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HOUSE . . . . . No. 3868

The Commonwealth of Massachusetts

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
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DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

January 22, 2014

To the Honorable Senate and House of Representatives,

I am filing for your consideration the attached proposal, entitled "An Act Granting, Updating, And Revising Defense Policies of the Commonwealth."

The Massachusetts National Guard serves our Commonwealth with distinction, providing essential services in times of emergency. This bill modernizes the Guard's governing statute, which was last revised in 1953, and brings Massachusetts into conformity with the overwhelming majority of states. This legislation will facilitate the work of the Guard and strengthen the Commonwealth's readiness and resiliency.

Specifically, this legislation:

• Streamlines the Guard's organization to reflect modern deployments, including deployments in support of state emergency management and federal military missions, whether domestic or foreign.

• Expressly recognizes that the Guard may be deployed to counter threats to homeland security.

• Permits trained and certified military police to perform a law enforcement role when deployed in times of emergency and in

support of state and local law enforcement — thus ensuring a comprehensive response when events require one.

• Removes outdated language.

Accordingly, I urge your prompt consideration and enactment of this bill.

Respectfully submitted,

Deval L. Patrick,
Governor

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[SPONSOR] [BACKING TEXT].

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

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:

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

Section 18.There shall be an armory commission composed of the following members:— The adjutant general, who shall be chairperson, the state quartermaster, who shall be clerk, two assistant adjutants general provided that one shall be an army officer and one shall be an air officer, and the army national guard facilities management officer. Neither the adjutant general, the state quartermaster, nor the army national guard facilities management officer shall receive any additional compensation on account of their membership in the armory commission. The assistant adjutants general shall, if not currently on full-time military duty, receive one day's pay of grade and allowances for each day of service as a member of the armory commission.

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

Section 1. Words used in this chapter shall have the following meanings, unless a different meaning is clearly apparent from the language or context:—

"Military forces of the commonwealth" shall include the organized militia as defined in section four, and members of the unorganized militia, as defined in section three, when drafted or accepted as volunteers under sections fifty-five and fifty-six.

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

"Officer", a commissioned officer or a warrant officer in the military forces of the commonwealth.

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

24 “Organization”, a command composed of two or more units.

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

28 “Military custodian”, the senior military officer in command of troops stationed in an
29 armory or air installation unless otherwise designated by the commander-in-chief.

30 SECTION 3. Said chapter 33 is hereby further amended by striking out section 2, as
31 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

32 Section 2. The militia of the commonwealth shall consist of all able-bodied citizens and
33 all other able-bodied persons who have declared their intention to become citizens of the United
34 States, between the ages of eighteen and forty-five, and who are residents of the commonwealth,
35 and of such other persons as may, upon their own application, be enlisted or commissioned
36 therein pursuant to any provision of this chapter, subject to exemptions created by law.

37 SECTION 4. Section 3 of chapter 33 of the General Laws, as appearing in the 2012
38 Official Edition, is hereby amended by striking out, in line 5, the words “the suppression of
39 riots” and inserting in place thereof the following words:-threats to homeland security.

40 SECTION 5. Said chapter 33 is hereby further amended by striking out section 4, as
41 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

42 Section 4. The active or organized militia shall be composed of volunteers, and shall
43 comprise the aides-de-camp of the commander-in-chief, the state staff, the armed forces of the
44 commonwealth as defined in section ten, the National Lancers, and the retired list. The
45 organized militia shall constitute the military division of the executive branch of the
46 commonwealth.

47 SECTION 6. Said chapter 33 is hereby further amended by striking out section 4A, as
48 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

49 Section 4A. The National Lancers shall be organized as the commander-in-chief directs,
50 and may retain their name and the right to wear distinctive uniforms provided that such uniforms
51 are approved by the commander-in-chief. The National Lancers may retain their methods of
52 selecting their officers and conducting their internal affairs consistent with the laws of the
53 commonwealth and the laws of the United States. The National Lancers may use land and stable
54 facilities belonging to the commonwealth for their activities, equipment and exercises without
55 charge and may receive from the commonwealth, its departments, divisions or bureaus, or the

56 federal government, without charge, any surplus equipment, goods, or other materials, as are
57 available, provided that all such equipment, goods and materials remain the property of the
58 commonwealth and are accounted for as such.

59 SECTION 7. Section 7 of chapter 33 of the General Laws, as appearing in the 2012
60 Official Edition, is hereby amended by striking out, in line 1, the words "from time to time".

61 SECTION 8. Section 8 of chapter 33 of the General Laws is hereby repealed.

62 SECTION 9. Said chapter 33 is hereby further amended by striking out section 10, as
63 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

64 Section 10. The armed forces of the commonwealth shall consist of the active National
65 Guard, army and air, the inactive National Guard, army and air, and, whenever necessary, a state
66 defense force or similar organization composed as permitted by law as the commander-in-chief
67 may prescribe.

68 SECTION 10. Section 11 of chapter 33 of the General Laws, as appearing in the 2012
69 Official Edition, is hereby amended by striking out, in line 2, the words "from time to time".

70 SECTION 11. Said chapter 33 is hereby further amended by striking out section 12, as
71 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

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

75 SECTION 12. Said chapter 33 is hereby further amended by striking out section 14, as
76 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

77 Section 14. The aides-de-camp of the commander-in-chief may be appointed as the
78 commander-in-chief deems necessary. Officers detailed under this section shall not be relieved
79 from their ordinary National Guard duties and may be removed at any time by and in the sole
80 discretion of the commander-in-chief.

81 SECTION 13. Said chapter 33 is hereby further amended by striking out section 15, as
82 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

83 Section 15. (a) The state staff shall consist of one adjutant general, with the grade of
84 major general, who shall be the chief of staff to the commander-in-chief and the chief of the state
85 staff, and the officers provided for in this section, each of whom shall perform their duties under
86 the direction of the adjutant general. Officers of the state staff, with the exception of the adjutant
87 general, shall be appointed for an initial period of six years, with the opportunity for
88 reappointment every two years thereafter. To be eligible for initial appointment on the state
89 staff, an officer shall have federal recognition in an organization or unit of the Massachusetts

90 National Guard, army or air. The officer shall thereafter hold the position for the period of
91 appointment or until reaching the age of sixty-five years, whichever occurs first, unless separated
92 from the position prior to that time by resignation, by disability, for cause in accordance with
93 section twenty-nine or by a legally convened court-martial in accordance with the military justice
94 provisions of this chapter.

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

102 The adjutant general shall be charged with carrying out the policies of the commander-in-
103 chief and shall issue orders in the commander-in-chief's name, but shall not personally exercise
104 command of troops.

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

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

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

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

125 Under the control of the commander-in-chief, the adjutant general shall be the executive
126 and administrative head of the military division of the executive branch of the government of the
127 commonwealth. Except as otherwise provided, the adjutant general shall personally approve all
128 contracts and may require personal approval of all expenditures made by the division.

