

MAINE STATE LEGISLATURE

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(New Draft of H.P. 1006, L.D. 1331)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 1677

H.P. 1266 House of Representatives, May 24, 1983

Reported by the Majority from the Committee on Aging, Retirement and Veterans and printed under Joint Rule 2.

Original bill sponsored by Representative Andrews of Portland.
Cosponsored by Representative Ainsworth of Yarmouth, Senator Gill of Cumberland and Representative Foster of Ellsworth.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-THREE

AN ACT to Assure Public Awareness of
Nuclear Civil Protection Plans for Maine.

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

Sec. 1. 37-A MRSA §56-A is enacted to read:

§56-A. Citizens' Civil Emergency Commission

1. Commission. The Citizens' Civil Emergency Commission is established.

A. The commission shall consist of 9 members who shall serve 2-year terms. Seven members shall be appointed by the Governor. One member shall be appointed by the President of the Senate and one member shall be appointed by the Speaker of the House of Representatives. The member appointed by the President of the Senate shall be a member

1 of the Senate. The member appointed by the
2 Speaker of the House of Representatives shall be
3 a member of the House of Representatives. Each
4 member shall be a Maine resident. Members of the
5 commission shall select a chairman from among
6 themselves by a majority vote.

7 B. Commission members shall be compensated for
8 travel expenses to and from all commission meet-
9 ings and hearings at the same rate as state
10 employees.

11 C. The commission shall review civil protection
12 plans designated to deal with nuclear weapons
13 hazards, hold public hearings as required by sub-
14 section 2, monitor the development and imple-
15 mentation of nuclear civil protection plans,
16 encourage public discussion of the plans and
17 report its findings and recommendations to the
18 Governor, the Legislature, appropriate counties
19 and municipalities and other interested parties.

20 2. Civil protection planning review; nuclear
21 civil protection plans. A nuclear civil protection
22 plan covering any of the designated risk areas listed
23 in this subsection and which is designed to protect
24 the civilian population of the areas from the effects
25 of nuclear weapons attack shall be subject to this
26 subsection.

27 A. Prior to March 1, 1984, the commission shall
28 conduct a public hearing in 4 of the following 8
29 designated risk areas in the State:

30 (1) Category I (areas associated with
31 counterforce military installations): Lime-
32 stone (Loring Air Force Base) Risk Area;
33 York (Kittery-Portsmouth Naval Shipyard)
34 Risk Area;

35 (2) Category II (location of installations
36 of high military value): Cutler;
37 Brunswick-Bath;

38 (3) Category III (urban-industrial areas):
39 Portland; Bangor; Lewiston-Auburn; and

1 (4) Category IV (center of government):
2 Augusta.

3 B. Each public hearing shall be divided into 2
4 parts. The first part shall be designed to pro-
5 vide information on: The nuclear civil protec-
6 tion plan for that risk area including both the
7 crisis-relocation plan and the in-place shelter
8 plan or the proposed approach to nuclear civil
9 protection planning; the rationale for the plan;
10 alternatives to the plan; the process of accept-
11 ing, implementing and funding the plan; and the
12 immediate and long range effects, including
13 social, economic, medical and psychological
14 effects, of a nuclear attack on the target area
15 and on the State. Written informational mate-
16 rials shall be available at the hearing. The 2nd
17 part shall be designed to hear the views of citi-
18 zens on the nuclear civil protection plan or the
19 proposed approach to nuclear civil protection
20 planning. Oral and written testimony shall be
21 taken. At the end of the public hearing a
22 nonbinding poll shall be taken of the citizens
23 present as to whether they agree or disagree with
24 the proposed nuclear civil protection plan.

25 C. The hearings shall be held in a convenient,
26 central location in each designated risk area at
27 a convenient time in the evening. Reasonable
28 notice shall be given, including, but not limited
29 to, publication in local and general circulation
30 newspapers in target and host communities at
31 least 20 but not more than 30 days prior to each
32 hearing.

