

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

NINETY-FOURTH LEGISLATURE

Legislative Document

No. 156

H. P. 481

House of Representatives, January 26, 1949.

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Woodworth of Fairfield.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT Creating the Department of Public Safety.

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

R. S., c. 13-A, additional. The revised statutes are hereby amended by adding thereto a new chapter to be numbered 13-A, to read as follows:

CHAPTER 13-A.

DEPARTMENT OF PUBLIC SAFETY

Sections 1-7 Commissioner. Public Safety Council. Emergency.

Sections 8-15 Municipal Aid Fire Account.

Commissioner. Public Safety Council. Emergency

Sec. 1. Commissioner of public safety; appointment; vacancy; salary; employees. There is hereby created a department of public safety which shall exercise such powers and perform such duties as are set forth in this chapter and shall have its headquarters in Augusta.

The head of the department shall be the commissioner of public safety, hereinafter in this chapter called the "commissioner," who shall be appointed by the governor, with the advice and consent of the executive council, to serve for a term of 4 years unless sooner removed for cause. Any

vacancy in the said office shall be filled by appointment for a like term in the same manner as hereinbefore provided. The salary of the commissioner shall be fixed by the governor and the executive council. The commissioner may employ such assistants and employees as may be necessary, subject to the provisions of the personnel law.

In the event of a vacancy in the office of commissioner because of death, resignation, removal or other cause, the various assistants and employees shall continue in office and perform such duties as have been prescribed for or assigned to them until such vacancy has been filled by the appointment and qualification of a new commissioner.

Sec. 2. Public safety council; membership; expenses. There shall be a public safety council within the department which shall work, consult and advise with the commissioner on matters of policy, programming and developing a system for meeting the public perils, common disasters and catastrophes.

The council shall be composed of the following members: the commissioner of public safety, ex officio, who shall serve as chairman; the chief of the state police; the commissioner of health and welfare; the adjutant general; the insurance commissioner; the forest commissioner; the president of the Maine fire chiefs' association; the president of the Maine sheriffs' association and a field representative of the American National Red Cross to be appointed by the governor.

The members of the council, other than the state officers, shall serve without compensation but shall be allowed actual and necessary expenses incurred pursuant to the work of the council.

Sec. 3. Duties; rules and regulations; reports. The commissioner shall have general supervision over the safety of all persons and property within the state and shall be charged with the duty of providing a program and policy which will assist in the protection of life and property against the careless practices of humans. He shall administer the laws on public safety as set forth in this chapter.

The commissioner shall make, amend or rescind, after public hearing thereon, notice of which has been duly advertised in the state paper, reasonable rules and regulations for carrying out the purposes of this chapter.

Such rules and regulations shall become effective when approved in writing by the governor and executive council and when a certified copy thereof has been filed with the secretary of state. The commissioner may

waive the requirements of any such rules and regulations to cover any special circumstances, conditions or localities.

The commissioner shall report to the governor annually and to the legislature at each biennial session. Additional reports may be filed whenever the commissioner and council determine that such reports are useful or necessary to safeguard life and property.

Sec. 4. Certain specific functions of the commissioner. The commissioner shall perform the following functions and duties:

- I. Make and maintain a continuing survey of the municipalities and unorganized territory of the state in connection with the preparation of disaster and catastrophe plans;
- II. Prepare and maintain current
 - A. Plans approved by the council for prevention of all foreseeable forms of perils, disasters and catastrophes,
 - B. Plans approved by the council for control of disasters and catastrophes if and when they occur,
 - C. Plans approved by the council for relief of distress incident to disasters and catastrophes.
 - D. Inventories of equipment for all disaster and catastrophe services;
- III. Organize agencies for necessary action relative to disaster and catastrophe planning, training, control and relief and to carry out all plans approved by the council;
- IV. When an emergency has been declared by the governor under the provisions of section 5, to act as state coordinator; and he is hereby authorized to supervise, direct and control such emergency under the plans of organization prepared and approved under the provisions of this section or to delegate to others such supervision, direction and control under his written authority;
- V. Supervise and coordinate relief work incident to disaster and catastrophe;
- VI. Supervise and control fire-fighting personnel and equipment in times of emergency;
- VII. Prepare and file the necessary reports as provided in section 3.

The commissioner is hereby granted the power and authority to delegate any and all duties which he is required to perform under the provisions of this chapter.

Sec. 5. Emergency; proclamation; publication; annulled. Whenever a conflagration or other disaster exists or appears imminent in any part of the state, the governor shall by proclamation declare the fact and that an emergency exists in any and all sections of the state. Such proclamation shall be published in such newspapers of the state and posted in such places as the governor deems necessary and a copy of such proclamation shall be filed with the secretary of state.

Whenever the governor is satisfied that an emergency no longer exists, he may annul the proclamation by another proclamation affecting the sections of the state covered by the original proclamation, or any part thereof, which said proclamation shall be published and posted in the same manner as provided for the issuance of the original proclamation.

