

510 CMR: OFFICE OF THE ADJUTANT GENERAL

510 CMR 2.00: DRILL OR PARADE WITH FIREARMS OR HARMLESS IMITATIONS THEREOF

Section

2.01: Information

2.02: Rules

2.01: Information

(1) References. M.G.L. c. 33, §§ 129, 130, 131.

(2) Purpose. The purpose of 510 CMR 2.00 is to prescribe the standards and conditions under which bodies of citizens of the United States, or foreign troops to whose admission to the United States the government of the United States has consented, may drill or parade with firearms of harmless imitations thereof, or use a state armory or air installation for drill or training.

(3) Definitions. For the purpose of 510 CMR 2.00, the following terms shall have these meanings respectively assigned to them:

Firearms. Muskets, fowling pieces, rifles, pistols, Colonial or Civil War cannon or mortars or other weapons of similar type, or replicas thereof, commonly carried by the original military unit whose memory and tradition is being perpetuated. (Attention is called to the fact that this definition does not change in any way the definition of the word "firearm" as it appears in M.G.L. c. 140, § 121, or the effect of that definition in M.G.L. c. 140, § 121 in connection with the gun laws of the Commonwealth of Massachusetts).

Foreign Troops. Bodies of troops of nations other than the United States.

Historic Units. Such bodies of citizens of the United States as have associated together to participate in drills or parades or other commemorative ceremonies and events to honor and perpetuate the memory and tradition of a former military unit of the Colony or Commonwealth of Massachusetts or other governmental authority.

Nonresident. A unit located in, or an individual residing in, a state of the United States or Territory of the United States other than Massachusetts.

Weapons. Instruments of offensive or defensive combat such as firearms, cannon, knives, swords, daggers, bayonets, pikes, spontoons, halberds, *etc.*

(4) Precedence.

(a) 510 CMR 2.00 may not be interpreted so as to rescind, revoke, alter or modify any existing law or statute or rule or regulation. Current laws, statutes and rules and regulations of the Commonwealth of Massachusetts and its agencies, which may apply to historic units, include but are not limited to the following:

M.G.L. c. 33, §§ 129, 130 and 131;

M.G.L. c. 269, § 10;

M.G.L. c. 269, §§ 11 and 12;

M.G.L. c. 140, §§ 121 through 131Q;

M.G.L. c. 148, §§ 9 and 10; and

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527 CMR 1.00: *Massachusetts Comprehensive Fire Safety Code*; Section 1.12.8.39: *Explosives, Fireworks and Model Rocketry* governing the keeping, storage, use, manufacture, sale, handling, transportation or other disposition of explosives.

(b) No provision of 510 CMR 2.00 may be interpreted so as to rescind, revoke, alter or modify the authority of any city or town to require permits, licenses or other approvals for drills, parades, or other appearances with or without weapons, powder or other ammunition, or ball, shot, or other projectile within their city or town boundaries.

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2.01: continued

(c) No provision of 510 CMR 2.00 can affect in any way the responsibility of historic units, or individual members thereof, to possess all necessary Firearms Identification cards or Licenses to Carry Firearms required by the laws of the Commonwealth of Massachusetts.

(d) Historic units possessing Colonial or Civil War cannon or mortars, or replicas thereof, are advised that they must become familiar with and comply with 527 CMR 1.00: *Massachusetts Comprehensive Fire Safety Code*; Section 1.12.8.39.2.4: *Cannon Mortar*, governing the supervised discharging of cannon and mortars with or without projectile.

(5) Severability. If any provision of 510 CMR 2.00 or application thereof to any historic units, foreign troops, or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of 510 CMR 2.00 which can be given effect without the invalid provision or application, and to that end the provisions of 510 CMR 2.00 are severable.

2.02: Rules

(1) Bodies of citizens of the United States, resident in Massachusetts, desiring to drill or parade with firearms or harmless imitations thereof must obtain prior written approval from the Adjutant General of Massachusetts. This approval, unless otherwise stated, will for a period of three years. Requests for this approval must be submitted in writing to the Adjutant General of Massachusetts and must include the following:

(a) A certificate executed by the unit commander that all members of the unit who will drill or parade with firearms or harmless imitations thereof are cognizant of and will comply with 527 CMR 1.00: *Massachusetts Comprehensive Fire Safety Code*; Section 12.8.39: *Explosives, Fireworks and Model Rocketry*, and 510 CMR 2.00, that all members of the unit who will drill or parade with firearms or harmless imitations thereof have received adequate safety instruction and training in the type of weapons and explosives they will carry and that no member will be permitted to carry weapons or explosives unless he is so cognizant and has received such training.

(b) The names, addresses, and telephone numbers of the unit commander, second in command, and Safety Officer.

(c) A copy of the city or town proclamation, resolution, or other document, if any, sanctioning the unit.

