

MAINE STATE LEGISLATURE

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DISASTER CONTINGENCY PLANS

Interim Report

Presented to the
Legislative Council

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Assistants

Origin of
the Study:

During the Regular Session of the 106th Legislature a joint order (H.P. 1496) was introduced which directed the Legislative Research Committee "to review and evaluate Maine's disaster contingency plans for the purpose of proposing legislation to effectuate necessary changes...." After the adjournment of the session, the Legislative Council assigned the study to the legislative staff.

Reasons for
the Study:

The need for a thorough study of Maine's disaster contingency plans can be shown by a brief review of the origin of the existing laws relating to disaster planning. Most of these laws were enacted as integral parts of the development of civil defense programs. As a direct result, disaster plans and laws governing emergencies shared with civil defense a strong emphasis on preparations for enemy attack by conventional or nuclear forces. This emphasis was appropriate during the 1950's and this kind of planning is still necessary, even during a period of somewhat more cordial international relations. This continuing stress on man-made military-related emergencies, however, permitted a planning vacuum in the area of natural and non-military man-made disasters.

Within the last 2 years, several natural disasters, including repeated serious floods in the St. John and

Kennebec River valleys have provided forcible reminders of the absence of the essential planning and coordinating machinery for satisfactory responses to emergency and disaster situations. Because of the limited scope of the existing disaster statutes and the proven inability of the present agencies to coordinate their efforts in an effective response to actual emergency conditions, a review and study was considered necessary.

Course of
the Study:

In the fall of 1973 a review of the existing statutes relating to emergency and disaster situations was initiated. Changes made by other states to update and redirect similar laws were collected and several meetings were held with officials of the then Bureau of Civil Defense, disaster planning specialists of the Council of State Governments and Federal representatives. During the late fall, however, the study was overtaken by international events. The oil boycott and the resulting general energy shortages created a significantly increased interest in the need for changes in the civil defense statutes. The Governor's Office and the Bureau of Civil Defense developed 3 bills which were introduced, modified and enacted during the Special Session.

Special
Session
Legislation:

The legislation relating to disaster planning enacted during the Special Session of the 106th falls into 3 categories: (1) reorganization of the Department of

Military, Civil Defense and Veterans Services, (2) amendments to the general emergency proclamation provisions, and the establishment of energy emergency procedures, and (3) improvements in the arrangements for coordination and cooperation among state, county and local agencies.

(1) Department
Reorganization:

Although L.D. 2371 (PL 709) brought several changes in the administrative structure of the department, only one of these directly relates to the civil defense laws. The name of the bureau was changed from Civil Defense to Civil Emergency Preparedness, reflecting the broadening scope and shifting emphasis of the bureau's responsibilities. A similar change was made in the name of the department.

(2) Emergency
Provisions and
Energy
Emergency:

L.D. 2549 (PL 757) added several significant provisions to the present laws relating to emergencies. In a new section, "disaster" is defined in a way which sets out the variety of natural and man-made non-military disasters, without excluding those caused by military action. In addition, during a proclaimed emergency, the Governor is given the power to establish emergency reserves of critical materials.

In a major new section, provisions for an "energy emergency" are established. The Governor is authorized

to proclaim an energy emergency for no longer than 90 days whenever "an actual or impending acute shortage in usable energy resources" threatens the state. The Governor is also given a wide variety of discretionary powers relating to the allocation, conservation and consumption of energy during the energy emergency. The authority to proclaim an "energy emergency" expires on February 28, 1975, and legislation will be required to extend this set of provisions.

(3) Interlocal
Cooperation
for Civil Emer-
gency Prepar-
edness

A striking deficiency of the existing emergency response machinery was the absence of lines of authority between the state and sub-state agencies and the weakness of the provisions for cooperation and coordination among all civil emergency preparedness (civil defense) groups. L.D. 2362 (PL728) provided the general framework for encouraging better relationships among agencies at different levels of government and ensuring a timely and effective disaster response capability.

