. shall be  
126 entitled to all rights, protections, privileges, and immunities afforded under the Uniformed  
127 Services Employment and Reemployment Rights Act, codified at 38 U.S.C. 4301 et seq., as from  
128 time to time amended.

129 (c) For the purposes of this section, the adjutant general of the commonwealth shall  
130 perform all duties assigned to the secretaries of defense and labor of the United States under 38  
131 U.S.C. 4301 et seq., with assistance from the secretary of labor and workforce development of  
132 the commonwealth when so requested by the adjutant general.

133 (d) For purposes of this section, the attorney general of the commonwealth shall perform  
134 all duties assigned to the attorney general of the United States under 38 U.S.C. 4301 et seq.

135 (e) For the purposes of this section, the secretary of veterans' services of the  
136 commonwealth shall perform all duties assigned to the secretary of veterans affairs of the United  
137 States under 38 U.S.C. 4301 et seq.

138 (f) In the case of an action against a private employer under this section, the action may  
139 proceed in the district or superior courts of the commonwealth. In the hearing and determination  
140 of applications under this section, courts shall have discretion to assess no fees or court costs  
141 against a person so applying for such benefits.

142 (g) Any service performed pursuant to this chapter or similar authority of another state or  
143 territory when in support of a critical homeland security or emergency management operation as  
144 determined by the adjutant general shall not be included in the calculation of a person's  
145 cumulative period of absence from a position of employment.

146 Section 13A. (a) As used in this section, the following terms shall, in addition to the  
147 definitions provided for in 50 U.S.C. App. § 511 and unless context clearly requires otherwise,  
148 have the following meanings:-

149 "Military service", duty performed under this chapter, appropriate authority of another  
150 state or territory or 32 U.S.C.

151 "Service member", a member of the armed forces of the commonwealth as defined in  
152 section 10, including the state defense force or similar organization composed as permitted by  
153 law, the state staff, or the armed forces of another state or territory.

154 (b) All members of the armed forces of the commonwealth, including the state defense  
155 force or similar organization composed as permitted by law, the state staff and those who reside  
156 within the commonwealth pursuant to military service, and all members of the armed forces of

157 another state or territory who reside within the commonwealth, ordered to active duty under this  
158 chapter, appropriate authority of another state or territory or 32 U.S.C. shall be entitled to all  
159 rights, protections, privileges, and immunities afforded under the Service members Civil Relief  
160 Act, codified at 50 U.S.C. App. Section 501 et seq., as from time to time amended, except for the  
161 provisions of Sections 536 and 541 to 549, inclusive, pertaining to life insurance.

162 (c) For the purposes of this section, the adjutant general of the commonwealth shall  
163 perform all duties assigned to the secretary concerned under 50 U.S.C. App. § 501 et seq., as  
164 from time to time amended.

165 (d) For purposes of this section, the attorney general of the commonwealth shall perform  
166 all duties assigned to the attorney general of the United States under 50 U.S.C. App. § 501 et  
167 seq., as from time to time amended.

168 (e) A person aggrieved by a violation of this section may bring an action in any court of  
169 competent jurisdiction whether by way of an original complaint, counter-claim, cross-claim or  
170 third party action, for damages and equitable or declaratory relief, including an injunction, as the  
171 court deems to be necessary and proper.

172 (f) At least 30 days prior to filing an action pursuant to this section, a written demand for  
173 relief identifying the claimant as a service member entitled to relief under this section and  
174 reasonably describing the injury or harm suffered shall be mailed to any prospective respondent.  
175 Failure to respond within 30 days of receipt shall be deemed a denial of the demand. The  
176 demand requirements of this paragraph shall not apply if the claim is asserted by way of  
177 counterclaim or cross-claim.

178 (g) The court may award to a claimant who prevails in an action brought under this  
179 section the costs of the action, including reasonable attorney fees. If the court finds for the  
180 claimant, recovery shall be in the amount of actual damages or \$1000, whichever is greater. If  
181 the court finds the complained of act was willful or knowing or that the refusal to grant relief  
182 upon demand was made in bad faith with reason to know that the act complained of violated this  
183 section, then the recovery shall be the greater of \$5000 or 3 times the amount of the damages the  
184 court finds.

185 (h) Nothing in this section shall be construed to preclude or limit any other remedy  
186 otherwise available under law, including consequential and punitive damages or double or treble  
187 damages pursuant to chapter 93A.

188 Section 14. The aides-de-camp of the commander-in-chief shall consist of such  
189 appointed or detailed aides as the commander-in-chief may deem necessary. Officers detailed  
190 under this section shall not be relieved from their ordinary national guard duties and may be  
191 removed at any time by and in the sole discretion of the commander-in-chief.

192 Section 15. (a) The state staff shall consist of 1 adjutant general, with the grade of major  
193 general, who shall be the chief of staff to the commander-in-chief and the chief of the state staff,  
194 and the officers provided for in this section, each of whom shall perform their duties under the  
195 direction of the adjutant general. Officers of the state staff, with the exception of the adjutant  
196 general, shall be appointed for an initial period of 6 years, with the opportunity for  
197 reappointment every 2 years thereafter. To be eligible for initial appointment on the state staff,  
198 an officer shall have federal recognition in an organization or unit of the Massachusetts national  
199 guard, army or air. The officer shall thereafter hold the position for the period of appointment or  
200 until reaching the age of 65 years, whichever occurs first, unless separated from the position  
201 prior to that time by resignation, disability, for cause in accordance with section 29 or by a  
202 legally convened court-martial in accordance with this chapter.

203 (b) The adjutant general shall be appointed by the commander-in-chief from those  
204 persons who are, or have been, active commissioned officers in the Massachusetts national  
205 guard, army or air, for a period of not less than 5 years and who have attained, while serving  
206 therein, or in the armed forces of the United States, a grade not lower than that of colonel. The  
207 adjutant general shall serve for a term coterminous with that of the commander-in-chief and shall  
208 receive the same pay and allowances as an officer of the regular service of corresponding grade  
209 with corresponding length of service.

210 The adjutant general shall be charged with carrying out the policies of the commander-in-  
211 chief and shall issue orders in the commander-in-chief's name, provided, however, that the  
212 adjutant general shall not personally exercise command of troops.

213 The adjutant general shall be the immediate adviser of the commander-in-chief on all  
214 matters relating to the military and shall be charged with the planning, development and  
215 execution of the program of the military forces of the commonwealth. The adjutant general shall  
216 cause the state staff to support the mobilization and demobilization of the organized militia for  
217 use in the national defense, for state defense and emergencies.

218 The adjutant general shall hold major organization commanders responsible for the  
219 proper training of their commands. All orders and instructions for the government of the militia  
220 and of the officers and enlisted persons therein shall be issued and communicated to those  
221 concerned through military channels.

222 The adjutant general shall make such returns and reports as may be prescribed by the  
223 commander-in-chief or required by the laws or regulations of the commonwealth or of the United  
224 States, and may detail such officers of appropriate grade and employ such clerks and other  
225 assistants as may be necessary in the division at an expense not exceeding the amount so  
226 appropriated. The adjutant general shall keep a roster of all Massachusetts veterans in  
227 alphabetical order by cities and towns and shall provide, upon request, said rosters to such cities  
228 and towns.



229           Except where powers are specifically conferred on the adjutant general by law or  
230 regulation, the adjutant general shall have no authority independent from the commander-in-  
231 chief, from whom all orders shall emanate, and the acts of the adjutant general shall be regarded  
232 as in execution of the orders of the commander-in-chief.

233           Under the control of the commander-in-chief, the adjutant general shall be the executive  
234 and administrative head of the military division of the commonwealth. Except as otherwise  
235 provided, the adjutant general shall personally approve all contracts and may require personal  
236 approval of all expenditures made by the division.

237           (c) There shall be no fewer than 3 and no more than 5 full-time assistant adjutants general  
238 appointed by the adjutant general, 1 of whom shall be designated the assistant chief of the state  
239 staff, who shall perform such duties delegated to them by the adjutant general, or as prescribed in  
240 orders and regulations. Of the full-time assistant adjutants general, at least 1 shall be an army  
241 officer and at least 1 shall be an air officer. The assistant adjutant general who is designated as  
242 the assistant chief of the state staff shall be the state finance officer for the receipt, disbursement  
243 and accounting for all funds received for the payment, equipment, travel and subsistence of the  
244 armed forces of the commonwealth and shall be advanced by the commonwealth, under such  
245 rules and regulations as the state comptroller may prescribe, 100 per cent of the pay, allowances,  
246 and mileage for duty under section 38, 40, 41 or 60, and shall return the unexpended balance of  
247 the sum so advanced as soon as possible, or at such times as the comptroller may require. The  
248 assistant adjutant general designated as the assistant chief of the state staff shall give bond to the  
249 commonwealth in the penal sum of \$20,000 with surety or sureties approved by the commander-  
250 in-chief, conditioned upon the faithful performance of all duties as prescribed in this chapter.