129 (c) There shall be no fewer than three and no more than five full-time assistant adjutants
130 general appointed by the adjutant general, one of whom shall be designated the assistant chief of
131 the state staff, who shall perform such duties delegated to them by the adjutant general, or as
132 prescribed in orders and regulations. Of the full-time assistant adjutants general, at least one
133 shall be an army officer and at least one shall be an air officer. The assistant adjutant general
134 who is designated as the assistant chief of the state staff shall be the state finance officer for the
135 receipt, disbursement and accounting for all funds received for the payment, equipment, travel
136 and subsistence of the armed forces of the commonwealth and shall be advanced by the
137 commonwealth, under such rules and regulations as the state comptroller may prescribe, one
138 hundred per cent of the pay, allowances, and mileage for duty under section thirty-eight, forty,
139 forty-one or sixty, and shall return the unexpended balance of the sum so advanced as soon as
140 possible, or at such times as the comptroller may require. The assistant adjutant general
141 designated as the assistant chief of the state staff shall give bond to the commonwealth in the
142 penal sum of twenty thousand dollars with surety or sureties approved by the commander-in-
143 chief, conditioned upon the faithful performance of all duties as prescribed in this chapter.

144 (d) There shall be one full-time state quartermaster appointed by the adjutant general who
145 shall, except as otherwise provided in this chapter and in chapter three hundred and forty-four of
146 the acts of nineteen hundred and thirty-six, have the care and control of all land and buildings
147 held for military purposes and all other military property of the commonwealth except that which
148 is by law expressly entrusted to the keeping of others. The state quartermaster shall be adviser to
149 the military division on all technical matters involved in the construction, alteration and repair of
150 all structures and installations intended for the use of the armed forces of the commonwealth.
151 The state quartermaster shall give bond to the commonwealth in the penal sum of twenty
152 thousand dollars with surety or sureties approved by the commander-in-chief, conditioned upon
153 the faithful performance of all duties as prescribed in this chapter. The state quartermaster shall
154 be clerk of the armory commission provided for in section eighteen of chapter six.

155 (e) There shall be a state surgeon appointed by the adjutant general who shall be adviser
156 to the military division on all matters pertaining to the medical services of the armed forces of
157 the commonwealth. The state surgeon shall be a member of the board provided for in section
158 ninety.

159 (f) There shall be a full time state judge advocate appointed by the adjutant general who
160 shall be the legal adviser of the military division on all matters referred by law or by the
161 commander-in-chief. The state judge advocate shall examine and report in writing to the
162 commander-in-chief on all proceedings of courts-martial requiring the action of the commander-

163 in-chief and shall be a member of the boards provided for by sections fifty-two, ninety and
164 ninety-five of this chapter. The state judge advocate may be detailed by the commander-in-chief
165 to attend any encampment, and during the encampment shall within the limits of the camp and
166 for a distance of one mile outside said limits have the jurisdiction of a district court of all
167 offenses then and there committed.

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

170 (h) Except when ordered on duty under section thirty-eight, forty, forty-one or sixty of
171 this chapter, the officers of the state staff shall respectively receive the following salaries:-the
172 assistant adjutants general, the same pay and allowances as an officer of the regular service of
173 corresponding grade of at least lieutenant colonel but not exceeding that of colonel with
174 corresponding length of service; provided, however, that the assistant adjutant general who is
175 designated assistant chief of the state staff shall hold the grade of brigadier general and shall
176 receive the same pay and allowances as an officer of the regular service of corresponding grade
177 with corresponding length of service, but not exceeding that of brigadier general; the state
178 quartermaster, the same pay and allowances as an officer of the regular service of corresponding
179 grade with corresponding length of service but not exceeding that of colonel; the state judge
180 advocate, the same pay and allowances as an officer of the regular service of corresponding
181 grade with corresponding length of service but not exceeding that of colonel; the state surgeon
182 and the state inspector general, the same pay and allowances as officers of the regular service of
183 corresponding grade with corresponding length of service but not exceeding that of colonel for
184 each day of service, not to exceed twenty-five thousand dollars each per annum.

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

188 SECTION 14. Sections 16, 17 and 18 of Chapter 33 of the General Laws are hereby
189 repealed.

190 SECTION 15. Section 19 of said chapter 33 is hereby amended by striking out in part
191 (b), in line 16, the words “by his order” and inserting in place thereof the following words:- by
192 the commander-in-chief’s order and at his or her sole discretion.

193 SECTION 16. Chapter 33 is hereby further amended by striking out section 19A, as
194 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

195 Section 19A. The armory commission established by section eighteen of chapter six and
196 the war records commission referenced in section sixteen of chapter six are hereby declared to be
197 within the military division.

198 SECTION 17. Said chapter 33 is hereby further amended by striking out section 20, as
199 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

200 Section 20. No person shall be eligible to appointment or be appointed as an officer in
201 the armed forces of the commonwealth: who is not a citizen of the United States of eighteen
202 years of age or over; who is under sentence of a court or board which disables him or her from
203 holding office or command; who is under suspension from command in the armed forces of the
204 United States or of any state; who is under sentence of imprisonment by a civilian court, whether
205 suspended or not, or who is made ineligible to such service under the laws of the United States.
206 No person shall receive a commission in the national guard, army or air, unless he or she
207 possesses such minimum qualifications as may be prescribed by the laws of the United States
208 and has qualified for such commission.

209 SECTION 18. Section 21 of chapter 33 of the General Laws, as appearing in the 2012
210 Official Addition, is hereby amended by striking out, in line 3, the words "he is".

211 SECTION 19. Said section 21 is hereby further amended by striking out, in line 4, the
212 word "his" and inserting in place thereof the following word:-"the".

213 SECTION 20. Said chapter 33 is hereby further amended by striking out section 22, as
214 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

215 Section 22.(a) Whenever necessary, there shall be a military service commission,
216 hereinafter called the commission, consisting of the adjutant general and six officers of the
217 Massachusetts national guard, army and air. Three of such officers shall be selected from the
218 army national guard, and three of such officers shall be selected from the air national guard. The
219 commander-in-chief shall initially detail two such officers for terms of one year each, two such
220 officers for terms of two years each and two such officers for terms of three years each.
221 Thereafter all officers will be detailed to the commission for terms of three years by the
222 commander-in-chief.

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

227 SECTION 21. Said chapter 33 is hereby further amended by striking out section 23, as
228 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

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

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

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

236 SECTION 22. Said chapter 33 is hereby further amended by striking out section 24, as
237 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

238 Section 24. Every commissioned officer, before entering upon the performance of his or
239 her official duties or exercising any command, shall take and subscribe the following oath and
240 declaration:

241 I, _____, do solemnly swear that I will bear true faith and allegiance to the
242 commonwealth of Massachusetts, and will support the constitution thereof and the constitution
243 of the United States, that I will obey the lawful orders of all my superior officers, and that I will
244 faithfully and impartially discharge and perform all the duties incumbent on me as
245 _____ according to the best of my ability and understanding, agreeably to the rules and
246 regulations of the constitution and the laws of the commonwealth and the United States. So help
247 me, God.

248 All officers shall take and subscribe the said oath before any competent authority or an
249 officer qualified under section eighty-one to administer oaths, except retired officers and aides-
250 de-camp of the commander-in-chief who may take said oath before any competent authority.
251 The following certificate shall be printed on every commission and shall be signed by the person
252 before whom the officer is qualified:

253 This may certify that _____, commissioned as within on this _____ day of
254 _____, A.D., ___ personally appeared and took and subscribed the oaths required by the
255 constitution and laws of this commonwealth and by a law of the United States, as qualification
256 for the discharge of official duties.

257 Before me,_____.

258 SECTION 23. Section 25 of chapter 33 of the General Laws, as appearing in the 2012
259 Official Addition, is hereby amended by striking out, in line 3, the word “his”.

260 SECTION 24. Said section 25 is hereby further amended by inserting after the word
261 “he”, in line 3, the following words:-“or she”.