Under the former law every political sub-division had been required to establish a civil defense (C.D.) organization. Many sub-divisions established no C.D. unit and were, therefore, unprotected by any emergency planning and preparation. L.D. 2362 provides that every political sub-division shall be served by either a local civil emergency preparedness organization or

an interjurisdictional C.E.P. unit. Municipalities and other political sub-divisions who have been unable or unwilling to establish their own units will now be involved in the planning of the interjurisdictional agency.

The law describes 4 types of C.E.P. organizations: local, interjurisdictional, county and regional. Regional units, for reasons to be discussed in a later section, have not been successfully developed. Primary emphasis in current state planning is focused on the local, interjurisdictional and county types of organization.

In a significant change from the earlier law, the State Director of C.E.P. has been given new authority in matters formerly controlled by sub-state agency directors. The State Director, with the approval of the Governor, now determines the organizational structure of interjurisdictional and regional agencies as well as the method of appointment for the directors of these agencies. In addition, the State Director must approve the county commissioners' appointment of county directors.

These last changes constitute the only present statutory provisions to encourage cooperation and coordination between the state C.E.P. bureau and the various sub-state organizations.

The additional authority of the state director to withhold Federal funds from sub-state agencies, however, should not be underestimated as an incentive to cooperation.

Effect of
Legislation:

Six months after the enactment of this legislation is too soon to assess accurately the real effects which the changes may bring about. A description of the efforts since the changes became effective, however, may be useful.

The state bureau, in accordance with the legislation, announced in early summer that the state would be reorganized into 5 regions. This plan would have decreased the role of the county organizations and focused on the regions as the primary sub-state administrative unit. Since the regions were to be created under the direction of the state bureau, the plan would have maximized the potential for coordination as permitted under the present statutes.

County organizations resisted this plan and argued instead for improvements in the existing structure. This approach would preserve the authority of the county organizations, and might also offer better coordination since the county director would be approved by the state director. In addition to the opposition of the counties, the 5 region plan also lacked the required funding.

After meetings with county officials, the state bureau decided to scrap the 5 region plan and adopt a county-centered state plan. Under this new plan the county director would be a full-time job with significantly increased responsibilities .

Because of the problems with the 5 region proposal, the new county-centered plan was delayed several months. Meetings between county and state officials in each county have recently been completed and the plan has been accepted throughout the state. The plan has not yet been implemented, however, and any potential improvements in coordination are still in the future.

Other changes
since the
Legislation:

Although this report is focusing on the legislation for improved disaster planning and response, other efforts of the C.E.P. bureau unrelated to statutory changes, should also be mentioned.

An assessment of dams has been started and a river gauging program is being developed. An evaluation of the Ft. Kent situation has been undertaken and concrete proposals will be presented. C.E.P. is attempting to work more closely with the State Police and other government agencies in improving communication systems. The C.E.P. assistance project which had been partially administered by the University of Maine has now been

moved to the state bureau.

Recent
responses to
Emergencies:

During the flooding last winter and spring the efforts of those assisting the affected communities were widely praised. The response to the situation was faster and the kind of resources available had improved in comparison with earlier crises. These improvements were real but they should not be credited to the new legislation or to better coordination efforts between state and sub-state agencies. The improvements were simply the result of much more active participation by the state bureau. Although these efforts by the state bureau should be applauded, the fact that they were necessary demonstrated the absence of adequate coordinating mechanisms. Future disasters will provide a better test of any improvements in cooperation between the state and other agencies.

Conclusions: The effects of the statutory changes cannot yet be measured. The new contingency plans mandated by one of the changes are still being developed and the machinery for better coordination is not yet in place.

The statutory changes did not ensure better coordination between the state bureau and other agencies. Lines of authority from the state to the counties still do not exist. Improvements will depend on good personal relationships between the state and sub-state personnel,

rather than on administrative structures. These better relationships seem to be developing with the emergence of the county directors as full time professional crisis managers.

Further oversight, perhaps after 3 months and 6 months, will provide much firmer indications of the success of the new laws and the plans generated by them.