251           (d) There shall be 1 full-time state quartermaster appointed by the adjutant general who  
252 shall, except as otherwise provided in this chapter and in chapter 344 of the acts of 1936, have  
253 the care and control of all land and buildings held for military purposes and all other military  
254 property of the commonwealth except that which is by law expressly entrusted to the keeping of  
255 others. The state quartermaster shall be adviser to the military division on all technical matters  
256 involved in the construction, alteration and repair of all structures and installations intended for  
257 the use of the armed forces of the commonwealth. The state quartermaster shall give bond to the  
258 commonwealth in the penal sum of \$20,000 with surety or sureties approved by the commander-  
259 in-chief, conditioned upon the faithful performance of all duties as prescribed in this chapter. The  
260 state quartermaster shall be clerk of the armory commission established in section 18 of chapter  
261 6.

262           (e) There shall be a state surgeon appointed by the adjutant general who shall be adviser  
263 to the military division on all matters pertaining to the medical services of the armed forces of  
264 the commonwealth. The state surgeon shall be a member of the board established in section 90.

265 (f) There shall be a full time state judge advocate appointed by the adjutant general who  
266 shall be the legal adviser of the military division on all matters referred by law or by the  
267 commander-in-chief. The state judge advocate shall examine and report in writing to the  
268 commander-in-chief on all proceedings of courts-martial requiring the action of the commander-  
269 in-chief and shall be a member of the boards established by by sections 52 and 90. The state  
270 judge advocate may be detailed by the commander-in-chief to attend any encampment, and  
271 during the encampment shall within the limits of the camp and for a distance of 1 mile outside  
272 said limits have the jurisdiction of a district court of all offenses then and there committed.

273 (g) There may be a state inspector general appointed by the adjutant general who shall  
274 perform such duties as prescribed in orders by the commander-in-chief.

275 (h) Except when ordered on duty under section 38, 40, 41 or 60, the officers of the state  
276 staff shall respectively receive the following salaries: the assistant adjutants general, the same  
277 pay and allowances as an officer of the regular service of corresponding grade of at least  
278 lieutenant colonel but not exceeding that of colonel with corresponding length of service;  
279 provided, however, that the assistant adjutant general who is designated assistant chief of the  
280 state staff shall hold the grade of brigadier general and shall receive the same pay and allowances  
281 as an officer of the regular service of corresponding grade with corresponding length of service,  
282 but not exceeding that of brigadier general; the state quartermaster, the same pay and allowances  
283 as an officer of the regular service of corresponding grade with corresponding length of service  
284 but not exceeding that of colonel; the state judge advocate, the same pay and allowances as an  
285 officer of the regular service of corresponding grade with corresponding length of service but not  
286 exceeding that of colonel; the state surgeon and the state inspector general, the same pay and  
287 allowances as officers of the regular service of corresponding grade with corresponding length of  
288 service but not exceeding that of colonel for each day of service, not to exceed \$25,000 dollars  
289 each per annum.

290 (i) During the absence or disability of an officer of the state staff, or during such time as  
291 the officer is in the active military service of the United States, that officer's duties shall be  
292 performed by another officer designated in orders by the commander-in-chief.

293 SECTION 11. Sections 16, 17 and 18 of said chapter 33 of the General Laws are hereby  
294 repealed.

295 SECTION 12. Section 19 of said chapter 33, as appearing in the 2012 Official Edition, is  
296 hereby amended by striking out , in line 16, the words “by his order” and inserting in place  
297 thereof the following words:- by order of the commander-in-chief and at the commender-in-  
298 chief’s sole discretion.

299 SECTION 13. Said chapter 33 is hereby further amended by striking out sections 19A  
300 and 20, as so appearing, and inserting in place thereof the following 2 sections:-

301 Section 19A. The armory commission established by section 18 of chapter 6 and the war  
302 records commission referenced in section 16 of chapter 6 are hereby declared to be within the  
303 military division.

304 Section 20. No person shall be eligible to appointment or be appointed as an officer in  
305 the armed forces of the commonwealth who is not a citizen of the United States of 18 years of  
306 age or over, who is under sentence of a court or board which disables such person from holding  
307 office or command, who is under suspension from command in the armed forces of the United  
308 States or of any state, who is under sentence of imprisonment by a civilian court, whether  
309 suspended or not, or who is made ineligible to such service under the laws of the United States.  
310 No person shall receive a commission in the national guard, army or air, unless such person  
311 possesses such minimum qualifications as may be prescribed by the laws of the United States  
312 and has qualified for such commission.

313 SECTION 14. Section 21 of said chapter 33 of the General Laws, as so appearing, is  
314 hereby amended by striking out, in line 3, the words "he is".

315 SECTION 15. Said section 21 of said chapter 33 of the General Laws, as so appearing, is  
316 hereby further amended by striking out, in line 4, the word "his" and inserting in place thereof  
317 the following word:- the.

318 SECTION 16. Said chapter 33 is hereby further amended by striking out sections 22 to  
319 24, inclusive,, as so appearing, and inserting in place thereof the following 3 sections:-

320 Section 22.(a) Whenever necessary, there shall be a military service commission,  
321 hereinafter called the commission, consisting of the adjutant general and six officers of the  
322 Massachusetts national guard, army and air. Three of such officers shall be selected from the  
323 army national guard, and 3 of such officers shall be selected from the air national guard. The  
324 commander-in-chief shall initially detail 2 such officers for terms of 1 year each, 2 such officers  
325 for terms of 2 years each and 2 such officers for terms of 3 years each. Thereafter all officers will  
326 be detailed to the commission for terms of 3 years by the commander-in-chief.

327 (b) Subject to Article LIII of the Articles of Amendment of the Constitution, a person  
328 certified as eligible for any specific grade in the national guard, army or air, under the laws of the  
329 United States, and graduates of the Massachusetts Military Academy, shall be eligible for  
330 appointment without professional examination.

331 Section 23. (a) Brigadier generals shall be appointed by the commander-in-chief upon  
332 recommendation of their superior commander, if any, from the colonels who have had active  
333 service for at least 2 years as a colonel.

334 (b) Regimental and separate organization commanders shall be appointed by the  
335 commander-in-chief upon the recommendation of superior commanders, if any.

336 (c) All other officers shall be appointed by the commander-in-chief upon the  
337 recommendation of appropriate commanders, approved by superior commanders.

338 Section 24. Every commissioned officer, before entering upon the performance of  
339 official duties or exercising any command, shall take and subscribe the following oath and  
340 declaration:

341 I, \_\_\_\_\_, do solemnly swear that I will bear true faith and allegiance to the  
342 commonwealth of Massachusetts, and will support the constitution thereof and the constitution  
343 of the United States, that I will obey the lawful orders of all my superior officers, and that I will  
344 faithfully and impartially discharge and perform all the duties incumbent on me as  
345 \_\_\_\_\_ according to the best of my ability and understanding, agreeably to the rules and  
346 regulations of the constitution and the laws of the commonwealth and the United States. So help  
347 me, God.

348 All officers shall take and subscribe the said oath before any competent authority or an  
349 officer qualified under section 81 to administer oaths, except retired officers and aides-de-camp  
350 of the commander-in-chief who may take said oath before any competent authority. The  
351 following certificate shall be printed on every commission and shall be signed by the person  
352 before whom the officer is qualified:

353 This may certify that \_\_\_\_\_, commissioned as within on this \_\_\_\_\_ day of  
354 \_\_\_\_\_, A.D., \_\_\_ personally appeared and took and subscribed the oaths required by the  
355 constitution and laws of this commonwealth and by a law of the United States, as qualification  
356 for the discharge of official duties.

357 Before me, \_\_\_\_\_.

358 SECTION 17. Section 25 of said chapter 33 of the General Laws, as so appearing, is  
359 hereby amended by striking out, in line 3, the word "his".

360 SECTION 18. Said section 25 of said chapter 33, as so appearing, is hereby further  
361 amended by striking out, in lines 3 and 4, the following words "he shall possess" and inserting in  
362 place thereof the following word:- possessing.

363 SECTION 19. Section 26 of chapter 33 of the General Laws, as so appearing, is hereby  
364 amended by striking out, in line 4, the words "except an air medical group or any army medical  
365 battalion".

366 SECTION 20. Said section 26 of chapter 33 of the General Laws, as so appearing, is  
367 hereby amended by striking out the last sentence.

368 SECTION 21. Said chapter 33 is hereby further amended by striking out section 29, as  
369 so appearing, and inserting in place thereof the following section:-

370 Section 29. (a) At any time, the moral character, capacity and general fitness for the  
371 service of any service member may be investigated and determined by an efficiency board of 3  
372 commissioned officers, senior in rank to the service member and designated by the commander-  
373 in-chief. One board member shall be a noncommissioned officer senior in rank to the service  
374 member if the service member before the board is an enlisted person. Any such investigation  
375 and board proceedings shall provide the service member due process consistent with military  
376 practice. The investigation may include misconduct in civil life for which the service member is  
377 not amenable to court-martial. If the findings of the board are unfavorable to the service member  
378 and are approved by the commander-in-chief, the service member shall be appropriately  
379 disciplined or discharged.