262 SECTION 25. Section 26 of chapter 33 of the General Laws, as appearing in the 2012
263 Official Addition, is hereby amended by striking out, in line 4, the words “except an air medical
264 group or any army medical battalion” and by striking out, in lines 7-10, the words “The time

265 during which an officer is in the military service of the United States under section one hundred
266 and eleven of the National Defense Act shall be excluded from the term herein specified."

267 SECTION 26. Said chapter 33 is hereby further amended by striking out section 29, as
268 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

269 Section 29. (a) At any time the moral character, capacity and general fitness for the
270 service of any service member may be investigated and determined by an efficiency board of
271 three commissioned officers, senior in rank to the service member and designated by the
272 commander-in-chief provided that one board member shall be a noncommissioned officer senior
273 in rank to the service member if the service member before the board is an enlisted person. Any
274 such investigation and board proceedings shall provide the service member due process
275 consistent with military practice. The investigation may include misconduct in civil life for
276 which the service member is not amenable to court-martial. If the findings of the board are
277 unfavorable to the service member and are approved by the commander-in-chief, the service
278 member shall be appropriately disciplined or discharged.

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

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

285 SECTION 27. Section 30 of chapter 33 of the General Laws, as appearing in the 2012
286 Official Addition, is hereby amended by striking out, in line 1, the word "Officers" and inserting
287 in place thereof the following word:- "Service members".

288 SECTION 28. Said chapter 33 is hereby further amended by striking out section 31, as
289 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

290 Section 31. Any officer or noncommissioned officer in the military forces of the
291 commonwealth at the age of sixty-five shall be honorably discharged or, upon his or her own
292 request and pursuant to the eligibility requirements of this section, placed upon the retired list
293 with the highest grade held in the active military service.

294 Any member of the armed forces of the commonwealth, with at least a total of twenty
295 years of service as an officer or noncommissioned officer in the armed forces of the
296 commonwealth or the United States, of which at least the last five years of service shall have
297 been in the armed forces of the commonwealth or the state staff, may be placed upon the retired
298 list with any grade held by the member in the active military service or one grade higher, but in
299 any case not to exceed the grade of major general; provided, however, that any such member

300 who has had federal recognition in the grade of major general may, upon request, be placed upon
301 the retired list in the grade of lieutenant general.

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

305 SECTION 29. Said chapter 33 is hereby further amended by striking out section 32, as
306 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

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

311 SECTION 30. Section 33 of chapter 33 of the General Laws, as appearing in the 2012
312 Official Addition, is hereby amended by striking out, in line 2, the word "him" and inserting in
313 place thereof the following words:- "commander-in-chief".

314 SECTION 31. Section 34 of chapter 33 of the General Laws, as appearing in the 2012
315 Official Addition, is hereby amended by striking out, in line 3, the words ", as he deems
316 necessary".

317 SECTION 32. Section 39 of chapter 33 of the General Laws, as appearing in the 2012
318 Official Addition, is hereby amended by striking out, in line 1, the word "his" and inserting in
319 place thereof the following words:- "commander-in-chief's".

320 SECTION 33. Said chapter 33 is hereby further amended by striking out section 41, as
321 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

322 Section 41. (a) In case of a tumult, riot, mob or body of persons acting together by force
323 to violate or resist the laws of the commonwealth, or when such tumult, riot or mob is threatened,
324 or in case of public catastrophe or natural disaster, or the usual police provisions are inadequate
325 to preserve order and afford protection to persons and property, or additional support to civilian
326 law enforcement is necessary, and the fact appears to the commander-in-chief, to the sheriff of a
327 county, to the mayor or city manager of a city or to the selectmen of a town, the commander-in-
328 chief, upon his or her initiative, or at the request of such sheriff, mayor or city manager or
329 selectmen, may issue an order directed to the commander of any organization or unit of the
330 armed forces of the commonwealth directing his or her command, or any part thereof, to appear
331 at a time and place therein specified to aid the civil authority in suppressing such violations,
332 preserving order, affording such protection and supporting the laws.

333 (b) Military police forces of the national guard, both army and air, provided that all such
334 military police forces shall hold the appropriate law enforcement occupational specialty as

335 certified by the armed forces of the United States, shall have and exercise all the powers of
336 constables, except the service of civil process, and of police officers and shall appear for duty
337 armed and equipped:

338 (1) At all times upon all land and buildings held for military purposes and all other
339 military property of the commonwealth.

340 (2) When on duty within the commonwealth under this chapter or Title 32 of the United
341 States Code.

342

343 SECTION 34. Section 43 of chapter 33 of the General Laws, as appearing in the 2012
344 Official Addition, is hereby amended by striking out, in line 2, the words "or section forty-two".

345 SECTION 35. Section 44 of Chapter 33 of the General Laws, as appearing in the 2012
346 Official Edition, is hereby amended by striking out, in line 2, the words "or a precept under
347 section forty-two", and by striking out, in line 5, the words "and also by letter".

348 SECTION 36. Said chapter 33 is hereby further amended by striking out section 45, as
349 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

350 Section 45. If an officer neglects or refuses to obey an order of the commander-in-chief
351 or if any officer or enlisted person fails to obey an order, he or she may be punished in
352 accordance with the military justice provisions of this chapter.

353 SECTION 37. Said chapter 33 is hereby further amended by striking out section 46, as
354 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

355 Section 46. The troops shall appear at the time and place appointed by the order issued
356 under section forty-one, armed and equipped, and shall obey and execute the orders they have
357 received, or any additional orders received from the commander-in-chief.

358 SECTION 38. Said chapter 33 is hereby further amended by striking out section 47, as
359 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

360 Section 47. No officer or enlisted person of the armed forces of the commonwealth, not
361 on leave of absence, shall be excused from duty when ordered out under section thirty-eight,
362 forty or forty-one except upon a physician's certificate of disability. If an officer or enlisted
363 person is absent without leave and does not produce that certificate to his or her commanding
364 officer, that service member may be punished in accordance with the military justice provisions
365 of this chapter for desertion or absence without leave. Sickness shall not be an excuse unless the
366 service member procures that certificate or satisfies the court-martial that the service member
367 was unable to procure the certificate.

368 SECTION 39. Section 48 of said chapter 33 is hereby further amended by striking out, in
369 line 2, the words “forty-two”.

370 SECTION 40. Section 49 of said chapter 33 is hereby further amended by striking out, in
371 lines 2-3, the words “under a precept in accordance with section forty-two, or”.

372 SECTION 41. Said chapter 33 is hereby further amended by striking out section 50, as
373 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

374 Section 50. The armed forces of the United States and any part of the armed forces of the
375 commonwealth parading or performing any duty according to law shall have the right of way in
376 any street or highway through which they may pass, and drivers of military vehicles may drive
377 such vehicles through an intersection of ways contrary to any traffic signs or signals regulating
378 traffic at such intersection, if a police officer or duly authorized member of the military service is
379 stationed at the intersection to regulate traffic; provided, that the carriage of the United States
380 mails, the legitimate functions of the police and the progress and operation of fire departments
381 shall not be so disrupted. Motor vehicles of the military forces of the commonwealth may be
382 equipped with sirens or other audible warning devices and with visible warning devices as
383 provided in section seven E of chapter 90.