Sec. 6. Aid in emergency; penalty. When an emergency has been proclaimed by the governor, the commissioner shall have the power and authority to utilize any available equipment and enlist the aid of any person to assist in the effort to control, put out or end the conflagration or other disaster, or aid in the caring for the safety of persons. Any person who thus refuses without reasonable cause shall upon conviction be punished by a fine of not more than \$1,000, or by imprisonment for not more than 11 months, or by both such fine and imprisonment.

Sec. 7. Right of way; penalty; jurisdiction. Men and equipment required to respond to emergency calls under the provisions of this chapter shall have the right of way over all public ways and roads when an emergency has been proclaimed and the governor is hereby granted the right to close or restrict traffic on all roads in any area.

Whoever shall fail to give the right of way to men, vehicles and equipment required to respond to emergency calls under this chapter, or whoever shall enter upon roads which have been closed to traffic under the provisions of this chapter, shall, upon conviction, be punished by a fine of not more than \$1,000, or by imprisonment for not more than 11 months, or by both such fine and imprisonment. Municipal courts shall have jurisdiction of all such offenses.

Municipal Aid Fire Account

Sec. 8. Municipal aid fire account; appropriation for. There is hereby appropriated out of any moneys in the general fund not otherwise appropriated the sum of \$250,000 annually to carry out the purposes of sections 8 to 15, inclusive, and an account shall be set up on the books of the state controller to be known and designated as "Municipal Aid Fire Account," which shall not lapse, but shall remain a continuing carrying account.

The account shall be used for partial reimbursement to the several towns and cities within the state for moneys expended for fire-fighting equipment, which such municipalities may hereafter purchase with the approval of a board consisting of the insurance commissioner, the forest commissioner and the commissioner of public safety, who shall act as chairman. This board shall meet on call of the chairman or at the request of any 2 members of the board.

Sec. 9. Applications. Applications for reimbursement shall be in writing, signed by the municipal officers or a majority thereof, and shall be under oath. The board is authorized to provide printed forms for the purpose. Applications shall cover expenditures for a calendar year and shall be made on or before the 31st day of January thereafter unless the board for good cause shall extend the time for filing. Applications shall include proof that the municipality has formally accepted the provisions of this chapter and that its equipment and personnel shall be subject to the supervision and control of the commissioner of public safety in case of emergency as declared by the governor under the provisions of section 5. In the case of towns, attested copies of the town record showing that the inhabitants voted to accept the provisions of this chapter at a town meeting duly called and held, in accordance with an article for this purpose inserted in the warrant calling such meeting, shall be sufficient proof. In the case of cities, an attested copy of the record of a regular meeting of the municipal officers thereof, showing acceptance by a majority of the municipal officers, shall be sufficient proof.

Sec. 10. Disbursement. The funds herein provided for shall be disbursed by the treasurer of state on lawful warrant, as other state funds are disbursed, when the board shall certify that the applicant town or city has formally accepted the provisions of this chapter, that the town or city has purchased specified fire-fighting equipment with the approval of the board and that such equipment has been paid for in full.

Sec. 11. Reimbursement limited. In no case shall the reimbursement granted exceed 50% of the actual cost of the approved equipment so purchased, and no town or city shall receive reimbursement in excess of \$10,000 for expenditures made in 1 calendar year.

Any town, city or quasi-municipal corporation which has applied for and received reimbursement under the provisions of this chapter shall be subject to the provisions of this chapter for a period of 10 years after receiving such reimbursement.

Sec. 12. Fire districts and village corporations. When a town or city does not maintain a fire department, but a village corporation, fire district or other quasi-municipal corporation does maintain a fire department within such town or city, the benefits of this chapter may be enjoyed by such village corporation, fire district or other quasi-municipal corporation or independent fire departments, provided that such quasi-municipal corporation shall have accepted the provisions of this chapter. Applications by such quasi-municipal corporations shall be in substantially the same form as applications made by towns. Provided, however, that when there are 2 or more such fire departments in the same city or town, the aggregate amount granted to reimburse such quasi-municipal corporations shall not exceed the amount which might have been granted to 1 city or town, but shall be decreased proportionately to the end that each of such fire departments shall receive the same percentage of the cost of its approved equipment purchased.

Sec. 13. Definition. As used in this chapter, the term "fire-fighting equipment" shall include pumps and vehicles, together with hose and other accessories which may be required therewith to complete a single fire-fighting unit.

Sec. 14. Injured firemen to be compensated. Firemen injured while responding to out-of-town emergency calls under the provisions of this chapter, or while fighting fires during such emergency, or while returning from such fires, shall receive the benefits provided by the workmen's compensation act, and the governor and council are authorized to contract for insurance coverage for this purpose.

Sec. 15. Expense, how borne. Risk of loss or damage to fire-fighting equipment shall at all times be assumed by the municipality owning the same. When a fire department is called into service by reason of a proclaimed emergency and is actually called upon to fight an out-of-town fire, the state shall pay $\frac{1}{2}$ of the wages of the members of such department actually so employed, on approval of the state controller. Nothing herein contained shall affect any arrangements between municipalities for reciprocal aid.'