380 (b) A service member may be honorably discharged by the commander-in-chief upon  
381 tender of resignation or upon appointment in a regular component or in another reserve  
382 component of the armed forces of the United States.

383 (c) The commander-in-chief may discharge a service member who is under sentence of  
384 imprisonment by a civilian court, whether suspended or not, or who has been absent without  
385 leave for 2 months continuously.

386 SECTION 22. Section 30 of said chapter 33 of the General Laws, as so appearing, is  
387 hereby amended by striking out, in line 1, the word "Officers" and inserting in place thereof the  
388 following words:- Service members.

389 SECTION 23. Said chapter 33 is hereby further amended by striking out sections 31 and  
390 32, as so appearing, and inserting in place thereof the following 2 sections:-

391 Section 31. An officer or noncommissioned officer in the military forces of the  
392 commonwealth at the age of 65 shall be honorably discharged or, upon request by such officer  
393 and pursuant to the eligibility requirements of this section, placed upon the retired list with the  
394 highest grade held in the active military service.

395 A member of the armed forces of the commonwealth, with at least a total of 20 years of  
396 service as an officer or noncommissioned officer in the armed forces of the commonwealth or  
397 the United States, of which at least the last 5 years of service shall have been in the armed forces  
398 of the commonwealth or the state staff, may be placed upon the retired list with any grade held  
399 by the member in the active military service or 1 grade higher, but in any case not to exceed the  
400 grade of major general; provided, however, that any such member who has had federal  
401 recognition in the grade of major general may, upon request, be placed upon the retired list in the  
402 grade of lieutenant general.

403 Service members on the retired list accepting appointment to or a commission in the  
404 active military forces of the commonwealth may again be placed upon said retired list, at their  
405 own request, with their former grade on the retired list, or any lower grade.

406 Section 32. The commander-in-chief may order any service member before a medical  
407 board consisting of at least 3 medical officers, and if the board reports such service member to be  
408 physically unable to perform the assigned military duties, the commander-in-chief may order the  
409 service member discharged or placed on the retired list.

410 SECTION 24. Section 33 of said chapter 33 of the General Laws, as so appearing, is  
411 hereby amended by striking out, in line 2, the word "him" and inserting in place thereof the  
412 following words:- the commander-in-chief.

413 SECTION 25. Section 34 of said chapter 33 of the General Laws, as so appearing, is  
414 hereby amended by striking out, in line 3, the words ", as he deems necessary".

415 SECTION 26. Section 39 of said chapter 33 of the General Laws, as so appearing, is  
416 hereby amended by striking out, in line 1, the word "his" and inserting in place thereof the  
417 following words:- the commander-in-chief's.

418 SECTION 27. Said chapter 33 is hereby further amended by striking out section 41, as  
419 so appearing, and inserting in place thereof the following section:-

420 Section 41. (a) In case of a tumult, riot, mob or body of persons acting together by force  
421 to violate or resist the laws of the commonwealth, or when such tumult, riot or mob is threatened,  
422 or in case of public catastrophe or natural disaster, or the usual police provisions are inadequate  
423 to preserve order and afford protection to persons and property, or additional support to civilian  
424 law enforcement is necessary, and the fact appears to the commander-in-chief, to the sheriff of a  
425 county, to the mayor or city manager of a city or to the selectmen of a town, the commander-in-  
426 chief, upon initiative of the commander-in-chief, or at the request of such sheriff, mayor or city  
427 manager or selectmen, may issue an order directed to the commander of any organization or unit  
428 of the armed forces of the commonwealth directing the command, or any part thereof, to appear  
429 at a time and place therein specified to aid the civil authority in suppressing such violations,  
430 preserving order, affording such protection and supporting the laws.

431 (b) Military police forces of the national guard, both army and air, provided that all such  
432 military police forces shall hold the appropriate law enforcement occupational specialty as  
433 certified by the armed forces of the United States, shall have and exercise all the powers of  
434 constables, except the service of civil process, and of police officers and shall appear for duty  
435 armed and equipped: (i) at all times upon all land and buildings held for military purposes and all  
436 other military property of the commonwealth; or (ii) when on duty within the commonwealth  
437 under this chapter or Title 32 of the United States Code. SECTION 28. Section 43 of said  
438 chapter 33 of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the  
439 words "or section forty-two".

440 SECTION 29. Section 44 of said chapter 33 of the General Laws, as so appearing, is  
441 hereby amended by striking out, in line 2, the words ", or a precept under section forty-two,".

442 SECTION 30. Said section 44 of said chapter 33, as so appearing, is hereby further  
443 amended by striking out, in line 5, the words “and also by letter.”

444 SECTION 31. Said chapter 33 is hereby further amended by striking out sections 45 to  
445 47, inclusive,, as so appearing, and inserting in place thereof the following 3 sections:-

446 Section 45. An officer who neglects or refuses to obey an order of the commander-in-  
447 chief or an officer or enlisted person who fails to obey an order may be punished in accordance  
448 with this chapter.

449 Section 46. The troops shall appear at the time and place appointed by the order issued  
450 under section 41, armed and equipped, and shall obey and execute the orders they have received,  
451 or any additional orders received from the commander-in-chief.

452

453 Section 47. No officer or enlisted person of the armed forces of the commonwealth, not  
454 on leave of absence, shall be excused from duty when ordered out under section 38, 40 or 41  
455 except upon a physician’s certificate of disability. If an officer or enlisted person is absent  
456 without leave and does not produce that certificate to the commanding officer, that service  
457 member may be punished in accordance with this chapter for desertion or absence without leave.  
458 Sickness shall not be an excuse unless the service member procures that certificate or satisfies  
459 the court-martial that the service member was unable to procure the certificate.

460 SECTION 32. Section 48 of said chapter 33, as so appearing, is hereby amended by  
461 striking out, in line 2, the words “forty-two,”.

462 SECTION 33. Section 49 of said chapter 33, as so appearing, is hereby amended by  
463 striking out, in lines 2 and3, the words “under a precept in accordance with section forty-two,  
464 or”.

465 SECTION 34. Said chapter 33 is hereby further amended by striking out section 50, as  
466 so appearing, and inserting in place thereof the following section:-

467 Section 50. (a) The armed forces of the United States and any part of the armed forces of  
468 the commonwealth parading or performing any duty according to law shall have the right of way  
469 in any street or highway through which they may pass, and drivers of military vehicles may drive  
470 such vehicles through an intersection of ways contrary to any traffic signs or signals regulating  
471 traffic at such intersection, if a police officer or duly authorized member of the military service is  
472 stationed at the intersection to regulate traffic; provided, that the carriage of the United States  
473 mails, the legitimate functions of the police and the progress and operation of fire departments  
474 shall not be so disrupted. Motor vehicles of the military forces of the commonwealth may be  
475 equipped with sirens or other audible warning devices and with visible warning devices as  
476 provided in section 7E of chapter 90.

477 (b) A vehicle owned or operated by a designated member of the armed forces of the  
478 commonwealth who is assigned public safety duties that require immediate emergency response  
479 to incidents or events, such as emergency response to hazardous materials or weapons of mass  
480 destruction incidents may, with prior written authorization by the adjutant general, and only by  
481 authority of a permit issued by the registrar of motor vehicles, have mounted thereon flashing,  
482 rotating or oscillating red lights. Said emergency lights may only be activated when  
483 circumstances reasonably require an immediate emergency response. Upon termination of the  
484 duties which warranted the issuance of the permit, the adjutant general shall immediately notify  
485 in writing the registrar of motor vehicles who shall forthwith revoke such red light permit. Upon  
486 revocation, the registrar of motor vehicles shall notify the owner and operator of the vehicle for  
487 which such permit was issued and the owner and operator shall thereafter be subject to a fine of  
488 not less than \$100 nor more than \$300, unless otherwise provided.

489 SECTION 35. Section 51 of said chapter 33 of the General Laws, as so appearing, is  
490 hereby amended by inserting after the word “disaster”, in line 6, the following words:- threats to  
491 homeland or national security,

492 SECTION 36. Said chapter 33 is hereby further amended by striking out section 53, as  
493 so appearing, and inserting in place thereof the following section:-

494 Section 53. No officers or enlisted persons shall be liable, either civilly or criminally, for  
495 any damage to property or injury to any person, including consequential death, caused by them  
496 or by their order, while performing any military duty lawfully ordered under any provision of  
497 this chapter, unless the act or order causing such damage or injury was manifestly beyond the  
498 scope of the authority of such officers or enlisted persons and except as otherwise provided by  
499 chapter 258.

500 SECTION 37. Section 54 of said chapter 33 of the General Laws, as so appearing, is  
501 hereby amended by striking out, in line 2, the words “section forty, forty-one, or forty-two” and  
502 inserting in place thereof the following words:- section 40 or 41.

503 SECTION 38. Section 55 of said chapter 33 of the General Laws, as so appearing, is  
504 hereby amended by striking out, in line 9, the word “him” and inserting in place thereof the  
505 following words:- the adjutant general.

