

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

SECOND SPECIAL SESSION

November 18, 1983

AND AT THE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

AND AT THE

THIRD SPECIAL SESSION

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J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND ELEVENTH LEGISLATURE
JANUARY 4, 1984 TO APRIL 25, 1984

CHAPTER 594

H.P. 1337 - L.D. 1777

AN ACT to Amend the Military Laws of
the State of Maine.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Legislative Document 1777, which was passed by the Legislature during the First Regular Session of the 111th Legislature, has been recalled from the Governor's desk for reconsideration this session; and

Whereas, certain provisions of that bill relating to finance and discipline are immediately necessary for the proper operation of state military affairs; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety, now, therefore,

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

Sec. 1. 25 MRSA §1505, as amended by PL 1973, c. 625, §164, is further amended to read:

§1505. Reserve corps

The chief ~~is authorized to~~ may establish and maintain a State Police Reserve Corps. To be eligible for membership in such reserve corps, applicants shall meet such standards as may be determined by the chief; shall enlist therein for a period of not less than 3 years, and shall take the oath prescribed in Title 37-A 37-B, section 65 833. Upon the issuance by the Governor of the proclamation provided for in Title 37-A 37-B, section 57 742, the chief may order any or all of the members of ~~said the~~ the reserve corps to active duty as State Police for the duration of the proclaimed emergency or any part thereof. When ordered to active duty, members of ~~said the~~ the reserve corps shall have the same status as regular members of the State Police.

Sec. 2. 37-B MRSA §3, sub-§1, ¶D, as enacted by PL 1983 c. 460, §3, is amended to read:

D. Have the following powers and duties.

(1) He shall administer the department subordinate only to the Governor.

(2) He shall establish methods of administration consistent with the law necessary for the efficient operation of the department.

(3) He may prepare a budget for the department.

(4) He may transfer personnel from one bureau to another within the department.

(5) He shall supervise the preparation of all state informational reports required by the federal military establishment.

(6) He shall keep an accurate account of expenses incurred and, in accordance with Title 5, sections 43 to 46, make a full report to the Governor as to the condition of the military forces, and as to all business transactions of the Military Bureau, including detailed statements of expenditures for military purposes.

(7) He shall be responsible for the custody, care and repair of all military property belonging to or issued to the State for the military forces and shall dispose of military property belonging to the State which is unserviceable. He shall account for and deposit the proceeds from that disposal with the Treasurer of State who shall credit them to the General Fund.

(8) He may sell for cash to officers of the state military forces, for their official use, and to organizations of the state military forces, any military or naval property which is the property of the State. He shall, with his annual report, render to the Governor an accurate account of the sales and shall deposit the proceeds of the sales with the Treasurer of State who shall credit them to the General Fund.

(9) He shall represent the state military forces for the purpose of establishing the relationship between the federal military

establishment and the various state military staff departments.

(10) He shall accept, receive and administer federal funds for and on behalf of the State which are available for military purposes or which would further the intent and specific purposes of this chapter and chapter 3.

(11) He shall acquire, construct, operate and maintain military facilities necessary to comply with this Title and Title 32 of the United States Code and shall operate and maintain facilities now within or hereafter coming within the jurisdiction of the Military Bureau.

(12) He may adopt rules pertaining to compliance with state and federal contracting requirements, subject to the Maine Administrative Procedure Act, Title 5, chapter 375. Those rules shall provide for approval of contracts by the appropriate state agency.

Sec. 3. 37-B MRSA §107, sub-§3, as enacted by PL 1983 c. 460, §3, is amended to read:

3. Meet federal criteria for recognition. Meet the criteria for federal recognition in the grade to which appointed as prescribed by regulations governing the United States National Guard, except for time in grade requirements.

Sec. 4. 37-B MRSA §143, as enacted by PL 1983 c. 460, §3, is amended by adding after the first paragraph a new paragraph to read:

Specific orders for active state duty, called by the Governor, shall include a minimum pay based upon at least 12 hours a day at the state minimum wage.

Sec. 5. 37-B MRSA §144, as enacted by PL 1983 c. 460, §3, is repealed and the following enacted in its place:

§144. Civilian employees

The Commander in Chief may authorize the employment of civilian personnel in organizations in which there are vacancies of necessary personnel when the organizations are on duty under his orders or are called upon in aid of civil authorities. These civilian personnel, during this employment, are subject to the laws and regulations for the government of the state military forces and shall receive pay commensurate with these duties.

