

MAINE STATE LEGISLATURE

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(Governor's Bill)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1626

H.P. 1194 House of Representatives, May 19, 1987
Reference to the Committee on State and Local Government
suggested and ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative BICKFORD of Jay.

Cosponsored by Senators BALDACCI of Penobscot, GOULD of
Waldo, and Representative STROUT of Windham.

STATE OF MAINE

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

1 AN ACT to Change the Name of the Bureau of
2 Civil Emergency Preparedness to the
3 Maine Emergency Management Agency.
4

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

7 Sec. 1. 5 MRSA §351, first ¶, as amended by PL
8 1985, c. 785, Pt. A, §36, is further amended to
9 read:

10 ~~The commissioners-of-the-departments~~ Commissioner
11 of Conservation; Commissioner of Administration; Com-
12 missioner of Inland Fisheries and Wildlife; Commis-
13 sioner of Marine Resources; Commissioner of Public
14 Safety; and Commissioner of Transportation shall each
15 designate a member of their departments to be a mem-

1 ber of the Advisory Committee on State Telecommunica-
2 tions. The Adjutant General shall designate a member
3 of the ~~Bureau-of-the Military Bureau~~ and a member of
4 the ~~Bureau--of--Civil--Emergency--Preparedness~~ Maine
5 Emergency Management Agency to be members of the com-
6 mittee.

7 Sec. 2. 5 MRSA §952, sub-§1, ¶B, as enacted by
8 PL 1983, c. 729, §4, is amended to read:

9 B. Director, ~~Bureau---of----Civil----Emergency~~
10 Preparedness Maine Emergency Management Agency;
11 and

12 Sec. 3. 22 MRSA §674, sub-§5, as enacted by PL
13 1983, c. 345, §§13 and 14, is amended to read:

14 5. Coordination. The commissioner shall serve
15 as the coordinator of radiation activities among the
16 ~~Bureau-of-Civil-Emergency-Preparedness~~ Maine Emergen-
17 cy Management Agency, Department of Public Safety and
18 Department of Environmental Protection. The commis-
19 sioner shall:

20 A. Consult with and review regulations and pro-
21 cedures of the agencies and federal law to assure
22 consistency and to prevent unnecessary duplica-
23 tion, inconsistencies or gaps in regulatory re-
24 quirements; and

25 B. Review, prior to promulgation, the proposed
26 rules of all agencies of the State relating to
27 use of control of radiation, to assure that these
28 rules are consistent with the Maine Administra-
29 tive Procedure Act, Title 5, chapter 375, and
30 rules of other agencies of the State. The review
31 shall be completed within 15 days.

32 If the commissioner determines that proposed rules
33 are inconsistent with rules of other agencies of the
34 State or federal law, he shall consult with the agen-
35 cies involved in an effort to resolve these inconsis-
36 tencies. In the event no inconsistency is reported
37 within 15 days, the proposed rules shall be presumed
38 consistent for the purposes of this subsection. Upon
39 notification by the commissioner that the inconsis-
40 tency has not been resolved, the Governor may find

1 that the proposed rules or parts thereof are incon-
2 sistent with rules of other agencies of the State or
3 the Federal Government and may issue or order to that
4 effect, in which event the proposed rules or parts
5 thereof shall not become effective. The Governor
6 may, in the alternative, upon a similar determina-
7 tion, direct the appropriate agency or agencies to
8 amend or repeal existing rules to achieve consistency
9 with the proposed rules.

10 Sec. 4. 22 MRSA §676, sub-§2, as enacted by PL
11 1983, c. 345, §§13 and 14, is amended to read:

12 2. Emergency procedures. Bureau-of--Civil--Emer-
13 gency--Preparedness The Maine Emergency Management
14 Agency shall coordinate off-site emergency procedures
15 for nuclear facilities, and shall serve as liaison
16 with the federal agencies with jurisdiction over de-
17 fense activities and emergency response management.

18 Sec. 5. 29 MRSA §1370, 3rd ¶, as amended by PL
19 1979, c. 673, §9, is further amended to read:

20 Motor vehicles of the Bureau-of--Civil--Emergency
21 Preparedness Maine Emergency Management Agency and
22 other motor vehicles used to perform public services
23 of an emergency nature, whether publicly or privately
24 owned, may be identified by windshield stickers bear-
25 ing the name or service emblem of the agency autho-
26 rized to act therein. A motor vehicle may display no
27 more than one sticker on its windshield to facilitate
28 parking or entry identification.