384 SECTION 42. Section 51 of chapter 33 of the General Laws, as appearing in the 2012
385 Official Edition, is hereby amended by inserting in line 6, after the word “disaster” the following
386 words:- threats to homeland or national security,

387 SECTION 43. Said chapter 33 is hereby further amended by striking out section 53, as
388 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

389 Section 53. No officers or enlisted persons shall be liable, either civilly or criminally, for
390 any damage to property or injury to any person, including consequential death, caused by them
391 or by their order, while performing any military duty lawfully ordered under any provision of
392 this chapter, unless the act or order causing such damage or injury was manifestly beyond the
393 scope of the authority of such officers or enlisted persons and except as otherwise provided by
394 chapter two hundred and fifty-eight.

395 SECTION 44. Section 54 of Chapter 33 of the General Laws, as appearing in the 2012
396 Official Edition, is hereby amended by striking out, in line 2, the words “section forty, forty-one,
397 or forty-two” and inserting in place thereof the following words:- “section forty or forty-one”.

398 SECTION 45. Section 55 of Chapter 33 of the General Laws, as appearing in the 2012
399 Official Edition, is hereby amended by striking out, in line 9, the word “him” and inserting in
400 place thereof the following words:- “the adjutant general”.

401 SECTION 46. Section 56 of Chapter 33 of the General Laws, as appearing in the 2012
402 Official Edition, is hereby amended by striking out, in line 4, the word "he" and inserting in
403 place thereof the following words:- "the commander-in-chief".

404 SECTION 47. Said Chapter 33 is hereby further amended by striking out section 57, as
405 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

406 Section 57. Except while on duty under section thirty-eight, forty, forty-one or sixty, or
407 in obedience to the commander-in-chief, no officers or enlisted persons shall be required to
408 perform military duty during the time when polls are open for an election in the city or town
409 where they reside; and officers parading their unit or ordering it to duty, contrary to this section,
410 shall be liable to trial and punishment in accordance with the military justice provisions of this
411 chapter.

412 SECTION 48. Said chapter 33 is hereby further amended by striking out section 59, as
413 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

414 Section 59. (a) Any employee of the commonwealth in the service of the armed forces of
415 the commonwealth or a reserve component of the armed forces of the United States shall be
416 entitled to receive pay without loss of his or her ordinary remuneration as such a public
417 employee during annual training under section sixty or drills and parades under section sixty-one
418 not exceeding 34 days in any state fiscal year and not exceeding 17 days in any federal fiscal
419 year, and shall not lose any seniority or any accrued vacation leave, sick leave, personal leave,
420 compensation time or earned overtime.

421 (b) Any employee of the commonwealth in the service of the armed forces of the
422 commonwealth under sections thirty-eight, forty or forty-one shall be entitled to receive pay
423 without loss of his or her ordinary remuneration as such a public employee and shall not lose any
424 seniority or any accrued vacation leave, sick leave, personal leave, compensation time or earned
425 overtime during the first thirty consecutive days of any mission. Thereafter, any such ordinary
426 remuneration shall be reduced by any amount received either from the United States or the
427 commonwealth as base pay for military service performed during the same pay period, and there
428 shall be no loss of any seniority or any accrued vacation leave, sick leave, personal leave,
429 compensation time or earned overtime. National guard duty performed under title 32 of the
430 United States Code shall not be deemed service in the armed forces of the commonwealth under
431 section 38 for the purposes of this section.

432 (c) Any employee of the commonwealth in the armed forces of the commonwealth
433 performing duty under titles 10 or 32 of the United States Code shall be paid his or her regular
434 base salary as a public employee for each pay period of such military leave of absence, reduced
435 by any amount received either from the United States or the commonwealth as base pay for
436 military service performed during the same pay period, and shall not lose any seniority or any
437 accrued vacation leave, sick leave, personal leave, compensation time or earned overtime.

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

442 SECTION 49. Section 59A of chapter 33 of the General Laws is hereby repealed.

443 SECTION 50. Said chapter 33 is hereby further amended by striking out subsection (a) of
444 Section 61, as appearing in the 2012 Official Edition, and inserting in place thereof the following
445 subsection:-

446 Section 61. (a) In addition to the duty required by section thirty-eight, forty, forty-one or
447 sixty, every unit of the armed forces of the commonwealth, except the state defense force or a
448 similar organization composed as permitted by law, shall assemble for training at least forty-
449 eight times in each year, and more often if so directed by the unit or organization commander.
450 Organization drills and parades may be held in place of unit drills, and transportation to and from
451 the place of such drills and parades shall be furnished for the units composing the organization if
452 authorized by the commander-in-chief.

453 SECTION 51. Section 63 of chapter 33 of the General Laws is hereby repealed.

454 SECTION 52. Said chapter 33 is hereby further amended by striking out section 64, as
455 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

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

459 SECTION 53. Section 65 of Chapter 33 of the General Laws, as appearing in the 2012
460 Official Edition, is hereby amended by striking out, in line 2, the word “his” and inserting in
461 place thereof the following word:- “any”; and by striking out in lines 4-5 the words “his leave”
462 and inserting in place thereof the following word:- “authorization”.

463 SECTION 54. Said chapter 33 is hereby further amended by striking out section 66, as
464 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

465 Section 66. Whoever willfully obstructs, interferes with, or hinders any officer or
466 enlisted person while on duty or at any parade, drill or assembly for military purposes may be
467 detained at the discretion of the commanding officer and delivered into the custody of any police
468 officer for examination or trial before a court having jurisdiction of the place; and any person
469 found guilty of any of the offenses enumerated in this section, or in section sixty-five or one
470 hundred and twenty-three, or of obstructing or interfering with the armed forces of the United
471 States or any part of the armed forces of the commonwealth in the exercise or enjoyment of the
472 right of way granted by section fifty, shall be punished by a fine of not more than one thousand

473 dollars or by imprisonment in a jail or house of correction for not less than thirty days nor more
474 than two and one half years or by imprisonment in the state prison for not more than five years or
475 by both such fine and imprisonment in a jail or house of correction.

476 SECTION 55. Said chapter 33 is hereby further amended by striking out section 67, as
477 appearing in the 2010 Official Edition, and inserting in place thereof the following section:-

478 Section 67. (a) To each member who completes three years of honorable service in the
479 armed forces of the commonwealth, there shall be awarded a medal, and for each additional three
480 years of like service a clasp to be affixed to the ribbon pendant thereof. Members of the armed
481 forces of the commonwealth, active, retired or honorably discharged, who have served in the
482 armed forces of the United States in time of war and have been honorably discharged shall
483 receive a clasp indicative of such service, to be affixed to the ribbon pendant of the medal herein
484 provided.

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

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

497 (d) The adjutant general and two field grade officers of the armed forces of the
498 commonwealth, detailed by the commander-in-chief, shall act as a Massachusetts medal of merit
499 commission, and may receive recommendations, through military channels, for the award of the
500 medal of merit to members of the armed forces of the commonwealth, the United States, any
501 other state or territory of the United States or any other country who have distinguished
502 themselves by exceptionally meritorious conduct in performing outstanding services while
503 members of the armed forces of the commonwealth, the United States, any other state or territory
504 of the United States or any other country.

505 (e) The adjutant general may receive recommendations, through military channels, for the
506 award of the commendation medal to members of the armed forces of the commonwealth, the
507 United States, any other state or territory of the United States or any other country who have
508 distinguished themselves by heroism, meritorious achievement or meritorious service while

509 members of the armed forces of the commonwealth, the United States, any other state or territory
510 of the United States or any other country.

