

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1500

S.P. 492 In Senate, May 11, 1987
Submitted by the Department of Defense and Veterans'
Services pursuant to Joint Rule 24.

Reference to the Committee on State and Local Government
suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator BLACK of Cumberland.

Cosponsored by Representative SWAZEY of Bucksport,
Representative HARPER of Lincoln, Representative KIMBALL of
Buxton.

STATE OF MAINE

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

1 AN ACT to Amend the Law Concerning
2 Activation of State Military Forces by
3 the Governor in Human Health Emergencies.
4

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

7 37-B MRSA §183, sub-§1, as amended by PL 1983, c.
8 594, §8, is further amended to read:

9 1. Activation of state military forces. In the
10 event of illness or, injury, missing persons or loss
11 of life, creating an emergency which requires spe-
12 cialized personnel or equipment of the state military
13 forces to prevent human suffering, increased health
14 risk or loss of life, the Governor, or his designee,
15 may order into active service of the State or in aid
16 of any civil authority the necessary personnel and

1 equipment of the state military forces. Human health
2 emergencies may include medical evacuation and search
3 and rescue under Title 6, section 303 and Title 12,
4 section 7035. Any person ordered into active service
5 of the State, for the purposes of this subsection,
6 shall be considered a state employee for purposes of
7 the Maine Tort Claims Act and his liability shall be
8 limited by that Act.

9

STATEMENT OF FACT

10 The present Maine Revised Statutes, Title 37-B,
11 section 183, subsection 1, allows the activation of
12 the state military forces, i.e. National Guard, in
13 the event of an emergency arising out of illness or
14 injury. The law does not specifically provide for
15 the location of missing persons and the prevention of
16 loss of life or intercession in situations producing
17 an increased health risk to individuals and their
18 communities. The new provision allows for the Gover-
19 nor's approval of National Guard activities such as
20 medical evacuation and search and rescue.

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