

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)

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

Legislative Document

No. 353

S. P. 159

In Senate, February 2, 1955.

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

CHESTER T. WINSLOW, Secretary.

Presented by Senator Reid of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

AN ACT Revising the Laws on Civil Defense and Public Safety.

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

Sec. 1. R. S., c. 12, § 4, amended. Section 4 of chapter 12 of the revised statutes is hereby amended by adding at the end thereof a new paragraph, to read as follows:

‘Upon the failure of the appropriate local body to remove, or the refusal of such body to remove any person for incompetence, misconduct, neglect of duty, disloyalty or subversive activity, then the State Director may remove such person for the causes above enumerated.’

Sec. 2. R. S., c. 12, § 8, amended. The 3rd paragraph of section 8 of chapter 12 of the revised statutes is hereby amended to read as follows:

‘Police sections of such mobile reserve battalions shall have the power to make arrests of persons found in violation of any state law or any provisions of this chapter or any rules or regulations promulgated thereunder in times of emergency or during authorized alerts, including partial or full mobilization necessary to carry out the provisions of section 6 of this chapter; and the same power of arrest is vested in such police sections of mobile reserve battalions of other states, foreign countries or their political subdivisions while on active duty within the borders of this State.’

Sec. 3. R. S., c. 12, § 9, amended. Section 9 of chapter 12 of the revised statutes is hereby amended to read as follows:

‘Sec. 9. Local organization for civil defense and public safety. Each political subdivision of this State is authorized ~~and directed~~ to establish **and shall estab-**

lish a local organization for civil defense and public safety in accordance with the state civil defense and public safety plan and program. Each local organization for civil defense and public safety shall have a director who shall be appointed by the executive officer or governing body of the political subdivision, and who shall have direct responsibility for the organization, administration and operation of such local organization for civil defense and public safety, subject to the direction and control of such executive officer or governing body. **Any director so appointed may be removed by the appointing body for incompetence, misconduct, neglect of duty, disloyalty or subversive activity. The Director may also remove any of his appointees for incompetence, misconduct, neglect of duty, disloyalty or subversive activity.** Each local organization for civil defense and public safety shall perform civil defense and public safety functions within the territorial limits of the political subdivision within which it is organized, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of section 10.

Duly appointed civil defense and public safety law enforcement officers of local, state and sheriffs organizations shall have power to make arrests of persons found in violation of any provisions of this chapter or any rules and regulations promulgated thereunder in times of emergency or during authorized alerts, including partial or full mobilization necessary to carry out the provisions of section 6 of this chapter.'

Sec. 4. R. S., c. 12, § 9-A, additional. Chapter 12 of the revised statutes is hereby amended by adding thereto a new section to be numbered 9-A, to read as follows:

'Sec. 9-A. Penalties on political subdivisions. Notwithstanding any provision of law, and in addition to any other penalty fixed by law, willful failure by an executive officer or member of a governing body of a political subdivision having administrative responsibilities or other duties under this chapter to obey an order or regulation adopted or made pursuant to this chapter relating to his administrative responsibilities or to his other duties shall be cause for removal from office. Subject to the provisions of the State Constitution, such removal shall be by the Governor upon charges by the Director after service upon such executive officer or member of a copy of the charges, giving him an opportunity to be heard in his defense. Pending preparation and disposition of charges, the Governor may suspend such executive officer or member of a governing body for a period not exceeding 30 days. A vacancy resulting from removal pursuant to this section shall be filled by the Governor until it is filled as otherwise provided by law.

In the event of a proclaimed emergency as provided for in section 6 of this chapter and in the event of the failure of a political subdivision to carry out the provisions of this chapter or the plans, regulations and orders adopted pursuant thereto, the Governor may authorize the State Director or his appointee to assume direct operational control of any or all agencies or public offices having administrative responsibilities pursuant to this chapter to the extent necessary for the performance of such responsibilities, and in such event the officers in charge of such agencies or offices shall exercise only such powers and perform such duties as are required of them by the Director or the person managing

such agencies or offices pursuant to order of the Director. In all such cases all expenses incurred by the Director to conduct such agencies or offices, including the salary or other compensation of all persons employed, shall be a charge upon the political subdivision or subdivisions of the State otherwise liable for the expense of such agencies or offices.'

Sec. 5. R. S., c. 12, § 12, amended. Section 12 of chapter 12 of the revised statutes is hereby amended by adding at the end thereof the following paragraph:

'The State Director, for purposes of civil defense and public safety, and subject to the approval of the Governor, may convey equipment, supplies, materials or funds by way of sale, lease or grant to any political subdivision of the State, such conveyance to be subject to the terms of the offer and the rules and regulations, if any, imposed by the State.'

Sec. 6. R. S., c. 12, § 13, amended. Section 13 of chapter 12 of the revised statutes is hereby amended to read as follows:

'Sec. 13. Utilization of existing services and facilities. In carrying out the provisions of this chapter, the Governor and the executive officers or governing bodies of the political subdivisions of the State are directed ~~to~~ and shall utilize the services and facilities of existing departments, offices and agencies of the State and ~~of~~ all the political subdivisions thereof to the maximum extent practicable, and the officers and personnel of all such departments, offices and agencies are directed ~~to~~ and shall cooperate with and extend such services and facilities to the Governor and to the civil defense and public safety organizations of ~~the~~ this State upon request.'

Sec. 7. R. S., c. 12, § 19-A, additional. Chapter 12 of the revised statutes is hereby amended by adding thereto a new section to be numbered 19-A, to read as follows:

'Sec. 19-A. Neglect of duty. Every officer of a political subdivision of this State who neglects any duty lawfully required of him under the provisions of this chapter shall be punished by a fine of \$20 for every such neglect.'