511 (f) The adjutant general may receive recommendations, through military channels, for the
512 award of the achievement medal to members of the armed forces of the commonwealth, the
513 United States, any other state or territory of the United States, or any other country who have
514 distinguished themselves by meritorious service or achievement to a lesser degree than required
515 for award of the commendation medal while members of the armed forces of the commonwealth,
516 the United States, any other state or territory of the United States, or any other country.

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

520 Not more than one medal of valor, Massachusetts military medal, medal of merit,
521 commendation medal or achievement medal shall be awarded to any person, but a suitable clasp
522 shall be awarded, under the same conditions.

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

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

527 SECTION 56. Said chapter 33 is hereby further amended by striking out section 69, as
528 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

529 Section 69. The military courts of the armed forces of the commonwealth shall be
530 general courts-martial, special courts-martial and summary courts-martial. They shall be
531 constituted like, and have cognizance of the same subjects, and possess like powers, except as to
532 punishment, as similar courts provided for by the laws and regulations governing the armed
533 forces of the United States, and proceedings of courts-martial shall follow the forms and modes
534 of procedure prescribed for said similar courts, except as expressly modified by this chapter and
535 in accordance with the rules and regulations made and published by the commander-in-chief or
536 the commander-in-chief's designee.

537 SECTION 57. Section 70 of chapter 33 of the General Laws is hereby repealed.

538 SECTION 58. Said chapter 33 is hereby further amended by striking out section 71, as
539 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

540 Section 71. General courts-martial of the armed forces of the commonwealth may be
541 convened by the commander-in-chief, and may impose on or more of the following punishments
542 or sentences for each offense:- (1) fine, not exceeding two thousand dollars; (2) forfeiture of pay

543 and allowances; (3) reprimand; (4) dismissal or dishonorable discharge from the service; (5)
544 reduction of noncommissioned officers; (6) confinement for a period not to exceed that provided
545 for by the laws and regulations governing the armed forces of the United States except as
546 expressly modified by this chapter.

547 SECTION 59. Said chapter 33 is hereby further amended by striking out section 72, as
548 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

549 Section 72. Special courts-martial shall have power to try any person subject to military
550 law, except a commissioned officer, for any crime or offense made punishable by the laws and
551 regulations governing the armed forces of the United States or by the provisions of this chapter.
552 Special courts-martial shall have the same powers of punishment as do general courts-martial,
553 except that fines imposed by them shall not exceed one thousand dollars.

554 SECTION 60. Said chapter 33 is hereby further amended by striking out section 73, as
555 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

556 Section 73. Summary courts-martial shall have the power to try enlisted personnel for
557 any non-capitol offense made punishable by the laws and regulations governing the armed forces
558 of the United States or by the provisions of this chapter. Noncommissioned officers shall not be
559 tried by summary courts-martial if they object thereto before arraignment. Summary courts-
560 martial shall have power to impose a fine not exceeding two-hundred-fifty dollars for any single
561 offense and may reduce enlisted personnel. The proceedings of such court shall be informal and
562 the record thereof shall be substantially the same as that prescribed for the armed forces of the
563 United States.

564 SECTION 61. Said chapter 33 is hereby further amended by striking out section 74, as
565 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

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

570 (1)Upon any member of his or her command, the withholding of privileges for a period
571 not to exceed two consecutive weeks, or restriction to certain specified limits for a similar
572 period, and the imposition of a fine not exceeding two hundred dollars for any single offense.

573 (2) Upon enlisted personnel of his or her command, extra duties for a period not to
574 exceed two consecutive weeks, and not to exceed two hours per day, or reduction to the next
575 inferior grade.

576 (b) A person punished under authority of this section who deems his or her punishment
577 unjust or disproportionate to the offense may, through the proper channel, appeal to the next

578 superior authority. The appeal shall be promptly forwarded and decided, but the person punished
579 may in the meantime be required to undergo the punishment adjudged. The officer who imposes
580 the punishment, that officer's successor in command, and superior authority shall have power to
581 suspend, set aside or remit any part or amount of the punishment and to restore all rights,
582 privileges, and property affected.

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

589 SECTION 62. Section 75 of chapter 33 of the General Laws is hereby repealed.

590 SECTION 63. Said chapter 33 is hereby further amended by striking out section 77, as
591 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

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

599 SECTION 64. Said chapter 33 is hereby further amended by striking out section 78, as
600 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

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

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

610 SECTION 65. Section 82 of chapter 33 of the General Laws, as appearing in the 2012
611 Official Edition, is hereby amended by striking out, in line 3, the word "civil" and inserting in
612 place thereof the following word:- "civilian".

613 SECTION 66. Said chapter 33 is hereby further amended by striking out section 83, as
614 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

615 Section 83.(a) For duty performed under the provisions of sections sixty and sixty-one by
616 members of the armed forces of the commonwealth not serving in a federal duty status, there
617 may be allowed and paid from funds appropriated therefor the same rate of pay of like grade as
618 would be received by them if they were on active duty status in the armed forces of the United
619 States with less than two years' service, and such subsistence, travel or other allowances as the
620 adjutant general may authorize.

621 (b) For duty performed under the provisions of sections thirty-eight, forty and forty-one,
622 there shall be allowed and paid to members of the armed forces of the commonwealth from funds
623 appropriated therefor the same rate of base pay for length of service and allowances for housing
624 and subsistence as if they were on active duty status in the armed forces of the United States,
625 however, such compensation shall not be less than one hundred dollars per day, subject,
626 however, to the provisions of subsection (c).

627 (c) For duty performed under the provisions of sections thirty-eight, forty, forty-one and
628 sixty, the pay and allowances authorized by this section shall be reduced by any amounts
629 received from the United States government as pay or allowances for military service performed
630 during the same pay period.

631 SECTION 67. Section 85 of chapter 33 of the General Laws, as appearing in the 2010
632 Official Edition, is hereby amended by striking out, in line 3, the words "forty-two".

633 SECTION 68. Sections 86 and 87 of chapter 33 of the General Laws are hereby
634 repealed.

635 SECTION 69. Said chapter 33 is hereby further amended by striking out section 88, as
636 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

637 Section 88. An officer or enlisted person of the military division, while performing any
638 duty lawfully ordered under any provision of this chapter, or a person not a member of the armed
639 forces of the commonwealth, but who is the owner, or is employed by the owner of a motor
640 vehicle lawfully loaned to or hired by the commonwealth under section eighty-nine and whose
641 services are loaned or given to the commonwealth for any purpose set forth in said section, or a
642 person rendering assistance to any of the armed forces of the commonwealth in connection with
643 the use of a motor vehicle under any provision of section eighty-nine by request or order of any
644 responsible officer of said armed forces and who by reason of such voluntary action,
645 employment or assistance and without fault or neglect on his or her part, receives any injury, is
646 disabled, or contracts any sickness or disease, incapacitating that person from pursuing his or her
647 usual business or occupation, shall, during the period of such incapacity, receive compensation to
648 be fixed by a board appointed under the provisions of section ninety to inquire into his or her

649 claim, and actual necessary expenses for medical services and care, medicines and
650 hospitalization, replacement or repair of eyeglasses, dentures or prosthetic devices worn or
651 carried. In case of death resulting from such injury, sickness or disease, except in the case of any
652 such death for which compensation is payable under the provisions of the second paragraph of
653 this section, compensation shall be paid to the decedent's dependents, as determined in
654 accordance with clause (3) of section one and section thirty-two of chapter one hundred and
655 fifty-two, in the amounts provided by and otherwise subject to section thirty-one of said chapter;
656 provided, that dependents other than widows and children shall receive compensation to be fixed
657 by said board, which shall exercise all the powers given by said provisions of chapter one
658 hundred and fifty-two to the division of industrial accidents.

