

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

No. 2242

S.P. 836

In Senate, March 2, 1998

An Act to Enter into the Emergency Management Assistance Compact.

Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator PINGREE of Knox. (GOVERNOR'S BILL).
Cosponsored by Representative WINGLASS of Auburn and
Senators: LaFOUNTAIN of York, LONGLEY of Waldo, NUTTING of Androscoggin,
TREAT of Kennebec, Representatives: KONTOS of Windham, LINDAHL of Northport,
NICKERSON of Turner, WINSOR of Norway.

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

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Sec. 1. 37-B MRSA c. 16 is enacted to read:

CHAPTER 16

EMERGENCY MANAGEMENT ASSISTANCE COMPACT

§921. Purpose of compact--Article I

The emergency management assistance compact, referred to in this chapter as the "compact," is made and entered into by and between the participating member states that enact this compact, referred to in this chapter as "party states." For the purposes of this chapter, the term "party state" or "state" means one of the several states, the Commonwealth of Puerto Rico, the District of Columbia or a United States territorial possession.

This compact provides for mutual assistance between the party states in managing any emergency or disaster that is duly declared by the governor of the affected party state, whether arising from natural disaster, technological hazard, man-made disaster, civil emergency aspects of a resource shortage, community disorder, insurgency or enemy attack.

This compact provides for mutual cooperation in an emergency-related exercise, testing or other training activity using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by a party state or a subdivision of a party state during an emergency outside an actual declared emergency period. Mutual assistance may include the use of the party states' National Guard forces, either in accordance with a National Guard mutual assistance compact or by mutual agreement between party states.

§922. General implementation--Article II

Each party state recognizes that many emergencies transcend political jurisdictional boundaries and that intergovernmental coordination is essential in managing these and other emergencies under this compact. Each state further recognizes that there will be emergencies that require immediate access and present procedures to apply outside resources to make prompt and effective responses to those emergencies because few, if any, individual states have all the resources they may need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

2 The prompt, full and effective utilization of resources of
4 the party states, including any resources on hand or available
6 from the Federal Government or any other source, that are
8 essential to the safety, care and welfare of the people in the
10 event of any emergency or disaster declared by a party state must
12 be the underlying principle on which all articles of this compact
14 are understood.

16 On behalf of the governor of each party state, the legally
18 designated state official who is assigned responsibility for
20 emergency management is responsible for formulation of the
22 appropriate interstate mutual aid plans and procedures necessary
24 to implement this compact.

26 §923. Party state responsibilities--Article III

28 1. Formulate plans and programs. Each party state shall
30 formulate procedural plans and programs for interstate
32 cooperation in the performance of the responsibilities listed in
34 this section. In formulating these plans and in carrying them
36 out, the party states, to the extent practical, shall:

38 A. Review individual state hazards analyses and, to the
40 extent reasonably possible, determine all those emergencies
42 the party states might suffer jointly, whether due to
44 natural disaster, technological hazard, man-made disaster,
46 emergency aspects of a resource shortage, civil disorder,
48 insurgency or enemy attack;

50 B. Review party states' individual emergency plans and
 develop a plan that will determine the mechanism for the
 interstate management and provision of assistance concerning
 any potential emergency;

C. Develop interstate procedures to fill any identified
 gaps and to resolve any identified inconsistencies or
 overlaps in existing or developed plans;

D. Assist in warning communities adjacent to or crossing
 party state boundaries;

E. Protect and ensure uninterrupted delivery of services;
 medicine; water; food; energy and fuel; and search and
 rescue and critical lifeline equipment, services and
 resources, both human and material;

F. Inventory and set procedures for the interstate loan and
 delivery of human and material resources, together with
 procedures for reimbursement or forgiveness of debts; and

2 G. Provide, to the extent authorized by law, for temporary
3 suspension of any statutes or ordinances that restrict the
4 implementation of the responsibilities in this subsection.