506 SECTION 39. Section 56 of said chapter 33 of the General Laws, as so appearing, is  
507 hereby amended by striking out, in line 4, the word “he” and inserting in place thereof the  
508 following words:- the commander-in-chief.

509 SECTION 40. Said chapter 33 is hereby further amended by striking out section 57, as  
510 so appearing, and inserting in place thereof the following section:-



511 Section 57. Except while on duty under section 38, 40, 41 or 60, or in obedience to the  
512 commander-in-chief, no officers or enlisted persons shall be required to perform military duty  
513 during the time when polls are open for an election in the city or town where they reside.  
514 Officers parading their unit or ordering it to duty, contrary to this section, shall be liable to trial  
515 and punishment in accordance with this chapter.

516 SECTION 41. Said chapter 33 is hereby further amended by striking out section 59, as  
517 so appearing, and inserting in place thereof the following section:-

518 Section 59. (a) An employee of the commonwealth in the service of the armed forces of  
519 the commonwealth or a reserve component of the armed forces of the United States shall be  
520 entitled to receive pay without loss of ordinary remuneration as a public employee during annual  
521 training under section 60 or drills and parades under section 61 not exceeding 34 days in any  
522 state fiscal year and not exceeding 17 days in any federal fiscal year, and shall not lose any  
523 seniority or any accrued vacation leave, sick leave, personal leave, compensation time or earned  
524 overtime.

525 (b) An employee of the commonwealth in the service of the armed forces of the  
526 commonwealth under sections 38, 40 or 41 shall be entitled to receive pay without loss of  
527 ordinary remuneration as a public employee and shall not lose any seniority or any accrued  
528 vacation leave, sick leave, personal leave, compensation time or earned overtime during the first  
529 30 consecutive days of any mission. Thereafter, any such ordinary remuneration shall be  
530 reduced by any amount received either from the United States or the commonwealth as base pay  
531 for military service performed during the same pay period, and there shall be no loss of any  
532 seniority or any accrued vacation leave, sick leave, personal leave, compensation time or earned  
533 overtime. National guard duty performed under title 32 of the United States Code shall not be  
534 deemed service in the armed forces of the commonwealth under sections 38, 40 or 41 for the  
535 purposes of this section.

536 (c) An employee of the commonwealth in the armed forces of the commonwealth  
537 performing duty under titles 10 or 32 of the United States Code shall be paid the regular base  
538 salary as a public employee for each pay period of such military leave of absence, reduced by  
539 any amount received either from the United States or the commonwealth as base pay for military  
540 service performed during the same pay period, and shall not lose any seniority or any accrued  
541 vacation leave, sick leave, personal leave, compensation time or earned overtime.

542 (d) An employee of a county, city or town within the commonwealth which, by vote of its  
543 county commissioners or city council or of its inhabitants at a town meeting, accepts this section,  
544 or has accepted similar provisions of earlier laws, shall be entitled to the benefits and protections  
545 of this section or the benefits of the accepted provision of an earlier law.

546 SECTION 42. Section 59A of chapter 33 of the General Laws is hereby repealed.

547 SECTION 43. Section 61 of said chapter 33, as so appearing, is hereby amended by  
548 striking out subsection (a) and inserting in place thereof the following subsection:-

549 (a) In addition to the duty required by sections 38, 40, 41 or 60, every unit of the armed  
550 forces of the commonwealth, except the state defense force or a similar organization composed  
551 as permitted by law, shall assemble for training at least 48 times in each year, and more often if  
552 so directed by the unit or organization commander. Organization drills and parades may be held  
553 in place of unit drills, and transportation to and from the place of such drills and parades shall be  
554 furnished for the units composing the organization if authorized by the commander-in-chief.

555 SECTION 44. Section 63 of said chapter 33 of the General Laws is hereby repealed.

556 SECTION 45. Said chapter 33 is hereby further amended by striking out section 64, as  
557 so appearing, and inserting in place thereof the following section:-

558 Section 64. The commander-in-chief may exclude traffic from highways during target  
559 practice or maneuvers of any organization or unit of the armed forces of the commonwealth or  
560 the United States or of any state thereof, whenever public convenience or safety so requires.

561 SECTION 46. Section 65 of said chapter 33 of the General Laws, as so appearing, is  
562 hereby amended by striking out, in line 2, the word "his" and inserting in place thereof the  
563 following word:- any.

564 SECTION 47. Said section 65 of said chapter 33, as so appearing, is hereby further  
565 amended by striking out, in lines 4 to 5, the words "his leave" and inserting in place thereof the  
566 following word:- authorization.

567 SECTION 48. Said chapter 33 is hereby further amended by striking out sections 66 and  
568 67, as so appearing, and inserting in place thereof the following 2 sections:-

569 Section 66. Whoever willfully obstructs, interferes with, or hinders any officer or  
570 enlisted person while on duty or at any parade, drill or assembly for military purposes may be  
571 detained at the discretion of the commanding officer and delivered into the custody of any police  
572 officer for examination or trial before a court having jurisdiction of the place. A person found  
573 guilty of any of the offenses enumerated in this section, or in sections 65 or 123, or of  
574 obstructing or interfering with the armed forces of the United States or any part of the armed  
575 forces of the commonwealth in the exercise or enjoyment of the right of way granted by section  
576 50, shall be punished by a fine of not more than \$1000 or by imprisonment in a house of  
577 correction for not less than 30 days nor more than 2 ½ years or by imprisonment in the state  
578 prison for not more than 5 years, or by both such fine and imprisonment in a house of correction.

579 Section 67. (a) To each member who completes 3 years of honorable service in the  
580 armed forces of the commonwealth, there shall be awarded a medal, and for each additional 3  
581 years of like service a clasp to be affixed to the ribbon pendant thereof. Members of the armed

582 forces of the commonwealth, active, retired or honorably discharged, who have served in the  
583 armed forces of the United States in time of war and have been honorably discharged shall  
584 receive a clasp indicative of such service, to be affixed to the ribbon pendant of the medal herein  
585 provided.

586 (b) The adjutant general and 2 field grade officers of the armed forces of the  
587 commonwealth, detailed by the commander-in-chief, shall act as a medal of valor commission  
588 and may receive recommendations, through military channels, for the award of the medal of  
589 valor to members of the armed forces of the commonwealth, who, by reason of conspicuous  
590 gallantry at the risk of their own life, above and beyond the call of duty, while on military  
591 service, are recommended for the award of said medal of valor.

592 (c) The adjutant general and 2 field grade officers of the armed forces of the  
593 commonwealth, detailed by the commander-in-chief, shall constitute a commission to receive  
594 recommendations, through military channels, for the award of the Massachusetts military medal  
595 to a member of the armed forces of the commonwealth who, while on military service,  
596 performed a singularly meritorious act of heroism which distinguished that service member  
597 above peers but to a lesser degree than that required for awarding of the medal of valor.

598 (d) The adjutant general and 2 field grade officers of the armed forces of the  
599 commonwealth, detailed by the commander-in-chief, shall act as a Massachusetts medal of merit  
600 commission, and may receive recommendations, through military channels, for the award of the  
601 medal of merit to members of the armed forces of the commonwealth, the United States, any  
602 other state or territory of the United States or any other country who have distinguished  
603 themselves by exceptionally meritorious conduct in performing outstanding services while  
604 members of the armed forces of the commonwealth, the United States, any other state or territory  
605 of the United States or any other country.

606 (e) The adjutant general may receive recommendations, through military channels, for the  
607 award of the Massachusetts commendation medal to members of the armed forces of the  
608 commonwealth, the United States, any other state or territory of the United States or any other  
609 country who have distinguished themselves by heroism, meritorious achievement or meritorious  
610 service while members of the armed forces of the commonwealth, the United States, any other  
611 state or territory of the United States or any other country.

612 (f) The adjutant general may receive recommendations, through military channels, for the  
613 award of the Massachusetts achievement medal to members of the armed forces of the  
614 commonwealth, the United States, any other state or territory of the United States, or any other  
615 country who have distinguished themselves by meritorious service or achievement to a lesser  
616 degree than required for award of the commendation medal while members of the armed forces  
617 of the commonwealth, the United States, any other state or territory of the United States, or any  
618 other country.

619 (g) Commissions constituted under subsections (b), (c) and (d) shall, after careful  
620 investigation, report their findings and recommendations to the commander-in-chief, who, if the  
621 award appears justified, shall confer upon the member the medal recommended.

622 Not more than 1 medal of valor, Massachusetts military medal, medal of merit,  
623 commendation medal or achievement medal shall be awarded to any person; provided, however,  
624 that a suitable clasp shall be awarded, under the same conditions.

625 The design of the medals hereinbefore referred to shall be approved by the art  
626 commission for the commonwealth.

627 The Massachusetts medal of valor, military medal, medal of merit, commendation medal  
628 and achievement medal may be awarded posthumously.