659 In the case of the death of a member of the Massachusetts National Guard resulting from
660 injury, sickness or disease received while in the line of duty pursuant to orders under titles 10
661 and 32 of the United States Code or chapter 33, and that injury, sickness or disease resulting in
662 the death was not the result of fault or neglect on the part of the decedent, a single payment of
663 $100,000 shall be paid to the surviving spouse. If there is no surviving spouse the amount shall
664 be paid to the child, or children in equal shares, of the decedent. If there is no surviving spouse
665 and no child or children, the surviving mother and father of the decedent, if the father and mother
666 were dependent on the decedent for support at the time of the decedent'sdeath each shall receive
667 $50,000. If only 1 parent was dependent on the decedent for support, that parent shall receive
668 $100,000. The standard for dependency shall be determined in accordance with clause (3) of
669 section 1 and section 32 of chapter 152. All claims presented under the provision of this section
670 shall be made in accordance with the procedure provided for under section 90.

671 SECTION 70. Section 89 of said chapter 33, as so appearing, is hereby amended by
672 striking out, in line 10, the words "or forty-two".

673 SECTION 71. Said chapter 33 is hereby further amended by striking out section 90, as
674 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

675 Section 90. Claims against the commonwealth for compensation under the provisions of
676 section eighty-eight shall be referred to a board of three officers, including the state judge
677 advocate and a medical or medical service officer, appointed by the commander-in-chief. The
678 board in consideration of the claim shall except as otherwise provided in section eighty-eight
679 take into account any compensation received by the claimant or the claimant's dependents from
680 the United States. The board shall have the same power to take evidence, administer oaths, issue
681 subpoenas and compel witnesses to attend and testify and produce books and papers, and to
682 punish their failure to do so as is possessed by a general court-martial. The findings of the board
683 shall be subject to the approval of the adjutant general. The amounts so found due and so
684 approved shall be a charge against the commonwealth and shall be paid in the same manner as
685 other military accounts.

686 SECTION 72. Said chapter 33 is hereby further amended by striking out section 94, as
687 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

688 Section 94. No person performing any services under section eighty-eight shall, by
689 reason of such services, be deemed to be an employee of the commonwealth or, if not already an
690 officer or enlisted person of the military division of the commonwealth, to be such an officer or
691 enlisted person, or to be entitled to receive any pension or retirement allowance from the
692 commonwealth, or to have acquired any right, or to be entitled to receive any other benefit or
693 compensation. Any person claiming the right to receive compensation from the commonwealth
694 under any provision of section eighty-eight shall, within a reasonable time after receiving an
695 injury, or contracting any sickness or disease, while performing services referred to therein, give
696 to the adjutant general notice of his or her name and place of residence, and the time, place and
697 cause of such injury, sickness or disease. Such notice shall be in writing, signed by the person
698 claiming compensation or by someone in that person's behalf.

699 SECTION 73. Said chapter 33 is hereby further amended by striking out section 96, as
700 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

701 Section 96. Organization and unit funds shall be maintained and conducted as the
702 commander-in-chief may prescribe in regulations. The administration of such a fund by the
703 officer designated in regulations to have the custody thereof shall be one of the duties pertaining
704 to his or her office. Upon the disbandment of any organization or unit maintaining a fund as
705 above provided, the adjutant general shall at once become custodian or treasurer thereof and
706 shall distribute these funds to such organizations or units as he or she may determine to be
707 equitably entitled thereto, or, if no organization or unit is so entitled, shall draw a check for the
708 total amount on deposit in favor of the state treasurer, who shall hold such funds or shall expend
709 them as the general court may prescribe; except in the case of organizations or units ordered into
710 the active service of the United States, the adjutant general may act as custodian of such funds
711 during the period of active federal service.

712 SECTION 74. Said chapter 33 is hereby further amended by striking out section 97, as
713 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

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

722 SECTION 75. Said chapter 33 is hereby further amended by striking out section 99, as
723 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

724 Section 99. Whoever, not being in the service of the armed forces of the United States or
725 of the commonwealth, appears in public wearing the distinctive uniform of any branch of such
726 service shall be punished by a fine of not more than one thousand dollars or by imprisonment for
727 not more than six months, or both, but this section shall not apply to any person discharged from
728 such service, for any cause other than his or her own unworthiness, wearing his or her uniform in
729 order to take part in any military or naval parade or on any occasion of ceremony, or to any
730 person in the service of the armed forces of the United States, discharged for any cause other
731 than his or her own unworthiness, wearing the uniform from place of discharge to his or her
732 home. Any person found violating any provision of this section may be arrested without a
733 warrant by any officer qualified to serve criminal process; provided, that nothing in this section
734 shall subject to penalty any action with respect to the wearing of uniforms of the armed forces of
735 the United States which is authorized by federal law.

736 SECTION 76. Section 100 of chapter 33 of the General Laws is hereby repealed.

737 SECTION 77. Said chapter 33 is hereby further amended by striking out section 103, as
738 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

739 Section 103. An officer or enlisted person shall be responsible for the proper care,
740 safekeeping and return, when so directed, of all items of military property issued by the United
741 States or the commonwealth. Service members shall use the same for military purposes only,
742 and upon being discharged, transferred or otherwise separated from the military service, or upon
743 the demand of a commanding officer, shall forthwith deliver such item or items to the
744 commanding officer, or to any officer ordered to receive them, in good order and condition, fair
745 wear thereof excepted.

746 SECTION 78. Section 104 of chapter 33 of the General Laws is hereby repealed.

747 SECTION 79. Section 105 of said chapter 33, as so appearing, is hereby amended by
748 striking out, in lines 16-17, the words “by him”.

749 SECTION 80. Section 106 of chapter 33 of the General Laws, as appearing in the 2012
750 Official Edition, is hereby amended by inserting after the word “his”, in line 4, the following
751 words:- “or her”.

752 SECTION 81. Said chapter 33 is hereby further amended by striking out section 107, as
753 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

754 Section 107. Whoever knowingly purchases, retains or has in his or her possession any
755 item of military property of the United States or of the commonwealth, unless the same shall

756 have been issued to him or her, or is in his or her possession in accordance with law, shall be
757 punished by a fine not exceeding ten times the value thereof.

758 SECTION 82. Said chapter 33 is hereby further amended by striking out section 108, as
759 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

760 Section 108. Any officer or noncommissioned officer of the armed forces of the
761 commonwealth to whom monies or public property are at any time issued may be required to
762 give bond to the commonwealth, in such amount and with such surety or sureties as may be
763 determined by the commander-in-chief, conditioned upon the faithful performance of his or her
764 duties, accounting properly for all monies or property received by virtue of his or her assignment
765 and duties during the term of such bond, and turning over to his or her immediate successor, or
766 other officer designated by the commander-in-chief, all records, reports, monies or property for
767 which he or she is accountable as provided for under section one hundred and twelve.

768 SECTION 83. The first sentence of section 109 of chapter 33 of the General Laws, as
769 appearing in the 2012 Official Edition, is hereby amended by inserting after the word "he" the
770 following words:- "or she".

771 SECTION 84. Section 110 of chapter 33 of the General Laws, as appearing in the 2012
772 Official Edition, is hereby amended by striking out, in lines 2-3, the words "ninety-six".

