

# MAINE STATE LEGISLATURE

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DATE: 4-7-06

(Filing No. S-575)

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

Reported by:

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**STATE OF MAINE  
SENATE  
122ND LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 789, L.D. 2044, Bill, "An Act To Enhance the Protection of Maine Families from Terrorism and Natural Disasters"

Amend the bill by striking out all of section 4 and inserting in its place the following:

Sec. 4. 5 MRSA §1742, sub-§24, as amended by PL 1997, c. 499, §1, is further amended to read:

**24. Application of minimum air ventilation standards.** Beginning September 1, 1988, to apply ASHRAE Standard 62-1989 entitled, Ventilation for Acceptable Indoor Air Quality, as prepared by the American Society of Heating, Refrigeration and Air Conditioning Engineers, Inc. or more stringent standards to buildings occupied by state employees during normal working hours. These standards must be applied to buildings that are constructed or substantially renovated by the State after September 1, 1988 and to buildings for which the State enters into new leases or renews leases following the date in this subsection. For the purpose of this subsection, "substantial renovation" means any renovation for which the cost exceeds 50% of the buildings' value.

A. The bureau, in cooperation with a labor-management committee established to look at this issue, shall develop a plan by which priorities are established for improving indoor air quality and ventilation standards in buildings occupied by state employees. This plan shall must include data gathering and analysis of air quality in a sample number of buildings by which reasonable projections and estimates concerning air quality can be established. The bureau shall report its findings to the joint standing

**COMMITTEE AMENDMENT**

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COMMITTEE AMENDMENT "A" to S.P. 789, L.D. 2044

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committee of the Legislature having jurisdiction over state and local government no later than January 16, 1989. This report, at a minimum, shall must contain the following:

- (1) A description of the extent of the problem, if any, with respect to air quality and ventilation in buildings occupied by state employees;
- (2) Priorities of locations for which the improvement of air quality is necessary. These locations shall must be areas occupied by state employees during normal working hours;
- (3) A timetable by which these priorities could be addressed;
- (4) A description of what may be necessary to address these priorities, including feasible alternatives;
- (5) The costs of addressing these priorities; and
- (6) If possible, locations leased by the State which that may not meet the air quality standards defined in this subsection.

Nothing in this paragraph may be construed to require the bureau to conduct an in depth analysis for each building or to present technical data for each building occupied by state employees.

B. The indoor air quality and ventilation standards applied by the bureau shall remain in effect until the Board of Occupational Safety and Health adopts air quality and ventilation standards; and

**Sec. 5. 5 MRSA §1742, sub-§25**, as enacted by PL 1989, c. 502, Pt. A, §18 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

**25. Sites for child care programs.** To review, in cooperation with the Office of Child Care Coordination in the Department of Health and Human Services, feasible sites for child care programs offered primarily as a service to state employees pursuant to Title 22, section 8307, subsection 2+;

**Sec. 6. 5 MRSA §1742, sub-§26**, as enacted by PL 2005, c. 519, Pt. W, §1, is amended to read:

**26. Rental income.** To credit income from the rental of facilities in Limestone to the Department of Administrative and

# COMMITTEE AMENDMENT

R. 875

COMMITTEE AMENDMENT "A" to S.P. 789, L.D. 2044

2 Financial Services, Bureau of General Services, Other Special  
3 Revenue Funds account. These funds must be used for repairs,  
4 capital improvements and other costs of managing the facilities  
operated by the Maine Military Authority in Limestone.

6 Notwithstanding any other provision of law, the department also  
may recommend that:

8  
10 A. Part of the rental income collected by the Department of  
12 Administrative and Financial Services, Bureau of General  
Services pursuant to this subsection be transferred to the  
General Fund as undedicated revenue;

14 B. Part of the rental income collected by the Department of  
16 Administrative and Financial Services, Bureau of General  
18 Services pursuant to this subsection be transferred to the  
20 Department of Defense, Veterans and Emergency Management,  
Maine National Guard Education Assistance Pilot Program,  
Other Special Revenue Funds account for tuition assistance;  
and