Sec. 6. 37-B MRSA §151 is enacted to read:

§151. Military Lodging Fund

The Military Bureau may operate and maintain lodging facilities for military personnel and charge a quarters fee of not more than \$5 each night to authorized National Guard or active or reserve United States military personnel. The fees shall be used to provide funds to cover the cost of maintenance, cleaning and laundry services for these lodging facilities. Any balances remaining at the end of the fiscal year shall not lapse but shall be carried forward to be used for the purposes stated in this section.

Sec. 7. 37-B MRSA §182, as enacted by PL 1983 c. 460, §3, is amended by adding at the end 2 new paragraphs to read:

In the event of a proclamation of insurrection, and without limiting any other powers of the Governor, whether inherent or conferred by other existing laws, the Governor may issue rules under the emergency rule-making provisions of the Maine Administrative Procedure Act, Title 5, section 8054, which are reasonable under the circumstances to avert additional damage, destruction, injury or loss of life, including, but not limited to, emergency rules for curfews, the deployment of emergency medical supplies and facilities, evacuations, the closing of liquor, arms, ammunition, explosives or other stores and facilities, access roads, temporary detours and other things, whether of a same or a different nature.

In the event of the call up of military forces, pursuant to section 181, and without limiting any powers expressly and inherently possessed by or otherwise vested in the Governor as Commander in Chief, the Governor or Adjutant General, as his designee, may petition any Superior Court for ex parte temporary restraining orders to restrain unlawful interference with efforts to maintain peace or preserve life and property. The court may grant appropriate temporary relief. Upon issuance of the order, the Governor shall cause prompt notice of the order and its effect to be broadcast, posted, announced or otherwise publicized so as to reach the persons affected. Any person aggrieved by the order is entitled at any time it is in effect to bring a motion for vacating the order. The motion shall lie in the court from which the order was issued and the moving parties shall serve notice of the motion upon the Governor concurrent with it being filed, but, until vacated, the order shall remain effective according to its terms.

Sec. 8. 37-B MRSA §183, sub-§1, as enacted by PL 1983 c. 460, §3, is amended to read:

1. Activation of state military forces. In the event of illness or injury creating an emergency which requires specialized personnel or equipment of the state military forces to prevent human suffering or loss of life, the Governor, or his designee, may order into active service of the State or in aid of any civil authority the necessary personnel and equipment of the state military forces. Any person ordered into active service of the State, for the purposes of this subsection, shall be considered a state employee for purposes of the Maine Tort Claims Act and his liability shall be limited by that Act.

Sec. 9. 37-B MRSA §185, sub-§1, as enacted by PL 1983 c. 460, §3, is amended to read:

1. Immunity from civil and criminal liability. No member of the state military forces may be liable civilly or criminally for any act done or caused, ordered or directed to be done by him while on active duty in the performance of his duty. If an action of any nature has been commenced in any court by any person against an officer or enlisted man of the state military forces for such an act, done or caused, ordered or directed to be done, all expenses of the defense of the action, including fees of witnesses for the defense, defendant's court costs, and all costs for transcripts of records and abstract thereof on appeal, shall be paid by the State out of the Military Fund. Where the action is civil, it shall be the duty of the Attorney General to defend that officer or enlisted man. Where the action is criminal, the Adjutant General shall designate a judge advocate of the National Guard or other authorized state military or naval force to conduct the defense of the member. If the services of a judge advocate are not available, the Adjutant General shall select some other competent attorney to conduct the defense. ~~The judge advocate or other attorney selected shall receive a reasonable compensation for his professional services which shall be paid out of the Military Fund.~~ In any civil action, the defendant may require the person instituting the action to file security for payment of costs that may be awarded the defendant, which costs, if paid out of the Military Fund, when received, shall be paid into the State Treasury and credited to the Military Fund.

Sec. 10. 37-B MRSA §185, sub-§4 is enacted to read:

4. Rights of a law enforcement officer. A commissioned officer member of the state military forces

when called to active duty under section 181, in addition to such other rights conferred by this chapter and otherwise by law, shall have the rights, authority and immunities of a law enforcement officer.

Sec. 11. 37-B MRSA §189 is enacted to read:

§189. Reemployment rights

Any member of the state military forces called to active state service, in accordance with this subchapter, shall, upon release from active state service, be permitted to return to his former position of employment with seniority, status, pay and vacation rights which he would have had if he had not been absent for active state service, provided that he apply for reemployment within 30 days after his release from active state service or his discharge from hospitalization incident to that active state service.