629 SECTION 49. Said chapter 33 is hereby further amended by striking out section 69, as  
630 so appearing, and inserting in place thereof the following section:-

631 Section 69. The military courts of the armed forces of the commonwealth shall be  
632 general courts-martial, special courts-martial and summary courts-martial. They shall be  
633 constituted like, and have cognizance of the same subjects, and possess like powers, except as to  
634 punishment, as similar courts provided for by the laws and regulations governing the armed  
635 forces of the United States, and proceedings of courts-martial shall follow the forms and modes  
636 of procedure prescribed for said similar courts, except as expressly modified by this chapter and  
637 in accordance with the rules and regulations made and published by the commander-in-chief or a  
638 designee.

639 SECTION 50. Section 70 of chapter 33 of the General Laws is hereby repealed.

640 SECTION 51. Said chapter 33 is hereby further amended by striking out sections 71 to  
641 74, inclusive, as so appearing, and inserting in place thereof the following 4 sections:-

642 Section 71. General courts-martial of the armed forces of the commonwealth may be  
643 convened by the commander-in-chief and may impose 1 or more of the following punishments or  
644 sentences for each offense: (1) fine, not exceeding \$2000; (2) forfeiture of pay and allowances;  
645 (3) reprimand; (4) dismissal or dishonorable discharge from the service; (5) reduction of  
646 noncommissioned officers; and (6) confinement for a period not to exceed that provided for by  
647 the laws and regulations governing the armed forces of the United States except as expressly  
648 modified by this chapter.

649 Section 72. Special courts-martial shall have power to try any person subject to military  
650 law, except a commissioned officer, for any crime or offense made punishable by the laws and  
651 regulations governing the armed forces of the United States or by the provisions of this chapter.  
652 Special courts-martial shall have the same powers of punishment as do general courts-martial,  
653 except that fines imposed shall not exceed \$1000.

654 Section 73. Summary courts-martial shall have the power to try enlisted personnel for  
655 any non-capitol offense made punishable by the laws and regulations governing the armed forces  
656 of the United States or by the provisions of this chapter. Noncommissioned officers shall not be  
657 tried by summary courts-martial if they object thereto before arraignment. Summary courts-  
658 martial shall have power to impose a fine not exceeding \$250 for any single offense and may  
659 reduce enlisted personnel. The proceedings of such court shall be informal and the record  
660 thereof shall be substantially the same as that prescribed for the armed forces of the United  
661 States.

662 Section 74. (a) Under such regulations as the commander-in-chief may prescribe, a  
663 commanding officer may, in addition to or in lieu of admonition or reprimand, impose one of the  
664 following disciplinary punishments for minor offenses without the intervention of a court-  
665 martial:

666 (1) Upon any member of the command, the withholding of privileges for a period not to  
667 exceed 2 consecutive weeks, or restriction to certain specified limits for a similar period, and the  
668 imposition of a fine not exceeding \$200 for any single offense.

669 (2) Upon enlisted personnel of the command, extra duties for a period not to exceed 2  
670 consecutive weeks, and not to exceed 2 hours per day, or reduction to the next inferior grade.

671 (b) A person punished under authority of this section who deems such punishment unjust  
672 or disproportionate to the offense may, through the proper channel, appeal to the next superior  
673 authority. The appeal shall be promptly forwarded and decided; provided, however, that the  
674 person punished may in the meantime be required to undergo the punishment adjudged. The  
675 officer who imposes the punishment, that officer's successor in command and superior authority  
676 shall have power to suspend, set aside or remit any part or amount of the punishment and to  
677 restore all rights, privileges and property affected.

678 (c) The imposition and enforcement of disciplinary punishment under authority of this  
679 section for any act or omission shall not be a bar to trial by court-martial for a serious crime or  
680 offense growing out of the same act or omission, and not properly punishable under this section;  
681 provided, however, the fact that a disciplinary punishment has been enforced may be shown by  
682 the accused upon trial, and when so shown shall be considered in determining the measure of  
683 punishment to be adjudged in the event of a finding of guilty.

684 SECTION 52. Section 75 of said chapter 33 of the General Laws is hereby repealed.

685 SECTION 53. Said chapter 33 is hereby further amended by striking out sections 77 and  
686 78, as appearing in the 2012 Official Edition, and inserting in place thereof the following 2  
687 sections:-

688           Section 77. The senior member of a court-martial and summary court officers may issue  
689 warrants to arrest accused persons and to bring an accused person before the court for trial  
690 whenever that person shall have disobeyed a written order from the convening authority,  
691 delivered to that person with a copy of the charge or charges, and directing that person to appear  
692 before the court. Said officials may issue subpoenas, and may enforce the attendance of  
693 witnesses and the production of books and documents, and may sentence for a refusal to be  
694 sworn or to answer, as in actions before civilian courts.

695           Section 78. (a) All processes and sentences of courts-martial shall be executed by an  
696 officer qualified to serve criminal process, and pre-trial confinement or commitment under said  
697 sentences may be made to any jail, house of correction or prison in the commonwealth. The  
698 master or keeper of the jail, house of correction or prison to which a person is sentenced shall  
699 receive and detain that person in the same manner as if sentenced by a civilian court. The  
700 necessary charges shall be paid by the commonwealth and approved by the adjutant general.

701           (b) All fines assessed by a court-martial and collected or withheld shall be paid to the  
702 commonwealth through the adjutant general subject to such regulations as the adjutant general  
703 may prescribe.

704           SECTION 54. Section 82 of said chapter 33 of the General Laws, as so appearing, is  
705 hereby amended by striking out, in line 3, the word “civil” and inserting in place thereof the  
706 following word:- civilian.

707           SECTION 55. Said chapter 33 is hereby further amended by striking out section 83, as so  
708 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

709           Section 83. (a) For duty performed under the provisions of sections 60 and 61 by  
710 members of the armed forces of the commonwealth not serving in a federal duty status, there  
711 may be allowed and paid from funds appropriated therefor the same rate of pay of like grade as  
712 would be received by them if they were on active duty status in the armed forces of the United  
713 States with less than 2 years service, and such subsistence, travel or other allowances as the  
714 adjutant general may authorize.

715           (b) For duty performed under the provisions of sections 38, 40 and 41, there shall be  
716 allowed and paid to members of the armed forces of the commonwealth from funds appropriated  
717 therefor the same rate of base pay for length of service and allowances for housing and  
718 subsistence as if they were on active duty status in the armed forces of the United States;  
719 provided, however, that such compensation shall not be less than \$100 per day and shall be  
720 subject to the provisions of subsection (c).

721           (c) For duty performed under the provisions of sections 38, 40, 41 and 60, the pay and  
722 allowances authorized by this section shall be reduced by any amounts received from the United

723 States government as pay or allowances for military service performed during the same pay  
724 period.

725 SECTION 56. Section 85 of said chapter 33 of the General Laws, as so appearing, is  
726 hereby amended by striking out, in line 3, the words “forty-two”.

727 SECTION 57. Sections 86 and 87 of said chapter 33 of the General Laws are hereby  
728 repealed.

729 SECTION 58. Said chapter 33 is hereby further amended by striking out section 88, as  
730 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

731 Section 88. An officer or enlisted person of the military division, while performing any  
732 duty lawfully ordered under any provision of this chapter, or a person not a member of the armed  
733 forces of the commonwealth, but who is the owner, or is employed by the owner of a motor  
734 vehicle lawfully loaned to or hired by the commonwealth under section 89 and whose services  
735 are loaned or given to the commonwealth for any purpose set forth in said section, or a person  
736 rendering assistance to any of the armed forces of the commonwealth in connection with the use  
737 of a motor vehicle under any provision of section 89 by request or order of any responsible  
738 officer of said armed forces and who by reason of such voluntary action, employment or  
739 assistance and without fault or neglect on the part of such person, receives an injury, is disabled  
740 or contracts a sickness or disease, incapacitating that person from pursuing the usual business or  
741 occupation of such person, shall, during the period of such incapacity, receive compensation to  
742 be fixed by a board appointed under the provisions of section 90 to inquire into the claim, and  
743 actual necessary expenses for medical services and care, medicines and hospitalization,  
744 replacement or repair of eyeglasses, dentures or prosthetic devices worn or carried. In case of  
745 death resulting from such injury, sickness or disease, except in the case of any such death for  
746 which compensation is payable under the provisions of the second paragraph of this section,  
747 compensation shall be paid to the decedent’s dependents, as determined in accordance with  
748 clause (3) of section 1 and section 32 of chapter 152, in the amounts provided by and otherwise  
749 subject to section 31 of said chapter; provided, that dependents other than widows and children  
750 shall receive compensation to be fixed by said board, which shall exercise all the powers given  
751 by said provisions of chapter 152 to the division of industrial accidents.

752 In the case of the death of a member of the Massachusetts national guard resulting from  
753 injury, sickness or disease received while in the line of duty pursuant to orders under titles 10  
754 and 32 of the United States Code or this chapter, and that injury, sickness or disease resulting in  
755 the death was not the result of fault or neglect on the part of the decedent, a single payment of  
756 \$100,000 shall be paid to the surviving spouse. If there is no surviving spouse the amount shall  
757 be paid to the child, or children in equal shares, of the decedent. If there is no surviving spouse  
758 and no child or children, the surviving mother and father of the decedent, if the father and mother  
759 were dependent on the decedent for support at the time of the decedent’s death each shall receive

760 \$50,000. If only 1 parent was dependent on the decedent for support, that parent shall receive  
761 \$100,000. The standard for dependency shall be determined in accordance with clause (3) of  
762 section 1 and section 32 of chapter 152. All claims presented under the provision of this section  
763 shall be made in accordance with the procedure provided for under section 90.