22 C. Part of the rental income collected by the Department of  
24 Administrative and Financial Services, Bureau of General  
26 Services pursuant to this subsection be transferred to the  
28 Department of Defense, Veterans and Emergency Management,  
30 Maine National Guard Education Assistance Pilot Program,  
Other Special Revenue Funds account for the reimbursement of  
the purchase of supplemental life insurance as provided for  
in the provisions of Title 37-B, section 390-B; and

32 **Sec. 7. 5 MRSA §1742, sub-§27 is enacted to read:**

34 27. Disaster assistance. Notwithstanding any other  
36 provision of law, to recommend, effective July 1, 2007, that 45%  
38 of the rental income collected by the Department of  
40 Administrative and Financial Services, Bureau of General Services  
under subsection 26, up to \$3,000,000, be transferred to the  
Department of Defense, Veterans and Emergency Management,  
Disaster Assistance Relief, Other Special Revenue Funds account  
for disaster assistance.'

42 Further amend the bill in section 6 by striking out all of  
44 subsection 5 (page 3, lines 5 to 9 in L.D.) and inserting in its  
place the following:

46 '5. Backup energy generators. In the case of a school  
48 construction project in which the school is expected to be used  
as a community shelter, the state board may approve only those  
50 projects designed to accommodate backup energy generators.'

R. 015

2 Further amend the bill by striking out all of section 8 and  
inserting in its place the following:

4 'Sec. 8. 37-B MRSA §704, as amended by PL 2003, c. 510, Pt.  
A, §33, is further amended to read:

6 **§704. Director; duties**

8  
10 The Maine Emergency Management Agency, as previously  
established and in this chapter called the "agency," shall-be is  
12 under the supervision of the Director of the Maine Emergency  
Management Agency, who in this chapter shall--be is called the  
"director." The director must be qualified by education,  
14 training or experience in managing emergencies or in the  
emergency management profession and is appointed by the Governor,  
16 subject to review by the joint standing committee of the  
Legislature having jurisdiction over criminal justice and public  
18 safety matters and confirmation by the Legislature. The director  
serves at the pleasure of the Governor.

20  
22 The director may employ technical, clerical, stenographic,  
administrative and operative assistants and other personnel,  
24 subject to the Civil Service Law, and make expenditures, with  
approval of the commissioner, that are necessary to carry out the  
26 purposes of this chapter.

28 The director, subject to the direction and control of the  
commissioner, is responsible administratively to the  
commissioner, retains direct access to the Governor in the case  
30 of an emergency and is responsible for notifying the Governor and  
the commissioner of all emergencies. The director is the  
32 executive head of the agency and is responsible for carrying out  
the program for emergency management. The director shall  
34 represent the Governor on all matters pertaining to the  
comprehensive emergency management program and the disaster and  
36 emergency response of the State; shall coordinate the activities  
of all organizations for emergency management within the State;  
38 shall maintain liaison with and cooperate with emergency  
management and public safety agencies and organizations of other  
40 states, the Federal Government and foreign countries, and their  
political subdivisions; prior to the annual meeting required in  
42 section 782, subsection 4, shall provide to each of the local  
emergency management organizations of the State an annual  
44 assessment of each organization's degree of emergency management  
capability and any other information pertinent to ensuring the  
46 public's welfare and safety within the local organization's  
jurisdiction; and has additional authority, duties and  
48 responsibilities as may be prescribed by the commissioner or the  
Governor.

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2 ~~The director shall not require any political subdivision to~~  
~~participate in any program of nuclear-civil-protection-planning.~~

4 The director, in consultation with the Office of Chief  
6 Medical Examiner, shall prepare a plan for the recovery,  
8 identification and disposition of human remains in a disaster.  
10 The Office of Chief Medical Examiner is responsible for execution  
of the plan, with full cooperation and assistance from all other  
members of the emergency management forces.

12 This plan must be reviewed and updated as necessary. The  
14 director shall see that the plan and the reviews receive suitable  
dissemination on a timely basis.