773 SECTION 85. Said chapter 33 is hereby further amended by striking out section 111, as
774 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

775 Section 111. (a) An officer or enlisted person shall be responsible for military property
776 of the United States and of the commonwealth received by him or her, and shall not sell, loan or
777 transfer it or any part of it, without the authority of the commander-in-chief; and shall be liable to
778 the commonwealth for all such property defaced, injured, destroyed or lost by his or her neglect
779 or default, or for its value, to be recovered in an action of tort brought by the state judge advocate
780 in the name of the commonwealth.

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

786 (c) When any officer or enlisted person neglects or refuses to return any military property
787 of the United States or of the commonwealth or of any unit, or to account satisfactorily for it to
788 the officer responsible for its custody, or to the officer ordered to receive it, such custodian or
789 officer may make a written complaint directly to the colonel of state police, describing the
790 missing property, and thereupon the state police shall make diligent search for the property, and

791 shall take possession of all such property and turn the same over to the officer responsible for its
792 custody.

793 SECTION 86. Said chapter 33 is hereby further amended by striking out section 112, as
794 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

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

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

802 (c) Until such service member responsible for military property or his or her legal
803 representative receives from the adjutant general notice that the property accounts of such
804 service member have been found correct, the liability of such service member or of his or her
805 estate for military property shall continue. Upon the death or desertion of a service member
806 responsible for military property his or her immediate commanding officer shall at once cause
807 such property to be collected, and a correct inventory made by physical count and examination.
808 Such inventory shall be forwarded to the adjutant general, and compensation for any shortage
809 may be recovered as provided in subsection (a) of section one hundred and eleven.

810 SECTION 87. The second sentence of section 113 of chapter 33 of the General Laws, as
811 appearing in the 2012 Official Edition, is hereby amended by inserting after the word "sold", in
812 line 4, the following words:- "or otherwise disposed of".

813 SECTION 88. Section 114 of chapter 33 of the General Laws, as appearing in the 2012
814 Official Edition, is hereby amended by striking out, in line 1, the words "governor, with the
815 advice and consent of the council" and inserting in place thereof the following words:-
816 "commander-in-chief".

817 SECTION 89. Section 115 of chapter 33 of the General Laws is hereby repealed.

818 SECTION 90. Section 116 of chapter 33 of the General Laws, as appearing in the 2012
819 Official Edition, is hereby amended by striking out, in lines 1-2, the words "governor and
820 council" and inserting in place thereof the following words:- "commander-in-chief".

821 SECTION 91. Section 121 of chapter 33 of the General Laws is hereby repealed.

822 SECTION 92. Said chapter 33 is hereby further amended by striking out section 122, as
823 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

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

831 (b) Any armory or air installation may be used for the purposes set forth in subsections
832 (c) and (e) in accordance with terms and conditions prescribed by the commander-in-chief, upon
833 application therefor to the adjutant general through the military custodian of the armory or air
834 installation. No such application shall be granted unless it is approved by the military custodian
835 and the adjutant general and contains a certificate from each unit commander whose drill or other
836 military duty is to be changed or modified by such use, stating that he or she approves the
837 application and that such change or modification will not in any way be detrimental to the unit or
838 to its training, and further stating in detail the manner in which said change or modification is to
839 be effected. Such applications may, after the lapse of one year from the date of their receipt, be
840 destroyed or disposed of by order of their lawful custodian, and any proceeds received in the
841 course of their disposal shall be paid to the commonwealth.

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

844 (1) A public meeting, hearing, or activity held by a city, town, state, or federal
845 department, board, commission, or similar entity.

846 (2) An examination conducted by a state department, board, commission, or similar
847 entity.

848 (3) A meeting of an organization composed of veterans of the armed forces of the
849 commonwealth or the armed forces of the United States, their auxiliaries, drill teams, bands and
850 drum corps of organizations of veterans as well as a board of trade, a chamber of commerce, or a
851 meeting to raise funds for any non-sectarian charitable or non-sectarian educational purpose.

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

853 (5) Elections, primaries or caucuses, and town meetings.

854 (6) A meeting or rally of a political party or a municipal party, as defined by section one
855 of chapter fifty, conducted by the duly constituted local committee of such party; provided, that
856 no party shall be permitted to use the same armory more than twice in the same year.

857 (7) A meeting of any organization of boys and girls under eighteen years of age, or of any
858 student military organization sponsored or sanctioned by the armed forces of the commonwealth

859 or the armed forces of the United States. Upon application to the adjutant general and on terms
860 and conditions prescribed by him or her such organizations may be permitted to use for parade or
861 drill purposes such grounds owned by the commonwealth as are used by the armed forces.

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

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

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

870 (2) For a period not exceeding nine days for any exhibition of the products of labor,
871 agriculture or industry, including any automobile exhibition conducted by a responsible
872 organization, and, for the purpose of decorating the premises, for such additional time
873 immediately preceding said period, not exceeding eighteen hours, as may be approved by the
874 military custodian and the adjutant general, and for the purpose of removing decorations,
875 exhibits or equipment, for such additional time immediately following said period, not exceeding
876 eighteen hours, as may so be approved; provided, that the compensation for such uses shall in no
877 case be less than the fair rental value, for the entire period during which the armory or air
878 installation is occupied by any such exhibit or equipment, of halls of a similar nature in the same
879 or a similar city or town, together with a sum sufficient to cover the expenses of providing such
880 guards and labor as may be necessary to protect the armory or air installation while so used and
881 to remove and replace items of military equipment while so used. Subject to the foregoing
882 limitation, such compensation shall be fixed by the adjutant general and shall be paid as provided
883 in subsection (d).

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

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

893 SECTION 93. Said chapter 33 is hereby further amended by striking out section 123, as
894 appearing in the 2010 Official Edition, and inserting in place thereof the following section:-

895 Section 123. Every officer whose unit occupies, or assembles or drills in any armory, air
896 installation, drill hall or building used according to law for that purpose shall have control of
897 such premises during the period of occupation, subject to orders of superior officers, and any
898 person intruding contrary to commander's orders or to the orders of that commander's superior
899 officers, or who interrupts, disturbs, obstructs or insults the troops or any of them so occupying
900 such premises, may be ejected, forcibly if necessary, or may be dealt with as provided in sections
901 sixty-five and sixty-six for like offences, at the discretion of such officer or of that officer's
902 superior officers, but in armories not classified as state armories reasonable inspection of the
903 premises may be made by the mayor or city manager or the selectmen, or the owners of the
904 premises.

905 SECTION 94. Section 124 of chapter 33 of the General Laws is hereby repealed.

906 SECTION 95. Said chapter 33 is hereby further amended by striking out section 126, as
907 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

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

913 It shall designate the location of armories and air installations so to be constructed and
914 shall thereupon, in behalf of the commonwealth, take by eminent domain under chapter seventy-
915 nine, or acquire by purchase or otherwise, suitable lots of land in the respective cities or towns
916 designated, and shall erect, furnish and equip thereon armories or air installations sufficient for
917 one or more units of the armed forces of the commonwealth as it deems necessary, but no land
918 shall be acquired and no buildings erected, reconstructed, remodeled or enlarged until the site
919 and plans thereof, and the total amount to be authorized therefor, have been approved by the
920 commander-in-chief.