764 SECTION 59. Section 89 of said chapter 33, as so appearing, is hereby amended by  
765 striking out, in line 10, the words “or forty-two”.

766 SECTION 60. Said chapter 33 is hereby further amended by striking out section 90, as  
767 so appearing, and inserting in place thereof the following section:-

768 Section 90. Claims against the commonwealth for compensation under the provisions of  
769 section 88 shall be referred to a board of 3 officers, including the state judge advocate and a  
770 medical or medical service officer, appointed by the commander-in-chief. The board in  
771 consideration of the claim shall, except as otherwise provided in section 88, take into account  
772 any compensation received by the claimant or the claimant’s dependents from the United States.  
773 The board shall have the same power to take evidence, administer oaths, issue subpoenas and  
774 compel witnesses to attend and testify and produce books and papers, and to punish their failure  
775 to do so as is possessed by a general court-martial. The findings of the board shall be subject to  
776 the approval of the adjutant general. The amounts so found due and so approved shall be a  
777 charge against the commonwealth and shall be paid in the same manner as other military  
778 accounts.

779 SECTION 61. Said chapter 33 is hereby further amended by striking out section 94, as  
780 so appearing, and inserting in place thereof the following section:-

781 Section 94. No person performing any services under section 88 shall, by reason of such  
782 services, be deemed to be an employee of the commonwealth or, if not already an officer or  
783 enlisted person of the military division of the commonwealth, to be such an officer or enlisted  
784 person, or to be entitled to receive any pension or retirement allowance from the commonwealth,  
785 or to have acquired any right, or to be entitled to receive any other benefit or compensation. A  
786 person claiming the right to receive compensation from the commonwealth under section 88  
787 shall, within a reasonable time after receiving an injury, or contracting a sickness or disease,  
788 while performing services referred to therein, give to the adjutant general notice of the name and  
789 place of residence of such person, and the time, place and cause of such injury, sickness or  
790 disease. Such notice shall be in writing, signed by the person claiming compensation or by  
791 someone in that person’s behalf.

792 SECTION 62. Said chapter 33 is hereby further amended by striking out sections 96 and  
793 97, as so appearing, and inserting in place thereof the following 2 sections:-

794 Section 96. Organization and unit funds shall be maintained and conducted as the  
795 commander-in-chief may prescribe in regulations. The administration of such a fund by the



796 officer designated in regulations to have the custody thereof shall be one of the duties pertaining  
797 to the office of such officer. Upon the disbandment of any organization or unit maintaining a  
798 fund as above provided, the adjutant general shall at once become custodian or treasurer thereof  
799 and shall distribute the funds to such organizations or units as the adjutant general may  
800 determine to be equitably entitled thereto, or, if no organization or unit is so entitled, shall draw a  
801 check for the total amount on deposit in favor of the state treasurer, who shall hold such funds or  
802 shall expend them as the general court may prescribe; provided, however, that in the case of  
803 organizations or units ordered into the active service of the United States, the adjutant general  
804 may act as custodian of such funds during the period of active federal service.

805         Section 97. There may annually be allowed and paid quarterly from money appropriated  
806 for the purpose in substantially equal installments under such regulations as may be promulgated  
807 by the commander-in-chief, to the organizations and units of the armed forces of the  
808 commonwealth, when not in federal service, appropriate sums for administration and  
809 maintenance including telephone, postage, printing, office and other necessary supplies not  
810 available through issue, for athletic or recreational equipment for the common use of enlisted  
811 personnel, for clerical assistance, for the repair and alteration of uniforms and such other military  
812 purposes as may be approved by the commander-in-chief.

813         SECTION 63. Said chapter 33 is hereby further amended by striking out section 99, as  
814 so appearing, and inserting in place thereof the following section:-

815         Section 99. Whoever, not being in the service of the armed forces of the United States or  
816 of the commonwealth, appears in public wearing the distinctive uniform of any branch of such  
817 service shall be punished by a fine of not more than \$1000 or by imprisonment for not more than  
818 6 months, or both. This section shall not apply to any person discharged from such service, for  
819 any cause other than the own unworthiness of such person, wearing a uniform in order to take  
820 part in any military or naval parade or on any occasion of ceremony, or to any person in the  
821 service of the armed forces of the United States, discharged for any cause other than the own  
822 unworthiness of such person, wearing the uniform from place of discharge to the home of such  
823 person. Any person found violating any provision of this section may be arrested without a  
824 warrant by any officer qualified to serve criminal process; provided, that nothing in this section  
825 shall subject to penalty any action with respect to the wearing of uniforms of the armed forces of  
826 the United States which is authorized by federal law.

827         SECTION 64. Section 100 of said chapter 33 of the General Laws is hereby repealed.

828         SECTION 65. Said chapter 33 is hereby further amended by striking out section 103, as  
829 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

830         Section 103. An officer or enlisted person shall be responsible for the proper care,  
831 safekeeping and return, when so directed, of all items of military property issued by the United  
832 States or the commonwealth. Service members shall use the same for military purposes only,

833 and upon being discharged, transferred or otherwise separated from the military service, or upon  
834 the demand of a commanding officer, shall forthwith deliver such item or items to the  
835 commanding officer, or to any officer ordered to receive them, in good order and condition, fair  
836 wear thereof excepted.

837 SECTION 66. Section 104 of said chapter 33 of the General Laws is hereby repealed.

838 SECTION 67. Section 105 of said chapter 33, as appearing in the 2012 Official Edition,  
839 is hereby amended by striking out, in lines 16 to 17, the words “by him”.

840 SECTION 68. Section 106 of said chapter 33 of the General Laws, as so appearing, is  
841 hereby amended by striking out, in line 4, the word “his”.

842 SECTION 69. Said chapter 33 is hereby further amended by striking out sections 107 and  
843 108, as so appearing, and inserting in place thereof the following 2 sections:-

844 Section 107. A person who knowingly purchases, retains or has possession of any item  
845 of military property of the United States or of the commonwealth, unless the same shall have  
846 been issued to such person, or is in possession in accordance with law, shall be punished by a  
847 fine not exceeding 10 times the value thereof.

848 Section 108. An officer or noncommissioned officer of the armed forces of the  
849 commonwealth to whom monies or public property are at any time issued may be required to  
850 give bond to the commonwealth, in such amount and with such surety or sureties as may be  
851 determined by the commander-in-chief, conditioned upon the faithful performance of the duties  
852 of such officer, accounting properly for all monies or property received by virtue of the  
853 assignment and duties during the term of such bond, and turning over to immediate successor of  
854 the officer, or other officer designated by the commander-in-chief, all records, reports, monies or  
855 property for which the officer is accountable as provided for under section 112.

856 SECTION 70. Section 109 of said chapter 33 of the General Laws, as so appearing, is  
857 hereby amended by striking out, in line 2, the words “he deems” and inserting in place thereof the  
858 following word:- deemed

859 SECTION 71. Section 110 of said chapter 33 of the General Laws, as so appearing, is  
860 hereby amended by striking out, in lines 2 to 3, the words “ninety-six”.

861 SECTION 72. Said chapter 33 is hereby further amended by striking out sections 111  
862 and 112, as so appearing, and inserting in place thereof the following 2 sections:-

863 Section 111. (a) An officer or enlisted person shall be responsible for military property  
864 of the United States and of the commonwealth received by such officer or enlisted person, and  
865 shall not sell, loan or transfer it or any part of it, without the authority of the commander-in-chief  
866 and shall be liable to the commonwealth for all such property defaced, injured, destroyed or lost

867 by neglect or default of the officer or enlisted person, or for its value, to be recovered in an  
868 action of tort brought by the state judge advocate in the name of the commonwealth.

869 (b) Service members shall exercise the strictest care and vigilance for the preservation of  
870 the individual and unit clothing and equipment and other property furnished their commands;  
871 and, in case of any loss thereof or damage thereto by their neglect or default, they shall be  
872 subject to appropriate punishment in accordance with the military justice provisions of this  
873 chapter.

874 (c) When any officer or enlisted person neglects or refuses to return any military property  
875 of the United States or of the commonwealth or of any unit, or to account satisfactorily for it to  
876 the officer responsible for its custody, or to the officer ordered to receive it, such custodian or  
877 officer may make a written complaint directly to the colonel of state police, describing the  
878 missing property, and thereupon the state police shall make diligent search for the property, and  
879 shall take possession of all such property and turn the same over to the officer responsible for its  
880 custody.

881 Section 112. (a) An officer of the military forces of the commonwealth, upon vacating an  
882 office, shall turn over to an immediate successor, or other officer designated by the commander-  
883 in-chief, all records, reports and military property in possession of such officer belonging or in  
884 any way pertaining to such office.