Sec. 12. 37-B MRSA §266, sub-§1, as enacted by PL 1983 c. 460, §3, is amended to read:

1. Destruction of equipment. Any person who willfully or maliciously destroys, injures or defaces any article of military property belonging to the State or the United States, or uses it for an unauthorized purpose, or has or retains the property in violation of law or rule is guilty of a ~~civil violation for which a forfeiture not to exceed \$50 may be adjudged~~ Class E crime. In case an officer or enlisted man of the state military forces through carelessness or inattention loses, destroys or causes the loss or destruction of government property which has been issued for his use, the Adjutant General shall retain, out of the pay, allowances or moneys due the officer or enlisted man for any military services an amount equal to the value of the property lost or destroyed. That portion of the money which is for state property shall be turned ~~into~~ in to the Treasurer of State and credited to the Military Fund. That portion which is for United States property shall be turned into the United States Treasury and credited to the State on its property returns.

Sec. 13. 37-B MRSA §301, sub-§1, ¶¶A to C, as enacted by PL 1983 c. 460, §3, are repealed and the following enacted in their place:

A. When the Governor determines it is necessary, municipalities shall provide land for the construction of armories, training areas and target ranges. The suitability of the land shall be determined by the Director of Facilities Engineering of the Military Bureau and approved by the

Adjutant General. In accordance with applicable state laws and rules, the Military Bureau may erect, and maintain on the land or sites, armories and other necessary buildings to be used for military purposes. In accordance with applicable federal law and regulations and after consultation with the municipal officers, the Adjutant General may fix a reasonable sum to be paid by the municipality as a contribution to the cost of erection of these armories and other necessary buildings. If the officers of a municipality disagree with the sum fixed by the Adjutant General, they may appeal within 30 days of the determination by the Adjutant General by filing a complaint with the Superior Court in the county in which the municipality is located. Buildings and sites shall be used exclusively for military purposes, unless joint utilization is authorized by regulations established by the Adjutant General, and may be jointly used by the National Guard and other reserve components of the United States Armed Forces. In all instances of joint utilization, the armory custodian shall be compensated by and remain an employee of the Military Bureau.

B. The legislative body of a municipality may raise money for purchasing, leasing, constructing and maintaining, or may accept by, gift or otherwise, real estate and personal property to be used for armories, other necessary buildings and target ranges for units of the state military forces located in the municipality.

Sec. 14. 37-B MRSA §301, sub-§2, as enacted by PL 1983 c. 460, §3, is amended to read:

2. Gifts to the State. The Governor may accept, in the name of the State, donations of real estate and personal property to be used for military purposes by the state military forces upon such conditions as the ~~dener~~ donor may prescribe. The Governor may prescribe further rules pertaining to donated property. The Adjutant General may approve for payment from the appropriation for armory rentals necessary sums for the maintenance and operation of the property.

Sec. 15. 37-B MRSA §§303, 304 and 305, as enacted by PL 1983 c. 460, §3, are repealed.

Sec. 16. 37-B MRSA §307, as enacted by PL 1983 c. 460, §3, is repealed and the following enacted in its place:

§307. Penalty for violation of this section

Any municipal officer who fails to comply with this subchapter is guilty of a Class E crime. Any fine imposed under this section shall be paid into the State Treasury and credited to the General Fund.

Sec. 17. 37-B MRSA §342, sub-§5, as enacted by PL 1983 c. 460, §3, is amended to read:

5. Employment; leave of absence. Any person who willfully deprives a member of the state military forces of his employment, prevents his employment, interferes with his employment rights or otherwise obstructs him or his employer with respect to his occupation or business because of his membership in the state military forces, or who dissuades any person from enlisting in the state military forces by threat of injury to his occupation or business, is guilty of a Class E crime.

All officials and employees of the State who are members of the state military forces, or reserves of the United States Armed Forces, shall have a leave of absence from their respective duties, without loss of pay or time, when engaged in all annual training duty days authorized by the Governor or under federal laws and regulations and without loss of time or leave on all inactive duty, full-time training duty and active duty training days during which they are so engaged.

Sec. 18. 37-B MRSA §383, as enacted by PL 1983 c. 460, §3, is repealed and the following enacted in its place:

§383. Awards, medals and prizes

The Governor may prescribe the award of medals, prizes, citations and other suitable means of public recognition for distinguished service, longevity, marksmanship, acts of valor, dependability, meritorious achievement and other qualities. The awards may be made to members of the state military forces or to individuals not members who have rendered appropriate service to the military establishment. The Governor shall promulgate rules to carry out this section. Expenses for procurement of these awards shall be provided from the Military Fund.

