

# MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2362

S. P. 828

In Senate, January 15, 1974

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Speers of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FOUR

AN ACT to Establish Better Interlocal Cooperation in Preparedness for  
Civil Disasters and Emergencies.

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

R. S., T. 37-A, § 59, repealed and replaced. Section 59 of Title 37-A of the Revised Statutes, as enacted by section 1 of chapter 580 of the public laws of 1971, is repealed and the following enacted in place thereof: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 defense

1. Each political subdivision 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.

Each county government shall establish and maintain a civil emergency preparedness agency or participate in and provide support for an inter-jurisdictional agency serving the entirety of the county. Each county shall be responsible for coordination of the civil emergency preparedness activities of municipalities within its jurisdiction and shall be concurrently responsible for civil emergency preparedness in the unorganized territories within its jurisdiction. The bureau shall publish and maintain a current list of municipal, inter-jurisdictional and county civil emergency preparedness agencies required to be established pursuant to this section.

2. Each local, inter-jurisdictional and county civil emergency preparedness organization shall have a director, who shall be appointed by the executive officer or governing body of the political subdivision; provided in the case of an inter-jurisdictional agency that the director shall be appointed and serve in accordance with the inter-jurisdictional agreement establishing such organization; and provided further in the case of county and inter-jurisdictional agencies, directors may be appointed only after approval by the director of the bureau; and provided further that a director shall not be simultaneously an executive officer or member of the executive body of a political subdivision of the State. Any director appointed pursuant to this subsection may be removed by the appointing authority for incompetence, misconduct, neglect of duty, disloyalty or subversive activity. Each municipality or county 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.

3. Each municipal, inter-jurisdictional or county 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 so the director of the bureau may by regulation require.

4. If the Governor finds that a vulnerable area lies only partly within this State and includes territory in another state or states 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 Emergency Preparedness 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 its text has been communicated to the Legislature and provided that neither House of the Legislature has disapproved it by adjournment of the next ensuing session competent to consider it or within 30 days of its submission, whichever is longer.

5. Political subdivisions or inter-jurisdictional civil emergency preparedness organizations 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 political subdivisions of the State and inter-jurisdictional civil emergency preparedness organizations 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 or inter-jurisdictional employees covered. Fees thus received shall be credited to the General Fund.

6. 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 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.

7. 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.

#### STATEMENT OF FACT

The purpose of this bill is to reorganize local emergency preparedness functions into more efficient operating units and to promote more effective emergency preparedness throughout the State, by prescribing standards for local and regional planning and by clarifying the coordinating responsibilities of the State Bureau of Civil Defense.

This bill is included in the Governor's call.