

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

No. 2648

S.P. 1058

In Senate, March 23, 2000

**An Act to Enter Into the International Emergency Management
Assistance Compact.**

(EMERGENCY)

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator DAGGETT of Kennebec. (GOVERNOR'S BILL).
Cosponsored by Representative TUTTLE of Sanford and
Senator FERGUSON of Oxford, Representative: LABRECQUE of Gorham.

2 The International Emergency Management Assistance Compact,
4 referred to in this chapter as the "compact," is made and entered
6 into by and between the participating member jurisdictions that
8 enact this compact, referred to in this chapter as "party
10 jurisdictions." The following states and provinces are eligible
12 to become members of this compact: Connecticut, Maine,
14 Massachusetts, New Brunswick, Newfoundland and Labrador, New
16 Hampshire, Nova Scotia, Prince Edward Island, Quebec, Rhode
18 Island and Vermont.

20 The purpose of this compact is to provide for mutual
22 assistance between the party jurisdictions entering into this
24 compact in managing any emergency or disaster when the governor
26 or premier of the affected jurisdiction or jurisdictions asks for
28 assistance, whether arising from natural disaster, technological
30 hazard, man-made disaster or civil emergency aspects of resource
32 shortages.

34 This compact also provides for mutual cooperation in
36 emergency related exercises, testing or other training activities
38 using equipment and personnel simulating performance of any
40 aspect of the giving and receiving of aid by party jurisdictions
42 or subdivisions of party jurisdictions during emergencies, with
44 such actions occurring outside actual declared emergency
46 periods. Mutual assistance in this compact may include the use
48 of emergency forces by mutual agreement between the party
50 jurisdictions.

30 **§936. General implementation - Article II**

32 Each party jurisdiction entering into this compact
34 recognizes that many emergencies transcend political
36 jurisdictional boundaries and that intergovernmental coordination
38 is essential in managing these and other emergencies under this
40 compact. Each party jurisdiction further recognizes that there
42 will be emergencies that require immediate access and present
44 procedures to apply outside resources to make a prompt and
46 effective response to such an emergency because few, if any,
48 individual party jurisdictions have all the resources they need
50 in all types of emergencies or the capability of delivering
 resources to areas where emergencies exist.

The prompt, full and effective utilization of resources of
 the participating party jurisdictions, including any resources on
 hand or available from any other source that are essential to the
 safety, care and welfare of the people in the event of any
 emergency or disaster declared by a party jurisdiction, must be
 the underlying principle on which all articles of this compact
 are understood.

2 On behalf of the governor of each state or premier of each
4 province participating in the compact, the legally designated
6 official who is assigned responsibility for emergency management
8 is responsible for formulation of the appropriate
 interjurisdictional mutual aid plans and procedures necessary to
 implement this compact.

10 **§937. Party jurisdiction responsibilities - Article III**

12 1. Formulate plans and programs. It is the responsibility
14 of each party jurisdiction to formulate procedural plans and
16 programs for interjurisdictional cooperation in the performance
 of the responsibilities listed in this section. In formulating
 such plans, and in carrying them out, the party jurisdictions, to
 the extent practical, shall:

18 A. Review individual party jurisdiction hazards analysis
20 and, to the extent reasonably possible, determine all those
22 potential emergencies the party jurisdictions might jointly
24 suffer, whether due to natural disaster, technological
 hazard, man-made disaster or emergency aspects of resource
 shortages;

26 B. Review party jurisdictions' individual emergency plans
28 and develop a plan that will determine the mechanism for the
 interjurisdictional management and provision of assistance
 concerning any potential emergency;

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

34 D. Assist in warning communities adjacent to or crossing
36 jurisdictional boundaries;

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

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

46 G. Provide, to the extent authorized by law, for temporary
48 suspension of any statutes or ordinances over which the
50 province or state has authority that restrict the
 implementation of the responsibilities described in this
 subsection.

2 2. Request assistance. The authorized representative of a
4 party jurisdiction may request assistance of another party
6 jurisdiction by contacting the authorized representative of that
8 party jurisdiction. The provisions of this compact only apply to
10 requests for assistance made by and to authorized
representatives. Requests may be verbal or in writing. If
verbal, the request must be confirmed in writing within 30 days
of the verbal request. Requests must provide the following
information:

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

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

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

28 3. Consultation between party jurisdictions' officials.
30 There must be frequent consultation between the party
32 jurisdictions' officials who have assigned emergency management
responsibilities and other appropriate representatives of the
party jurisdictions and the federal governments, with free
exchange of information, plans and resource records relating to
emergency capabilities.

