

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

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PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
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ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

CHAPTER 370

H.P. 1194 — L.D. 1626

AN ACT to Change the Name of the Bureau of Civil Emergency Preparedness to the Maine Emergency Management Agency.

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

Sec. 1. 5 MRSA §351, first ¶, as amended by PL 1985, c. 785, Pt. A, §36, is further amended to read:

The ~~commissioners of the departments~~ Commissioner of Conservation; Commissioner of Administration; Commissioner of Inland Fisheries and Wildlife; Commissioner of Marine Resources; Commissioner of Public Safety; and Commissioner of Transportation shall each designate a member of their departments to be a member of the Advisory Committee on State Telecommunications. The Adjutant General shall designate a member of the ~~Bureau of the Military Bureau~~ and a member of the ~~Bureau of Civil Emergency Preparedness~~ Maine Emergency Management Agency to be members of the committee.

Sec. 2. 5 MRSA §952, sub-§1, ¶B, as enacted by PL 1983, c. 729, §4, is amended to read:

B. Director, ~~Bureau of Civil Emergency Preparedness~~ Maine Emergency Management Agency; and

Sec. 3. 22 MRSA §674, sub-§5, as enacted by PL 1983, c. 345, §§13 and 14, is amended to read:

5. Coordination. The commissioner shall serve as the coordinator of radiation activities among the ~~Bureau of Civil Emergency Preparedness~~ Maine Emergency Management Agency, Department of Public Safety and Department of Environmental Protection. The commissioner shall:

A. Consult with and review regulations and procedures of the agencies and federal law to assure consistency and to prevent unnecessary duplication, inconsistencies or gaps in regulatory requirements; and

B. Review, prior to promulgation, the proposed rules of all agencies of the State relating to use of control of radiation, to assure that these rules are consistent with the Maine Administrative Procedure Act, Title 5, chapter 375, and rules of other agencies of the State. The review shall be completed within 15 days.

If the commissioner determines that proposed rules are inconsistent with rules of other agencies of the State or federal law, he shall consult with the agencies involved in an effort to resolve these inconsistencies. In the event no inconsistency is reported within 15 days, the proposed rules shall be presumed consistent for the pur-

poses of this subsection. Upon notification by the commissioner that the inconsistency has not been resolved, the Governor may find that the proposed rules or parts thereof are inconsistent with rules of other agencies of the State or the Federal Government and may issue or order to that effect, in which event the proposed rules or parts thereof shall not become effective. The Governor may, in the alternative, upon a similar determination, direct the appropriate agency or agencies to amend or repeal existing rules to achieve consistency with the proposed rules.

Sec. 4. 22 MRSA §676, sub-§2, as enacted by PL 1983, c. 345, §§13 and 14, is amended to read:

2. Emergency procedures. ~~Bureau of Civil Emergency Preparedness~~ The Maine Emergency Management Agency shall coordinate off-site emergency procedures for nuclear facilities, and shall serve as liaison with the federal agencies with jurisdiction over defense activities and emergency response management.

Sec. 5. 29 MRSA §1370, 3rd ¶, as amended by PL 1979, c. 673, §9, is further amended to read:

Motor vehicles of the ~~Bureau of Civil Emergency Preparedness~~ Maine Emergency Management Agency and other motor vehicles used to perform public services of an emergency nature, whether publicly or privately owned, may be identified by windshield stickers bearing the name or service emblem of the agency authorized to act therein. A motor vehicle may display no more than one sticker on its windshield to facilitate parking or entry identification.

Sec. 6. 30 MRSA §952, as amended by PL 1977, c. 431, §§5 to 7, is further amended to read:

§952. Special deputies; duties

Sheriffs may at any time appoint and train as special deputies citizens more than 18 years of age. The appointment shall be in writing, signed by the sheriff and shall include the residence and post office address of each special deputy. The appointment shall be recorded in the office of the county commissioners in the county and shall not be valid until recorded. The sheriff or his chief deputy shall only order special deputies to active duty when a state of war exists, or when the Governor shall proclaim an emergency under Title 37-A, chapter 3, or when the State Director of the ~~Bureau of Civil Emergency Preparedness~~ Maine Emergency Management Agency declares that a state of emergency is imminent. Such special deputies shall exercise all the powers of deputy sheriffs appointed under the general law, except the service of civil process, only for the duration of the emergency that exists or which has been proclaimed or during the time for which they have been ordered to active duty. Such special deputies shall be personally responsible for any unreasonable, improper or illegal acts committed by them in the performance of their duties, but the sheriffs shall not be liable upon their bonds or otherwise for any

neglect or misdoings of such deputies.