33 D. The commission shall approve the informa-
34 tional materials required for the hearings to
35 assure all points of view are represented; publi-
36 cize the hearings; review the material presented
37 at the hearings, including public comments and
38 the survey results; and report its findings and
39 recommendations to the Governor, the Legislature
40 and each community within the target zones.
41 Reports shall be completed prior to adjournment
42 of the Second Regular Session of the 111th Legis-
43 lature. The final report to the Governor and the
44 Legislature shall include an evaluation of the

1 commission's work and a recommendation whether
2 the commission ought to be continued to study
3 other risk areas and to review other civil emer-
4 gency planning efforts. If the recommendation is
5 to continue, the report shall include appropriate
6 implementing legislation and recommended sources
7 and levels of funding.

8 E. A nuclear civil protection plan for any of
9 the designated risk areas which a public hearing
10 is held, which has not been approved, prior to
11 January 1, 1983, shall not be approved until
12 after the public hearing and the report of the
13 commission on that area. Any nuclear civil pro-
14 tection plan, which has been approved prior to
15 January 1, 1983, may be reconsidered and modi-
16 fied, or approval may be withdrawn, based on the
17 hearing and report.

18 Sec. 2. 37-A MRSA §62, 3rd ¶, as amended by PL
19 1977, c. 694, §743, is further amended to read:

20 The state director, for purposes of civil emer-
21 gency preparedness, and subject to the approval of
22 the Governor, may convey equipment, supplies, mate-
23 rials or funds by way of sale, lease or grant to any
24 political subdivision of the State, such that convey-
25 ance to be subject to the terms of the offer and the
26 applicable state rules and federal regulations, if
27 any, imposed by the State. These rules and regula-
28 tions are not rules within the meaning of the Maine
29 Administrative Procedure Act, Title 5, section 8002,
30 subsection 9. The state director shall not require
31 any political subdivision to participate in any pro-
32 gram of nuclear civil protection planning.

33 Sec. 3. Finding. The Legislature finds that
34 plans are being developed to prepare for response to
35 a nuclear attack on the State; that many Maine resi-
36 dents are not aware of the plans and have not had ad-
37 equate opportunity to question and comment on the
38 plans; and that those plans may be ineffective and
39 inappropriate.

40 Sec. 4. Staffing. Staffing assistance to the
41 commission for conducting the public hearings,
42 reviewing the materials presented and preparing the

1 reports required by this Act shall be provided by the
2 Office of Legislative Assistants.

3 Sec. 5. Sunset provisions. Unless continued or
4 modified by law the Citizens' Civil Emergency Commis-
5 sion shall terminate no later than June 30, 1985.

6 Sec. 6. Appropriation. The following funds are
7 appropriated from the General Fund to carry out the
8 purposes of this Act.

9 1983-84

10 DEFENSE AND VETERANS' SERVICES,
11 DEPARTMENT OF

12 Bureau of Civil Emergency
13 Preparedness

14 Personal Services \$ 4,005

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16 Office of Legislative Assistants

17 All Other \$ 6,995

18 Total \$11,000

19 In the event that federal funds become available
20 through the United States Energy Management Act to
21 carry out the requirements of this Act, those funds
22 shall be used before state funds. It is the intent
23 of the Legislature that the funds appropriated by
24 this section be used only to carry out the purposes
25 of this Act.

26 STATEMENT OF FACT

27 The purposes of this new draft are to:

28 1. Reduce the membership of the Citizens' Civil
29 Emergency Commission from 14 to 9 members;

30 2. Reduce the number of required public hearings
31 from 16 to 4 in the 8 designated risk areas. The

1 commission will select the areas in which it will
2 hold public hearings;

3 3. Provide staff assistance for the commission;
4 and

5 4. Establish a sunset date for review and termi-
6 nation of the commission.

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