

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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**Legislative Document**

**No. 968**

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H. P. 722

House of Representatives, February 18, 1971.

Referred to Committee on State Government. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Bernier of Westbrook.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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**AN ACT Relating to Fallout Shelters in Public Buildings.**

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Be it enacted by the People of the State of Maine, as follows:

R. S., T. 25, c. 64, additional. Title 25 of the Revised Statutes is amended by adding a new chapter 64, to read as follows:

**CHAPTER 64  
PUBLIC SHELTER**

§ 421. Short title

This chapter shall be known as the "Fallout Shelter in Public Buildings Act."

§ 422. Requirements

1. Protection. Except as provided in this chapter, any building construction, altered or modified where the estimated cost would be \$100,000 or over by any state institution, agency, board, department or commission shall be planned, designed and constructed so as to afford protection for the public, including, at least, the anticipated normal population of such building against fallout gamma radiation hazards that could result from an enemy attack on the United States using nuclear weapons. The protected space provided in such buildings shall meet the minimum standards established by the Governor under subsection 2.

2. Minimum standards. The Governor shall establish minimum standards for protection against fallout gamma radiation hazards resulting from enemy attack which shall be consistent with those issued by the Federal

Government, and may revise the same from time to time. Such standards, and any revision thereof, shall be filed with the Bureau of Public Improvements.

3. Rules and regulations. The Governor may prescribe rules and regulations governing exemption or waiver from the requirements of this section and may waive the requirement of subsection 1 wherever the inclusion of protected space in a building structure is considered impracticable or unnecessary, or where such cannot be done without impairing the purpose or effectiveness of the building or structure. No design for building construction, which fails to meet the requirements set forth in this section, shall be approved by the Bureau of Public Improvements unless a waiver of said requirements has been authorized by the Governor for the specific building concerned.

#### § 423. Applicability

This chapter shall apply only to the construction, alteration or modification of such buildings or structures, which are commenced on or after the effective date of this Act, but shall not be applicable to any such construction, alteration or modification, the contracts for which were entered into prior to the effective date of this Act.

#### § 424. Delegation of authority

The Governor may delegate any of the authority, powers or duties granted in this chapter to such officers or employees of the State as he deems appropriate.

#### § 425. Participation in federal assistance programs

Each state institution, agency, board, department or commission and each political subdivision of the State is authorized to participate in such federal assistance programs as may be available or may become available to assist in carrying out the purpose of this chapter.

### STATEMENT OF FACT

Since 1945 nuclear weapons have grown in size, numbers, and distribution, and an effective missile delivery system has been developed. Currently there are no signs on the horizon to indicate a reversal of the trend.

While America's statesmen, diplomats, and military leaders are patiently seeking peace, there exists a possibility of a nuclear attack. Due to our cutback in defense spending and the Soviet nuclear buildup, both on land and by submarine, the U. S. nuclear capability is slowly being overhauled. A situation could develop similar to the German take-over of Europe and the Pearl Harbor attack. The State of Maine must continue its preparedness for the non-military defense of its citizens—a responsibility assigned to the states and their political subdivisions in Federal Public Law 920, and the "Maine Civil Defense and Public Safety Act of 1949," as amended.

The major emphasis of the Civil Defense program is to build a shield between the person and radioactive fallout. The most practical and inexpensive method to accomplish this capability is through the shelter plan—locating, marking, licensing and stocking qualified spaces inherent to massive masonry public and industrial buildings.

So far in Maine, licensed architects or engineers have located approximately 548,000 public spaces having a protection factor of 40 or better. The number fluctuates in accordance with new construction and the demolitions by fire and urban renewal projects. Our greatest deficit occurs in the small communities which lack the massive buildings found in the cities.

A real problem exists to overcome the shelter deficit providing public protection for one-half million of our people. One method to accomplish our goal is to incorporate the slanting techniques in new construction financed in whole or part by the State of Maine. Slanting will not alter the design or function of the new building, and the cost will be very little, if any, when incorporated into the early design.

It seems proper for the State to take the lead creating shelter in its new buildings which may act to encourage subdivisions of the State and private industry to follow the lead. In this way our shelter gap will be narrowed.

One the act is made mandatory by statute, planners, architects, engineers, and builders will automatically design for shelter the same as they now do for fire escapes, crash doors, sanitary facilities, etc.

More than 10 states now have similar legislation on their books. State government, for the good of its citizens, must continue in case of nuclear attack. Protection for all Maine's citizens is imperative.