29 Sec. 6. 30 MRSA §952, as amended by PL 1977, c.
30 431, §§5 to 7, is further amended to read:

31 §952. Special deputies; duties

32 Sheriffs may at any time appoint and train as
33 special deputies citizens more than 18 years of age.
34 The appointment shall be in writing, signed by the
35 sheriff and shall include the residence and post of-
36 fice address of each special deputy. The appointment
37 shall be recorded in the office of the county commis-
38 sioners in the county and shall not be valid until
39 recorded. The sheriff or his chief deputy shall only
40 order special deputies to active duty when a state of

1 war exists, or when the Governor shall proclaim an
2 emergency under Title 37-A, chapter 3, or when the
3 State Director of the Bureau--of--Civil--Emergency
4 Preparedness Maine Emergency Management Agency de-
5 clares that a state of emergency is imminent. Such
6 special deputies shall exercise all the powers of
7 deputy sheriffs appointed under the general law, ex-
8 cept the service of civil process, only for the dura-
9 tion of the emergency that exists or which has been
10 proclaimed or during the time for which they have
11 been ordered to active duty. Such special deputies
12 shall be personally responsible for any unreasonable,
13 improper or illegal acts committed by them in the
14 performance of their duties, but the sheriffs shall
15 not be liable upon their bonds or otherwise for any
16 neglect or misdoings of such deputies.

17 **Sec. 7. 34-A MRSA §3033, sub-§2, as enacted by**
18 **PL 1983, c. 459, §6, is amended to read:**

19 2. Fire or disaster. The commissioner may autho-
20 rize the training and use of able-bodied prisoners in
21 the prison or in the Maine Correctional Center by the
22 Bureau of Forestry or the Bureau--of--Civil--Emergency
23 Preparedness Maine Emergency Management Agency to
24 fight fires or provide assistance during or after a
25 civil disaster.

26 **Sec. 8. 35 MRSA §3341, sub-§1, as repealed and**
27 **replaced by PL 1983, c. 238, is amended to read:**

28 1. Reports. The operator of any nuclear plant
29 in this State shall submit annually by April 1st to
30 the Public Utilities Commission, with a copy sent to
31 the Bureau--of--Civil--Emergency--Preparedness Maine
32 Emergency Management Agency, the Department of Envi-
33 ronmental Protection, the Bureau of Health and the
34 Maine State Library Bureau, a report which shall in-
35 clude the following information:

36 A. A list and summary description of any
37 safety-related incidents at that nuclear power
38 plant reported to the United States Nuclear Regu-
39 latory Commission during the previous calendar
40 year, including a statement of the cause of the
41 incident, its effects on human health and the en-
42 vironment, corrective measures which have been
43 taken and the costs;

1 B. A list and summary description of those
2 unresolved safety issues as defined by the United
3 States Nuclear Regulatory Commission which per-
4 tain to that nuclear power plant and the status
5 of resolution and implementation of those
6 unresolved safety issues; and

7 C. A list and summary description of any
8 unresolved safety issues which have been con-
9 verted to regulation by the United States Nuclear
10 Regulatory Commission for implementation at that
11 nuclear power plant, together with the best
12 available estimates of the cost and time required
13 for that implementation.

14 Sec. 9. 37-A MRSA c. 3, the first 2 lines are
15 repealed and the following enacted in their place:

16

CHAPTER 3

17

MAINE EMERGENCY MANAGEMENT AGENCY

18 Sec. 10. 37-B MRSA §2, first ¶, as enacted by PL
19 1983, c. 460, §3, is amended to read:

20 The department shall consist of the following bu-
21 reaus and agency:

22 Sec. 11. 37-B MRSA §2, sub-§2, as enacted by PL
23 1983, c. 460, §3, is amended to read:

24 2. Maine Emergency Management Agency. The Bu-
25 reau-of-Civil-Emergency-Preparedness Maine Emergency
26 Management Agency; and

27 Sec. 12. 37-B MRSA §105, first ¶, as enacted by
28 PL 1983, c. 460, §3, is amended to read:

29 If practical, a representative from the Bureau-of
30 Civil-Emergency-Preparedness Maine Emergency Manage-
31 ment Agency shall be present during ice jam and de-
32 bris removal operations. Information that may be
33 useful in future ice jam and debris removal opera-
34 tions shall be recorded. A follow-up report on the
35 specific measures employed and the effectiveness of
36 the removal operation in abating public danger and
37 damage by flood for each removal operation shall be
38 formulated and maintained by the bureau agency.