16 The director shall conduct periodic assessments at least  
once every 2 years, beginning January 15, 2007, of the use of  
public safety radio frequencies in emergency situations to ensure  
that first responders obtain sufficient training to understand  
and comply with adopted protocols and procedures.

20 The director shall develop and conduct an annual program of  
comprehensive public education, using all appropriate means of  
communication to educate and inform members of the public and  
public officials about emergency preparedness, response, recovery  
and mitigation. The program must incorporate the use of  
appropriate accessible formats to educate and inform individuals  
with disabilities, individuals who are elderly and  
non-English-speaking residents of Maine.'

30 Further amend the bill in section 9 by striking out all of  
32 the amending clause (page 5, line 16 in L.D.) and inserting in  
its place the following:

34 'Sec. 9. 37-B MRSA §708 is enacted to read:'

36 Further amend the bill in section 9 by striking out all of  
38 §708 (page 5, lines 18 to 23 in L.D.)

40 Further amend the bill in section 9 in §709 in the first  
42 line (page 5, line 25 in L.D.) by striking out the following:  
"§709." and inserting in its place the following: '§708.'

44 Further amend the bill by striking out all of section 10 and  
inserting in its place the following:

46 'Sec. 10. 37-B MRSA §745, as enacted by PL 2005, c. 439, §1,  
48 is amended to read:

50 **§745. Disaster Relief Fund**

10/5

1. **Fund established.** There is established the Disaster Relief Fund, referred to in this section as "the fund," to be administered by the agency.

2. **Sources of fund.** The following must be paid into the fund:

- A. All money appropriated for inclusion in the fund;
- B. All interest from investment of the fund; and
- C. Any other money deposited in the fund ~~to implement the provisions of this subchapter~~ from the Department of Defense, Veterans and Emergency Management, Disaster Assistance Relief, Other Special Revenue Funds account.

3. **Use of fund.** The fund must be the first resource used when section 742 or 744 is invoked. The fund may also be used for the purpose of matching federal funds in the event of a federally declared disaster.

4. **Fund balance.** The fund's balance may not exceed \$3,000,000. Any amount, including interest, that accrues in excess of \$3,000,000 must be transferred by the State Controller to the Maine Budget Stabilization Fund, established in Title 5, section 1532.

5. **Annual report.** The director shall submit a written report by January 15, 2007 and annually thereafter to the Governor and the Legislature on the fund's balance and expenditures.

**Sec. 11. Resolve 2005, c. 126, §10** is amended to read:

**Sec. 10. Funding; 2 additional meetings of task force authorized.**  
**Resolved:** That the Maine Emergency Management Agency shall transfer \$5,320 at the beginning of fiscal year 2005-06 and ~~\$5,320~~ \$3,860 at the beginning of fiscal year 2006-07 to the Legislature to support the cost of the task force; and be it further'

Further amend the bill by striking out all of sections 13 to 15 and inserting in their place the following:

**Sec. 13. Emergency notification systems, evacuation plans and shelters.** The Director of the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management shall survey communities throughout the State to gather information on the following: the types of emergency notification systems that are in place throughout the State;

H. 018

2 evacuation plans for nursing homes currently adopted throughout  
3 the State; evacuation plans for other long-term care facilities,  
4 including home-based and community-based programs; evacuation  
5 plans for individuals living independently in communities who,  
6 due to age or disability, require assistance to evacuate; and  
7 shelter capabilities throughout the State, with a focus on  
8 determining how shelters are designed to accommodate populations  
9 with special needs, particularly persons with disabilities. The  
10 director shall survey communities and evaluate the information  
11 collected in collaboration with the Maine Developmental  
12 Disabilities Council, the Department of Health and Human  
13 Services, the Statewide Independent Living Council and other  
14 interested parties. The director shall report by September 18,  
15 2006 to the Task Force to Study Maine's Homeland Security Needs  
16 on the results of this survey and shall provide recommendations  
17 for improvement in these areas.

