

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
One Hundred and Sixth Legislature  
1ST SPECIAL SESSION  
JANUARY 2, 1974 TO MARCH 29, 1974  
AND BY THE  
One Hundred and Seventh Legislature  
REGULAR SESSION  
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,  
SECTION 164, SUBSECTION 6.

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THE KNOWLTON AND MCLEARY COMPANY  
FARMINGTON, MAINE  
1975

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PUBLIC LAWS  
OF THE  
STATE OF MAINE

AS PASSED BY THE  
One Hundred and Seventh Legislature

1975

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## CHAPTER 616

**AN ACT** to Remove the Commissioner of the Department of Conservation from the Maine Land Use Regulation Commission.

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

**Sec. 1.** 12 MRSA § 683, first ¶, 3rd sentence, as last repealed and replaced by PL 1973, c. 698, is amended to read:

The commission shall consist of ~~the Commissioner of the Department of Conservation, ex officio, and 6~~ 7 public members, none of whom shall be state employees, who shall be appointed by the Governor, with the advice and consent of the Council, for staggered 4-year terms.

**Sec. 2.** 12 MRSA § 683, last ¶, as last repealed and replaced by PL 1973, c. 698, is amended by adding at the end a new sentence to read:

One of the members shall be elected annually by the members as chairman.

**Sec. 3. Appropriation.** There is appropriated from the General Fund to the Land Use Regulation Commission for the biennium the sum of \$1,750 to be used for the payment of per diem and travel expenses of the additional public member established under this Act. The breakdown shall be as follows:

	1975-76	1976-77
Personal Services	(1) \$250	(1) \$335
All Other	500	665
	<hr/> \$750	<hr/> \$1,000

**Sec. 4. Transition.** This Act shall not affect the tenure of any public member of the Land Use Regulation Commission who is a member on the effective date of this Act. Within one month of the effective date of this Act, the Governor shall nominate a public member of the Land Use Regulation Commission to fill the vacancy created by this Act. The public member appointed under this section shall serve a term of 4 years.

Effective October 1, 1975

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## CHAPTER 617

**AN ACT** Concerning Disaster Relief under the Civil Emergency Preparedness Statutes.

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

37-A MRSA § 62-A is enacted to read:

§ 62-A. Disaster relief

1. Major disasters.

A. Whenever the President, at the request of the Governor, has declared a major disaster to exist in this State, the Governor is authorized:

(1) Upon his determination that financial assistance is essential to meet disaster related necessary expenses or serious needs of individuals or families adversely affected by a major disaster that cannot be otherwise adequately met from other means of assistance, to accept a grant by the Federal Government to fund such financial assistance, subject to such terms and conditions as may be imposed upon the grant; and

(2) To enter into an agreement with the Federal Government, or any officer or agency thereof, pledging the State to participate in the funding of the financial assistance authorized in subparagraph (1), in an amount not to exceed 25% thereof, and, if state funds are not otherwise available to the Governor, to accept an advance of the state's share from the Federal Government to be repaid when the State is able to do so.

B. Notwithstanding any other provision of law or regulation, the Governor is authorized to make financial grants to meet disaster related necessary expenses or serious needs of individuals or families adversely affected by a major disaster which cannot otherwise adequately be met from other means or assistance, which shall not exceed \$5,000 in the aggregate to an individual or family in any single major disaster declared by the President.

C. The Governor shall make such regulations as are necessary for the carrying out of this section, including, but not limited to, standards of eligibility for persons applying for benefits; procedures for applying for and administration of relief; methods of investigation, filing and approving applications and formation of local or state-wide boards to pass upon applications and procedures for appeals.

D. Any person who fraudulently or willfully makes a misstatement of fact in connection with an application for financial assistance under this section shall, upon conviction of each offense, be punished by a fine of not more than \$5,000 or by imprisonment for not more than one year, or by both.