Sec. 19. 37-B MRSA §403, sub-§4 is enacted to read:

4. Activation. The Governor may order to active state service any member or former member of the state military forces for purposes of asserting jurisdiction in connection with prosecuting an offense alleged to have occurred while the person was in active state service.

Sec. 20. 37-B MRSA §405, as enacted by PL 1983 c. 460, §3, is amended to read:

§405. State judge advocate

The Adjutant General shall appoint a judge advocate for the Army National Guard and a judge advocate for the Air National Guard. The Adjutant General shall appoint as state judge advocate one of the judge advocates from the National Guard.

Sec. 21. 37-B MRSA §406, sub-§3, as enacted by PL 1983 c. 460, §3, is amended to read:

3. By civil authority. Any civil officer having authority to apprehend offenders under the laws of this State may apprehend a deserter or a member of the military forces absent without leave and deliver him into the custody of the appropriate component of the military force. Without limiting the authority granted in this subsection, upon written certification from the Adjutant General that a member is absent without leave from military duty, the civil officer, upon the Adjutant General's request, shall apprehend the member and deliver him to duty in accordance with the request.

Sec. 22. 37-B MRSA §415, sub-§1, as enacted by PL 1983 c. 460, §3, is amended to read:

1. Limitations. Under rules prescribed by the Governor, limitations may be placed on the kind and amount of punishment authorized by this section and on the categories of commanding officers and warrant officers exercising command authorized to impose that punishment. The Governor may also prescribe rules for the suspension of punishment authorized by this section. Punishment may not be imposed under this section if the person charged with an offense demands a trial by court-martial prior to imposition of punishment. Notwithstanding the foregoing, punishment may not be imposed upon any member of the state military forces under subsections 2 and 3, if the member has, before imposition of this punishment, requested that the matter be disposed of by a nonjudicial punishment panel pursuant to subsection 10. Punishment may not be imposed, under subsections 2 and 3 or subsection 10, if the member has, before the imposition of punishment under subsection 2 or 3 or before the convening of a nonjudicial punishment panel under subsection 10, demanded a trial by court-martial.

Sec. 23. 37-B MRSA §415, sub-§2, ¶A, as enacted by PL 1983 c. 460, §3, is amended to read:

A. Upon officers of his command:

(1) Restriction to certain specified limits, with or without suspension from duty, for not more than 10 consecutive days; or

(2) If imposed by a general officer, arrest in quarters for not more than 14 consecutive days; forfeiture of not more than 1/2 of one month's base pay entitlement per month for ~~2~~ 3 months; a fine in an amount not greater than that which could be forfeited; restriction to certain specified limits, with or without suspension from duty, for not more than 14 consecutive days; or detention of not more than 1/2 of one month's base pay entitlement per month for 3 months; and

Sec. 24. 37-B MRSA §415, sub-§2, ¶B, as enacted by PL 1983 c. 460, §3, is amended to read:

B. Upon other personnel of his command:

(1) Correctional custody for not more than 7 consecutive days;

(2) Forfeiture of not more than 7 days¹ 1/2 of one month's base pay entitlement for one month or a fine in an amount not greater than that which could be forfeited;

(3) Reduction to the next inferior pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction;

(4) Extra duties, including fatigue or other duties, for not more than 10 consecutive days;

(5) Restriction to certain specified limits, with or without suspension from duty, for not more than 10 consecutive days;

(6) Detention of not more than ~~14~~ days¹ 1/2 of one month's base pay entitlement for one month; or

(7) If imposed by an officer of the grade of major or above, correctional custody for not more than 14 consecutive days; forfeiture of not more than 1/2 of one month's base pay entitlement per month for 2 months; a fine in an amount not greater than that which could be forfeited; reduction to the lowest or any intermediate pay grade, if the grade from which demoted is within the pro-

motion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction, but an enlisted member in a pay grade above E-4 may not be reduced more than 2 pay grades; extra duties, including fatigue or other duties, for not more than 14 consecutive days; restrictions to certain specified limits, with or without suspension from duty, for not more than 14 consecutive days; or detention of not more than 1/2 of one month's base pay entitlement per month for 3 2 months.

Sec. 25. 37-B MRSA §415, sub-§§9 and 10 are enacted to read:

9. Enforcement. A fine imposed pursuant to this section may be enforced as a money judgment in accordance with Title 14, chapter 502.