34 **§938. Limitation - Article IV**

36 Any party jurisdiction requested to render mutual aid or
38 conduct exercises and training for mutual aid shall take such
40 action as is necessary to provide and make available the
42 resources covered by this compact in accordance with the terms of
44 this compact, except that it is understood that the party
46 jurisdiction rendering aid may withhold resources to the extent
necessary to provide reasonable protection for that party
jurisdiction. Each party jurisdiction shall afford to the
emergency forces of any party jurisdiction, while operating
within its jurisdiction limits under the terms and conditions of
this compact and under the control of an officer of the
requesting party jurisdiction, the same powers, duties, rights,
privileges and immunities as are afforded similar or like forces
50 of the party jurisdiction in which they are performing emergency

2 services. Emergency forces continue under the command and
3 control of their regular leaders, but the organizational units
4 come under the operational control of the emergency services
5 authorities of the party jurisdiction receiving assistance.
6 These conditions may be activated, as needed, by the party
7 jurisdiction that is to receive assistance or commencement of
8 exercises or training for mutual aid and continue as long as the
9 exercises or training for mutual aid are in progress, the
10 emergency or disaster remains in effect or loaned resources
11 remain in the receiving party jurisdiction or jurisdictions,
12 whichever is longer.

13 **§939. 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 jurisdiction to the compact evidencing
17 the meeting of qualifications for professional, mechanical or
18 other skills, and when such assistance is requested by the
19 receiving party jurisdiction, such person is deemed to be
20 licensed, certified or permitted by the party jurisdiction
21 requesting assistance to render aid involving such skill to meet
22 an emergency or disaster, subject to such limitations and
23 conditions as the requesting party jurisdiction prescribes by
24 executive order or otherwise.

25 **§940. Liability - Article VI**

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27 Any person or entity of a party jurisdiction rendering aid
28 in another party jurisdiction pursuant to this compact is
29 considered an agent of the requesting party jurisdiction for tort
30 liability and immunity purposes. Any person or entity rendering
31 aid in another party jurisdiction pursuant to this compact is not
32 liable on account of any act or omission made in good faith on
33 the part of such forces while so engaged or on account of the
34 maintenance or use of any equipment or supplies in connection
35 therewith. Good faith in this section does not include willful
36 misconduct, gross negligence or recklessness.

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

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41 Because it is probable that the pattern and detail of the
42 machinery for mutual aid among 2 or more jurisdictions may differ
43 from that among the party jurisdictions of this compact, this
44 compact contains elements of a broad base common to all party
45 jurisdictions, and nothing in this compact precludes any party
46 jurisdiction from entering into supplementary agreements with
47 another party jurisdiction or affects any other agreements
48 already in force between party jurisdictions. Supplementary
49 agreements may include, but are not limited to, provisions for
50 evacuation and reception of injured and other persons and the

2 exchange of medical, fire, public utility, reconnaissance,
3 welfare, transportation and communications personnel, equipment
4 and supplies.

6 **§942. Workers' compensation and death benefits - Article VIII**

8 Each party jurisdiction shall provide for the payment of
9 workers' compensation and death benefits to injured members of
10 the emergency forces of that party jurisdiction and to
11 representatives of deceased members of those forces if the
12 members sustain injuries or are killed while rendering aid
13 pursuant to this compact, in the same manner and on the same
14 terms as if the injury or death were sustained within their own
15 party jurisdiction.

16 **§943. Reimbursement - Article IX**

18 Any party jurisdiction rendering aid in another party
19 jurisdiction pursuant to this compact must, if requested, be
20 reimbursed by the party jurisdiction receiving such aid for any
21 loss or damage to or expense incurred in the operation of any
22 equipment and the provision of any service in answering a request
23 for aid and for the costs incurred in connection with those
24 requests. An aiding party jurisdiction may assume in whole or in
25 part any such loss, damage, expense or other cost or may loan
26 such equipment or donate such services to the receiving party
27 jurisdiction without charge or cost. Any 2 or more party
28 jurisdictions may enter into supplementary agreements
29 establishing a different allocation of costs among those party
30 jurisdictions. Expenses under section 942 are not reimbursable
31 under this section.

32 **§944. Evacuation - Article X**

34 Each party jurisdiction shall prepare and maintain plans to
35 facilitate the movement and reception of evacuees into or across
36 its territory. After the termination of the emergency or
37 disaster, the party jurisdiction from which the evacuees came
38 shall assume the responsibility for the ultimate support of
39 repatriation of such evacuees.

42 **§945. Implementation - Article XI**

44 1. Enactment. This compact becomes operative immediately
45 upon its adoption by any 2 of the states and provinces listed in
46 section 935 and upon the approval or authorization of the United
47 States Congress, if required. After it becomes operative, this
48 compact becomes effective as to any other state or province upon
49 its enactment by that state or province.

