

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 423

S. P. 141

In Senate, January 29, 1969

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

JERROLD B. SPEERS, Secretary

Presented by Senator Logan of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Relating to Control of Riots.

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

R. S., T. 25, c. 67, additional. Title 25 of the Revised Statutes is amended by adding a new chapter 67 to read as follows:

CHAPTER 67

RIOTS

§ 501. Proclamation by Governor

Whenever a public crisis exists resulting from rioting, mob action or other similar public emergency within this State, or on reasonable apprehension of immediate danger thereof, the Governor upon his own volition or on application of the municipal officials of any city or town, on application of the county attorney of any county, or on application of the Attorney General of the State shall declare by proclamation that a state of emergency exists.

Prior to the issuance of such proclamation, the Governor shall find that because of rioting, mob action or other similar public emergency condition, the public peace and safety is in peril, that human life and property is endangered by such conditions, and that the normal and ordinary processes of state and local government are inadequate to safeguard the public peace and safety and the lives and property of citizens.

The proclamation of the Governor shall recite his findings and shall declare that a state of public emergency exists in any or all sections of the State. Following such proclamation, the Governor is authorized and empowered to

make, amend and rescind such necessary and reasonable orders, rules and regulations to carry out these provisions as he deems necessary to protect life and property, or to bring the emergency situation under control.

Without limiting the scope of the same, said orders, rules and regulations may provide for the control of traffic, including public and private transportation; designation of specific areas in which occupancy and use of buildings and ingress and egress of persons and vehicles may be prohibited or regulated; control of places of amusement and assembly and of persons on public streets and thoroughfares; establishment of a curfew; control of the sale, transportation and use of alcoholic beverages, liquors and malt liquors; control of the possession, sale, carrying and use of firearms, other dangerous weapons and ammunition; and control of the storage, use and transportation of explosives or inflammable materials or liquids deemed to be dangerous to the public safety.

Such orders, rules and regulations shall be effective from the time and in the manner prescribed in such orders, rules and regulations and shall be made public as provided. Such orders, rules and regulations may be amended, modified or rescinded from time to time by the Governor during the pendency of the emergency. Whenever the Governor is satisfied that an emergency no longer exists, he shall terminate the proclamation by another proclamation affecting the sections of the State covered by the original proclamation, or any part thereof, and the orders, rules and regulations issued by authority of the proclamation and these sections shall cease to be in effect upon the declaration by the Governor that the emergency no longer exists. A copy of all proclamations, orders, rules and regulations issued under this chapter shall be filed with the Secretary of State and published in such newspapers of the State and posted in such places as the Governor or the person acting in that capacity, deems appropriate.

§ 502. Mutual aid agreements

The Governor is authorized and empowered on behalf of the State to enter into mutual aid agreements or arrangements with other states and foreign countries and the political subdivisions thereof, in order to assist in such emergencies and to coordinate mutual aid plans between political subdivisions of this State.

§ 503. Governor absent from State

If the Governor is temporarily absent from the State or is otherwise unavailable, the next person in the State who would act as Governor if the office of Governor were vacant shall have the authority to act according to this chapter. Upon the return of the Governor to the State, or in case of his availability to act, the powers conferred on said officers to make emergency orders, rules and regulations shall terminate immediately and the Governor shall resume the full powers of this office. Any proclamation made or action taken under this chapter shall continue to have full force and effect until and unless modified or terminated by the Governor.

§ 504. Duties of law enforcement agencies

Upon the proclamation of an emergency as provided, all municipal officials, sheriff departments, police departments and all other law enforcement agencies within the affected area, shall immediately take steps to inform all persons within such area of the existence of the emergency and of the emergency orders, rules and regulations issued to protect life and property.

§ 505. Authority and immunity

Law enforcement officers, military personnel or others authorized to assist them and persons acting with them by their orders, while engaged in maintaining or restoring the public peace or safety or in the protection of life or property during a lawfully proclaimed emergency shall have all the powers, duties and immunities of peace officers of the State of Maine in addition to all of the powers, duties and immunities now or otherwise provided by law, and they shall be immune from civil and criminal liability for acts reasonably done by them in the performance of their duties so long as they act without malice and without the use of excessive or unreasonable force. All such persons shall have the authority to enforce any and all ordinances of any municipalities where an emergency as provided in this chapter exists, and shall be considered as officers of said municipalities.

§ 506. Penalty

The violation of any order, rule or regulation made pursuant to this chapter shall be a misdemeanor, and any person convicted of such violation shall be punished by a fine of not more than \$500 or by imprisonment for not more than one year, or by both.