

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1446

H.P. 1063 House of Representatives, May 6, 1987

Submitted by the Department of Defense and Veterans' Services pursuant to Joint Rule 24.

Reference to the Committee on Aging, Retirement and Veterans suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative CARROLL of Gray.

Cosponsored by Representatives DIAMOND of Bangor, STROUT of Windham, and Senator GOULD of Waldo.

STATE OF MAINE

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

1 AN ACT to Allow the Governor to Order  
2 Emergency Activation of the Guard in  
3 Advance of an Imminent Disaster.  
4

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

7 37-B MRSA §742, sub-§1, ¶A, as enacted by PL  
8 1983, c. 594, §33, is amended to read:

9 A. Whenever a disaster or civil emergency exists  
10 or appears imminent, the Governor shall, by procla-  
11 mation, declare a state of emergency in the  
12 State or any section of the State. If the Gover-  
13 nor is temporarily absent from the State or is  
14 otherwise unavailable, the next person in the  
15 State who would act as Governor if the office of  
16 the Governor were vacant may, by proclamation,

1 declare the fact that a civil emergency exists or  
2 appears sufficiently imminent to activate emer-  
3 gency preparedness plans in any or all areas of  
4 the State. A copy of the proclamation shall be  
5 filed with the Secretary of State.

6 STATEMENT OF FACT

7 Present law does not explicitly allow mobiliza-  
8 tion of the state military forces, such as the Na-  
9 tional Guard, to prepare for an imminent disaster.  
10 For instance, if a hurricane is approaching and it  
11 would be prudent for the Governor to activate the Na-  
12 tional Guard to assist in the evacuation of coastal  
13 islands, under present law, the Governor, lacking  
14 creative interpretation of the law, cannot order a  
15 mobilization until "the fact that a civil emergency  
16 exists," as such that the hurricane has actually  
17 struck. Naturally, waiting until the storm has  
18 struck to evacuate persons by helicopter, etc., en-  
19 dangers the evacuees and the rescuers.

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