10. Nonjudicial punishment panel. In the event that a member of the state military forces demands that nonjudicial punishment proceedings against or with respect to him be disposed of by a hearing before a nonjudicial punishment panel in lieu of his commanding officer, this subsection shall apply.

A. Election for hearing and disposition by the panel shall be made by the individual promptly following receipt of a communication from the commanding officer specifying the nature of the alleged wrongdoing; his intent to dispose of the matter, if further action after investigation is warranted, by nonjudicial punishment; his advice to the individual of his right to counsel; and other nonjudicial punishment procedural rights as set forth by regulation. The individual shall be provided opportunity to consult with a judge advocate prior to making his election.

B. The panel shall consist of 3 members, appointed by the commander's next higher authority, with the same qualifications as provided with respect to membership on a courts-martial. The senior member shall be the chairman. The most junior member shall be the recorder and shall record summaries of the proceedings.

C. The panel acting by majority vote has the same authority and responsibility in conducting the proceeding and disposing of the matter, including imposing nonjudicial punishment, as has a field grade officer pursuant to this section. The panel shall forward its recommendation for disposition and imposition of punishment if any, to the appointing authority. The appointing au-

thority shall approve the recommended punishment or any part or amount as he sees fit and may suspend, mitigate or remit as he deems appropriate. The appointing authority may not approve any punishment in excess of that approved by the panel.

D. Procedural requirements for a nonjudicial punishment hearing, and disposition thereof, by the panel under this subsection, shall in all respects be the same as would otherwise be applicable for disposition by the commanding officer, including, without limitations, the individual's right to counsel, to submit matters in extenuation, mitigation or defense and to call and examine witnesses, to the extent witnesses are reasonably available.

E. Appeals from the decision of the appointing authority, if adverse to the individual, may be taken directly to the next higher authority which shall have the same authority to act upon appeal as set forth in this section with respect to nonjudicial punishment appeals generally.

Sec. 26. 37-B MRSA §418, as enacted by PL 1983 c. 460, §3, is amended to read:

§418. Jurisdiction

The jurisdiction of a court-martial is limited to trial of persons subject to this Code who are accused of military offenses described in this Code. Persons subject to this Code who are accused of offenses cognizable by the civil courts of this State or any other state where the military forces are present may, upon accusation of a civil offense, be surrendered promptly to civil authorities for disposition if the mission of the military force will not be compromised. If the person subject to this Code is accused of both a military offense under this Code and a civil offense by the civil authorities, he shall be released to the civil authorities if the crime for which he is accused by the civil authorities carries a penalty greater than the maximum penalty for the military offense provided by this Code, provided that the disposition of the civil offense shall not limit or effect the applicability of this Code to the military offense for which the person is accused.

Sec. 27. 37-B MRSA §422, sub-§2, ¶A, as enacted by PL 1983 c. 460, §3, is amended to read:

A. Shall be a judge advocate of the military forces, who is:

- (1) A graduate of an accredited law school; and

(2) A member of:

(a) The bar of this State;

(b) The bar of a federal court; or

(c) The bar of the highest court of another state; and

Sec. 28. 37-B MRSA §423, as enacted by PL 1983 c. 460, §3, is amended to read:

§423. Court reporters

~~Under rules prescribed by the Governor, the~~ The convening authority of a court-martial, shall detail or employ qualified court reporters, who shall record the proceedings of and testimony taken before that court. If a court reporter is not available, the Governor or Adjutant General may authorize the use of audio tape or other electronic transcription equipment to record proceedings. Under like rules the ~~The~~ convening authority of a court-martial, may detail or employ interpreters who shall interpret for the court. The Governor shall adopt rules to implement this section.

Sec. 29. 37-B MRSA §427, sub-§2, as enacted by PL 1983 c. 460, §3, is amended to read:

2. Subpoena. A military judge, notary public or clerk of any District Court or Superior Court may issue subpoenas for witnesses and subpoenas duces tecum to compel the production of books, papers and photographs relating to any questions in dispute before the court-martial or to any matters involved in a trial by court-martial.