5 2. Authorized representative may request assistance. The
6 authorized representative of a party state may request assistance
7 of another party state by contacting the authorized
8 representative of that state. This chapter only applies to
9 requests for assistance made by and to an authorized
10 representative. A request may be oral or in writing. If oral,
11 the request must be confirmed in writing within 30 days of the
12 oral request. A request must provide the following information:

13 A. A description of the emergency service function for
14 which assistance is needed, including, but not limited to,
15 the following services: fire, law enforcement, emergency
16 medical, transportation, communications, public works and
17 engineering, building inspection, planning and information
18 assistance, mass care, resource support, health and medical
19 and search and rescue;

20 B. The amount and type of personnel, equipment, materials
21 and supplies needed and a reasonable estimate of the length
22 of time they will be needed; and

23 C. The specific place and time for staging of the assisting
24 party's response and a point of contact at that location.

25 3. Consultation. State officials who have assigned
26 emergency management responsibilities and other appropriate
27 representatives of the party states with affected jurisdictions
28 shall consult one another and with the United States Government
29 frequently. This consultation must include a free exchange of
30 information, plans and resource records relating to emergency
31 capabilities.

32 **§924. Limitations--Article IV**

33 Any party state requested to render mutual aid or conduct
34 exercises and training for mutual aid shall take action as is
35 necessary to provide and make available the resources covered by
36 this compact in accordance with the terms of this compact. A
37 party state rendering aid may withhold resources to the extent
38 necessary to provide reasonable protection for that state. Each
39 party state shall afford to the emergency forces of any party
40 state operating within its state limits under the terms and
41 conditions of this compact the same powers, duties, rights and
42 privileges as are afforded the forces of that state, except the
43 power of arrest, unless specifically authorized by the receiving
44 state. Emergency forces continue under the command and control
45 of the state from which they are requested.

2 of their regular leaders, but the organizational units come under
3 the operational control of the emergency services authorities of
4 the party state receiving assistance. The conditions in this
5 section may be activated, as needed, only subsequent to a
6 declaration of a state of emergency or disaster by the governor
7 of the party state that is to receive assistance or commencement
8 of exercises or training for mutual aid and continue so long as
9 the exercises or training for mutual aid are in progress, the
10 state of emergency or disaster remains in effect or loaned
11 resources remain in the receiving party state, whichever is
12 longer.

13 **§925. Licenses and permits--Article V**

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15 Whenever a person holds a license, certificate or other
16 permit issued by any party state that evidences professional,
17 mechanical or other skills and when assistance that requires
18 these skills is requested by the receiving party state, such a
19 person is deemed licensed, certified or permitted by the party
20 state requesting assistance to render aid involving that skill to
21 meet a declared emergency or disaster, subject to that
22 limitations and conditions as the governor of the requesting
23 state may prescribe by executive order or otherwise.

24 **§926. Liability--Article VI**

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26 Officers or employees of a party state rendering aid in
27 another party state pursuant to this compact are considered
28 agents of the requesting party state for tort liability and
29 immunity purposes. A party state or its officers or employees
30 rendering aid in another party state pursuant to this compact may
31 not be held liable on account of any act or omission in good
32 faith on the part of a party state or its officers or employees
33 while so engaged or on account of the maintenance or use of any
34 equipment or supplies in connection with the rendering of aid.
35 Good faith in this section does not include willful misconduct,
36 gross negligence or recklessness.

37 **§927. Supplementary agreements--Article VII**

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39 Because it is probable that the pattern and detail of the
40 machinery for mutual aid among 2 or more states may differ from
41 that among the party states, this compact contains elements of a
42 broad base common to all states and nothing in this compact
43 precludes any state from entering into supplementary agreements
44 with another state or affects any other agreements already in
45 force between states. Supplementary agreements may include, but
46 are not limited to, provisions for evacuation and reception of
47 injured and other persons and the exchange of medical, fire,
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2 police, public utility, reconnaissance, welfare, transportation
3 and communications personnel, equipment and supplies.

