

by Schofield Brothers, Registered Civil Engineers, 48 Park street, Framingham, Massachusetts, as revised June 12, 1957.
Approved September 9, 1957.

AN ACT AUTHORIZING AND REQUESTING THE GOVERNOR TO EXECUTE AN INTERSTATE COMPACT WITH THE STATE OF NEW YORK FOR MILITARY AID IN AN EMERGENCY. Chap. 707

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for mutual military aid between the commonwealth and the State of New York in certain cases of emergency, therefore it is hereby declared to be an emergency law necessary for the immediate preservation of the public convenience and safety.

Be it enacted, etc., as follows:

For the purpose of providing for mutual military aid, and matters incidental thereto, in the event of an emergency caused or brought about by invasion or other hostile action, disaster, insurrection or imminent danger thereof, the governor is hereby authorized and requested to execute, on behalf of the commonwealth, with the State of New York an agreement making the commonwealth a party to the pertinent compact for said purpose as consented to and authorized by the Act of July 1, 1952, Public Law 435 of the 82nd Congress (66 Stat. 315), as amended by the Act of June 4, 1956, Public Law 564 of the 84th Congress.

The compact referred to in the preceding paragraph reads as follows:—

AN INTERSTATE COMPACT FOR MUTUAL MILITARY AID IN AN EMERGENCY.

ARTICLE I.

1. The purposes of this compact are:

(a) To provide for mutual military aid and assistance in an emergency by the military forces of a signatory state to the military forces of the other signatory states or of the United States, including among other military missions, the protection of interstate bridges, tunnels, ferries, pipe lines, communications facilities and other vital installations, plants and facilities; and the military support of civil defense agencies;

(b) To provide for the fresh pursuit in case of an emergency, by the military forces or any part or member thereof of a signatory state into another state, of insurrectionists, saboteurs, enemies or enemy forces or persons seeking or appearing to seek to overthrow the government of the United States or of a signatory state;

(c) To make provision for the powers, duties, rights, privileges and immunities of the members of the military

forces of a signatory state while so engaged outside of their own state.

2. (a) "Emergency" as used in this compact shall mean and include invasion or other hostile action, disaster, insurrection or imminent danger thereof.

(b) "State" as used in this compact shall include any signatory state.

(c) "Military forces" as used in this compact shall include the organized militia, or any force thereof, of a signatory state.

ARTICLE II.

This compact shall become effective as to the signatory states when the legislatures thereof have approved it and when the Congress has given its consent either before or after the date hereof. Any state not a party to this compact at the date hereof may become a party hereto.

ARTICLE III.

The governor of each signatory state or his designated military representative shall constitute the Committee for Mutual Military Aid for the signatory states. It shall be the duty of the Committee for Mutual Military Aid to make joint plans for the employment of the military forces of the signatory states for mutual military aid and assistance in case of emergency.

ARTICLE IV.

1. It shall be the duty of each signatory state to integrate its plan for the employment of its military forces in case of emergency with the joint plans recommended by the Committee for Mutual Military Aid and with the emergency plans of the armed forces of the United States.

2. In case of emergency, upon the request of the Governor of a signatory state, the Governor of each signatory state, to the extent consistent with the needs of his own state, shall order its military forces or such part thereof as he, in his discretion, may find necessary, to assist the military forces of the requesting state in order to carry out the purposes set forth in this compact. In such case, it shall be the duty of the governor of each signatory state receiving such a request to issue the necessary orders for such use of the military forces of his state without the borders of his state and to direct the commander of such forces to place them under the operational control of the commander of the forces of the requesting state or of the United States which may be engaged in meeting the emergency.

3. The governor of any signatory state, in his discretion, may recall the military forces of his state serving without its borders or any part or any member of such forces.

ARTICLE V.

In case of an emergency, any unit or member of the military forces of a signatory state which has been ordered into active service by the Governor may upon order of the officer in immediate command thereof continue beyond the borders of his own state into another signatory state in fresh pursuit of insurrectionists, saboteurs, enemies or enemy forces or persons seeking or appearing to seek to overthrow the government of the United States or of any one of the signatory states, until they are apprehended by such unit or member. Any such person who shall be apprehended or captured in a signatory state by a unit or member of the military forces of another signatory state shall without unnecessary delay be surrendered to the military or police forces of the state in which he is taken or to the forces of the United States. Such surrender shall not constitute a waiver by the state of the military forces making the capture, of its right to extradite or prosecute such persons for any crime committed in that state.

ARTICLE VI.

1. Whenever the military forces or any part thereof of any signatory state are engaged outside of their own state in carrying out the purposes of this compact, the individual members of such military forces so engaged shall not be liable, civilly or criminally, for any act or acts done by them in the performance of their duty.

2. The individual members of such forces shall have the same powers, duties, rights, privileges and immunities as the members of the military forces of the state in which they are engaged, but in any event,

3. Each signatory state shall save harmless any member of its military forces wherever serving and any member of the military forces of any other signatory state serving within its borders for any act or acts done by them in the performance of their duty while engaged in carrying out the purposes of this compact.

ARTICLE VII.

1. Each signatory state shall provide, in the same amounts and manner as if they were on duty within their own state for the pay and allowances of the personnel of its military forces, and for the medical and hospital expenses, disability and death benefits, pensions and funeral expenses of wounded, injured or sick personnel and of dependents or representatives of deceased personnel of its military forces, in case such personnel shall suffer wounds, injuries, disease, disability or death while engaged without the state pursuant to this compact and while going to and returning from such other signatory state. Each signatory state shall provide in the same amounts and manner as if they were on duty within

their own state for the logistical support and for other costs and expenses of its military forces while engaged without the state pursuant to this compact and while going to and returning from such other signatory state.

2. Any signatory state rendering outside aid in case of insurrection or disaster not the result of invasion or hostile action, shall, if it so elects, be reimbursed by the signatory state receiving such aid for the pay and allowances of its personnel, logistical support and all other costs and expenses referred to in section 1 of this Article and incurred in connection with the request for aid. Such election shall be exercised by the Governor of the aiding state presenting a statement and request for reimbursement of such costs and expenses to the Governor of the requesting state.

ARTICLE VIII.

Nothing in this compact shall be construed to limit or restrict the power of any signatory state in case of an emergency affecting that state only, to provide for the internal defense of any part of the territory of said state or for the protection and control of any bridge, tunnel, ferry, installation, plant or facility or any part thereof within the borders of such state or to prohibit the enforcement of any laws, rules and regulations or the execution of any plan with regard thereto.

ARTICLE IX.

This compact shall continue in force and remain binding on each signatory state until the legislature or the Governor of such state gives notice of withdrawal therefrom. Such notice of withdrawal shall not be effective until six months after said notice has been given to the Governor of each of the other signatory states. *Approved September 9, 1957.*

Chap. 708 AN ACT ESTABLISHING THE EFFECTIVE DATE OF CERTAIN PROVISIONS OF LAW RELATIVE TO THE RIGHTS OF THE SURVIVING SPOUSE OF CERTAIN VETERANS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make the benefits of certain provisions of law relative to the rights of the surviving spouse of certain veterans immediately available to widows of said veterans, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public welfare and convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 58B of chapter 32 of the General Laws is hereby amended by inserting after the paragraph inserted by chapter 413 of the acts of 1957 the following paragraph: —

Any allowance provided for under this section shall be in the alternative to any allowance provided for under section twelve.