18 **Sec. 14. Report on hospital surge capacity.** The Director of the  
19 Maine Center for Disease Control and Prevention within the  
20 Department of Health and Human Services, in conjunction with  
21 health system stakeholders, shall update its recent survey of  
22 emergency health system capacity for public health emergencies in  
23 the State. The Director of the Maine Center for Disease Control  
24 and Prevention, in coordination with the Director of the Maine  
25 Emergency Management Agency within the Department of Defense,  
26 Veterans and Emergency Management, and the Director of Maine  
27 Emergency Medical Services within the Department of Public  
28 Safety, in consultation with health system stakeholders including  
29 the Maine Primary Care Association, the Maine Hospital  
30 Association and other interested parties, shall develop  
31 recommendations to address Maine's acute medical and public  
32 health surge capacity and shall provide a report on these  
33 recommendations by September 18, 2006 to the Task Force to Study  
34 Maine's Homeland Security Needs.'

36 Further amend the bill by striking out all of sections 17  
37 and 18 and inserting in their place the following:

38  
39 **'Sec. 17. Regional resource centers and other health system**  
40 **resources.** The Director of the Maine Center for Disease Control  
41 and Prevention within the Department of Health and Human Services  
42 shall work with health care and emergency management stakeholders  
43 to distribute grant funds provided by the United States  
44 Department of Health and Human Services, Health Resources and  
45 Services Administration to ensure that the regional resource  
46 centers are provided with sufficient funding resources to improve  
47 health system preparedness, within the limits of the federal  
48 funds, in accordance with the documented local needs of the  
49 federally specified funding beneficiaries: emergency medical  
50 services, poison control centers, health clinics and hospitals in



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2 each region. The Director of the Maine Center for Disease  
3 Control and Prevention shall report to the Task Force to Study  
4 Maine's Homeland Security Needs on the results of the federal  
5 Health Resources and Services Administration grant and contract  
6 with the regional resource centers and other health system  
7 providers and on proposed recommendations by September 18, 2006  
8 and to the joint standing committee of the Legislature having  
9 jurisdiction over health and human services matters and the joint  
10 standing committee of the Legislature having jurisdiction over  
11 criminal justice and public safety matters by January 15, 2007.  
12 The Maine Center for Disease Control and Prevention shall also  
13 report annually, beginning January 15, 2007, to the joint  
14 standing committee of the Legislature having jurisdiction over  
15 health and human services matters and the joint standing  
16 committee of the Legislature having jurisdiction over criminal  
17 justice and public safety matters on the progress of the grantees  
18 on meeting the stated contractual deliverables.

19 **Sec. 18. Disability indicator.** The Director of the Maine  
20 Emergency Management Agency within the Department of Defense,  
21 Veterans and Emergency Management shall consult with the Public  
22 Utilities Commission to determine the feasibility of adding a  
23 disability indicator to the current E-9-1-1 system in Maine to  
24 allow individuals with disabilities and special health needs to  
25 choose to provide a 2-digit code identifying special assistance  
26 needs in an emergency. The director shall report by September  
27 18, 2006 to the Task Force to Study Maine's Homeland Security  
28 Needs on the benefits and costs of this addition to the E-9-1-1  
29 system.

30 **Sec. 19. Application to identify use of school as community shelter.**  
31 The Department of Education shall amend its written application  
32 for funding for school projects to include the question: "Do you  
33 plan to use your school as a public community shelter?"

34 **Sec. 20. Report regarding Emergency System for Advance  
35 Registration of Voluntary Health Professionals.** The Department of  
36 Health and Human Services, Maine Center for Disease Control and  
37 Prevention shall submit a report to the Task Force to Study  
38 Maine's Homeland Security Needs by September 18, 2006 detailing  
39 the number of health care workers, by profession, registered in  
40 the United States Department of Health and Human Services'  
41 Emergency System for Advance Registration of Voluntary Health  
42 Professionals.

43 **Sec. 21. Appropriations and allocations.** The following  
44 appropriations and allocations are made.

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LEGISLATURE

R.O.S.

2 **Study Commissions - Funding 0444**

4 Initiative: Allocates funds for 2 additional meetings of the  
6 Task Force to Study Maine's Homeland Security Needs. The Maine  
8 Emergency Management Agency shall transfer these funds to the  
Legislature at the beginning of fiscal year 2006-07 to support  
the additional costs of the task force.