Sec. 7. 34-A MRSA §3033, sub-§2, as enacted by PL 1983, c. 459, §6, is amended to read:

2. Fire or disaster. The commissioner may authorize the training and use of able-bodied prisoners in the prison or in the Maine Correctional Center by the Bureau of Forestry or the ~~Bureau of Civil Emergency Preparedness~~ Maine Emergency Management Agency to fight fires or provide assistance during or after a civil disaster.

Sec. 8. 35-A MRSA §4334, sub-§1, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

1. Reports. The operator of any nuclear power plant in this State shall submit annually by April 1st to the Public Utilities Commission, with a copy sent to the ~~Bureau of Civil Emergency Preparedness~~ Maine Emergency Management Agency, the Department of Environmental Protection, the Bureau of Health and the Maine State Library Bureau, a report which shall include the following information:

A. A list and summary description of any safety-related incidents at that nuclear power plant reported to the United States Nuclear Regulatory Commission during the previous calendar year, including a statement of the cause of the incident, its effects on human health and the environment, corrective measures which have been taken and the costs;

B. A list and summary description of those unresolved safety issues as defined by the United States Nuclear Regulatory Commission which pertain to that nuclear power plant and the status of resolution and implementation of those unresolved safety issues; and

C. A list and summary description of any unresolved safety issues which have been converted to regulation by the United States Nuclear Regulatory Commission for implementation at that nuclear power plant, together with the best available estimates of the cost and time required for that implementation.

Sec. 9. 37-A MRSA c. 3, the first 2 lines are repealed and the following enacted in their place:

CHAPTER 3

MAINE EMERGENCY MANAGEMENT AGENCY

Sec. 10. 37-B MRSA §2, first ¶, as enacted by PL 1983, c. 460, §3, is amended to read:

The department shall consist of the following bureaus and agency:

Sec. 11. 37-B MRSA §2, sub-§2, as enacted by PL 1983, c. 460, §3, is amended to read:

2. Maine Emergency Management Agency. The

~~Bureau of Civil Emergency Preparedness~~ Maine Emergency Management Agency; and

Sec. 12. 37-B MRSA §105, first ¶, as enacted by PL 1983, c. 460, §3, is amended to read:

If practical, a representative from the ~~Bureau of Civil Emergency Preparedness~~ Maine Emergency Management Agency shall be present during ice jam and debris removal operations. Information that may be useful in future ice jam and debris removal operations shall be recorded. A follow-up report on the specific measures employed and the effectiveness of the removal operation in abating public danger and damage by flood for each removal operation shall be formulated and maintained by the ~~bureau agency~~.

Sec. 13. 37-B MRSA c. 13, the first 2 lines are repealed and the following enacted in their place:

CHAPTER 13

MAINE EMERGENCY MANAGEMENT AGENCY

Sec. 14. 37-B MRSA §701, sub-§1, as enacted by PL 1983, c. 460, §3, is amended to read:

1. Agency. Establish the ~~Bureau of Civil Emergency Preparedness~~ Maine Emergency Management Agency;

Sec. 15. 37-B MRSA §704, first and 3rd ¶¶, as enacted by PL 1983, c. 460, §3, are amended to read:

The ~~Bureau of Civil Emergency Preparedness~~ Maine Emergency Management Agency, as previously established and in this chapter called the "bureau," "agency," shall be under the supervision of the Director of ~~Civil Emergency Preparedness~~ the Maine Emergency Management Agency, who in this chapter shall be called the "director."

The director, subject to the direction and control of the Adjutant General, shall be the executive head of the ~~bureau agency~~ and shall be responsible for carrying out the program for civil emergency preparedness. He shall coordinate the activities of all organizations for civil emergency preparedness within the State, and shall maintain liaison with and cooperate with civil emergency preparedness and public safety agencies and organizations of other states, the Federal Government and foreign countries, and the political subdivisions thereof, and shall have additional authority, duties and responsibilities as may be prescribed by the Adjutant General.