1 **Sec. 17.** 37-B MRSA §783, first ¶, as enacted by
2 PL 1983, c. 460, §3, is amended to read:

3 Each municipal, interjurisdictional, county and
4 regional civil emergency preparedness agency, in con-
5 sultation with the bureau agency, shall prepare and
6 keep a current disaster emergency plan for the area
7 subject to its jurisdiction. That plan shall include
8 without limitation:

9 **Sec. 18.** 37-B MRSA §783, sub-§5, as enacted by
10 PL 1983, c. 460, §3, is amended to read:

11 5. Other. Other elements required by bureau
12 agency rule.

13 **Sec. 19.** 37-B MRSA §960, sub-§§1 and 2, as real-
14 located by PL 1983, c. 816, Pt. B, §14, are amended
15 to read:

16 1. Emergency Planning Zone. The Emergency Plan-
17 ning Zone shall be designated by the Bureau-of--Civil
18 Emergency--Preparedness Maine Emergency Management
19 Agency by rule as the zone where specific evacuation
20 plans are required to protect from exposure by the
21 inhalation pathway. Unless changed by rule, the
22 Emergency Planning Zone shall be the Emergency Plan-
23 ning Zone contained in the existing Emergency
24 Radiological Preparedness Plan, with approximately a
25 10-mile radius around any nuclear power plant.

26 2. Ingestion Pathway Zone. The Ingestion
27 Pathway Zone shall be designated by the Bureau-of
28 Civil-Emergency-Preparedness Maine Emergency Manage-
29 ment Agency by rule as the zone beyond the Emergency
30 Planning Zone where protective action plans are re-
31 quired relative to the food chain. Unless changed by
32 rule, the Ingestion Pathway Zone shall be a circle of
33 a 50-mile radius centered on any nuclear power plant.

34 **Sec. 20.** 37-B MRSA §1051, 2nd ¶, as enacted by
35 PL 1983, c. 460, §3, is amended to read:

36 No person, except the Federal Government, may ex-
37 ercise any authority over the emergency regulation or
38 supervision of any dams or reservoirs in the State,
39 where that exercise would conflict with the powers

1 and authority vested in the ~~Bureau-of-Civil-Emergency~~
2 Preparedness Maine Emergency Management Agency.

3 Sec. 21. 37-B MRSA §1052, sub-§1, as enacted by
4 PL 1983, c. 460, §3, is repealed and the following
5 enacted in its place:

6 1. Agency. "Agency" means the Maine Emergency
7 Management Agency.

8 Sec. 22. 37-B MRSA §1105, as enacted by PL 1983,
9 c. 460, §3, is amended to read:

10 §1105. Project review

11 If practical, a representative from the ~~Bureau-of~~
12 ~~Civil--Emergency-Preparedness~~ Maine Emergency Manage-
13 ment Agency shall be present during ice jam and de-
14 bris removal operations. Information that may be
15 useful in future ice jam and debris removal opera-
16 tions shall be recorded. A follow-up report on the
17 specific measures employed and the effectiveness of
18 the removal operation in abating public danger and
19 damage by flood for each removal operation shall be
20 formulated and maintained by the bureau agency.

21 Sec. 23. 38 MRSA §818, sub-§3, as enacted by PL
22 1983, c. 417, §6, is amended to read:

23 3. Other powers. No provision of this ~~Article~~
24 article may be construed as limiting the powers of
25 ~~the Bureau--of--Civil--Emergency--Preparedness~~ Maine
26 Emergency Management Agency under Title 37-A, sec-
27 tions 180 to 186.

STATEMENT OF FACT

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The proposed agency name more accurately reflects the present and future activities of this organization. The morale of state staff and county organizations can be significantly improved. County organizations have been polled and support this proposal.

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