885 (b) Upon the disbandment of any unit which has received military property for military  
886 use, the service members responsible for such property shall return it to the officer ordered to  
887 receive it.

888 (c) Until such service member responsible for military property or a legal representative  
889 receives from the adjutant general notice that the property accounts of such service member have  
890 been found correct, the liability of such service member or of the estate of such service member  
891 for military property shall continue. Upon the death or desertion of a service member responsible  
892 for military property, the immediate commanding officer shall at once cause such property to be  
893 collected, and a correct inventory made by physical count and examination. Such inventory shall  
894 be forwarded to the adjutant general, and compensation for any shortage may be recovered as  
895 provided in subsection (a) of section 111.

896 SECTION 73. The second sentence of section 113 of said chapter 33 of the General  
897 Laws, as so appearing, is hereby amended by inserting after the word "sold", in line 4, the  
898 following words:- or otherwise disposed of.

899 SECTION 74. Section 114 of said chapter 33 of the General Laws, as so appearing, is  
900 hereby amended by striking out, in line 1, the words "governor, with the advice and consent of  
901 the council" and inserting in place thereof the following words:- commander-in-chief.

902 SECTION 75. Section 115 of said chapter 33 of the General Laws is hereby repealed.

903 SECTION 76. Section 116 of said chapter 33 of the General Laws, as appearing in the  
904 2012 Official Edition, is hereby amended by striking out, in lines 1 to2, the words “governor and  
905 council” and inserting in place thereof the following words:- commander-in-chief.

906 SECTION 77. Section 121 of said chapter 33 of the General Laws is hereby repealed.

907 SECTION 78. Said chapter 33 is hereby further amended by striking out sections 122  
908 and 123, as appearing in the 2012 Official Edition, and inserting in place thereof the following 2  
909 sections:-

910 Section 122. (a) Armories and air installations provided for the armed forces of the  
911 commonwealth shall be used by them for the military purposes or purposes incidental thereto  
912 designated by the commander-in-chief. A state armory or air installation when not in use for  
913 military purposes may be used without charge and subject only to rules and regulations  
914 promulgated by the commander-in-chief for social activities or athletics by military units  
915 stationed in such armory or air installation. Non-military use of an armory under this section  
916 shall not be permitted if it interferes with its military use.

917 (b) An armory or air installation may be used for the purposes set forth in subsections (c)  
918 and (e) in accordance with terms and conditions prescribed by the commander-in-chief, upon  
919 application therefor to the adjutant general through the military custodian of the armory or air  
920 installation. No such application shall be granted unless it is approved by the military custodian  
921 and the adjutant general and contains a certificate from each unit commander whose drill or other  
922 military duty is to be changed or modified by such use, stating the approval of the application  
923 and that such change or modification will not in any way be detrimental to the unit or to its  
924 training, and further stating in detail the manner in which said change or modification is to be  
925 effected. Such applications may, after the lapse of one year from the date of their receipt, be  
926 destroyed or disposed of by order of their lawful custodian, and any proceeds received in the  
927 course of their disposal shall be paid to the commonwealth.

928 (c) Subject to subsection (b), armories or air installations may be used temporarily for the  
929 following public purposes:

930 (1) A public meeting, hearing, or activity held by a city, town, state, or federal  
931 department, board, commission, or similar entity;

932 (2) An examination conducted by a state department, board, commission, or similar  
933 entity;

934 (3) A meeting of an organization composed of veterans of the armed forces of the  
935 commonwealth or the armed forces of the United States, their auxiliaries, drill teams, bands and

936 drum corps of organizations of veterans as well as a board of trade, a chamber of commerce, or a  
937 meeting to raise funds for any non-sectarian charitable or non-sectarian educational purpose;

938 (4) A meeting to raise funds for a benefit association of police officers or firefighters;

939 (5) Elections, primaries or caucuses, and town meetings;

940 (6) A meeting or rally of a political party or a municipal party, as defined by section 1 of  
941 chapter 50, conducted by the duly constituted local committee of such party; provided, that no  
942 party shall be permitted to use the same armory more than twice in the same year; and

943 (7) A meeting of any organization of boys and girls under 18 years of age, or of any  
944 student military organization sponsored or sanctioned by the armed forces of the commonwealth  
945 or the armed forces of the United States. Upon application to the adjutant general and on terms  
946 and conditions prescribed by him or her such organizations may be permitted to use for parade or  
947 drill purposes such grounds owned by the commonwealth as are used by the armed forces.

948 (d) Compensation for the use of any armory or air installation under subsection (c) shall  
949 be fixed by the adjutant general with the approval of the armory commission and shall be at least  
950 sufficient to cover all expenses of lighting, heating and guarding the armory or air installation,  
951 and similar expenses. Such compensation shall be paid to the adjutant general, who shall pay the  
952 same to the commonwealth.

953 (e) Subject to subsection (b) an armory or air installation may be used for:

954 (1) Athletic contests and social or civic activities conducted by responsible organizations  
955 or associations.

956 (2) For a period not exceeding 9 days for any exhibition of the products of labor,  
957 agriculture or industry, including any automobile exhibition conducted by a responsible  
958 organization, and, for the purpose of decorating the premises, for such additional time  
959 immediately preceding said period, not exceeding 18 hours, as may be approved by the military  
960 custodian and the adjutant general, and for the purpose of removing decorations, exhibits or  
961 equipment, for such additional time immediately following said period, not exceeding 18 hours,  
962 as may so be approved; provided, that the compensation for such uses shall in no case be less  
963 than the fair rental value, for the entire period during which the armory or air installation is  
964 occupied by any such exhibit or equipment, of halls of a similar nature in the same or a similar  
965 city or town, together with a sum sufficient to cover the expenses of providing such guards and  
966 labor as may be necessary to protect the armory or air installation while so used and to remove  
967 and replace items of military equipment while so used. Subject to the foregoing limitation, such  
968 compensation shall be fixed by the adjutant general and shall be paid as provided in subsection  
969 (d).

970 (f) Each organization using an armory or air installation under subsection (c) or (e) shall,  
971 under rules and regulations prescribed by the commander-in-chief, pay for any damage to or loss  
972 of any property or equipment and for any personal injury for which the adjutant general or other  
973 state official may be legally liable. Said rules and regulations may also require that such  
974 organization shall file with the adjutant general a bond in such form and amount and containing  
975 such conditions as said rules and regulations may prescribe.

976 (g) The adjutant general is authorized to enter into interagency agreements with other  
977 city, town, state, or federal agencies and to charge said agencies for the use of any armory, air  
978 installation or other facility under his or her control.

979 Section 123. Every officer whose unit occupies, or assembles or drills in any armory, air  
980 installation, drill hall or building used according to law for that purpose shall have control of  
981 such premises during the period of occupation, subject to orders of superior officers, and any  
982 person intruding contrary to commander's orders or to the orders of that commander's superior  
983 officers, or who interrupts, disturbs, obstructs or insults the troops or any of them so occupying  
984 such premises, may be ejected, forcibly if necessary, or may be dealt with as provided in sections  
985 65 and 66 for like offences, at the discretion of such officer or of that officer's superior officers;  
986 provided, however, that in armories not classified as state armories reasonable inspection of the  
987 premises may be made by the mayor or city manager or the selectmen, or the owners of the  
988 premises.

989 SECTION 79. Section 124 of chapter 33 of the General Laws is hereby repealed.

990 SECTION 80. Said chapter 33 is hereby further amended by striking out section 126, as  
991 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

992 Section 126. The armory commission shall rebuild, remodel or repair state armories or  
993 air installations damaged or destroyed, and may reconstruct, remodel, enlarge or otherwise  
994 improve existing state armories, or air installations if it deems the needs of the service so require,  
995 and shall construct additional armories or air installations until the armed forces of the  
996 commonwealth shall be provided with adequate quarters.

997 The armory commission shall designate the location of armories and air installations so to  
998 be constructed and shall thereupon, in behalf of the commonwealth, take by eminent domain  
999 under chapter 79, or acquire by purchase or otherwise, suitable lots of land in the respective  
1000 cities or towns designated, and shall erect, furnish and equip thereon armories or air installations  
1001 sufficient for one or more units of the armed forces of the commonwealth as it deems necessary;  
1002 provided, however no land shall be acquired and no buildings erected, reconstructed, remodeled  
1003 or enlarged until the site and plans thereof, and the total amount to be authorized therefor, have  
1004 been approved by the commander-in-chief.

1005           The armory commission may, in behalf of the commonwealth, and with the approval of  
1006 the commander-in-chief, take by eminent domain under chapter 79, or acquire by purchase or  
1007 lease, land suitable for ranges for target practice for the armed forces of the commonwealth and  
1008 upon such land may, with the approval of the commander-in-chief, erect such buildings and  
1009 construct such facilities as may be needed.

1010           Land acquired by purchase under this section shall be paid for by the commonwealth  
1011 upon the execution of such a release or conveyance as shall be prescribed by the attorney  
1012 general.