4 **§928. Compensation--Article VIII**

6 Each party state shall provide for the payment of
7 compensation and death benefits to injured members of the
8 emergency forces of that state and to representatives of deceased
9 members of those forces if members sustain injuries or are killed
10 while rendering aid pursuant to this compact in the same manner
11 and on the same terms as if the injury or death were sustained in
12 that party state.

14 **§929. Reimbursement--Article IX**

16 Any party state rendering aid in another state pursuant to
17 this compact must be reimbursed by the party state receiving aid
18 for any loss or damage to or expense incurred in the operation of
19 any equipment and the provision of any service in answering a
20 request for aid and for the costs incurred in connection with
21 those requests. An aiding party state may assume in whole or in
22 part loss, damage, expense or other cost or may loan equipment or
23 donate services to the receiving party state without charge. Any
24 2 or more party states may enter into supplementary agreements
25 establishing a different allocation of costs among those states.
26 Expenses under section 928 are not reimbursable under this
27 section.

28 **§930. Evacuation--Article X**

30 Plans for the orderly evacuation and interstate reception of
31 portions of the civilian population as the result of any
32 emergency or disaster of sufficient proportions to so warrant
33 must be prepared and maintained by the party states and the
34 emergency management services directors of the various
35 jurisdictions where any type of incident requiring evacuations
36 might occur. These plans must be put into effect by request of
37 the state from which evacuees come and must include the manner of
38 transporting the evacuees, the number of evacuees to be received
39 in different areas, the manner in which food, clothing, housing
40 and medical care will be provided, the registration of the
41 evacuees, the providing of facilities for the notification of
42 relatives or friends and forwarding of evacuees to other areas or
43 bringing in of additional materials and supplies and all other
44 relevant factors. These plans must provide that the party state
45 receiving evacuees and the party state from which the evacuees
46 come shall agree as to reimbursement of out-of-pocket expenses
47 incurred in receiving and caring for these evacuees, for
48 expenditures for transportation, food, clothing, medicines and
49 medical care and like items. These expenditures must be
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2 reimbursed as agreed by the party state from which the evacuees
3 come. After the termination of the emergency or disaster, the
4 party state from which the evacuees come shall assume the
5 responsibility for the ultimate support of repatriation of the
6 evacuees.

7 **§931. Implementation--Article XI**

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10 1. Operation. This compact becomes operative upon its
11 enactment into law in substantially the same form by any 2
12 states. After its enactment by any 2 states, this compact takes
13 effect for any other state on the effective date of the Act that
14 enacts this compact in substantially the same form by that state.

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16 2. Withdrawal. Any party state may withdraw from this
17 compact by enacting a statute repealing this compact. A
18 withdrawal may not take effect until 30 days after the governor
19 of the withdrawing state has given notice in writing of the
20 withdrawal to the governors of all other party states. This
21 action does not relieve the withdrawing state from obligations
22 assumed under this compact prior to the effective date of
23 withdrawal.

24 3. Copies. Duly authenticated copies of this compact and
25 of such supplementary agreements as may be entered into must, at
26 the time of their approval, be deposited with each of the party
27 states and with the Federal Emergency Management Agency and other
28 appropriate agencies of the United States Government.

29 **§932. Construction--Article XII**

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31 This chapter must be construed to effectuate the purposes
32 stated in section 921.

33 **§933. Use of military force--Article XIII**

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36 This compact does not authorize or permit the use of
37 military force by the National Guard of a state at any place
38 outside that state in any emergency for which the President of
39 the United States is authorized by law to call the militia into
40 federal service or for any purpose for which the use of the Army
41 or the Air Force would in the absence of express statutory
42 authorization be prohibited under 18 United States Code, Section
43 1385.

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47 **SUMMARY**

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50 This bill adopts the Emergency Management Assistance
51 Compact. This compact provides a framework for mutual assistance
52 between the states that adopt the compact in managing any

2 emergency or disaster that is declared by the governor of an affected state.