

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundredth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with
the Revised Statutes of 1954, Chapter 10, Section 27, Subsection VI.

KENNEBEC JOURNAL

AUGUSTA, MAINE

1961

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the One Hundredth Legislature

1961

tion, or locations, of government where all, or any part, of the public business may be transacted and conducted during the emergency situation. Such sites or places may be within or without the territorial limits of such political subdivision and may be within or without this State.

Sec. 46. Powers. During the period when the public business is being conducted at the emergency temporary location, or locations, the governing body and other officers of a political subdivision of this State shall have and possess and shall exercise, at such location, or locations, all of the executive, legislative and judicial powers and functions conferred upon such body and officers by or under the laws of this State. Such powers and functions may be exercised in the light of the exigencies of the emergency situation without regard to or compliance with time consuming procedures and formalities prescribed by law and pertaining thereto, and all acts of such body and officers shall be as valid and binding as if performed within the territorial limits of their political subdivision.

Sec. 47. Application. Sections 45 to 47 shall control and be supreme in the event they shall be employed, notwithstanding any statutory, charter or ordinance provision to the contrary or in conflict herewith.'

Effective September 16, 1961

Chapter 99

AN ACT Relating to Emergency Location of State Government.

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

R. S., c. 1, §§ 42-44, additional. Chapter 1 of the Revised Statutes, as amended, is further amended by adding 3 new sections to be numbered 42 to 44, to read as follows:

'Emergency Location of State Government.

Sec. 42. Emergency location of State Government. Whenever, due to an emergency resulting from the effects of enemy attack, or the anticipated effects of a threatened enemy attack, it becomes imprudent, inexpedient or impossible to conduct the affairs of State Government at the normal location of the seat thereof in Augusta, the Governor shall, as often as the exigencies of the situation require, by proclamation, declare an emergency temporary location, or locations, for the seat of government at such place, or places, within or without this State as he may deem advisable under the circumstances, and shall take such action and issue such orders as may be necessary for an orderly transition of the affairs of State Government to such emergency temporary location, or locations. Such emergency temporary location, or locations, shall remain as the seat of government until the Legislature shall by law establish a new location, or locations, or until the emergency is declared to be ended by the Governor and the seat of government is returned to its normal location.

Sec. 43. Act valid and binding. During such time as the seat of government remains at such emergency temporary location, or locations, all official acts now or hereafter required by law to be performed at the seat of government by any officer, agency, department or authority of this State, including

the convening and meeting of the Legislature in regular, extraordinary or emergency session, shall be as valid and binding when performed at such emergency temporary location, or locations, as if performed at the normal location of the seat of government.

Sec. 44. Application. Sections 42 to 44 shall control and be supreme in the event they shall be employed, notwithstanding the provisions of any other law to the contrary or in conflict herewith.'

Effective September 16, 1961

Chapter 100

AN ACT Providing for Emergency Interim Legislative Succession.

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

R. S., c. 10, §§ 8-A - 8-O, additional. Chapter 10 of the Revised Statutes, as amended, is further amended by adding 15 new sections to be numbered 8-A to 8-O, to read as follows:

'Emergency Interim Legislative Succession.

Sec. 8-A. Short title. Sections 8-A to 8-O shall be known as the "Emergency Interim Legislative Succession Act."

Sec. 8-B. Declaration of policy. The Legislature declares that recent technological developments make possible an enemy attack of unprecedented destructiveness, which may result in the death or inability to act of a large proportion of the membership of the Legislature; that to conform in time of attack to existing legal requirements pertaining to the Legislature would be impracticable, would admit of undue delay, and would jeopardize continuity of operation of a legally constituted Legislature; and that it is therefore necessary to adopt special provisions for the effective operation of the Legislature.

Sec. 8-C. Definitions. As used in sections 8-A to 8-O:

I. Attack. "Attack" means any action or series of actions taken by an enemy of the United States resulting in substantial damage or injury to persons or property in this State whether through sabotage, bombs, missiles, shellfire, or atomic, radiological, chemical, bacteriological or biological means or other weapons or methods;

II. Unavailable. "Unavailable" means absent from the place of session, other than on official business of the Legislature, or unable, for physical, mental or legal reasons, to exercise the powers and discharge the duties of a legislator, whether or not such absence or inability would give rise to a vacancy under existing constitutional or statutory provisions.

Sec. 8-D. Designation of emergency interim successors to legislators. Each legislator shall designate not fewer than 3 nor more than 7 emergency interim successors to his powers and duties and specify their order of succession. Each legislator shall review and, as necessary, promptly revise the designations of