

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1869

H.P. 1305

House of Representatives, March 16, 1999

An Act to Establish the Emergency Management Preparedness and Assistance Trust Fund.

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative NORBERT of Portland.
Cosponsored by Senator DOUGLASS of Androscoggin and
Representatives: BERRY of Livermore, CHIZMAR of Lisbon, DUDLEY of Portland,
FISHER of Brewer, O'NEIL of Saco, RICHARDSON of Brunswick, SAXL of Bangor,
SIROIS of Caribou.

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

4 **Sec. 1. 37-B MRSA c. 13, sub-c. VI is enacted to read:**

6 **SUBCHAPTER VI**

8 **EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND**

10 **§871. Emergency Management Preparedness and Assistance Trust Fund**

12 **1. Fund established.** There is established the Emergency
14 **Management Preparedness and Assistance Trust Fund,** referred to in
16 **this subchapter as the "fund,"** to be administered by the Maine
18 **Emergency Management Agency,** referred to in this subchapter as
the "agency." The fund contains the proceeds of the surcharge
deposited under subsection 2 and other funds received by the
agency for the purpose of disaster preparedness and education,
coordination, assistance and mitigation.

20 **2. Surcharge.** An annual surcharge is imposed on insurance
22 **policies issued or renewed on or after November 1, 1999.**

24 **A. A surcharge of \$2 is imposed on each homeowner's, mobile**
26 **homeowner's, tenant homeowner's and condominium unit**
28 **insurance policy and an annual \$4 surcharge is imposed on**
every commercial fire, commercial multiple peril and
business owner's property insurance policy.

30 **B. The surcharge must be paid by the policy holder to the**
32 **insurer. The insurer shall collect the surcharge and remit**
it to the Treasurer of State, who shall deposit all amounts
received to the fund.

34 **C. The surcharge is not part of the premium of the**
36 **insurer. Nonpayment of the surcharge by the insured is a**
valid reason for cancellation of the insurance policy.

38 **3. Use of fund.** The fund is used as set out in this
40 **subsection.**

42 **A. Fifty percent of the amount received from the annual**
44 **allocation to the fund must be used to implement and**
administer state and local emergency management programs,
including:

46 **(1) Training and education programs that promote**
48 **public education on disaster preparedness and recovery;**
and

2 (2) Enhancing statewide coordination of relief efforts
3 of public and private sector organizations and
4 improving the training and operational capabilities of
5 agencies assigned lead or support responsibilities in
6 the state comprehensive emergency management plan,
7 including funds sufficient to fund a dedicated,
8 full-time emergency preparedness officer in each county
9 or as directed by the agency.

10 B. Thirty percent of the amount received from the annual
11 allocation may be used to provide for:

12 (1) State relief and assistance to state agencies,
13 local governmental units, regional agencies,
14 authorities and nonprofit organizations in the form of
15 grants resulting from a disaster not federally
16 declared; and

17 (2) State relief and assistance to businesses and
18 individuals and to fund loans for uninsured loss
19 resulting from a disaster not federally declared.

20 C. Twenty percent of the amount received from the annual
21 allocation to the fund may be utilized for grants and loans
22 to local governmental units, regional agencies, authorities
23 and special districts for projects planned to mitigate the
24 effects of a disaster.

25 Projects include, but are not limited to, the promotion of
26 public education and awareness of disaster mitigation;
27 improved land use planning; retrofitting of structures,
28 particularly critical facilities; and the development or
29 revision of building codes that incorporate the latest
30 available information about risk reduction from natural
31 hazards.

32 The agency, in cooperation with county emergency preparedness
33 officers, may adopt rules to alter the distribution formula under
34 paragraphs B and C.

35 The Director of Maine Emergency Management Agency may alter the
36 distribution formula without adopting rules to meet matching
37 requirements imposed as a condition for receiving federal
38 assistance or planning.

39 The agency shall adopt rules to establish criteria and procedures
40 for the administration of the fund. Rules adopted pursuant to
41 this subchapter are routine technical rules as defined in Title
42 5, chapter 375, subchapter II-A.

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SUMMARY

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6 This bill establishes the Emergency Management Preparedness
and Assistance Trust Fund to be administered by the Maine
Emergency Management Agency to provide disaster assistance to
8 local governmental units and others to match federal disaster
assistance funds, to provide disaster assistance to local
10 governments when federal funds are not available and to further
the support of the state disaster assistance capabilities.