

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
106TH LEGISLATURE
FIRST SPECIAL SESSION

SENATE AMENDMENT "A" to S. P. 828, L. D. 2362, Bill, "AN ACT to Establish Better Interlocal Cooperation in Preparedness for Civil Disasters and Emergencies."

Amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

'Sec. 1. R. S., T. 37-A, §59, repealed and replaced. Section 59 of Title 37-A of the Revised Statutes, as enacted by section 1 of chapter 580 of the public laws of 1971, is repealed and the following enacted in place thereof:

§59. Local organization for civil emergency preparedness

1. Each municipality of the State shall be served by a local or inter-jurisdictional agency responsible for disaster preparedness and coordination of disaster response. The Governor, after public hearing, shall determine those municipalities which shall establish civil emergency preparedness agencies of their own and those which shall participate in and provide support for inter-jurisdictional civil emergency preparedness agencies. Such determinations shall be based on a finding that efficient and effective disaster prevention, preparedness, response and recovery will be promoted thereby. The following functions, among others, shall be considered:

A. Size and density of the affected population;

B. Financial ability of the separate municipalities to maintain independent disaster assistance agencies;

C. Vulnerability of the area to disaster, as evidenced by past disasters, topographical features, drainage characteristics, disaster potential and existence of disaster prone facilities and operations. (Filing No. S-368)

The Governor shall designate such counties or regions, as he deems necessary, for the purposes of establishing county or regional civil emergency preparedness agencies. Each designated county or regional agency shall be responsible for coordination of the activities of municipal and inter-jurisdictional civil emergency preparedness agencies within the region or county and shall be concurrently responsible for civil emergency preparedness in the unorganized territories within its jurisdiction. A county or regional civil emergency preparedness agency shall receive support from the municipalities within its jurisdiction.

The director of the bureau, with the approval of the Governor, shall determine the organizational structure of inter-jurisdictional and regional civil emergency preparedness agencies, including the manner in which the directors of these agencies shall be appointed by the governing bodies of the municipalities involved.

The bureau shall publish and maintain a current list of municipal, inter-jurisdictional, county and regional civil emergency preparedness agencies established pursuant to this section.

2. The county commissioners of a county shall appoint the director of a county civil emergency preparedness agency. The governing body of a municipality shall appoint the director of a municipal civil emergency preparedness agency. A director of any civil emergency preparedness agency shall not be simultaneously an executive officer or member of the executive body of a political subdivision of the State. A director of an inter-jurisdictional, county or regional agency may be appointed only after approval by the director of the bureau. Any director appointed pursuant to this section may be removed by the appointing authority for cause.

Each municipality which is not required to establish an agency of its own shall designate a liaison officer to the appropriate inter-jurisdictional agency to facilitate cooperation in the work of disaster prevention, preparedness, response and recovery. (Filing No. S-368)

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

A. Identification of disasters to which the jurisdiction is or may be vulnerable, specifically indicating the areas most likely to be affected;

B. Identification of the procedures and operations which will be necessary to prevent or minimize injury and damage in the event such disasters occur;

C. Identification of the personnel, equipment and supplies required to implement such procedures and operations and the means by which their timely availability will be assured;

D. Recommendation to appropriate public and private agencies of all preventive measures found reasonable in light of risk and cost;

E. Such other elements as the director of the bureau may by regulation require.

4. Each municipal, inter-jurisdictional, county and regional civil emergency preparedness agency, as part of the development of a disaster emergency plan for the area subject to its jurisdiction, shall consult with hospitals within its jurisdiction to insure that the disaster plans developed by the agencies and the hospitals are compatible.

5. If the Governor finds that a vulnerable area lies only partly within this State and includes territory in another state or states

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or territory in a foreign jurisdiction and that it would be desirable to establish an interstate or international relationship, mutual aid or an area organization for disaster, he shall take steps to that end as desirable. If this action is taken with a jurisdiction that has enacted the Interstate Civil Defense and Disaster Compact, chapter 4, any resulting agreement or agreements may be considered supplemental agreements pursuant to chapter 4, Article VI. If the other jurisdiction or jurisdictions with which the Governor proposes to cooperate have not enacted that compact, he may negotiate special agreements with the jurisdiction or jurisdictions. Any agreement, if sufficient authority for the making thereof does not otherwise exist, becomes effective only after approval by the Legislature.

6. Civil emergency preparedness agencies organized pursuant to this section may accept the services of the State Personnel Board and adopt the regulations thereof for the purpose of qualifying federal administrative funds. The State Personnel Board may enter into agreements with such civil emergency preparedness agencies for the purpose of furnishing merit system coverage for civil emergency preparedness employees or employees of other agencies and departments assigned full time to civil emergency preparedness duties. The State Personnel Board may charge for such services rendered, the fee to be consistent with the cost of coverage per state employee multiplied by the number of local, inter-jurisdictional, county or regional employees covered. Fees thus received shall be credited to the General Fund.

7. Duly appointed law enforcement officers of local, state and sheriffs organizations are empowered to enforce any of the provisions of this chapter or any rules or regulations promulgated thereunder in times of an emergency or during

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authorized alerts, including partial or full mobilization necessary to carry out section 57. It shall be unlawful for any individual to fail or refuse to comply with any just or reasonable order relative to the above from any such duly appointed law enforcement officer. Such failure to comply with such order shall constitute a misdemeanor.

8. Duly appointed law enforcement officers of local, state and sheriffs organizations shall have power to make arrests of persons found in violation of any provisions of this chapter or any rules and regulations promulgated thereunder in times of emergency necessary to carry out section 57.

Sec. 2. Amendatory clause. Wherever in Title 37-A of the Revised Statutes the words "civil defense" appear, other than in the title of a compact, they shall mean "civil emergency preparedness."

Statement of Fact

This amendment allows the Governor greater flexibility in organizing the State's civil emergency preparedness capability by providing for regional civil emergency preparedness agencies. It also provides that agency directors may be removed for cause by the appointing authority, and requires legislative approval for agreements made by the Governor with other states or foreign jurisdiction. In incorporating the committee amendment to the bill, it insures the compatibility of disaster plans with the availability of hospital services.

(Clifford)

NAME:

COUNTY: Androscoggin

Reproduced and distributed pursuant to Senate Rule 11-A.

February 27, 1974. (Filing No. S-368).