2. Temporary housing.

A. Whenever the Governor has proclaimed a disaster emergency under the laws of this State, or the President has declared an emergency or a major disaster to exist in this State, the Governor is authorized:

(1) To enter into purchase, lease or other arrangements with any agency of the United States for temporary housing units to be occupied by disaster victims and to make such units available to any political subdivision of the State;

(2) To assist any political subdivision of this State, which is the locality for temporary housing for disaster victims, to acquire sites necessary for such temporary housing and to do all things required to prepare such site to receive and utilize temporary housing units, by advancing or lending funds available to the Governor from any appropriation made by the Legislature or from any other source, and "passing through" funds made available by any agency, public or private; or becoming a copartner with

the political subdivision for the execution and performance of any temporary housing project for disaster victims and for such purposes to pledge the credit of the State on such terms as he or she deems appropriate having due regard for current debt transactions of the State; and

(3) Under such regulations as he or she shall prescribe, to temporarily suspend or modify, for not to exceed 60 days, any public health, safety, zoning, transportation within or across the State or other requirement of law or regulation within this State, when by proclamation he or she deems such suspension or modification essential to provide temporary housing for disaster victims.

B. Any political subdivision of this State is expressly authorized to acquire, temporarily or permanently, by purchase, lease or otherwise, sites required for installation of temporary housing units for disaster victims, and to enter into whatever arrangements, including purchase of temporary housing units and payment of transportation charges, which are necessary to prepare or equip such sites to utilize the housing units.

C. The Governor is authorized to make rules and regulations necessary to carry out the purposes of this subsection.

D. Nothing contained in this section shall be construed to limit the Governor's authority to apply for, administer and expend any grants, gifts or payments in aid of disaster prevention, preparedness, response or recovery.

E. "Major disaster," "emergency" and "temporary housing," as used in this section shall have the same meaning as the terms are defined or used in the Disaster Relief Act of 1974 of the United States (P. L. 93-288, 88 Stat. 143).

3. Community disaster loans. Whenever, at the request of the Governor, the President has declared a major disaster to exist in this State, the Governor is authorized:

A. Upon his determination that a local government of the State will suffer a substantial loss of tax and other revenues from a major disaster and has demonstrated a need for financial assistance to perform its governmental functions, to apply to the Federal Government, on behalf of the local government, for a loan; and to receive and disburse the proceeds of any approved loan to any applicant local government;

B. To determine the amount needed by any applicant local government to restore or resume its governmental functions, and to certify the same to the Federal Government, provided that no application amount shall exceed 25% of the annual operating budget of the applicant for the fiscal year in which the major disaster occurs; and

C. To recommend to the Federal Government, based upon his review, the cancellation of all or any part of repayment when, after 3 full fiscal years following the major disaster, the revenues of the local government are insufficient to meet its operating expenses, including additional disaster related expenses of a municipal operation character.

4. Debris removal in major disasters.

A. Whenever the Governor has declared a disaster emergency to exist under the laws of this State, or the President, at the request of the Governor has declared a major disaster or emergency to exist in this State, the Governor is authorized:

(1) Notwithstanding any other provision of law, through the use of state departments or agencies, or the use of any of the state's instrumentalities, to clear or remove from publicly or privately-owned land or water, debris and wreckage which may threaten public health or safety, or public or private property; and

(2) To accept funds from the Federal Government and utilize such funds to make grants to any local government for the purpose of removing debris or wreckage from publicly or privately-owned land or water.

B. Conditions of execution of removal or clearance:

(1) Authority under this section shall not be exercised unless the affected local government, corporation, organization or individual shall first present an unconditional authorization for removal of such debris or wreckage from public and private property, and, in the case of removal of debris or wreckage from private property, shall first agree to indemnify the State Government against any claim arising from such removal;

(2) Whenever the Governor provides for clearance of debris or wreckage pursuant to subparagraphs (1) or (2) of paragraph A, employees of the designated state agencies or individuals appointed by the State are authorized to enter upon private land or waters and perform any tasks necessary to the removal or clearance operation; and

(3) Except in cases of willful misconduct, gross negligence or bad faith, any state employee or agent complying with orders of the Governor and performing duties pursuant thereto under this section shall not be liable for death of or injury to persons or damage to property.

C. The Governor is authorized to make rules and regulations to carry out this subsection.

Effective October 1, 1975

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## CHAPTER 618

AN ACT Establishing a Fee-for-Service System for the  
Diagnostic Laboratory, Department of Health and Welfare.

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

22 MRSA § 562, as amended by PL 1971, c. 466, § 1, is further amended to read:

§ 562. Superintendent; appointment; duties; fees charged for certain services; certain services free