1013           The armory commission may, in behalf of the commonwealth, and with the approval of  
1014 the commander-in-chief, dispose of an armory or air installation, whenever it deems that the  
1015 continued existence of such armory or air installation no longer suitably or efficiently serves the  
1016 purposes of the armed forces of the commonwealth either due to obsolescence or changes in the  
1017 defense requirements.

1018           SECTION 81. Section 127 of said chapter 33 of the General Laws, as so appearing, is  
1019 hereby amended by striking out, in lines 4 to5 and 11 to12, the words “governor and council”  
1020 and inserting in place thereof the following words:- commander-in-chief.

1021           SECTION 82. Section 130 of said chapter 33 of the General Laws, as so appearing is  
1022 hereby amended by striking out, in line 5, the word “He” and inserting in place thereof the  
1023 following words:-The commander-in-chief.

1024           SECTION 83. Section 131 of said chapter 33 of the General Laws, as so appearing, is  
1025 hereby amended by striking out, in line 3 the words “fifty dollars” and inserting in place thereof  
1026 the following words:- \$500.

1027           SECTION 84. Section 133 of said chapter 33 of the General Laws, as so appearing, is  
1028 hereby amended by striking out, in line 3, the words “not less than twenty, not more than five-  
1029 hundred dollars” and inserting in place thereof the following words:- “not less than \$200 and not  
1030 more than \$500.

1031           SECTION 85. Section 135 of said chapter 33 of the General Laws, as so appearing, is  
1032 hereby amended by striking out, in line 13, the words “the rate of fifteen dollars per day” and  
1033 inserting in place thereof the following words:- the applicable per diem rate of the  
1034 Commonwealth.

1035           SECTION 86. Said chapter 33 is hereby further amended by striking out sections 137 and  
1036 138, as so appearing, and inserting in place thereof the following 3 sections:-

1037           Section 137. There is hereby established a Massachusetts national guard education  
1038 assistance program. This program shall be administered by the military division which shall  
1039 have the authority to issue a certificate of exemption from the matriculation fee and tuition to any

1040 member of the Massachusetts army or air national guard who is enrolled at any state institution  
1041 in a program the cost of which is borne by the commonwealth and who is qualified as hereinafter  
1042 provided. This certificate shall remain in effect 1 full academic year and shall be renewed after  
1043 the student has completed a full academic year of work equal to 30 semester hours, in  
1044 accordance with regulations prescribed by the military division. A certificate may therefore be in  
1045 effect for more than 1 year.

1046 To receive benefits from the program, the member shall be a member in good standing of  
1047 the active Massachusetts army or air national guard at the beginning of each semester that  
1048 benefits are payable and shall remain a member in good standing of the active Massachusetts  
1049 army or air national guard throughout the entire semester for which benefits are payable.

1050 Assistance shall continue for the benefit of the member only during such time as the  
1051 member remains a student in good standing at the institution in which the member is enrolled  
1052 and in no event shall any student receive the benefits for more than 130 semester hours.

1053 Enrollment of a member in a course at said institutions shall be dependent on the  
1054 availability of seats. Availability of seats for the purposes of this section shall mean vacancies  
1055 that exist in a course after the enrollment of all tuition paying students, and all students who are  
1056 enrolled under any scholarship or tuition waiver provisions.

1057 Section 138. (a) As used in this section the following words shall, unless the context  
1058 clearly requires otherwise, have the following meanings:—

1059 “Chief”, the chief of the Joint Base Cape Cod fire department.

1060 “Department”, the Joint Base Cape Cod fire department.

1061 “Joint Base Cape Cod”, approximately 22,000 acres of land owned by the commonwealth  
1062 in Barnstable county established under chapter 196 of the acts of 1935 and used primarily for  
1063 military purposes.

1064 (b) There shall be within the military division a Joint Base Cape Cod fire department. The  
1065 department shall provide air crash crew and fire protection services on the Joint Base Cape Cod.  
1066 The department shall be under the supervision and control of the chief of the Joint Base Cape  
1067 Cod fire department.

1068 The chief shall be appointed by the adjutant general and may be removed by the adjutant  
1069 general for cause after a hearing. The chief shall have charge of extinguishing fires on the Joint  
1070 Base Cape Cod and the protection of life and property in the event of fire, aircraft mishap or  
1071 explosion. The chief shall enforce all applicable state and federal fire laws and codes. The chief  
1072 shall purchase, subject to the approval of the adjutant general or the adjutant general’s designee,  
1073 and maintain all apparatus used by the fire department, and shall make other necessary



1074 expenditures subject to such further limitations as the adjutant general or the adjutant general's  
1075 designee may prescribe.

1076 The chief shall enter into mutual aid agreements with surrounding cities and towns as  
1077 necessary. The chief shall have and exercise all the powers and discharge all the duties conferred  
1078 or imposed by statute upon engineers in towns except as otherwise provided by chapter 48. The  
1079 chief shall appoint a deputy chief and such officers and firefighters as he or she deems necessary  
1080 and may remove the same for cause after a hearing, subject to the provisions of any applicable  
1081 collective bargaining agreement. The chief, deputy chief, officers and firefighters shall be  
1082 civilian employees of the military division and shall not be subject to the provisions of the  
1083 General Laws establishing a civil service system. New uniformed members of the department  
1084 shall be subject to the provisions for firefighters set forth in sections 61A and 61B of chapter 31.

1085 Except as otherwise provided herein, the chief shall administer the department. He or she  
1086 shall make rules and regulations for its operation, shall report annually to the adjutant general or  
1087 the adjutant general's designee on the condition of the department and at such other times as the  
1088 adjutant general or the adjutant general's designee shall request.

1089 Section 139. Subject to conditions and limitations as promulgated in regulations by the  
1090 commander-in-chief, the national guard is hereby authorized to use all appropriate means  
1091 necessary to protect assets vital to national security classified as such according to rules,  
1092 regulations, or instructions promulgated by the department of defense of the United States or the  
1093 military departments thereof or as otherwise ordered by the commander-in-chief.

1094 SECTION 87. Section 7E of chapter 90 of the General Laws, as appearing in the 2012  
1095 Official Edition, is hereby amended by inserting after the word "ambulances", in line 2, the  
1096 following words:- "vehicles specified in section 50(b) of chapter 33".

1097 SECTION 88. Section 52A of chapter 149 of the General Laws is hereby repealed.

1098 SECTION 89. Chapter 222 of the General Laws is hereby amended by striking out  
1099 section 11, as appearing in the 2012 Official Edition, and inserting in place thereof the following  
1100 section:-

1101 Section 11. Persons serving in or with the armed forces of the commonwealth or the  
1102 United States or their dependents, wherever located, may acknowledge any instrument, in the  
1103 manner and form required by the laws of this commonwealth, before any commissioned officer  
1104 in the active service of the armed forces of the commonwealth or the United States with the rank  
1105 of second lieutenant or higher in the army, air force or marine corps, or ensign or higher in the  
1106 navy or United States coast guard. Any such instrument shall contain a statement that the person  
1107 executing the instrument is serving in or with the armed forces of the commonwealth or the  
1108 United States or is a dependent of a person serving in or with the armed forces of the

1109 commonwealth or the United States. No such instrument shall be rendered invalid by the failure  
1110 to state therein the place of execution or acknowledgment.

1111 No authentication of the officer's certificate of acknowledgment shall be required.

1112 Instruments so acknowledged outside of the commonwealth, if otherwise in accordance  
1113 with law, shall be received and may be used in evidence, or for any other purpose, in the same  
1114 manner as if taken before a commissioner of the commonwealth appointed to take depositions in  
1115 other states.

1116 SECTION 90. Section 4 of chapter 260 of the General Laws, as so appearing , is hereby  
1117 amended by striking out, in line 29, the word "soldier" and inserting in place thereof the  
1118 following words:- enlisted person.

1119 SECTION 91. The provisions of this act shall not affect the incumbents serving in the  
1120 positions of assistant adjutant general who is designated executive officer, assistant adjutant  
1121 general, assistant adjutant general for air, sate quartermaster, state surgeon, state judge advocate,  
1122 and deputy state judge advocate at the time of passage of this act. They shall continue to serve in  
1123 accordance with the provisions of subsection (a) of section 15 of chapter 33 the General Laws in  
1124 effect at the time of their appointments to the state staff; provided, however, that they shall be  
1125 subject to dismissal for cause in accordance with section 29 of chapter 33 of the General Laws or  
1126 by a legally convened court-martial in accordance with the military justice provisions of chapter  
1127 33 of the General Laws, and that the incumbent deputy state judge advocate shall, in the event of  
1128 a vacancy in the office of state judge advocate, assume the responsibilities of the state judge  
1129 advocate.

1130 SECTION 92. To each servicemember who performed honorable service in support of  
1131 the 2013 Boston Marathon response between April 15, 2013, and April 22, 2013, as a member of  
1132 the armed forces of the commonwealth, the United States, any other state or territory of the  
1133 United States or any other country, there shall be awarded a medal according to rules and  
1134 regulations promulgated by the adjutant general.