10	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2005-06</b>	<b>2006-07</b>
	Personal Services	\$0	\$660
12	All Other	\$0	\$3,200
14	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$3,860'</b>

16 Further amend the bill by relettering or renumbering any  
18 nonconsecutive Part letter or section number to read  
consecutively.

20 **SUMMARY**

22 This amendment directs the Commissioner of Administrative  
24 and Financial Services to recommend that, effective July 1, 2007,  
45% of the rental income collected by the Department of  
26 Administrative and Financial Services, Bureau of General  
Services, up to \$3,000,000, be transferred to the Department of  
28 Defense, Veterans and Emergency Management, Disaster Assistance  
Relief, Other Special Revenue Funds account for disaster  
30 assistance. The fund must be the first resource used when an  
emergency is proclaimed under the Maine Revised Statutes, Title  
32 37-B, section 742 or 744.

34 The amendment directs the Department of Education to amend  
its written application for funding for school construction  
36 projects to include the question: "Do you plan to use your  
school as a public community shelter?" The amendment also  
38 specifies that in the case of a school construction project in  
which the school is expected to be used as a community shelter,  
40 the State Board of Education may approve only those projects  
designed to accommodate backup energy generators.

42 The amendment modifies the required qualifications of the  
44 Director of the Maine Emergency Management Agency within the  
Department of Defense, Veterans and Emergency Management to  
46 require education, training or experience in managing emergencies  
or in the emergency management profession. The amendment  
48 specifies that the Director of the Maine Emergency Management  
Agency acts subject to the direction and control of the  
50 Commissioner of Defense, Veterans and Emergency Management. The

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COMMITTEE AMENDMENT "A" to S.P. 789, L.D. 2044

2 amendment repeals an archaic reference in the duties of the  
3 Director of the Maine Emergency Management Agency that specifies  
4 that the director may not require any political subdivision to  
5 participate in any program of nuclear civil protection planning.  
6 Finally, in the duties of the Director of the Maine Emergency  
7 Management Agency, the amendment clarifies that the director  
8 shall develop and conduct an annual program of comprehensive  
9 public education, using all appropriate means of communication to  
10 educate and inform members of the public and public officials  
11 about emergency preparedness, response, recovery and mitigation.  
12 The program must incorporate the use of appropriate accessible  
13 formats to educate and inform individuals with disabilities,  
14 individuals who are elderly and non-English-speaking residents of  
15 Maine.

16 The amendment expands the directive to the Director of the  
17 Maine Emergency Management Agency to evaluate emergency  
18 notification systems and evacuation plans and shelters to include  
19 evaluation of plans for other long-term care facilities besides  
20 nursing homes, including home-based and community-based programs,  
21 and evacuation plans for individuals living independently in  
22 communities who due to age or disability require assistance to  
23 evacuate.

24 The amendment strikes language requiring the Director of the  
25 Maine Emergency Management Agency and the Commissioner of  
26 Education to develop and incorporate emergency plans into the  
27 public school curriculum, as the law authorizes this planning and  
28 it is currently taking place.

29 The amendment specifies that the parties to be involved in  
30 updating information on Maine's emergency health system capacity  
31 include the Director of the Center for Disease Control and  
32 Prevention within the Department of Health and Human Services, in  
33 conjunction with health system stakeholders. The amendment also  
34 specifies that the Director of the Center for Disease Control and  
35 Prevention, in coordination with the Director of the Maine  
36 Emergency Management Agency and the Director of Maine Emergency  
37 Medical Services within the Department of Public Safety in  
38 consultation with health system stakeholders, including the Maine  
39 Primary Care Association, shall develop recommendations to  
40 address Maine's acute medical and public health surge capacity.  
41

42 The amendment directs the Director of the Maine Center for  
43 Disease Control and Prevention to work to distribute grant funds  
44 provided by the United States Department of Health and Human  
45 Services, Health Resources and Services Administration with  
46 health care and emergency management stakeholders to ensure that  
47 the regional resource centers are provided with sufficient  
48 funding resources to improve health system preparedness,  
49