Sec. 30. 37-B MRSA §436, as enacted by PL 1983 c. 460, §3, is amended to read:

§436. New trial

At any time after approval by the convening authority of a court-martial sentence, the accused may petition the state judge advocate for a new trial on the grounds of newly discovered evidence or fraud on the court. The state judge advocate shall refer the petition to the court-martial which last heard the case. The state judge advocate shall review the petition, the record and such other evidence as he deems appropriate and report to the convening authority his recommendation to grant or deny a new trial. The court-martial shall review the petition and the record and report to the convening authority its recommendation for granting or denying a new trial. If

a new trial is recommended, the convening authority shall order a rehearing as provided in section 432, subsection 3. Upon filing of the petition for a new trial, any proceedings pending upon appeal or review of sentence shall be dismissed.

Sec. 31. 37-B MRSA §507-A is enacted to read:

§507-A. Custodian to provide copies

When a copy of any public record is required by the United States Veterans' Administration to be used in determining the eligibility of any person to participate in benefits made available by the United States Veterans' Administration, the official custodian of that public record shall, without charge, provide the applicant for these benefits, or any person acting on his behalf or the authorized representative of the United States Veterans' Administration, with a certified copy of that record.

Sec. 32. 37-B MRSA §607, as enacted by PL 1983 c. 460, §3, is amended to read;

§607. Admission

Veterans desiring admission to the home shall apply on forms prescribed by the administrator. Admission shall be granted by the administrator only to veterans who were residents of Maine at the time of their entry into the United States Armed Forces or who are residents of Maine at the time of application, and to the spouses, widows or widowers of eligible veterans, provided that suitable facilities are available. Admission shall be granted when provisions of the rules are met, when there is a vacancy and in order of application, unless otherwise provided in the rules.

Sec. 33. 37-B MRSA §742, sub-§1, as enacted by PL 1983 c. 460, §3, is repealed and the following enacted in its place:

1. Disaster proclamation. Disaster proclamations shall be issued as follows.

A. Whenever a disaster or civil emergency exists or appears imminent, the Governor shall, by proclamation, declare a state of emergency in the State or any section of the State. If the Governor is temporarily absent from the State or is otherwise unavailable, the next person in the State who would act as Governor if the office of the Governor were vacant may, by proclamation, declare the fact that a civil emergency exists in

any or all areas of the State. A copy of the proclamation shall be filed with the Secretary of State.

B. Subject at all times to the further direction and order of the Governor, an executive proclamation of emergency shall activate the emergency preparedness plans applicable to the affected areas and shall be the authority for the deployment and use of any forces or resources to which the plan or plans apply.

C. After the filing of the emergency proclamation and in addition to any other powers conferred by law, the Governor may:

(1) Suspend the enforcement of any statute prescribing the procedures for conduct of state business, or the orders or rules of any state agency, if strict compliance with the provisions of the statute, order or rule would in any way prevent, hinder or delay necessary action in coping with the emergency;

(2) Utilize all available resources of the State Government and of each political subdivision of the State as reasonably necessary to cope with the disaster emergency;

(3) Transfer the direction, personnel or functions of state departments and agencies, or units thereof, for the purposes of performing or facilitating emergency services;

(4) Authorize the obtaining and acquisition of property, supplies and materials pursuant to section 821;.

(5) Enlist the aid of any person to assist in the effort to control, put out or end the emergency or aid in the caring for the safety of persons;

(6) Direct and compel the evacuation of all or part of the population from any stricken or threatened area within the State, if he deems this action necessary for the preservation of life or other disaster mitigation, response or recovery;

(7) Prescribe routes, modes of transportation and destinations in connection with evacuations;

(8) Control ingress and egress to and from a disaster area, the movement of persons within the area and the occupancy of premises therein;

(9) Suspend or limit the sale, dispensing or transportation of alcoholic beverages, firearms, explosives and combustibles; and

(10) Make provision for the availability and use of temporary emergency housing.

Sec. 34. 37-B MRSA §743, as enacted by PL 1983 c. 460, §3, is repealed and the following enacted in its place:

§743. Termination of emergency

1. Proclamation by Governor. Whenever the Governor is satisfied that a disaster or civil emergency no longer exists, he shall terminate the emergency proclamation by another proclamation affecting the sections of the State covered by the original proclamation, or any part thereof. That proclamation shall be published in newspapers of the State and posted in places which the Governor deems appropriate.

2. Limitation. No state of emergency may continue for longer than 30 days unless renewed by the Governor. The Legislature, by joint resolution, may terminate a state of emergency at anytime. Thereupon, the Governor shall issue an executive proclamation ending the state of emergency.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective February 1, 1984.

CHAPTER 595

H.P. 1404 - L.D. 1826

AN ACT to Clarify when Counties may
Charge Municipalities Interest on
Delinquent Taxes.

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