

MAINE STATE LEGISLATURE

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N I N E T Y - F O U R T H L E G I S L A T U R E

Legislative Document

No. 1101

S. P. 538

In Senate, March 1, 1949.

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

CHESTER T. WINSLOW, Secretary.

Presented by Senator Cobb of Oxford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT Creating a Public Safety Council, Emergency.

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.

PUBLIC SAFETY COUNCIL.

Sec. 1. Public safety council created. There is hereby created a public safety council which shall exercise such powers and perform such duties as are set forth in this chapter and shall have its headquarters in Augusta.

Sec. 2. Membership; terms; expenses. The council shall be composed of the following members: the commissioner of insurance, ex officio, who shall serve as chairman; the chief of the state police; the director of health; the adjutant general; 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. They shall serve for the duration of terms in their respective organizations.

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 of council. The council shall work, consult and advise with the chairman on matters of policy, programming and developing a system for meeting the public perils, common disasters and catastrophes.

Sec. 4. Duties of chairman; rules and regulations; reports. The chairman 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 chairman may waive the requirements of any such rules and regulations to cover any specific circumstances, conditions or localities.

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

Sec. 5. Certain specific functions of the council. Each member of the council shall, in his own department or organization of which he is a member, 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 disaster and catastrophe if and when they occur,

C. Plans approved by the council for relief of distress incident to disaster and catastrophe,

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.

Sec. 6. Appointment of state coordinator during emergency; powers. When an emergency has been declared by the governor under the provisions of section 7, he shall appoint a qualified member of the council to act as state coordinator; and he is hereby authorized to

- I. Supervise, direct and control such emergency under the plans prepared and approved under the provisions of section 5;
- II. Supervise and coordinate relief work incident to disaster and catastrophe;
- III. Supervise and control fire fighting personnel and equipment during the emergency;
- IV. Prepare and file the necessary reports as provided in section 4.

During an emergency the state coordinator 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. 7. 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. 8. Aid in emergency; penalty. When an emergency has been proclaimed by the governor, the state coordinator 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. 9. 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 emer-

gency 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.

Sec. 10. Response of fire departments to calls for aid from other cities, etc. Towns may authorize their respective fire departments to go to aid another town in extinguishing fires therein, and while in the performance of their duties in extending such aid the members of such departments shall have the same immunities and privileges as if performing the same within their respective towns. Any such ordinance, by-law or vote may authorize the head of the fire department to extend such aid, subject to such conditions and restrictions as may be prescribed therein. The words "fire departments" as used in this section shall mean lawfully organized fire fighting forces, however constituted.

Any town aided under and in accordance with this section may compensate any town rendering aid as aforesaid for the whole or any part of any damage to its property sustained in the course of rendering the same and may reimburse it in whole or in part for any payments lawfully made to any member of its fire department or to his widow or other dependents on account of injuries or death suffered by him in the course of rendering aid as aforesaid or of death resulting from such injuries.'