Sec. 16. 37-B MRSA §781, sub-§4, as enacted by PL 1983, c. 460, §3, is amended to read:

4. List of agencies. The ~~bureau agency~~ shall publish and maintain a current list of municipal, interjurisdictional, county and regional civil emergency preparedness agencies established pursuant to this section.

Sec. 17. 37-B MRSA §783, first ¶, as enacted by PL 1983, c. 460, §3, is amended to read:

Each municipal, interjurisdictional, county and regional civil emergency preparedness agency, in consultation with the ~~bureau~~ agency, shall prepare and keep a current disaster emergency plan for the area subject to its jurisdiction. That plan shall include without limitation:

Sec. 18. 37-B MRSA §783, sub-§5, as enacted by PL 1983, c. 460, §3, is amended to read:

5. Other. Other elements required by ~~bureau~~ agency rule.

Sec. 19. 37-B MRSA §960, sub-§§1 and 2, as reallocated by PL 1983, c. 816, Pt. B, §14, are amended to read:

1. Emergency Planning Zone. The Emergency Planning Zone shall be designated by the ~~Bureau of Civil Emergency Preparedness~~ Maine Emergency Management Agency by rule as the zone where specific evacuation plans are required to protect from exposure by the inhalation pathway. Unless changed by rule, the Emergency Planning Zone shall be the Emergency Planning Zone contained in the existing Emergency Radiological Preparedness Plan, with approximately a 10-mile radius around any nuclear power plant.

2. Ingestion Pathway Zone. The Ingestion Pathway Zone shall be designated by the ~~Bureau of Civil Emergency Preparedness~~ Maine Emergency Management Agency by rule as the zone beyond the Emergency Planning Zone where protective action plans are required relative to the food chain. Unless changed by rule, the Ingestion Pathway Zone shall be a circle of a 50-mile radius centered on any nuclear power plant.

Sec. 20. 37-B MRSA §1051, 2nd ¶, as enacted by PL 1983, c. 460, §3, is amended to read:

No person, except the Federal Government, may exercise any authority over the emergency regulation or supervision of any dams or reservoirs in the State, where that exercise would conflict with the powers and authority vested in the ~~Bureau of Civil Emergency Preparedness~~ Maine Emergency Management Agency.

Sec. 21. 37-B MRSA §1052, sub-§1, as enacted by PL 1983, c. 460, §3, is repealed and the following enacted in its place:

1. Agency. "Agency" means the Maine Emergency Management Agency.

Sec. 22. 37-B MRSA §1105, as enacted by PL 1983, c. 460, §3, is amended to read:

§1105. Project review

If practical, a representative from the ~~Bureau of Civil Emergency Preparedness~~ Maine Emergency Management Agency

shall be present during ice jam and debris removal operations. Information that may be useful in future ice jam and debris removal operations shall be recorded. A follow-up report on the specific measures employed and the effectiveness of the removal operation in abating public danger and damage by flood for each removal operation shall be formulated and maintained by the ~~bureau~~ agency.

Sec. 23. 38 MRSA §818, sub-§3, as enacted by PL 1983, c. 417, §6, is amended to read:

3. Other powers. No provision of this ~~Article~~ article may be construed as limiting the powers of the ~~Bureau of Civil Emergency Preparedness~~ Maine Emergency Management Agency under Title 37-A, sections 180 to 186.

Effective September 29, 1987.

CHAPTER 371

H.P. 1078 — L.D. 1465

AN ACT to Reestablish the Vehicle Rental Agency in the Department of Conservation.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Vehicle Rental Agency in the Department of Conservation is currently an operating, functioning program; and

Whereas, its present statutory authority established it on a pilot program basis to end on June 30, 1987, unless otherwise reenacted; and

Whereas, the state wishes this program to continue uninterrupted on an ongoing basis; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 12 MRSA §5031, sub-§3, as enacted by PL 1985, c. 453, is repealed and the following enacted in its place:

3. Fee structure. Fees for the rental and lease of vehicles shall be calculated to provide for reasonable vehicle replacement, repair and maintenance as well as provide sufficient working capital. Any revenues over expenditures and needed working capital shall be used to reduce fees.