**COMMITTEE AMENDMENT**

PLS

COMMITTEE AMENDMENT "A" to S.P. 789, L.D. 2044

2 recognizing the federal funding constraint, in accordance with  
the documented local needs of the federally specified funding  
4 beneficiaries: emergency medical services, poison control  
centers, health clinics and hospitals in each region. The Maine  
6 Center for Disease Control and Prevention shall also report  
annually, beginning January 15, 2007, to the joint standing  
8 committee of the Legislature having jurisdiction over health and  
human services matters and the joint standing committee of the  
10 Legislature having jurisdiction over criminal justice and public  
safety matters on the progress of the grantees on meeting the  
12 stated contractual deliverables.

14 The amendment repeals the application section regarding  
school construction projects.

16 The amendment adds several new sections to the bill,  
including directing the Director of the Maine Emergency  
18 Management Agency to consult with the Public Utilities Commission  
to determine the feasibility of adding a disability indicator to  
20 the current E-9-1-1 system in Maine to allow individuals with  
disabilities and special health needs to choose to provide a  
22 2-digit code identifying special assistance needs in an  
emergency; directing the Maine Center for Disease Control and  
24 Prevention to submit a report to the Task Force to Study Maine's  
Homeland Security Needs by September 18, 2006 detailing the  
26 number of health care workers, by profession, registered in the  
federal Emergency System for Advance Registration of Voluntary  
28 Health Professionals; and authorizing 2 additional meetings of  
the Task Force to Study Maine's Homeland Security Needs.

30 The amendment strikes language that gives the Joint Standing  
32 Committee on Criminal Justice and Public Safety jurisdiction over  
matters pertaining to the Maine Emergency Management Agency, as  
34 oversight of the agency can be inferred from the committee's  
review of the agency under the State Government Evaluation Act  
36 process and by confirmation of its director.

38 This amendment also adds an appropriations and allocations  
section.

FISCAL NOTE REQUIRED  
(See Attached)

**COMMITTEE AMENDMENT**



# 122nd MAINE LEGISLATURE

LD 2044

LR 3140(02)

## An Act To Enhance the Protection of Maine Families from Terrorism and Natural Disasters

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

### Fiscal Note

Current Costs - Legislative Study  
Potential Transfers to Budget Stabilization Fund

	2005-06	2006-07	Projections 2007-08	Projections 2008-09
<b>Appropriations/Allocations</b>				
Other Special Revenue Funds	\$0	\$3,860	\$0	
<b>Transfers</b>				
Other Special Revenue Funds	\$0	\$0	\$0	\$0

#### Legislative Study

This legislation includes an Other Special Revenue Funds allocation to the Legislature of \$3,860 in fiscal year 2006-07 for two additional meetings of the Task Force to Study Maine's Homeland Security Needs. Also included is authorization for a one-time Other Special Revenue Funds transfer of \$3,860 in fiscal year 2006-07 from the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management to the Legislature to cover the costs of this study.

#### Fiscal Detail and Notes

This legislation transfer of 45% of the rental income collected by the Department of Administrative and Financial Services , Bureau of General Services to an Other Special Revenue Funds account within the Department of Defense, Veterans and Emergency Management for disaster assistance. Beginning in fiscal year 2007-08, this authorization will result in an annual transfer of \$1,086,525 from the Bureau of General Services to the Disaster Assistance program within the Department of Defense, Veterans and Emergency Management.

This bill requires that the balance of the Disaster Relief Fund may not exceed \$3,000,000 and that any amount in excess of that threshold must be transferred to the Budget Stabilization Fund within the Department of Administrative and Financial Services. The extent to which this transfer is triggered will depend on the level of expenditures from the Disaster Relief Fund for emergencies of a significant magnitude which can not be predicted at this time.

The Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management will be able to absorb the tasks of staffing the Homeland Security Advisory Council and other minor tasks described in the bill within existing budgeted resources.

Any additional costs to the Department of Education and the Maine Center for Disease Control and Prevention in the Department of Health and Human Services in implementing this bill is expected to be minor and can be absorbed utilizing existing budgetary resources.