(d) A list of the types of weapons and number (not serial or manufacturers number) of each possessed by the unit, or possessed by unit members for use with the unit, to include weapons planned to be obtained by the unit or by unit members for use with the unit.

(2) Until further notice the Adjutant General will accept safety instruction and training certifications required by 510 CMR 2.02(1) which are based on courses of instruction and training given by the Council of Minute Men, the 10th Regiment of Foot, or other qualified organizations, units, or individuals. Certifications should show the background and qualification of all instructors and should be in sufficient detail to show that, as a minimum, the instruction and training covered nomenclature and characteristics of the weapon; cartridge making to include amount of powder, type of paper or foil, and method of carrying powder; cleaning, assembly and disassembly of weapon; employment of edged weapons; manual of arms; periodic weapons condition safety checks; methods of carrying muskets and other weapons in and out of formation; misfire and hangfire procedures; and special precautions for operations in close proximity to spectators and the general public.

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(3) When approval of the Adjutant General is given to a body of citizens of the United States to drill or parade with firearms or harmless imitations thereof, unless otherwise stated it will be for a period of three years. Requests for renewal of the approval must be made in writing to the Adjutant General at least 90 days prior to expiration and must include a re-statement of the certifications and an updating of the weapons list.

2.02: continued

- (4)(a) Bodies of citizens of the United States, nonresident in Massachusetts, desiring to drill or parade with firearms or harmless imitations thereof in Massachusetts must obtain prior written approval from the Adjutant General of Massachusetts. This approval will normally be for the period of the visit or visits of the nonresident historic unit to Massachusetts. Requests for this approval must be submitted in writing to the Adjutant General of Massachusetts and must include the following:
1. A certificate that all members of the unit who will drill or parade with firearms or harmless imitations thereof are cognizant of and will comply with 527 CMR 1.00: *Massachusetts Comprehensive Fire Safety Code*; Section 12.8.39: *Explosives, Fireworks and Model Rocketry*, and 510 CMR 2.00, that all members of the unit who will drill or parade with firearms or harmless imitations thereof in Massachusetts have received adequate safety instruction and training in the type of weapons and explosives they will carry, and that no member will be permitted to carry weapons or explosives in Massachusetts unless he or she is so cognizant and has received such training.
 2. The names, addresses, and telephone numbers of the unit commander, second in command, and Safety Officer.
 3. A list of the type of weapons and number (not serial or manufacturers number) of each that will be brought into Massachusetts by the units and its members.
 4. A copy of the Massachusetts city or town license or permit to parade with firearms or harmless imitations thereof, or a copy of the invitation from municipal officials or Bicentennial officials, or other appropriate correspondence.
 5. A brief description of the unit's planned itinerary and time schedule within Massachusetts with sufficient information to permit the unit to be contacted, if necessary, in the event of emergency, by the Office of the Adjutant General of Massachusetts.
- (b) Nonresident historic units are responsible for determining from the Massachusetts Department of Fire Services of the Executive Office of Public Safety and Security or other appropriate Massachusetts police or fire authorities the precise nature of application or exemptions from Massachusetts weapons or explosives laws, if any, applicable to them because of their nonresident status, and will ensure that reasonable and effective procedures are implemented to guard against possible loss or theft of their weapons while in Massachusetts.
- (5) Foreign troops may drill or parade with firearms or harmless imitations thereof provided the Adjutant General of Massachusetts in advance of such drill or parade is furnished sufficient documentation to show that the government of the United States has consented to their admission to the United States. The Adjutant General will not approve nor consent to the use, carrying or discharge of simulated, blank or live ammunition by foreign troops except at firing ranges or at ceremonies approved by him in writing in advance. In all cases involving foreign troops and the use of live ammunition of any type, the Adjutant General shall have a commissioned officer of the militia forces of the Commonwealth present at such firing. Foreign troops drilling with or firing firearms or harmless imitations thereof shall certify that they are cognizant of and will comply with 527 CMR 1.00: *Massachusetts Comprehensive Fire Safety Code*; Section 1.12.8.39: *Explosives, Fireworks and Model Rocketry*
- (6) Any person, body of citizens of the United States, or foreign troops, denied approval or renewal by the Adjutant General, or aggrieved by his decision with regard to any requirement or condition imposed, shall have the right of review of such denial, requirement or condition, by making a request in writing to the Adjutant General for such review within 60 days of

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notification of such denial, requirement or condition. In the event of such request for review the Adjutant General, within 30 days of its receipt, shall notify the requestor of the time and place for the conduct of the review. The requestor may attend this review, and may submit such testimonial or documentary evidence as he deems necessary.

REGULATORY AUTHORITY

510 CMR 2.00: M.G.L. c. 33, §§ 129, 130, 131.