921 It may, in behalf of the commonwealth, and with the approval of the commander-in-chief,
922 take by eminent domain under chapter seventy-nine, or acquire by purchase or lease, land
923 suitable for ranges for target practice for the armed forces of the commonwealth and upon such
924 land may, with the approval of the commander-in-chief, erect such buildings and construct such
925 facilities as may be needed.

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

929 It may, in behalf of the commonwealth, and with the approval of the commander-in-chief,
930 dispose of an armory or air installation, whenever it deems that the continued existence of such

931 armory or air installation no longer suitably or efficiently serves the purposes of the armed forces
932 of the commonwealth either due to obsolescence or changes in the defense requirements.

933 SECTION 96. Section 127 of chapter 33 of the General Laws, as appearing in the 2012
934 Official Edition, is hereby amended by striking out, in lines 4-5 and 11-12, the words "governor
935 and council" and inserting in place thereof the following words:- "commander-in-chief".

936 SECTION 97. Section 130 of said chapter 33 is hereby amended by striking out, in line
937 5, the word "He" and inserting in place thereof the following words:-"The commander-in-chief".

938 SECTION 98. Section 131 of chapter 33 of the General Laws, as appearing in the 2012
939 Official Edition, is hereby amended by striking out, in line 3 the word "fifty" and inserting in
940 place thereof the following words:- "five-hundred".

941 SECTION 99. Section 133 of chapter 33 of the General Laws, as appearing in the 2012
942 Official Edition, is hereby amended by striking out, in line 3, the words "not less than twenty,
943 not more than five-hundred dollars" and inserting in place thereof the following words:- "not less
944 than two-hundred, no more than five-thousand dollars".

945 SECTION 100. Section 135 of chapter 33 of the General Laws, as appearing in the 2012
946 Official Edition, is hereby amended by striking out, in line 13, the words "the rate of fifteen
947 dollars per day." and inserting in place thereof the following words:- "the applicable per diem
948 rate of the Commonwealth.".

949 SECTION 101. Said chapter 33 is hereby further amended by striking out section 137, as
950 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

951 Section 137. There is hereby established a Massachusetts national guard education
952 assistance program. This program shall be administered by the military division which shall
953 have the authority to issue a certificate of exemption from the matriculation fee and tuition to any
954 member of the Massachusetts army or air national guard who is enrolled at any state institution
955 in a program the cost of which is borne by the commonwealth and who is qualified as hereinafter
956 provided. This certificate shall remain in effect one full academic year and shall be renewed
957 after the student has completed a full academic year of work equal to thirty semester hours, in
958 accordance with regulations prescribed by the military division: one certificate may therefore be
959 in effect for more than one year.

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

964 Assistance shall continue for the benefit of the member only during such time as he or
965 she remains a student in good standing at the institution in which he or she is enrolled and in no
966 event shall any student receive the benefits for more than one hundred and thirty semester hours.

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

971 SECTION 102. Said chapter 33 is hereby further amended by striking out section 138, as
972 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

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

975 "Chief", the chief of the Joint Base Cape Cod fire department.

976 "Department", the Joint Base Cape Cod fire department.

977 "Joint Base Cape Cod", approximately 22,000 acres of land owned by the commonwealth
978 in Barnstable county established under chapter 196 of the acts of 1935 and used primarily for
979 military purposes.

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

984 The chief shall be appointed by the adjutant general and may be removed by the adjutant
985 general for cause after a hearing. The chief shall have charge of extinguishing fires on the Joint
986 Base Cape Cod and the protection of life and property in the event of fire, aircraft mishap or
987 explosion. The chief shall enforce all applicable state and federal fire laws and codes. The chief
988 shall purchase, subject to the approval of the adjutant general or the adjutant general's designee,
989 and maintain all apparatus used by the fire department, and shall make other necessary
990 expenditures subject to such further limitations as the adjutant general or the adjutant general's
991 designee may prescribe.

992 The chief shall enter into mutual aid agreements with surrounding cities and towns as
993 necessary. The chief shall have and exercise all the powers and discharge all the duties conferred
994 or imposed by statute upon engineers in towns except as otherwise provided by chapter 48. The
995 chief shall appoint a deputy chief and such officers and firefighters as he or she deems necessary
996 and may remove the same for cause after a hearing, subject to the provisions of any applicable
997 collective bargaining agreement. The chief, deputy chief, officers and firefighters shall be
998 civilian employees of the military division and shall not be subject to the provisions of the

999 General Laws establishing a civil service system. New uniformed members of the department
1000 shall be subject to the provisions for firefighters set forth in sections 61A and 61B of chapter 31.

1001 Except as otherwise provided herein, the chief shall administer the department. He or she
1002 shall make rules and regulations for its operation, shall report annually to the adjutant general or
1003 the adjutant general's designee on the condition of the department and at such other times as the
1004 adjutant general or the adjutant general's designee shall request.

1005 SECTION 103. Chapter 33of the General Laws is hereby amended by inserting after
1006 section 138 the following section:-

1007 Section 139. The national guard is hereby authorized to use all appropriate means
1008 necessary to protect assets vital to national security classified as such according to rules,
1009 regulations, or instructions promulgated by the department of defense of the United States or the
1010 military departments thereof or as otherwise ordered by the commander-in-chief.

1011 SECTION 104. Section 52A of chapter 149 of the General Laws is hereby repealed.

1012 SECTION 105. Chapter 222 of the General Laws is hereby amended by striking out
1013 section 11, as appearing in the 2012 Official Edition, and inserting in place thereof the following
1014 section:-

1015 Section 11. Persons serving in or with the armed forces of the commonwealth or the
1016 United States or their dependents, wherever located, may acknowledge any instrument, in the
1017 manner and form required by the laws of this commonwealth, before any commissioned officer
1018 in the active service of the armed forces of the commonwealth or the United States with the rank
1019 of second lieutenant or higher in the army, air force or marine corps, or ensign or higher in the
1020 navy or United States coast guard. Any such instrument shall contain a statement that the person
1021 executing the instrument is serving in or with the armed forces of the commonwealth or the
1022 United States or is a dependent of a person serving in or with the armed forces of the
1023 commonwealth or the United States. No such instrument shall be rendered invalid by the failure
1024 to state therein the place of execution or acknowledgment.

1025 No authentication of the officer's certificate of acknowledgment shall be required.

1026 Instruments so acknowledged outside of the commonwealth, if otherwise in accordance
1027 with law, shall be received and may be used in evidence, or for any other purpose, in the same
1028 manner as if taken before a commissioner of the commonwealth appointed to take depositions in
1029 other states.

1030 SECTION 106. Section 4 of chapter 260 of the General Laws, as appearing in the 2012
1031 Official Edition, is hereby amended by striking out, in line 29, the word "soldier" and inserting
1032 in place thereof the following words:- "enlisted person".

1033 SECTION 107. The provisions of this act shall not affect the incumbents serving in the
1034 positions of assistant adjutant general who is designated executive officer, assistant adjutant
1035 general, assistant adjutant general for air, sate quartermaster, state surgeon, state judge advocate,
1036 and deputy state judge advocate at the time of passage of this act. They shall continue to serve in
1037 accordance with the provisions of section 15(a) of chapter 33 in effect at the time of their
1038 appointments to the state staff except that they shall now be subject to dismissal for cause in
1039 accordance with section twenty-nine of chapter 33 or by a legally convened court-martial in
1040 accordance with the military justice provisions of chapter 33, and that the incumbent deputy state
1041 judge advocate shall, in the event of a vacancy in the office of state judge advocate, assume the
1042 responsibilities of the state judge advocate.